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concerned with whether it will stand up over a long period of time.

Ruthmary Tonn states that the Resolution only pertains to a procedure that would give the treatment desired for \$40,000 or less.

Mr. Gianfrancisco states that he wants to do the best job possible with the money available. He will stay within the \$40,000 limit.

Ruthmary Tonn proposed an amendment to the Resolution read. There are two paragraphs where the Resolution refers to the exact type of treatment. Mrs. Tonn proposes a change in the wording as follows: "Improvement of subgrade, laying a two-inch cushion course and an asphalt double-shot penetrated surface treatment, or another similar surface treatment at the same or less cost to 6,600 lineal feet."

Ruthmary Tonn made a motion to pass the Resolution with the amended wording, seconded by Wilbur Visser, none voting nay. The motion carried.

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Sam Gianfrancisco, Road Superintendent, spoke regarding the awarding of the bid for a front-end loader. His recommendation is to accept the bid of Roberts Rocky Mountain Equipment of Butte for a 1980 Terex Model 7251B at a cost of \$49,950.00 which includes a trade-in. This was the low bid. Wilbur Visser made a motion to accept the recommendation of Mr. Gianfrancisco and award the bid for a front-end loader to Roberts Rocky Mountain Equipment Company, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:05 P.M.

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ATTEST:

*Gay St. Dingle*  
 Clerk

APPROVED  
*Joy I. Nash*  
 Chairman

TUESDAY, THE 18th DAY OF OCTOBER, 1983 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked for roofing quotes. There was no one present to submit additional quotes.

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Ruthmary Tonn, seconded by Wilbur Visser, that the minutes of October 11, 1983 be approved as written.

ANNOUNCEMENTS

October 12, 1983

Received the following A101's:

#3301 from First National Bank in the amount of \$153,560 which was a direct deposit to the credit of Revenue Sharing.

#3333 from State Dept. of Institutions in the amount of \$7,494.00 for monthly distribution of earmarked alcohol funds to the credit of the Alcohol Fund.

Wilbur Visser, Bob Miller, Gerry Dusenberry, and George Wright attended the District Weed Board Meeting in Whitehall.

Received Constables Report for the month of September, 1983. Papers received were 64, papers processed were 79. Service fees were \$417.50 and mileage fees were \$230.00.

October 13, 1983

Received the following A101's:

#3335 from Bob Petroff in the amount of \$12.00 for city league basketball practice at the Law and Justice Center gym to the credit of Recreation Fund.

#3345 from Joel Shouse in the amount of \$337.20 for equipment purchased to the credit of Revenue Sharing.

#3360 in the amount of \$287.54 from the State Dept. of Revenue for wine tax to the credit of the General Fund.

October 14, 1983

Joy I. Nash and Wilbur Visser sat as a Welfare Board.

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BOZEMAN, MONTANA

October 17, 1983

Joy I. Nash attended the Council on Aging meeting at Three Forks Senior Center.

October 18, 1983

Received a letter from the Logan School District #1 requesting permission to extend their school bus route. This permission was granted.

Received transfers of funds from Loy Carroll, County Treasurer as follows:

1. The sum of \$21,024.00 from fund 2271 to fund 2190, to cover purchase orders 19907 and 19908.
2. The sums of \$156.65 from fund 2140, \$99.10 from fund 2190, \$30.98 from fund 2160, and \$53.70 from fund 1000, to fund 2110 to cover Sept. gas usage.
3. The sums of \$15.40 from fund 5020, \$100.85 from fund 2290, \$6.25 from fund 2270, \$74.25 from fund 2190, \$42.50 from fund 2180, \$23.75 from fund 2120, and \$49.60 from fund 2110, to fund 1000 to cover July printing costs.
4. The sums of \$27.12 from fund 2290, \$9.00 from fund 2190, and \$34.75 from fund 2180, to fund 1000 to cover July supply usage.
5. The sum of \$55.60 from fund 1000 to fund 2180 to cover July and August copier usage.
6. The sum of \$87.00 from fund 2180 to fund 1000 to cover the cost of transporting a prisoner.
7. The sums of \$39.64 from fund 5020, \$19.36 from fund 2190, \$12.00 from fund 2180, \$3.30 from fund 2120, and \$3.13 from fund 2110, to fund 1000 to cover Sept. supply usage.
8. The sums of \$52.65 from fund 2270, \$4.60 from fund 2190, \$251.55 from fund 2180, and \$20.00 from fund 2120, to fund 1000 to cover Sept. printing costs.
9. The sum of \$.80 from fund 5020 to fund 1000 to cover July copier usage.
10. The sums of \$40.00 from fund 2271, \$1.70 from fund 2270, \$1.15 from fund 2110, and \$56.75 from fund 1000, to fund 2190 for July copier usage.
11. The sums of \$876.16 from fund 2140, \$5.54 from fund 5020, \$106.54 from fund 2190, \$75.03 from fund 2160, and \$70.35 from fund 1000, to fund 2110 for June gas usage.
12. The sum of \$49.57 from fund 2190 to fund 1000 for June gas usage.
13. The sums of \$1,111.54 from fund 2140, \$3.79 from fund 5020, \$105.04 from fund 2190, \$89.13 from fund 2160, and \$60.67 from fund 1000, to fund 2110, to cover July gas usage.
14. The sum of \$48.65 from fund 2190, to fund 1000 for July gas usage.
15. The sum of \$40.39 from fund 2190 to fund 1000 to cover August gas usage.
16. The sums of \$42.52 from fund 2160, \$2.06 from fund 5020, \$880.51 from fund 2140, \$150.84 from fund 2190, \$32.53 from fund 2180, and \$96.29 from fund 1000, to fund 2110 for August gas usage.
17. The sum of \$7.80 from fund 2180 to fund 1000 for Sept. copier usage.
18. The sum of \$35.20 from fund 1000 to fund 2180 for Sept. copier usage.
19. The sum of \$31.52 from fund 2190 to fund 1000 for Sept. gas usage.

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Owen Evans presented his request for a tax refund. Mr. Evans has paid his taxes and the motor vehicle replacement tax refund was sent to the previous owner of the property Mr. Evans now owns.

Joy I. Nash stated that on the form requesting a tax refund, Mr. Evans signed the form "Owen Evans, for William Nikola-Lisa". Mr. Nikola-Lisa is the previous owner of the property. Mrs. Nash states that if the refund was to be sent to an address other than that on the tax billing, it should have been so noted on the tax refund form.

Ruthmary Tonn feels that the county was not at fault in sending the refund to Mr. Nikola-Lisa because Mr. Evans signed for Mr. Nikola-Lisa, to whom the tax billing was made out. She states that there was a space on the form for persons who had a transfer in ownership so that the refund could be sent to an address other than that shown on the billing

Ruthmary Tonn stated that the county could not authorize a refund, as this would be a double-refund. She suggests that Mr. Evans contact Mr. Nikola-Lisa to obtain the refund. Mrs. Tonn states that Mr. Evans will be furnished with Mr. Nikola-Lisa's address so that he will be able to contact him.

Ruthmary Tonn made a motion to deny the request for a refund because the refund was already made, seconded by Wilbur Visser, none voting nay. The motion carried.

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Randy Thoreson, Belgrade City-County Planning Director, spoke on a request for approval for a minor subdivision located on Thorpe Road in Belgrade. Mr. Thoreson submitted a copy of the plat that had been brought before the Commission in 1979. This land was owned by Mr. Soper in 1979 and has subsequently been sold to Kirk Michels. The subdivision has gone through review and received preliminary approval when it was owned by Mr. Soper.

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OFFICE OF COUNTY COMMISSIONERS  
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Mr. Thoreson states that he has reviewed the subdivision exactly as he did when it was owned by Mr. Soper and has submitted a letter to the Commission from the Planning Board which states the conditions for approval as they were in 1979. Mr. Thoreson states that the recommended conditions are the same at this time as they were in 1979.

Ruthmary Tonn stated that the subdivision regulations have changed since 1979. Mr. Thoreson stated that the condition with regard to an improvements agreement has been discussed with Mr. Michels and he will be speaking to the Commission today on this issue.

Ruthmary Tonn stated that this was a resubmittal and that it should be clear that this is a request for preliminary plat approval even though it has been approved in the past. Mrs. Tonn states that the road design regulations have also changed since 1979. Mrs. Tonn states that it should be clear that the roads are to be improved up to the standards that are required today, not what was required in 1979. Mr. Thoreson states that Mr. Michels has had meetings with the Road Department with regard to this and will speak to the Commission on this issue also.

Joy I. Nash stated that the certificates attached to the plat submitted in 1979 are signed by persons who are no longer with the county. New certificates will be submitted with a new plat.

Ruthmary Tonn asked whether the Belgrade City-County Planning Board discussed the fact that the subdivision regulations had changed since 1979. Mr. Thoreson stated that they had and that they approved of using the new regulations. They intended the conditions to reflect the new regulations, not the old regulations even though the conditions are the same as those submitted in 1979.

Kirk Michels, the property owner, reviewed the conditions with the Commissioners. He states that he is aware there is no longer an improvements agreement that can be entered into. He has hired Thomas, Dean & Hoskins to do the road plan profile sheets. Mr. Michels states that he will be submitting the road plans to the current standards. He understands that the roads must be completed prior to filing the final plat and that an improvements agreement will not be done.

Mr. Michels states that the utility easements are shown on the plat. He states that the lots are currently relatively weed free and are being maintained as range land. Mr. Michels states that he is prepared at any time to pay the \$35.00 per lot fee to the Belgrade Fire Department.

Mr. Michels states that the irrigation ditches on lot 3 will be taken care of by the road contractor. Mr. Michels states that he feels when he has met these conditions, the final condition relating to uniform standards will be met.

Ruthmary Tonn asked whether the irrigation ditch being removed would present any problems to anyone. Mr. Michels states that it is an abandoned ditch.

Ruthmary Tonn asked whether Mr. Michels fully understood that the road requirements were for 1983. Mr. Michels states that he understands, he has been in contact with the Road Department. He believes he has received current information from them.

Mr. Michels asked that if he met the conditions, did the Commission see any complications with approving the subdivision? Ruthmary Tonn stated that if the Commission grants preliminary plat approval based on the conditions and the conditions are met, the Commission has no choice but to grant final approval.

Ruthmary Tonn made a motion to grant preliminary plat approval with the following conditions:

1. That road, drainage and street sign placement plans be submitted to the County Engineers Office prior to installation of improvements and that all improvements be installed to County Standards and be complete prior to final approval.
2. That utility easements along lot lines be shown or noted on the final plat.
3. That a provision be made to insure that all lots be kept weed free and be treated in a husbandry-like manner and that all areas disturbed by construction be reseeded with preferred vegetation types.
4. That a \$35.00 per lot fee be paid to the Belgrade Rural Fire Department as a cash-in-lieu payment to cover the cost of fire protection until construction can be picked up on the tax roles.
5. That the irrigation ditches on lot 3 be moved and the ditches be filled in prior to final approval.
6. That the plat meet current dedication and certification requirements.
7. That the final plat conform to the Uniform Standards for Final Subdivision Plats and be accompanied by an approval from the State Department of Health and Environmental Sciences, a platting certificate and a County Attorney's certificate.

This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Randy Thoreson, Belgrade City-County Planning Director, spoke on a request for approval of a lot split in Bruce Industrial Park by Jim Houdashelt. Mr. Thoreson presented the amended subdivision plat and a letter from Mr. Houdashelt's consulting engineer, Morrison-Maierle. The amended plat results in the splitting of one lot into three lots. All lots will be greater than one acre in size. The present lot width to depth ratio is in excess of three to one, which is in violation of subdivision regulations. All of the lots access onto Arden Drive.

The Belgrade City-County Planning Board recommends approval of this lot split with the

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condition that the final plat conform to Uniform Standards and be accompanied with the proper certificates. The Planning Board also granted a 3:1 lot width to length variance on lot 23A. Mr. Thoreson also recommends that the condition requiring the developer to pay \$35.00 per lot fee to the Belgrade Fire Department be attached. The road fronting the lots is paved.

Ruthmary Tonn made a motion to grant approval for the amended plat with the following conditions:

1. That a \$35.00 per lot fee for the two additional lots created be paid to the Belgrade Rural Fire District.
2. That the final plat conform to Uniform Standards and be accompanied with the proper certificates.

This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Wilbur Visser spoke regarding the award of a bid for roofing repair for the Courthouse and Law and Justice Center. Four bids were received for putting a new roof on the Courthouse in the area of the Community Room and for repairing the roof on the gym and the drains on the Law and Justice Center. The bids are as follows:

McLees: \$9,434.00  
Quality Roofing: \$6,810.00  
Sickler Roofing: \$5,570.00  
Western States Roofing: \$6,015.00

Wilbur Visser made a motion to accept the bid of Sickler Roofing, it being the low bid and meeting the specifications, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:05 P.M.

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ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

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PUBLIC MEETING TUESDAY, THE 25th DAY OF OCTOBER, 1983 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of October 18, 1983 be approved as written.

#### ANNOUNCEMENTS

##### October 18, 1983

The Commissioners met with Mike Williams, Tony Bachman, and Ken Gallik of the Forest Service; Gary Pringle, Clerk and Recorder; and Bob Throssell, Deputy County Attorney to discuss Forest Service land exchanges in West Yellowstone area.

##### October 19, 1983

The Hebgen Lake Zoning Commission met at the Convention Center in West Yellowstone at 10:00 A.M. to appoint a citizen's temporary study committee to study and come up with suggestions regarding rezoning the Hebgen Lake Zoning area. The Study Committee appointed is as follows:

1. David Akers
2. Howard Micklewright
3. Gerald Yetter
4. Bob Planalp, representing Ski Yellowstone
5. William Klatt

The Hebgen Lake Zoning Committee met at 1:30 P.M. hearing rezoning requests by people in the Duck Creek Y area. Mary Kay Peck, Subdivision Review Officer, will have the staff report ready in 30 days regarding these zone changes.

Wilbur Visser attended a Fair Board meeting this evening.

Wilbur Visser attended a Fire Council meeting at Rae School this evening.

##### October 20, 1983

Wilbur Visser attended a Weed Board meeting.

Received A101 #3424 from Bozeman Volleyball Association in the amount of \$50.00 for payment on a past due account for the use of the Law and Justice gym to the credit of the Recreation Fund.

Granted permission for a raffle to be held for the Miss Montana Rodeo Association. Monies to be used for activities within the association. This is a one time raffle, the prize will be a pick-up truck with a total of 1,000 tickets being sold at a price of \$25.00 per ticket.

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COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

October 21, 1983

The Commissioners met with State Highway personnel to view the Penwell Bridge and to learn the status of the state's proposal for future plans for the bridge.

October 24, 1983

Joy I. Nash went to Townsend to attend the Council on Aging meeting with the Rocky Mountain Development Council.

Received the following A101's:

#3096 from Montana Bank and First Bank Bozeman as follows for interest earned on bank accounts:

Mt. Bank:	577529	\$18,880.00
	712388	2,646.92
1st Bank:	005	14,237.00
	004-4	37.02
		\$35,800.94

This was to the credit of various funds.

#3282 from Montana Bank in the amount of \$15,368.40 for interest earned on funds held for Burlington Northern to the credit of various funds.

#3300 from Montana Bank and First Bank Bozeman as follows for interest earned on bank accounts:

Mt. Bank:	712388	1,769.24
	577529	17,871.30
1st Bank:	005	10,107.77
	Passbook	35.98
		\$29,784.49

This was to the credit of various funds.

October 25, 1983

Received services contract for Lynn Altizer for temporary help for the County Health Dept. at the rate of \$5.25 per hour for the period October 25, 1983 to November 1, 1983 for typing and secretarial skills.

The Commissioners have asked for quotes from flooring companies to repair the stairs and the carpeting at the Law and Justice Center.

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Mary Kay Peck spoke regarding review of three exemptions claimed on certificates of survey.

Ben TeSelle has claimed the exemption for a sale to a member of the immediate family. Mr. TeSelle is conveying a 1.577 acre parcel to his son. The conveyance creates only one additional parcel, and from the information submitted, appears to be a proper use of the exemption.

Ruthmary Tonn expressed a concern that this parcel is created with no identified access; however, it is not grounds for not granting the exemption. Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Ken and Agnes Killorn have claimed the occasional sale exemption. The Killorns have not taken a previous occasional sale, and only one parcel is being created. The land was previously unplatted. Based on the information submitted, this appears to be a proper use of the exemption.

Joy I. Nash noted that the mylar copy of the plat was not submitted. Mary Kay Peck states that the sanitary restrictions are in the process of being lifted. Ms. Peck will submit the mylar copies and cloth copies when they are received. This plat will not be filed without the lifting of the sanitary restrictions.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

The final exemption is claimed by Jerome J. Breen and Brad B. Heckerman for an occasional sale. The property is located in an area referred to as Dry Creek Estates, which consists of parcels greater than twenty acres in size. The owners have not taken a previous occasional sale, and only one tract is being created. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Ruthmary Tonn spoke regarding a request for county funds for the construction of a Sports Complex. She stated that there are a lot of things in the mill at this time as far as things that would be legitimate uses of park fund money. She does not feel that the Commission should obligate any funds until these other projects have been looked into. Mrs. Tonn states that she has received several verbal comments from county residents who also feel that they do not want the county to spend these funds at this time. They would like the other options explored and prioritized.

Wilbur Visser stated that he has also received phone calls from residents expressing a feeling that the county should not expend these funds at this time.

Joy I. Nash stated that she has also received phone calls from residents stating that until the proposal for the Sports Complex is put together in a more concrete form and the question

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of the five year land lease is resolved, they do not feel that the county should pledge these funds at this time.

Wilbur Visser made a motion to deny the request for park funds for the Sports Complex, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Ruth Sperry spoke regarding a building on her property that has been built on a 60 foot wide public right-of-way in Sourdough Hills Subdivision. A small tack barn has been built and at the time it was built it was thought that there was a 40 foot right-of-way rather than a 60 foot right-of-way. Approximately 12 feet of the barn extends onto the road easement. Mrs. Sperry states that it seems unlikely that the road easement will be needed for quite some time.

Joy I. Nash read a proposed agreement as follows:

This Agreement made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 1983, by and between the County of Gallatin by and through its Board of County Commissioners, party of the first part, and Ruth Sperry, party of the second part.

1. That there exists in Gallatin County, Montana, a subdivision known as Sourdough Hills. This subdivision lies in the SW 1/4 of Section 29, Township 2 South, Range 6 East, M.P.M.
2. That the original Sourdough Hills Subdivision contained 13 tracts. That to the north of Sourdough Hills Subdivision is the Bozeman City Reservoir. Separating the Bozeman City Reservoir and what are labeled as Tracts 1 and 2 of Sourdough Hills Subdivision is a dedicated 60-foot wide public road right-of-way. The dedicated public road right-of-way has yet to be developed into an actual travel road.
3. That due to an error on the part of the party of the second part, Ruth Sperry, a tack shop building was placed on the north boundary of Tract 2 of Sourdough Hills Subdivision in such a fashion that it encroaches upon the road right-of-way. The building was constructed without knowledge that a portion of the building was on the dedicated road right-of-way.
4. That the parties are agreed that the shop building on the right-of-way be allowed to remain on the dedicated road right-of-way until such time that it is determined by the appropriate governing body to require its removal for whatever reason. At that time the party of the second part, Ruth Sperry, agrees that she or her successors in interest will remove the building within thirty (30) days.

Wilbur Visser made a motion to enter into the agreement, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:55 P.M.

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ATTEST:

*Gary H. Pringle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

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TUESDAY, THE 1st DAY OF NOVEMBER, 1983 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of October 25, 1983 be approved as written.

ANNOUNCEMENTS

October 26, 1983

Ruthmary Tonn and Wilbur Visser attended the City/County Cooperation Meeting.

October 27, 1983

Ruthmary Tonn, Joy I. Nash, and Wilbur Visser attended the HRDC Board meeting.

October 28, 1983

Earthquake registering 6.9 on the Richter scale centered in Mackay, Idaho felt in Bozeman at 8:06 A.M. No damage or injury reported.

The Commissioners met with Joel Shouse, Steve Lere, Mike Money, Vernon Westlake, Stuart Westlake and Lyle Davis to discuss the Bozeman Area Master Plan.

Received the following A101's:

#3477 from First Security Bank of Three Forks for interest earned on CD's as follows:



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52338	\$ 2,369.32	to the credit of Poor Fund
52339	2,382.19	to the credit of Revenue Sharing
52340	2,382.19	to the credit of Revenue Sharing
52341	2,382.19	to the credit of Protest Fund
52342	2,382.19	to the credit of Bridge Fund

for a total of \$11,898.08.

#3478 from First Citizens Bank for interest earned on CD's as follows:

1477	\$ 2,382.19	to the credit of BLM Fund
1478	2,382.19	to the credit of Road Fund
1479	2,382.19	to the credit of Health Fund

for a total of \$7,146.57.

October 31, 1983

Wilbur Visser; Ken Mosby, Administrative Assistant; Bob Throssell, Deputy County Attorney; and Bill Cainan, Rest Home Administrator attended the Management Associates Personnel Seminar in Helena.

Received the following A101's:

#3469 from School District #7 in the amount of \$8,513.48 for interest on in-house registered warrants to the credit of the Protest Fund.

#3500 from First National Bank in Bozeman in the amount of \$2,382.19 for interest earned on CD A17241 to the credit of BLM.

Received the following list of new employees:

Diana Hanson, Clerk Typist, Health Dept., \$860.83 per month, 10/5/83  
 Jon Hesse, Law Clerk, \$1,000.00 per month, 10/3/83  
 Jerry Pederson, Ward Aide, Rest Home, \$4.6159 per hour, 10/12/83  
 Ann Olson, Cook II, Rest Home, \$4.9664 per hour, 9/19/83  
 Kathleen Luna, Nurses Aide, Rest Home, \$4.6159 per hour, 9/27/83  
 Becky Aklestad, Nurses Aide, Rest Home, \$4.6159 per hour, 9/21/83  
 Brenda West, Nurses Aide, Rest Home, \$4.6159 per hour, 10/12/83  
 Brenda Ayoub, Laundry Aide, Rest Home, \$3.7402 per hour, 10/28/83  
 Kathleen Brodeur, Nurses Aide, Rest Home, \$4.6159 per hour, 10/27/83

Ray White, County Assessor, attended a workshop for Assessors in Lewistown, Montana.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding review of four exemptions claimed on certificates of survey.

William A. and Debbie Mumford have claimed the occasional sale exemption. The land owned by the Mumfords was originally greater than twenty acres in size, but a portion of it was purchased by the Gallatin Airport Authority. The Mumfords have not taken a previous occasional sale, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Ruthmary Tonn, none voting nay. The motion carried.

John Bergstrom has claimed an exemption for an occasional sale. Tract A-1 is greater than twenty acres and thus does not require an exemption. Dr. Bergstrom has not taken a previous occasional sale, and is using the exemption to create only one parcel. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Ruthmary Tonn, none voting nay. The motion carried.

Arthur T. Scott has claimed the occasional sale exemption. Mr. Scott has a tract greater than twenty acres, and would create a five acre tract for the occasional sale, leaving a tract which is still greater than twenty acres, and thus not subject to any review. From the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Delbert and Benava Hostetter have also applied for the occasional sale exemption. The Hostetter's tract originally was approximately ten acres in size. In 1976, Tract B, which was two acres in size, was created by occasional sale; in 1977, Tract A2, which was three acres in size, was also created by occasional sale. If the exemption is approved to create Tract A-1-A, which is 1.4 acres in size, this will be the third occasional sale from the original tract, and would create a total of four tracts. Based on the information submitted and the prior history of the tract, this does not appear to be a proper use of the occasional sale exemption.

Ms. Peck mentioned that the subdivision regulations state that when an occasional sale exemption is applied for, the governing body shall declare a proposed division of land to be an evasion if a parcel contiguous to the parcel being claimed for the exemption has been previously transferred through the use of the occasional sale by the same transferrer. In this case, the Hostetters have transferred by occasional sale a contiguous tract and therefore it appears that this would not be a proper use of the exemption. There would be four tracts created out of the original ten acres.

Ruthmary Tonn asked whether Ms. Peck had notified the surveyor that there was a possible problem with the tract. Ms. Peck stated that she had notified the surveyor of this and that

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he was unable to attend the meeting today. The surveyor has not been able to get in touch with the property owner.

Ruthmary Tonn made a motion to deny the exemption based on the criteria set forth in the subdivision regulations and the fact that this is a contiguous parcel to one that was already created through the use of the occasional sale exemption. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Rick Kerin spoke regarding the completion of roads and filing of the final plat for Grayling Arm Meadows subdivision. Mr. Kerin has been hired by Mr. Herschel Hasler to do the road engineering work. In a letter dated October 17, 1983, Mr. Kerin requested the Commission to grant an extension on completion of crushed gravel top surfacing until spring and allow the final plat to be recorded this fall. Mr. Kerin states that the contractor, Glen Hash, is willing to provide a performance guarantee for completion of the roads. Mr. Kerin states that the roads will not be completed this fall due to the short construction season relating to snowfall in the area.

Mr. Hasler plans to erect three lodges this fall; however, this hinges on approval of the final plat.

Mr. Kerin states that the contractor has lost about three weeks of construction time due to their improvement of the road through Bear Trap No. 2. This was about 4,000 feet of road, which represents about 40% of the overall project.

Ruthmary Tonn asked why the project had not been started sooner. Mr. Kerin stated that this had to do with Mr. Hasler's financing which was not obtained until August. Mrs. Tonn states that preliminary plat approval was given in February of 1983. She stated that the roads do not have to be completed this year, Mr. Hasler could obtain an extension of preliminary plat approval. Mrs. Tonn states that the entire problem hinges on personal financing and she does not feel it appropriate for the county to consider an exception to regulations because of personal financing problems.

Mr. Hasler states that he needs the completion of the subdivision in order to go ahead with the development of the lots.

Mrs. Tonn stated that what it boils down to is that if Mr. Hasler does not file a final plat, he cannot sell lots and his financing is tied to that. She states that the preliminary plat can be extended and the conditions will not change and the roads could be completed whenever Mr. Hasler felt it would be best to do them.

Ruthmary Tonn stated that the subdivision regulations had no provision for improvements agreements and she feels that the subdivision regulations should be abided by. She does not feel that an exception should be made in this case. Ruthmary Tonn made a motion to deny the request to enter into an improvements agreement and allow the filing of the final plat before the improvements are completed. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Garth Sime spoke regarding the Pine Butte Road and the Highline Canal Crossing south of Pine Butte School. Mr. Sime is present representing Ken Lundberg; he is not here on behalf of his company, Sime Construction. Mr. Lundberg is the property owner on both sides of Pine Butte Road. Mr. Lundberg is putting in a development below the Highline Canal on the property. The condition of the bridge crossing is very poor. Mr. Sime presented pictures of the crossing and a letter from the Highline Canal Board of Directors giving their permission for replacement of the bridge crossing. Mr. Sime also submitted a design of the approved pipe.

Mr. Lundberg has offered to buy the pipe if the county will have it installed. The Commissioners have offered to buy the pipe and have Mr. Lundberg install it. Mr. Lundberg has not agreed to this. His offer is for purchase of the pipe only.

Mr. Sime states that he has done an estimate and it will be between \$12,000 and \$14,00 to install the pipe. The pipe itself is around \$7,500.

Earl Best asked whether the concrete would be furnished also. Mr. Sime states that all Mr. Lundberg will furnish is the pipe.

Joy I. Nash asked whether the county bridge crew would be able to install the pipe. Mr. Best stated that the work would have to be contracted out because of the work schedule the crew has set up at this time and because of a lack of experience in this type of concrete construction. Earl Best states that it may be possible to buy the pipe and store it and when there is money available to install it, they would. It would have to be done either in the spring or in the fall since it is an irrigation ditch and the water cannot be shut off in the summer.

The Commissioners will delay their decision until they have had a chance to review the matter further.

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Ruthmary Tonn spoke regarding continued county participation in the interlocal agreement to provide for a joint community recreation department as follows:

It has become obvious that the County, City and School District #7 are no closer to resolution of an appropriate workable Interlocal Agreement to Provide for a Joint Community Recreation Department than they were eighteen months ago. The effort to come to mutual agreement has been plagued with problems that are apparently not able to be resolved. I am convinced that a joint Community Recreation Department is not feasible at this time.

I am well aware that county residents use city recreation facilities. Support of those facilities should be provided by those who use them. However, a Joint Community Recreation

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Department is not satisfactorily providing the mechanism for that support.

The City of Bozeman sponsored a Resolution which was passed by the League of Cities and Towns at the Fall Convention which would give authority for the formation of local service districts for various purposes. If the large numbers of County residents near the City of Bozeman who use city recreation facilities would prefer to pay their share to support those facilities through taxation rather than fees, a local service district could be the ideal solution. It is anticipated the Urban Coalition will support this legislation.

Gallatin County's participation in the effort to reach a workable solution has been sincere. However, there comes a time when we must admit that our direction is futile. I believe that time has come, and therefore I make a motion that Gallatin County withdraw from the Interlocal Agreement to Provide for a Joint Community Recreation Department effective June 30, 1984.

This motion was seconded by Wilbur Visser.

Joy I. Nash asked whether the operation of the recreation dept. would be the responsibility of the city and whether this would do away with the administrative trustees. Also, whether the portion of money that was budgeted for the recreation dept. from the county would be transferred to the city to operate until June 30, 1984. Ruthmary Tonn stated that until June 30, 1984 the county would be operating under the existing interlocal agreement which still has administrative trustees and a recreation advisory board. A part of the existing interlocal agreement states that if an entity intends to withdraw they must do it by March 1st preceding the fiscal year; therefore, the county has no option to withdraw prior to June 30, 1984. The situation as it is now under the temporary direction of Curt Shook and the City Manager will not change prior to June 30, 1984. As of June 30, 1984, there will only be two parties to the interlocal agreement, the schools and the City of Bozeman.

The motion and the second being heard, a vote was taken with none voting nay. The motion carried.

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Joy I. Nash stated that the Commission has received a letter from the secretary of the Three Forks Rural Fire District, Gene Townsend, requesting the Commission to reappoint two members to the Three Forks Rural Fire District Board.

Wilbur Visser made a motion to reappoint Don Conner and Ralph Wilcox to the Three Forks Rural Fire District Board, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Terry Wolfe, County Extension Agent, read a proposed proclamation as follows:

AGRICULTURE APPRECIATION WEEK - November 5-12, 1983

WHEREAS, Gallatin County ranks 9th among all Montana Counties in cash receipts for crops, livestock and livestock products; and

WHEREAS, more than 151,000 acres raise crops in Gallatin County worth in excess of 24.6 million dollars; and

WHEREAS, the livestock industry, made up of beef, dairy, sheep, swine, poultry, horses, and dairy goats have a real farm value in excess of 23.6 million dollars; and

WHEREAS, in 1910, the average American Farmer produced enough to feed about seven of his countrymen. Today, the average farmer feeds about 78 people;

NOW THEREFORE, let it be known the Gallatin County Commissioners proclaim the week of November 5-12, 1983, as AGRICULTURE APPRECIATION WEEK and encourages all people in the county to join in the week's activities organized by the Bozeman Area Chamber of Commerce's Agricultural Committee.

Mr. Wolfe cited some of the major activities during Agriculture Appreciation Week. There will be a dinner held at the Fairgrounds on November 5, 1983 beginning at 5:45. This is a potluck dinner with the meat being prepared by the Gallatin Woolgrowers. There will be an auction held of downtown businessmen to local farmers. Those "winning" the businessman will have him come to their farm for a day to assist with farm work. The farmers will also have an opportunity to work in a downtown businessman's establishment.

Wilbur Visser made a motion to proclaim the week of November 5-12, 1983 as Agriculture Appreciation Week, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:20 P.M.

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ATTEST:

*Gary St. Ringle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

- - - -

TUESDAY, THE 8th DAY OF NOVEMBER, 1983 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

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Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of November 1, 1983 be approved as written.

## ANNOUNCEMENTS

November 1, 1983

Received report from the Clerk & Recorder's Office showing the items of fess and other collections made for the month of October totaling \$10,128.75.

Held monthly Department Head staff meeting.

November 2, 1983

Received the following A101's:

#3518 from Security Bank of Three Forks in the amount of \$4,764.38 for interest earned on CD's #10 and 11 to the credit of the Protest Fund.

#3516 from Security Bank of Three Forks in the amount of \$2,369.32 for interest on CD #008 with credit to the following funds: Special Health, 50%, Recreation, 25%; and County Land Planning, 25%.

#3517 from Security Bank of Three Forks in the amount of \$2,369.32 for interest earned on CD #009 to the credit of the Poor Fund.

#3515 from Security Bank of Three Forks in the amount of \$2,369.32 for interest earned on CD #007 to the credit of the Park Fund.

Received transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$10,000.00 as appropriated under general class (1) Salaries and Wages for account 2710-900-41-4112-411240-110 be transferred to account 2710-900-41-4112-411240-397 under general class (2) Maintenance and Support.

That the sum of \$18,684.00 as appropriated under general class (1) Salaries and Wages for account 8210-000-51-5101-000000-110 be transferred to account 8210-000-51-5101-000000-397 under general class (2) Maintenance and Support.

That the sum of \$2,600.00 as appropriated under general class (1) Salaries and Wages for account 1000-210-41-4111-000000-112 be transferred to account 1000-210-41-4111-000000-397 under general class (2) Maintenance and Support.

That the sum of \$15,000.00 as appropriated under general class (1) Salaries and Wages for account 1000-202-41-4106-000000-112 be transferred to account 1000-202-41-4106-000000-397 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (1) Salaries and Wages for account 2290-245-45-4504-000000-112 be transferred to account 2290-245-45-4504-000000-397 under general class (2) Maintenance and Support.

That the sum of \$600.00 as appropriated under general class (1) Salaries and Wages for account 2180-208-41-4103-410333-112 be transferred to account 2180-208-41-4103-410333-397 under general class (2) Maintenance and Support.

That the sum of \$9,355.00 as appropriated under general class (2) Maintenance and Support for account 2415-210-42-4201-420140-358 be transferred to account 2415-000-42-4201-420140-358 under general class (2) Maintenance and Support.

That the sum of \$928.00 as appropriated under general class (2) Maintenance and Support for account 2415-210-42-4201-420140-368 be transferred to account 2415-000-42-4201-420140-368 under general class (2) Maintenance and Support.

That the sum of \$20.00 as appropriated under general class (2) Maintenance and Support for account 2760-000-48-4802-000000-370 be transferred to account 2760-000-48-4802-000000-358 under general class (2) Maintenance and Support.

That the sum of \$247.85 as appropriated under general class (2) Maintenance and Support for account 2760-000-48-4802-000000-368 be transferred to account 2760-000-48-4802-000000-358 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 2nd Day of November, 1983.

/s/ Joy I. Nash, Chairman  
/s/ Ruthmary Tonn  
/s/ Wilbur Visser

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Wilbur Visser attended the Fairgrounds Planning Committee meeting.

Commissioners met with other members of the Hebgen Lake Zoning Commission to discuss the proposed budget for rezoning of Hebgen Lake Basin area.

November 3, 1983

Joy I. Nash out of state.

Ruthmary Tonn, Wilbur Visser, and Gene Surber met with Forest Supervisor John Drake, Bozeman District Ranger John Dolan, and Chuck Sundt to discuss noxious weed control.

Wilbur Visser toured Pine Butte and Sourdough Roads with Sam Gianfrancisco and Earl Best.

Ruthmary Tonn and Ken Mosby discussed insurance coverage with Harry Noel, First West Insurance Company.

November 4, 1983

Joy I. Nash was out of state.

Wilbur Visser, Sam Gianfrancisco, Bob Jordan, Earl Best, Garth Sime, Ken Lundberg, Milo Todd, Keith Noyes and Peter Anderson discussed alternatives for repairing the bridge over Highline Canal. A new proposal will be submitted to the County Commission for consideration.

November 5, 1983

Wilbur Visser attended the annual Agriculture Appreciation Day banquet.

November 7, 1983

Wilbur Visser met with participants in central communications system for update on installation. The installation is progressing on schedule.

Received the following A101's:

#3565 from State Dept. of Revenue in the amount of \$24.24 for child support collection from other states to the credit of the General Fund.

#3539 from Valley Bank of Belgrade in the amount of \$2,369.32 for interest earned on CD #2744 to the credit of the Poor Fund.

#3540 from Valley Bank of Belgrade in the amount of \$2,382.20 for interest earned on CD #2745 to the credit of Revenue Sharing.

Received the Constables Report for the month of September, 1983. Papers received were 111, papers processed were 101.

Received the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$350.00 as appropriated under general class (1) Salaries and Wages for account 2440-00-41-4110-000000-100 be transferred to account 2440-000-41-4110-000000-370 under general class (2) Maintenance and Support.

That the sum of \$1,170.00 as appropriated under general class (1) Salaries and Wages for account 2440-000-41-4110-000000-100 be transferred to account 2440-000-41-4110-000000-397 under general class (2) Maintenance and Support.

That the sum of \$90.00 as appropriated under general class (1) Salaries and Wages for account 2440-000-41-4110-000000-100 be transferred to account 2440-000-41-4110-000000-320 under general class (2) Maintenance and Support.

That the sum of \$70.00 as appropriated under general class (1) Salaries and Wages for account 2440-000-41-4110-000000-100 be transferred to account 2440-000-41-4110-000000-312 under general class (2) Maintenance and Support.

That the sum of \$20.00 as appropriated under general class (1) Salaries and Wages for account 2440-000-41-4110-000000-100 be transferred to account 2440-000-41-4110-000000-210 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 7th day of November, 1983.

/s/ Joy I. Nash, Chairman  
/s/ Ruthmary Tonn  
/s/ Wilbur Visser

Board of County Commissioners

Sent letter to Loy Carroll, County Treasurer, authorizing the following transfers:

TUESDAY THE 8th DAY OF NOVEMBER 1983  
 OFFICE OF COUNTY COMMISSIONERS  
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You are hereby authorized to make the following transfers:

1. The sums of \$293.30 from fund 2290 and \$32.55 from fund 5020, to fund 1000 for Sept. printing costs.
2. The sums of \$33.20 from fund 2120, \$32.06 from fund 2180, \$23.21 from fund 2190, \$8.70 from fund 2270, \$42.99 from fund 2290, and \$24.25 from fund 5020, to fund 1000 for Aug. supply costs.
3. The sums of \$9.45 from fund 2110, \$113.13 from fund 2120, \$60.00 from fund 2140, \$291.84 from fund 2180, \$23.85 from fund 2190, \$5.25 from fund 2270, and \$12.26 from fund 2290, to fund 1000 for Oct. supply costs.
4. The sum of \$41.40 from fund 1000, to fund 2180 for Oct. copier costs.

/s/ Joy I. Nash, Chairman  
 Board of County Commissioners

November 8, 1983

Commissioners sat as a Welfare Board this date.

Received the following A101's:

#3587 from St. Dept. of Revenue in the amount of \$397.86 for distribution of wine tax to the credit of the General Fund.

#3594 from Ronald Marx in the amount of \$12.00 for Law and Justice Gym Rental to the credit of the Recreation Fund.

Received services contract for William Hayes for preparation of land use map for the Hebgen Lake Rezoning Project at the rate of \$9.00 per hour for the period November 1, 1983 to March 15, 1984.

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John Moss, Bozeman City Planning Director, displayed maps of the Bozeman Area Master Plan and explained them to those present. The Master Plan envisions growth of the City of Bozeman and surrounding areas to about 40,000 by the year 2,000. Mr. Moss states that there have not been dramatic changes made to the plan adopted in 1972. He cited several differences between the plan adopted in 1972 and the proposed plan.

Mr. Moss stated that the Planning Board has worked to allow for flexibility of the plan so that things are not "locked in" to a specific mold.

Joy I. Nash asked for brief comments from the public regarding the Bozeman Area Master Plan.

Joel Shouse, a member of the City/County Planning Board, stated that community planning is something that continually changes due to community attitudes and needs and master plans must be periodically updated. Mr. Shouse stated that it has taken the Planning Board 2½ years to prepare the Master Plan that is being considered today, and he feels that the Plan reflects the best thinking possible for the present needs of the planning area. Mr. Shouse requested the Commission's favorable action on adoption of the Master Plan.

Roxanne Smith, President of the Bozeman Area League of Women Voters, states that the Land Use Committee of the League has attended many of the city/county planning board's work sessions and have attended forums and meetings regarding the Master Plan. The League supports the efforts of the city/county planning board in establishing a useful Master Plan.

Jane Newhall, stated that she felt the Master Plan would help provide the Commission with a basis for their decisions concerning the continued growth in the outlying areas of the City, and that it will be a groundwork for the implementation of a county-wide plan.

Sam Kimbrell, Bozeman Area Chamber of Commerce, stated that the Chamber of Commerce was in support of the adoption of the Master Plan.

Dennis Jordan, a member of the City/County Planning Board, stated that unsupervised development leads to problems and he feels that the Bozeman area should keep as much land in agriculture and ranching as possible. He favors adoption of the Master Plan.

Ruthmary Tonn stated that she felt the staff and the Planning Board has done an excellent job in preparing the Master Plan. She was concerned with the issue of transfer of development rights. She had hoped that this would be resolved and be presented as a part of the Master Plan and it was not. Mrs. Tonn noted that this issue is policy no. 1 in the Master Plan and she feels that it should take the highest priority with regard to this Plan.

Mrs. Tonn stated that her other concern was with policy statement no. 31 which states that the zoning would be extended to the full extent of the three mile extraterritorial area provided by state law. Mrs. Tonn is opposed to this policy because the city has stated that it is inconceivable that it will annex beyond one mile of its boundaries in the future considered in this Plan because of limited water supply and limited sewage treatment abilities. Mrs. Tonn feels that it would not be in the best interest of the county for the city to extend zoning commission jurisdiction when the city has no intent of annexing anywhere near that point in the visible future. Mrs. Tonn states that she does not concur with this policy and would hope that it would be omitted. Mrs. Tonn states that she feels the Master Plan is a very good document regarding land use and she is in support of it.

Wilbur Visser echoed Mrs. Tonn's comments regarding the policy statements and commended the Planning Board for the excellent job they have done in preparing the Master Plan. Mr. Visser is in opposition with policy statement 30 as well which also has to do with extending the city-county Planning Board's jurisdiction.

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Joy I. Nash agreed with what was expressed by Mrs. Tonn and Mr. Visser. She was also pleased to hear that the Plan would be reviewed every three years.

Ruthmary Tonn made a motion to adopt the Master Plan with the stipulation that policy number 31 be omitted and that policy number 30 would read "to consider extension of the city-county planning jurisdiction to the full extent permitted by state law." This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash read a letter from Richard T. Kerin as follows regarding a request for preliminary plat extension for Grayling Arm Meadows.

Dear Commissioners:

On behalf of Mr. Hasler and myself, we appreciated your consideration of our requested extension. Your decision was expected by both of us.

In light of the fact the roadway improvements will not be completed until the spring of 1984, I request the preliminary plat be given a one year extension in conformance with Gallatin County Subdivision Regulations. This way, if the contractor is unsuccessful in completing the work this fall, he will have adequate time this spring to finish it. The soonest the contractor can get in the Hebgen Lake area will likely be mid-May of 1984. Mr. Hasler's goal is to finish road work this fall weather permitting.

I believe this letter, coupled with my earlier October 17, 1983 letter, should provide you the reasons for a one year extension. If you need further correspondence 30 days prior to the actual expiration of the preliminary plat, please let me know.

If appropriate, I will ask this request be placed on your agenda for the next Commission meeting.

Sincerely,

/s/ Richard T. Kerin, P.E.

Mary Kay Peck, Subdivision Review Officer, stated that it was rather early for a request for an extension; however, the ordinance does not prohibit this. There are several other conditions that have not been met as yet, not only the road improvements. The sanitary restrictions have not been lifted, and there are several other minor conditions that have not been met. Ms. Peck states that it appears an extension is necessary.

Ruthmary Tonn made a motion to grant the extension for preliminary plat approval for Grayling Arm Meadows for one year beyond the current expiration date, seconded by Wilbur Visser, none voting nay. The motion carried.

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Eldon Leep, representing the Church of Christ, spoke regarding a request for cancellation of taxes. The Church of Christ has been established in Bozeman since 1946. From 1949 until 1973 the Church owned property and met at Lamme and Grand. In 1973 the Church purchased property at 19th and Kagy and built a building in 1974 and began using it. Prior to 1974, the Church had never received a tax notice on their property. The Church began paying taxes on their property in 1974. The Church discontinued paying taxes after the first half of 1980. These taxes total \$3,469.92. Mr. Leep is requesting the taxes to be cancelled that have been due since 1980. Mr. Leep is questioning why the Church is being taxed.

Mr. Leep stated that he has talked with the Assessor's office and it is his understanding that property used for churches is not taxed by the County and yet the Church of Christ has been continually taxed.

Ruthmary Tonn stated that she believed the Assessor's office informed Mr. Leep that the Church would need to apply for an exemption from the State in order to avoid having the property taxed.

Mr. Leep stated that this was correct, and the Church has applied for the exemption. Mr. Leep stated that he has discovered upon going through the Church files that an exemption was applied for in 1973. This was never followed up on, and therefore the Church has not been given an exempt status by the State.

Ruthmary Tonn states that the assessments are based on tax roles on property that is not officially exempt as of January 1 of the tax year. The budgets are based on those assessed values. Mrs. Tonn states that the Church has had delinquent taxes since 1980 and has never brought it to anyone's attention. The taxes simply have not been paid. A mere application for exemption does not qualify as an exemption. The exemption must be received from the State to get the property off the tax roles.

Ruthmary Tonn stated that the Commission does not have the authority to cancel delinquent taxes. The Commission's decision would have to be whether or not to refund the taxes after the Church has paid them.

The Commission will delay their decision until they have had a chance to discuss this with the County Assessor.

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The Commission will postpone their decision regarding the bridge construction at Pine Butte Road over the Highline Canal until they have a chance to work out some more of the details.

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Wilbur Visser made a motion to reappoint Jene Hendrickson and Richard Waddell to the Sedan Fire District, their terms to expire in April, 1986. This motion was seconded by Ruthmary

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Tonn, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:20 P.M.

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ATTEST:

*Gary W. Pringle*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

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TUESDAY, THE 15th DAY OF NOVEMBER, 1983 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of November 8, 1983 be approved as written.

ANNOUNCEMENTS

November 9, 1983

Joy I. Nash, Wilbur Visser and Emery Nelson attended the West Yellowstone/Hebgen Lake Refuse Dist. #2 meeting at City Hall in West Yellowstone.

Received transfers of funds as follows:

Loy Carroll  
 County Treasurer

You are hereby authorized to make the following transfer:

1. The sums of \$200.41 from fund 1000, \$75.90 from fund 2160, and \$114.78 from fund 2190, to fund 2110 for Oct. gas expense.
2. The sum of \$40.80 from fund 2190 to fund 1000 for Oct. gas expense.
3. The sums of \$132.70 from fund 1000, \$1.80 from fund 2110, and \$10.85 from fund 2270, to fund 2190 for Aug. Savin expense.
4. The sums of \$67.15 from fund 1000, \$.65 from fund 2110, \$4.40 from fund 2270, to fund 2190 for Sept. Savin expense.
5. The sums of \$121.45 from fund 1000, \$2.40 from fund 2110, \$1.70 from fund 2270, to fund 2190 for Oct. Savin expense.
6. The sums of \$25.75 from fund 2110, \$4.10 from fund 2120, \$81.65 from fund 2180, \$6.15 from fund 2190, \$78.20 from fund 2270, \$159.30 from fund 2290, and \$62.20 from fund 5020 to fund 1000 for Aug. printing expense.
7. The sums of \$5.78 from fund 2110, \$88.60 from fund 2120, \$45.10 from fund 2180, \$21.01 from fund 2190, \$103.93 from fund 2270, \$332.20 from fund 2290, and \$46.70 from fund 5020 to fund 1000 for Oct. printing expense.

/s/ Joy I. Nash, Chairman  
 County Commission

November 10, 1983

The following people canvassed the city election votes for City Commissioners and City Judge:

Joy I. Nash  
 Ruthmary Tonn  
 Wilbur Visser  
 Alice Brennan, Election Clerk  
 Barbara Clawson, Election Clerk  
 Gary W. Pringle, Clerk and Recorder

All of the votes were found to be accurate and in order.

Received the following A101's:

#3603 from West Yellowstone/Hebgen Basin Refuse Dist. #2 to the credit of the West Yellowstone/Hebgen Basin Refuse District in the amount of \$711.00.

#3606 from St. Dept. of Institutions in the amount of \$7,494.00 for monthly distribution of earmarked alcohol tax funds to the credit of the Alcohol Fund.

Ruthmary Tonn, Wilbur Visser, and Bob Throssell, Deputy County Attorney, attended the Refuse Dist. #1 meeting in Manhattan.

November 11, 1983

LEGAL HOLIDAY - VETERANS DAY



## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 15th

DAY OF NOVEMBER 1983  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

November 14, 1983

Received services contract for Jo Miller for the period November 1, 1983 to March 15, 1984 for the preparation of minutes for the Hebgen Rezoning Study. This is at the rate of \$5.25 per hour.

Received A101 #3625 from Golden Temple Bakery in the amount of \$36.00 for rental of the Law and Justice gym to the credit of the Recreation Fund.

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This was the time advertised as the bid opening for a horse barn addition at the county fairgrounds. Joy I. Nash asked for bids and there were none submitted.

Ruthmary Tonn stated that it has come to the Commission's attention that there was no architect for this project. Mrs. Tonn feels that it is important to have an architect for any facility that is open to the public. An architect not only designs the construction, but oversees it as well as assuming some of the liability for it. Mrs. Tonn would like to discuss refusing all bids at this time and requesting the Fair Board to hire an architect to design and oversee the facility.

Al Lien, Fair Board member, states that this was not a project in the \$10,000 range and is an addition to an existing Cuckler pre-engineered building. The Fair Board felt that all that needed to be done would be to shoot new grades because of the additional depth of the footings and copy the original barn to its exact detail.

Mrs. Tonn states that this has been discussed with the Fair Board many times before and the Commission has asked that any construction, regardless of amount, must be done within the guidelines of hiring an architect to design it. Mrs. Tonn stated that this was no exception.

Ruthmary Tonn made a motion that even though there are no bids, had there been bids, they would be refused and the Commission will ask the Fair Board to hire an architect for this project and all other construction projects whether they are additions or new buildings.

This motion was seconded by Wilbur Visser. Mr. Visser stated that a pre-engineered building does come with architectural plans. Mrs. Tonn stated that her motion encompasses this area.

The motion being heard and seconded, a vote was taken with none voting nay. The motion carried.

Mrs. Tonn noted that if the Fair Board were going to add a pre-engineered architecturally designed addition to the building, then they have an architectural design; however, if they are going to put up an addition and tell the contractor to do it like the old one, they do not have the architectural design and they would have to hire an architect to get one.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding two claimed exemptions to the subdivision regulations.

Carol J. Hunt has claimed the occasional sale exemption. Ms. Hunt has not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Robert C. Pearson has claimed the security for construction financing exemption. Mr. Pearson has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Manhattan State Bank has certified that the creation of the mortgage parcel is necessary to secure a construction loan. From the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash read the notice of public hearing regarding the abandonment of Tubb Road and the creation of a new road to be named Tubb Road.

Earl Best, County Surveyor, stated that both roads, the one being abandoned and the proposed road, are on airport property. The airport has dedicated a 60 foot right-of-way for the new road. This is being done to get the road on the edge of the airport property.

Joy I. Nash asked for public comment regarding this. There being no comment, Wilbur Visser made a motion to abandon Tubb Road and create a new road also named Tubb Road, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Ray White, County Assessor, spoke regarding the request by the Church of Christ for cancellation of taxes. Mr. White stated that the Church sits on a parcel of approximately three acres and this is one of the parcels on which the cancellation of taxes is being requested. There has never been an exemption applied for and there are three to four years of delinquent taxes due on this property. The taxes entail the land only, not the building itself. The Church also owns a Tract B which is a vacant parcel. This tract occurred when the Church had a fondling home and decided to sell it and did a survey and created tracts A and B, tract A being the fondling home which has been conveyed. Tract B was retained and is a separate parcel from the three acre parcel the church building is on.

For the years in question, assessment and tax notices were sent to the Church for both

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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 BOZEMAN, MONTANA

tracts and this is the first year the Assessor's Office has had any reply from the Church concerning this. There is a tax lien on the three acres of \$1,412.58. There is a tax lien on tract B of \$512.52.

Ruthmary Tonn stated that tract B would not necessarily receive exemption since there is no building on it being used for religious or educational purposes. Ray White stated that it depended on whether it was appurtenant to the Church, whether the Church needs it. It could possibly be an easement in for a drive-way or it could be a parking lot for church services. Mr. White states that he does not know how tract B contributes to the Church property.

Ruthmary Tonn asked Mr. Eldon Leep whether the Church has claimed exemption on the parcels separately. Mr. Leep states that the Church has claimed one exemption for all of the property. Tract B is 50 feet wide by 225 feet and adjoins the other Church property. Mr. Leep states that he is unsure of how it was acquired, it is somehow connected to the sale of the child's home. The tract is not being used for anything, it is vacant land. Mr. Leep states that the tract is not saleable; however, it will be incorporated as parking lot eventually, it is not needed at the present time. Mr. Leep displayed a map of both properties. The Church intends to have the tracts consolidated as one parcel of land. Mr. Leep offered his request in written form for the Commission's consideration.

Ruthmary Tonn stated that it would seem uncertain as to whether or not tract B would be exempt, but she does not feel there will be any problem with the tract that the Church is on obtaining an exemption. She does not feel that it is the County's error or responsibility that this was not taken care of and that the taxes were allowed to become delinquent. She feels that the taxes for the tract the Church is on should be cancelled for this year since it has been brought to the Commission's attention and she is certain it will qualify for an exemption. However, she does not feel the County should cancel the taxes on tract B for 1983 and she does not feel the County should refund any delinquent taxes because this was not taken care of prior to this time.

Wilbur Visser made a motion to cancel the taxes for both tracts, the tract the Church is on and tract B. Ruthmary Tonn asked for clarification because she does not feel that tract B would qualify for an exemption and therefore did not want the County to commit itself to cancelling those taxes.

Wilbur Visser withdrew his motion and make a motion to cancel the taxes for the church property only for 1983, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Ray White, County Assessor, spoke on a request by the Assemblies of God Church for a cancellation of taxes.

Mr. White states that it is the Department of Revenue's policy that all applications for exemption must be submitted by March 1 of the current year of exemption. In the case of this property, the application was not submitted to the Department of Revenue until September of 1982. On the exemption issued by the Department of Revenue on December 29, 1982, it states the properties may be removed from the current year's tax role provided that all required information concerning each application has been received before the role has been finalized.

Mr. White states that he received this exemption on January 3, 1983. Mr. White states that the tax role was completed in 1982 on September 1st. The record owner as of January 1, 1982 was not the Assemblies of God Church. The Church did not request an exemption until the fall of 1982, which was after the date on which the Assessor had closed his books.

Erwin Rody, District Superintendent of the Assemblies of God Churches in Montana, stated that the Church had made application in May of 1982. The Church received a letter from the Department of Revenue stating that the Assessor's and Appraiser's portion of the application had not been completed and the Department would be forwarding the application to Gallatin County for completion of these sections. The Department of Revenue contacted the Assessor's Office in October to determine the status of the application and was told that the Office had no record of having received the application. The Department of Revenue then completed a new application and mailed it to the County.

Mr. Rody stated that the Church received a letter from Ray White stating that if the property is exempted prior to December 31, 1982, his office would cancel the taxes. The letter goes on to state that if the exemption is received after that date, it is impossible for the office to reopen and close the assessment role. Mr. Rody states that the Department of Revenue exempted the property prior to the end of December.

Ruthmary Tonn stated that she did not feel that the Department of Revenue had the right to exempt property after the tax roles had been closed; however, she can see where the Church made an effort to obtain exemption.

Ruthmary Tonn made a motion to grant a refund of taxes after they have been paid in full for 1982, seconded by Wilbur Visser. Mr. Visser made a clarification that this was a refund of the real estate taxes, not a refund of the special assessment taxes. The motion and second being heard, a vote was taken with none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:10 P.M.

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ATTEST:

*Gayle K. Pringle*  
 Clerk

APPROVED:  
*Joy I. Nash*  
 Chairman

- - - - -

TUESDAY

THE 22nd

DAY OF NOVEMBER 1983

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of November 15, 1983 be approved as written.

## ANNOUNCEMENTS

November 16, 1983

Received A101 #3632 from First National Bank and Montana Bank of Bozeman for interest earned on bank accounts as follows:

#712388	Montana Bank	\$ 253.79
#577529	Montana Bank	17,277.13
#005	First Bank	15,420.42
Pass Book	First Bank	37.35

November 17, 1983

Bridger Canyon Zoning Commission met to consider a conditional use permit for a rental ski shop for the Crosscut Ranch. Permit was granted for 12 months.

Joy I. Nash and Wilbur Visser attended the flag raising ceremony at the Chamber of Commerce building.

November 18, 1983

Commissioner's signed the Sheriff's Association Union Agreement this date.

November 19, 1983

Joy I. Nash and Wilbur Visser attended the Water Resource Seminar at the Holiday Inn.

November 21, 1983

Received services contract for a work study nutrition aide for the County Health Dept. at the rate of approximately 50% of \$3.50 per hour. This is for the period November 16, 1983 through June 30, 1984. A series of work study students from the university will be used.

Interviewed Tennie Bottomly and Hallie Rugheimer for a vacancy on the Fair Board.

November 22, 1983

Interviewed James Drummond for the Fair Board vacancy.

Received A101 #3688 from the Bozeman Basketball Association for Law and Justice gym rental in the amount of \$234.00 to the credit of the Recreation Fund.

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Joy I. Nash read the invitation for bids for five sheriff's vehicles. Mrs. Nash asked if there was anyone who would like to submit a bid at this time. There was no one present to submit any additional bids. Mrs. Nash stated that there had only been one bid received by the Commission.

L. John Onstad, Gallatin County Sheriff, read the bid from Connell Motors of Bozeman as follows:

Five Eagle four-door sedans based upon specifications: \$54,937.65.

Sheriff Onstad requested that he be given a few minutes to study the bid and he would return with his recommendation to the Commission.

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Mary Kay Peck spoke regarding exemptions claimed on certificates of survey.

John B. Monforton has claimed the occasional sale exemption. Mr. Monforton has not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck spoke regarding a request for a change in roadway design for the Kirk Michels Minor Subdivision. Ms. Peck states that she has spoken with Michael Sand and has also received a letter from Mr. Sand regarding this request. Mr. Sand is the adjacent property owner to the subdivision and he is sharing the road cost with Mr. Michels.

Mr. Michels and Mr. Sand are requesting that they be allowed to build the road and stop 200 feet from the property line rather than continuing it all the way. The reason for this request is that they would be providing access to the westernmost lots by stopping 200 feet from the property line and also that the State of Montana owns the property to the west and Mr. Michels and Mr. Sand feel that the State of Montana will most likely never develop the property and have no use for a road which abuts the property.

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Michael Sand, representing himself and Kirk Michels, stated that the Michels subdivision consists of five lots with lot 1 being the westernmost lot which is 260 feet long. Mr. Sand stated that another reason why they would like to shorten the road is because of the expense. He also cited the fact that the State of Montana owned the property to the west and the proposed road would be a dead end which would abut the state land. Mr. Sand states that he is quite certain that the State property will not be developed in the foreseeable future.

Wilbur Visser asked whether the State land was a school section. Mr. Sand stated that he did not believe that this was a school section.

Ruthmary Tonn stated that it was possible the State land could be involved in a land exchange and would then be in a position to possibly be developed. She asked if Mr. Sand would have any suggestions as to how he might be able to agree to the county's stipulation that the road in question would be constructed by Mr. Sand and Mr. Michels should the property ever be developed. She states that it would be Mr. Sand's and Mr. Michels' responsibility.

Mr. Sand states that he is confident that the State will not develop the land; however, if it is developed and the Commission requires the development of the roadway, Mr. Sand stated that they would agree to do that. Mr. Sand stated that he has spoken with John Schunke of Morrison-Maierle and he had indicated that it is relatively common to grant exemptions to building the roadway to the end of the property. Mr. Schunke mentioned the Cimarron Subdivision. Mr. Sand stated that if it were not the State that owned the land to the west of his property, they would not be requesting the exemption.

Norm Stone of the Road Department, stated that he was aware of only two subdivisions since 1975 where the Commission had not required the road to go to the property line. These were Wheatland Hills No. 2 and Mountain View #5. Mr. Stone stated that in both of those cases, the developer paid the Road Department 200% of what the road construction would cost so that the County could build the roads if needed at some future date.

Mr. Sand stated that wherever it will be determined for the road to end, a cul-de-sac would be built.

Ruthmary Tonn stated that she could not see any point in building the road to State property except that it is possible that the land could be exchanged and developed some time. She asked Mr. Sand if he would be willing to do some further research regarding the property. She would like to know what happened in the Cimarron and Wheatland Hills Subdivisions and she wondered whether the State would make a statement as to what they intended to do with the land. Mrs. Tonn stated that she was uncomfortable with changing the plat requirement.

Mr. Sand stated that he would be willing to obtain further information. The Commission will defer its decision until Mr. Sand requests further consideration of his request.

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Garth Sime spoke regarding an offer by Ken Lundberg to donate pipe for proposed bridge construction on Pine Butte Road over the Highline Canal. Mr. Sime asked whether the Commission had received letters from Allen & Assoc. and Mr. Lundberg and if they had a chance to review them. Mrs. Nash stated that the Commission had reviewed the letters. Mr. Sime read the letter from Mr. Lundberg.

Ruthmary Tonn stated that she did not feel the county could live with the time frame set forth by Mr. Lundberg. It would not be possible for the county to complete the work in that time frame.

Mrs. Tonn states that the bridge is not on the priority list and she is not supportive of contributing county funds to a bridge that is not on the priority list.

Mr. Visser states that he had studied the proposal quite carefully and that Mr. Lundberg's offer is quite generous; however, the county cannot operate within the time limits Mr. Lundberg has suggested. Wilbur Visser made a motion that the county not accept Mr. Lundberg's offer to share the cost of this bridge construction, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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L. John Onstad, Gallatin County Sheriff, spoke regarding the bid submitted by Connell Motors. He states that the bid does not meet specifications on two minor items. The first is that calibrated speedometers cannot be provided. Mr. Onstad states that this is not a problem. The other item is intermittent windshield wipers which are available on an option package for an additional cost of \$63.00 per unit. Mr. Onstad states that he would be willing to accept the vehicles with the standard windshield wiper. Mr. Onstad states that the company would require payment upon delivery. The bid is under what was budgeted for these vehicles. Mr. Onstad recommends purchase of these vehicles.

Ruthmary Tonn made a motion to award the bid to Connell Motors and the check will be written for payment upon delivery of these vehicles. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:05 P.M.

ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

TUESDAY THE 29th DAY OF NOVEMBER 19 83

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioner Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. Ruthmary Tonn was out of state.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Joy I. Nash, that the minutes of November 22, 1983 be approved as written.

ANNOUNCEMENTS

November 23, 1983

Ruthmary Tonn and Wilbur Visser attended the City-County Cooperation meeting.

November 24, 1983

LEGAL HOLIDAY - THANKSGIVING

November 25, 1983

Commissioners sat as a Welfare Board this date.

Received A101 #3691 from Larry Bekkedahl in the amount of \$24.00 for Law and Justice gym rental to the credit of the Recreation Fund.

November 28, 1983

Joy I. Nash attended the Area IV Governing Board and Advisory Council meeting of the Rocky Mountain Development Council in Whitehall.

Received the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$5.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-370 be transferred to account 5020-000-440310-382 under general class (2) Maintenance and Support.

That the sum of \$1,210.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-381 be transferred to account 5020-000-440340-356 under general class (2) Maintenance and Support.

That the sum of \$40.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-220 be transferred to account 5020-000-440340-940 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-370 be transferred to account 1000-295-470260-320 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED this 28th day of November, 1983.

/s/ Joy I. Nash, Chairman  
/s/ Ruthmary Tonn  
/s/ Wilbur Visser

Board of County Commissioners  
Gallatin County, Montana

Joy I. Nash attended the Recreation Administrative Trustees meeting along with the Advisory Board at Willson School at 7:30 P.M.

November 29, 1983

Received A101 #3721 from the State Department of Revenue in the amount of \$21,338.82 for liquor license tax distributions for the quarter ended September 30, 1983 as follows:

Belgrade	\$ 1,201.69
Bozeman	12,373.69
Manhattan	487.38
Three Forks	741.99
W. Yellowstone	3,750.74
County General	2,783.33

Received A101 #3720 from the State Department of Commerce in the amount of \$3,434.78 to the credit of County Land Planning Assistance Fund.

Wilbur Visser and Joy I. Nash attended the 4H 26th Annual Leaders Appreciation Banquet at the Cartwheel Inn.

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Mary Kay Peck, Subdivision Review Officer, spoke regarding an exemption claimed on a certificate of survey.

Willard Arledge has claimed the security for construction financing exemption. Mr. Arledge has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract and that he will retain title to and possession of the original tract. The bank has also signed and certified a statement saying that the creation of the mortgage parcel is necessary to obtain construction financing. Based on the information submitted, this appears to be a proper use of the exemption.

This land is located up Bridger Canyon near the Flaming Arrow Pub and there is an access road serving the lot.

Wilbur Visser made a motion to grant the exemption to Mr. Arledge, seconded by Joy I. Nash, none voting nay. The motion carried.

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Ray Tocci, Chairman of the Gallatin County Airport Board, spoke regarding the proposed expansion of the Three Forks Airport.

Mr. Tocci states that in 1975 the Airport Board and the community of Three Forks recognized a need for improving the Three Forks Airport. At that time, the airport was served by a 3,100 foot sod runway. Mr. Tocci stated that due to the industry in the Three Forks area, it was felt that the airport could be improved. In addition to that, the short grass strip of runway would only allow certain types of aircraft to land and take-off.

Mr. Tocci states that a National Airport System Plan as well as a State plan has been done. An Airport Master Plan has also been developed. The Master Plan was completed in 1981 and has been accepted by the FAA. Mr. Tocci states that it is felt that this would be a good time to start on the Phase I development of the airport which would move the airport south to keep it clear of the subdivided portions of the Three Forks area.

Mr. Tocci states that a meeting was held with the Airport Board, the City Council of Three Forks, John Schunke of Morrison-Maierle, Jim Monger of Monger and Associates, Wilbur Visser, FAA personnel and State Aeronautics personnel. The FAA representative had indicated verbally to the Airport Board that there was a need for the improvement of the airport. Mr. Schunke and Mr. Monger have submitted an application to the FAA for the improvements. This would be 90% federal funding and 10% local.

Jim Monger of Monger and Associates submitted a copy of the application which was sent to the FAA for the Commissioners' review. This application indicates the total improvements needed on the Three Forks Airport for a five-year period of time. Mr. Monger states that it should not be expected that all of the money will come from the FAA all at one time to do all of the improvements. The money will be made available as the FAA stages the priority of the Three Forks project with other projects in the State.

Mr. Monger states that the various costs are broken down in the application with regard to land, construction and other various items needed to develop the airport. The land is the primary problem at this time. The lands at the other end of the airport, which is the direction in which the airport must expand, are for sale at the present time. This would be the ideal time for the airport to purchase the land, not only to protect their clear zone, but to give the airport property to expand upon. This would be the first priority, to acquire this land and then in the future it would be possible to begin the construction as required.

Mr. Monger states that since the Three Forks Airport is governed by the Gallatin County Airport Board, the County Commission must give their approval to the FAA of this project to assure them that the County will fund 10% of the project. These funds would have to be budgeted in fiscal year 1985. However, action must be taken at this time in order to be put on the priority list by the FAA. The total cost of the improvements over a five-year period will be \$822,000. The federal government would fund approximately \$740,000 and the County would be asked to fund \$82,200.

Mr. Monger is suggesting that the County put a limit on the amount they will fund and borrow the money from the State of Montana from their long-range building bond program which the last legislature made available to airports. This money is administered through the State Aeronautics Division. Those monies are available on a ten-year repayment at 7.25% interest. Mr. Monger suggests that the county borrow \$90,000 from this fund even though it will not all be used initially. This is because there is only 1.5 million dollars available from this fund and other communities in the State will be applying for these funds.

Wilbur Visser asked how many acres of ground the airport is anticipating purchasing. Jack Schunke of Morrison-Maierle stated that it would be 60.7 acres. Mr. Monger stated that the runway improvements would only be to 4,100 feet and would be 60 feet wide. It will not be a jet-capable runway.

Joy I. Nash asked if there had been an increase in the usage of the airport over the last few years. Mr. Monger states that as part of the Master Plan the future traffic was forecasted. At the present time as compared to ten years ago, the traffic is much higher; however, he feels the traffic is somewhat stymied because those people coming in for business purposes are not able to use the airport. The airport is not attracting the business it could if they had a decent, paved runway.

Phil Hargas, Manager of the Cyprus Industrial Plant, states that his company frequently has personnel that fly in and out of the Three Forks Airport. Mr. Hargas states that their parent company also has three or four aircraft that they have flown in to Gallatin Field that could be flown into Three Forks if the runway was improved.

Mr. Monger stated that if the \$90,000 loan is received by the County from the State and only \$20,000 is required for the first year, the remainder could be invested. Joy I. Nash asked how this money would be paid back to the State. Mr. Monger suggested a county mill levy. He states this his calculation on \$90,000 for an annual repayment would amount to \$12,700 per year. Mr. Monger submitted suggested letters the Commission could write to the State and

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TUESDAY

THE 29th

DAY OF NOVEMBER 19 83

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

the FAA regarding the proposed loan.

Mr. Monger states that the FAA is now waiting for the County to assure them that it will contribute 10% toward the funding of this project. They will then allocate their portion toward funding of the land acquisition and fencing construction. They will not allocate all of the money at one time.

Wilbur Visser asked if the project would have to be completed within a five year period. Mr. Monger indicated that a deadline would be put on the project.

Bob Throssell, Deputy County Attorney, asked why the loan application was made only by the County, and not by the City of Three Forks and Gallatin County. Ray Tocci stated that the Airport was operating under the Gallatin County Airport Board. The City of Three Forks does not have a member on the Board.

John Schunke stated that the preapplication had been submitted to the FAA and the FAA is now requesting a statement that the County will obligate itself to sponsor the airport for the 10%.

Mr. Schunke stated that the land acquisition itself would take place before any construction operations. The land acquisition would take one to two years. The construction which includes paving of a runway, an apron and taxi-way, lights along the runway, and fencing of the airport would not start until the land had been acquired. The land acquisition would total approximately \$150,000 and the construction would amount to \$672,000.

The Commission will defer their decision until they have had a chance to review the proposal.

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There being no further business, the meeting adjourned at 2:05 P.M.

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ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 6th DAY OF DECEMBER, 1983 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioner Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. Ruthmary Tonn was out of state.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Joy I. Nash, that the minutes of November 29, 1983 be approved as written.

ANNOUNCEMENTS

November 30, 1983

Accepted quote of Pierce Flooring Company to repair the south stairway at the Law and Justice Center and repair other broken treads within the building. The cost to be \$710.00.

The County Commissioners signed an agreement with the Dept. of Fish, Wildlife and Parks to plow the public road which begins at the junction of Taylor Fork and U.S. 191 and ends at Gallatin County line at a point on the west line of SW $\frac{1}{4}$  Section 16, T9S, R3E. This permit is valid from December 10, 1983 through February 13, 1984 and allows the Dept. of Fish, Wildlife and Parks to plow snow on the above-mentioned road. This agreement is entered into each year with the Dept. of Fish, Wildlife and Parks.

Mary Kay Peck, Subdivision Review Officer, and Tim Read, Sanitarian, were in West Yellowstone attending the Hebgen Lake Citizen Study Commission meeting to update the Hebgen Lake zoning ordinances.

December 1, 1983

Met with Mike Ruppert, the new director of Gallatin Alcoholism Services.

Wilbur Visser attended the TAC meeting at City Hall.

December 2, 1983

Received a list of new employees as follows:

- Elizabeth Crossen, Communications Officer/Matron, Sheriff's Dept., \$800.07 per month, 11/4/83.
- Dorothy Jones, Medical Clerk Typist, Health Dept., \$744.73 per month, 11/3/83.
- Shirley Dooley, Kitchen Aide I, Rest Home, \$3.7402 per hour, 11/7/83.
- Angela Vance, Nurses Aide I, Rest Home, \$4.6159 per hour, 10/28/83.
- Susan Hoskin, Nurses Aide I, Rest Home, \$4.6159 per hour, 11/10/83.

Received report from the County Clerk and Recorder showing items of fees and other collections made during the month of November, 1983 in the amount of \$14,269.66.

Received A101 #3755 from John DePuydt in the amount of \$6.00 for rental of the Law and Justice gym to the credit of the Recreation Fund.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 6th

DAY OF DECEMBER

19 83

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANADecember 3, 1983

Joy I. Nash and Wilbur Visser attended a meeting with City Commissioners, City-County Planning Board and Zoning Board members to discuss annexation and impact fees for sewer and water hookups. The meeting was held at the Bozeman City Library.

December 5, 1983

Met at the Chamber of Commerce office to discuss FAA Flight Service Station proposal.

December 6, 1983

Held monthly Department Head staff meeting.

- - - -

Mary Kay Peck, spoke regarding an exemption claimed on a certificate of survey.

Dora Sinnema is claiming the occasional sale exemption. A signed, notarized statement has been submitted by Mrs. Sinnema stating that a prior occasional sale has not been taken, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Joy I. Nash, none voting nay. The motion carried.

- - - -

Joy I. Nash read a letter from Sam Gianfrancisco, Road Superintendent, requesting authorization to purchase a new pick-up as follows:

The County Road Department is requesting an authorization to purchase one new pickup to replace the Road Superintendent pickup.

The pickup to be replaced has 123,000 miles on it and is in need of extensive repairs, which could run between \$2,000.00 and \$3,000.00.

The Department is requesting approximately \$9,300.00 to be paid from Capital Outlay, account number 2110-307-43-4302-430230-940. Present balance of this account is \$25,782.00. Approval is requested as soon as possible.

Sam Gianfrancisco, Road Superintendent stated that the request for the new pick-up is necessitated by the fact that the one he is currently using would require work on the engine and transmission. The purchase price of the pick-up is \$9,300 to come from the capital outlay fund.

Joy I. Nash asked whether Mr. Gianfrancisco had obtained quotes from other dealers. Mr. Gianfrancisco stated that he had received six quotes from dealers in the County and Rolfe & Wood was the lowest quote at \$9,258.00, which is the bid Mr. Gianfrancisco is recommending the Commission accept.

Wilbur Visser stated that the funds in capital outlay were left over from the purchase of the front end loader.

Mr. Gianfrancisco states that a four wheel drive truck such as this would be beneficial due to the amount of snow this area receives and the Road Department does not presently own a four wheel drive pick-up. The cost between a four wheel drive and a comparable model in a two wheel drive is approximately \$800.00.

Wilbur Visser made a motion to grant the request for a four wheel drive pick-up for the Road Department, seconded by Joy I. Nash, none voting nay. The motion carried.

- - - -

Jeff Rupp, Executive Director of HRDC, requested a letter of support from the Commission for the Head Start program. The District IX HRDC is in the process of submitting a \$126,000 grant application to the Department of HHS for the funds to implement a Head Start program here in Gallatin County, particularly Bozeman.

The Head Start program is a five-part intensive program geared at low-income children between the ages of 3 and 6. The emphasis is on education, nutrition, transportation, health/medical, etc.

Mr. Rupp is requesting a standard letter of support for this application which shows the need for the program in the community. Mr. Rupp noted that the application process included a section containing the need assessment. Gallatin County has ranked third with the HHS for these funds.

Wilbur Visser asked whether there would be any financial obligation by the County connected with this program. Mr. Rupp stated that there would be none, the grant is all-inclusive.

Joy I. Nash asked when the grant would be forthcoming. Mr. Rupp stated that the grant would be available some time in May of 1984.

Joy I. Nash asked under whose supervision this program would be monitored. Mr. Rupp stated that the application was joint between District IX HRDC and Rocky Mountain Development Council. Mr. Rupp stated that his office would be the on-line supervisor in Bozeman.

Joy I. Nash asked where the Head Start program would be located. Mr. Rupp stated that he appeared before the City Commission last evening at a public hearing regarding the use of the Beall park building for the Head Start program. Mr. Rupp states that if they are not successful in obtaining this building, they would probably need to approach religious



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institutions for a site.

Joy I. Nash asked what other communities in Montana had Head Start programs. Mr. Rupp stated that all eight Indian Reservations have Head Start programs and there are fourteen other cities who have the Head Start program including Billings, Great Falls, Helena, Missoula, Butte, Kalispell, Havre and Glendive.

Joy I. Nash asked what type of staff would be needed to operate the program. Mr. Rupp indicated that the program would result in about nine full time positions, which range between a nurse, teachers and teacher aides, and social service coordinators.

Joy I. Nash asked how many children would be involved in the program. Mr. Rupp stated that they are anticipating between 40 to 60. The HHS has identified 275 eligible children in Gallatin County. The children will receive either a hot breakfast and a hot lunch, or a hot lunch and one snack per day which will provide them with 2/3 of their daily requirements. The nurse would also be there to identify any type of medical problem that may be present. The program is also required to be available to any children with special learning disabilities.

Mr. Rupp states that the Head Start program requires parental involvement. It requires that the parent donate roughly four hours per week of their time to the program. It is not a day care service, it is early educational development.

Transportation is also provided for these children either through car-pooling, and if this is not feasible, the Senior Transportation Bus will be made available.

Wilbur Visser made a motion to submit a letter of support to Mr. Rupp for the Head Start program, seconded by Joy I. Nash, none voting nay. The motion carried.

The letter reads as follows:

The Gallatin County Board of County Commissioners is pleased to offer support for District IX H.R.D.C.'s application for a Head Start program.

By creating an environment which promotes the social, intellectual, physical and emotional development of low-income children, this Program will make a substantial contribution to our community.

We look forward to the continuation of this valuable and worthwhile Program.

- - - -

There being no further business, the meeting adjourned at 1:50 P.M.

ATTEST:

*Jay H. Pringle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

- - - -

The following are the quarterly securities submitted by the County Treasurer for the quarter ended September 30, 1983:

\$10,298,271.31 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

Pass Book		\$	8,207.05
First Natl #1			2,567,770.84
First Natl #2			.00
Checking			24,988.52

N J Ser	5.60	7/1/93	200,000.00
MD and Ser	5.50	7/15/93	200,000.00
Or Ser 55	5.60	7/15/93	150,000.00
Brighton MI	5.75	5/1/91	100,000.00
Saline MI	5.40	5/1/91	100,000.00
Novi MI	6.60	8/1/90	100,000.00
Arundel	6.25	12/1/89	100,000.00
Dawson	5.00	1/1/92	50,000.00
WA Ser	5.50	4/1/93	50,000.00
Park Cty	5.90	6/15/93	30,000.00
Gall Mt 1976	8.00	1/1/88	80,000.00
Gall Mt 1974	5.90	1/1/87	40,000.00
Fairfax Cty	5.20	5/1/93	250,000.00
King Cty	5.50	6/1/93	150,000.00
Co of Cook	5.60	11/1/92	100,000.00
Gall Mt 1974	6.00	1/1/89	40,000.00
Ill Ser A	5.25	5/1/93	200,000.00
Arundel 9285	5.70	2/1/94	150,000.00
Florida Educ.	5.20	1/1/92	100,000.00
Hawaii St	5.90	2/1/94	200,000.00
New Jersey St	5.10	6/1/92	175,000.00
Cook Cty	5.75	11/1/93	200,000.00

FIRST SECURITY BANK OF BOZEMAN

CREDIT BALANCE

		\$	10,040.16
2861	4.09	6/10/87	2,000.00
2862	4.09	6/10/85	2,000.00
2873	4.09	6/10/86	2,000.00
2874	4.09	6/10/84	2,000.00
U.S. Treas Note	7.975	5/15/86	75,000.00

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
6722	6.70	6/1/85	110,000.00
6725	4.80	6/1/86	200,000.00
6730	6.75	11/1/84	100,000.00
6731	5.00	10/15/83	100,000.00
20941	5.00	10/1/83	10,000.00
20962	5.20	4/1/87	25,000.00
3370		7/1/87	10,788.75
3371		7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3377		7/1/85	10,788.75
3378		7/1/86	10,788.75
3379	5.00	9/1/92	25,000.00
4012	5.35	7/1/86	9,000.00
4013	4.75	12/1/88	10,000.00
4015	5.50	9/1/85	25,000.00
6000	7.25	9/1/88	120,000.00
PL 2389	5.25	6/1/86	9,000.00

MONTANA BANK OF BOZEMAN

#577529  
 #712388  
 Checking

683	4.34	8/1/84	1,500.00
821	3.70	7/1/84 & 85	6,400.00
1011	5.75	7/1/84 - 89	48,000.00
1012	4.50	7/1/86 & 87	8,000.00
1013	4.10	7/1/84 & 85	1,500.00
1014	5.75	7/1/84 - 86	3,000.00
27262	4.25	7/1/86	10,000.00
28149	4.30	7/1/84	1,000.00
28150	4.30	7/1/84	500.00
28151	4.30	7/1/84	2,000.00
28681	4.70	7/1/88	25,000.00
28682	4.50	7/1/86	15,000.00
29376	4.30	7/1/84	1,000.00
30987	5.20	7/15/88	50,000.00
300013	5.20	3/1/88	10,000.00
300014	5.00	1/1/89	10,000.00
300015	4.00	7/1/85	15,000.00
300016	4.70	12/15/86	16,000.00
300017		12/15/85	14,000.00
300021	4.75	12/15/86&87	14,000.00
300026	4.75	12/15/86&87	8,000.00
300031	5.00	1/1/86-88	45,500.00

WESTERN BANK OF BOZEMAN

VALLEY BANK OF BELGRADE

MANHATTAN STATE BANK

4910	5.15	9/1/84	25,000.00
4911	4.75	2/1/85	25,000.00
4912	4.80	2/1/86	25,000.00

SECURITY BANK OF THREE FORKS

333662	10.95	11/10/86	200,000.00
333657	8.00	2/15/85	300,000.00

FIRST SECURITY BANK OF WEST YELLOWSTONE

FIRST CITIZENS BANK OF BOZEMAN

9465		5/17/84	100,000.00
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EMPIRE FEDERAL SAVINGS & LOAN OF LIVINGSTON

9847	10.30	6/1/84	105,000.00
8340	9.30	12/1/83	100,000.00

OTHER BANKS

Commerce Trust			126,743.28
First Natl St. Paul			28.50
Norwest			9,196.20
Southgate State			2,586.88
First Trust Bozeman			187,747.15
First Security Bozeman			22,465.00
Cash in Office			161,275.96
School Investments			1,054,780.09
County Investments			3,686,408.98

CREDIT BALANCE

\$ 2,325,371.00  
 63,580.47  
 23,541.91

CREDIT BALANCE

\$ 2,208.84

VALLEY BANK OF BELGRADE  
 PLEDGED TO GALLATIN CO

CREDIT BALANCE

\$ 7,125.77

VALLEY BANK OF BELGRADE  
 10:21:10

CREDIT BALANCE

\$ 7,735.19

CCT #	SHORT NAME	BALANCE
27717	CARTER LAVON	21874.93
30283	KANIA BRUCE	34406.46
30596	DE HAAN WM	22084.16
30686	HESSE JEROME	20876.82
31390	GRIFFIS HAROLD	19788.31
31828	AUGER WILLIAM	11698.47
32117	ROLLS ARLEN	36157.35
32287	CLARKIN ED	34820.06
32479	GOYINS DON	35307.81
32722	SHEHEIN JAMES	52800.75
32728	GORSUCH PAUL	17484.60
32963	GUSTAFSON DAN	43472.52

CREDIT BALANCE

\$ 3,641.65

TOTALS 350772.24

CREDIT BALANCE

\$ \$3,160.97

COUNT 17

TOTAL CASH ON HAND: \$10,298,271.31

TUESDAY

THE 13th

DAY OF DECEMBER

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of December 6, 1983 be approved as written.

## ANNOUNCEMENTS

December 7, 1983

Joy I. Nash, Wilbur Visser and Emery Nelson, County Sanitarian, went to West Yellowstone to attend the West Yellowstone/Hebgen Lake Refuse District No. 2 meeting.

Authorized transfer of expenditures from 2761 201 410100 940 to 2450 000 420730 910 for land for the radio tower in the amount of \$2,000.00.

December 8, 1983

Received accounting for the care of prisoners for the month of November. This was for 131 prisoners at a total of 438 days totaling \$5,264.00.

Received A101 #3819 from West Yellowstone/Hebgen Basin Refuse District No. 2 in the amount of \$396.00 for garbage fees to the credit of Refuse District No. 2.

Received transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$75.00 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-330 be transferred to account 1000-213-410340-210 under general class (2) Maintenance and Support.

That the sum of \$150.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410900-320 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-370 be transferred to account 1000-202-410900-370 under general class (2) Maintenance and Support.

That the sum of \$899.00 as appropriated under general class (2) Maintenance and Support for account 8224-000-510100-368 be transferred to account 8224-000-510100-360 under general class (2) Maintenance and Support.

That the sum of \$637.00 as appropriated under general class (2) Maintenance and Support for account 8227-000-510100-368 be transferred to account 8227-000-510100-360 under general class (2) Maintenance and Support.

That the sum of \$637.00 as appropriated under general class (2) Maintenance and Support for account 8228-000-510100-368 be transferred to account 8228-000-510100-360 under general class (2) Maintenance and Support.

That the sum of \$1,138.00 as appropriated under general class (2) Maintenance and Support for account 8236-000-510100-368 be transferred to account 8236-000-510100-360 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 7th Day of December, 1983.

/s/ Joy I. Nash  
/s/ Ruthmary Tonn  
/s/ Wilbur Visser

December 9, 1983

Commissioners sat as a Welfare Board this date.

Received A101 #3818 from Montana Bank and First Bank Bozeman in the amount of \$37,295.82 for interest earned on CD's to the credit of various funds.

December 12, 1983

Received A101 #3836 from Dennis Phillippi in the amount of \$12.00 for rental of the gym at the Law and Justice Center to the credit of the Recreation Fund.

TUESDAY THE 13th DAY OF DECEMBER 19 83  
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The Bridger Canyon Zoning Commission held a hearing for the Crosscut Ranch compliance with their conditional use permit and modification of hours of operation. They were found to be in compliance with their conditional use permit and their hours were extended to 11:00 P.M. and the lunch hour.

Received transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$531.13 as appropriated under general class (1) Salaries and Wages for account 2360-260-460444-112 be transferred to account 2360-260-460443-112 under general class (1) Salaries and Wages.

That the sum of \$25.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-312 be transferred to account 1000-254-420600-210 under general class (2) Maintenance and Support.

That the sum of \$220.94 as appropriated under general class (2) Maintenance and Support for account 2710-201-410100-210 be transferred to account 2710-900-510330-513 under general class (2) Maintenance and Support.

That the sum of \$263.43 as appropriated under general class (2) Maintenance and Support for account 2710-201-410100-210 be transferred to account 2710-000-510100-360 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 12th day of December, 1983.

/s/ Joy I. Nash  
 /s/ Ruthmary Tonn  
 /s/ Wilbur Visser

December 13, 1983

Sent letter to Loy Carroll, County Treasurer, authorizing the following transfers of funds:

1. The sum of \$8,265.80 from fund 2130 to fund 2110 for the salaries of Neal Ross and Ivan Smith.
2. The sum of \$7,803.86 from fund 2130 to fund 2110 for the salaries of Gale Thompson and Pat Nash.
3. The sum of \$4,246.82 from fund 2130 to fund 1000 for the salary of Norman Stone.
4. The sum of \$8,493.67 from fund 2110 to fund 1000 for the salary of Norman Stone.
5. The sum of \$1,764.35 from fund 1000 to fund 2110 for the salary of Pat Nash.
6. The sum of \$46.70 from fund 1000 to fund 2180 for Nov. copier expense.
7. The sums of \$93.55 from fund 1000, \$1.30 from fund 2110 and \$2.35 from fund 2270, to fund 2190 for Nov. Savin expense.
8. The sums of \$2.90 from fund 2110, \$11.54 from fund 2120, \$19.60 from fund 2180, \$35.30 from fund 2190, \$9.05 from fund 2270, \$14.14 from fund 2290, and \$13.49 from fund 5020, to fund 1000 for Nov. supply expense.
9. The sums of \$33.15 from fund 2120, \$170.25 from fund 2180, \$119.60 from fund 2190, \$49.95 from fund 2270, \$263.36 from fund 2290, and \$33.15 from fund 5020 to fund 1000 for Nov. printing expense.
10. The sum of \$2,000.00 from fund 2450 to fund 2761 to correct p.o. 19473.
11. The sum of \$3,220.00 from fund 2271 to fund 2270 to correct posting error.
12. The sum of \$2,009.15 from fund 2710 to fund 2180 to correct posting error.
13. The sum of \$100.00 from fund 2710 to fund 2761 to correct posting error.
14. The sum of \$581.44 from fund 7050 to fund 7920 to record p.o. 21959.
15. The sum of \$402.76 from fund 2710 to fund 5020 to correct posting error.

Mary Kay Peck spoke regarding review of exemptions claimed on certificates of survey.

Nell McNeil has claimed the occasional sale exemption. Mrs. McNeil has not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Mike Money, Assistant Bozeman City Planner, spoke regarding proposed revisions to the City-County Subdivision Regulations. These are related to reviewing the exemptions claimed on certificates of survey. This pertains to appendix and Section 11 of the City-County Subdivision Regulations.

Mr. Money stated that the Planning Board heard this item at their meeting on December 8, 1983. Basically, the revisions are proposed to make the City-County Planning Regulations compatible with what has been adopted for the County. The review criteria is basically the same.

The question of review fees was raised at the Planning Board's meeting and Mr. Money states that the Board's decision was to have it compatible with the county and the county does not charge a review fee. Therefore, the city will not charge a review fee. The county retains the authority to sign off plats in the proposed regulations along with the option of delegating the authority for signing off plats to the Planning Director.

The Planning Board has voted unanimously to recommend approval of the proposed revisions.

Ruthmary Tonn asked for clarification on the statement that the review criteria is "basically the same". Mr. Money stated that there was one item that was changed to clarify a question relating to gift or sale to family member exemptions and occasional sale exemptions. The county regulations read that it would be considered an evasion of the act if the exempted parcel would leave more than one additional parcel of less than twenty acres. Mr. Money states that the proposed revisions have incorporated this same wording when referring to both types of exemptions.

Mr. Money states that in section 11 of the existing regulations, the plat sizes have been changed to fit with what is accepted by the Clerk and Recorder's Office.

Ruthmary Tonn made a motion to approve the amendments in the subdivision regulations for the City-County Planning jurisdictional area as worded for appendix A and Section 11, seconded by Wilbur Visser, none voting nay. The motion carried.

Steve Lere, Assistant Bozeman City Planner, spoke regarding an amendment to the City-County Subdivision Regulations concerning Section 15.5, Subdivision Fees. An increase is requested by the Planning Staff of approximately 1/3 to cover the costs of subdivision review. At present, the fees cover approximately 27% of the cost of review. The changes would be section 15.5-2 to read: "\$200.00 plus \$3.00 per lot to 100 lots, then \$1.00 per lot for each lot in excess of 100." At present, the fee is \$200.00 plus \$2.00 per lot. Section 15.5-3A is changed to read: "Amount paid upon submission of preliminary plat, \$125.00 plus \$3.00 per lot." At present, it is \$100.00 plus \$2.00 per lot. Section 15.5-3B is changed to read: "Amount paid upon submission of final plat, \$50.00 minimum plus \$1.00 per lot." At the present time it is \$40.00 minimum plus \$1.00 per lot. Section 15.5-4 was also requested to be changed to \$100.00 for corrections to plats and surveys for review. The Planning Board did not agree to this change. This has been stricken from the amendment.

Ruthmary Tonn made a motion to approve the amendment to the City-County Planning jurisdictional area subdivision regulations to adjust the fees in section 15.5-2 and 15.5-3 a and b, as approved by the Planning Board. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

Jim Monger spoke regarding the proposed expansion of the Three Forks Airport. Mr. Monger states that since this was brought to the Commission's attention at their November 29, 1983 public meeting, a commitment has been received by the FAA stating that should the county commit themselves to the 10% matching funds, the FAA would allocate monies in the early part of 1984 to purchase the necessary lands to provide for future expansion of the airport.

Ruthmary Tonn stated that she was not aware of how widely used the airport is. Mr. Monger states that at the time the Master Plan was created, an estimation was done of the amount and type of traffic. At the present time, there are 15 airplanes owned and based in Three Forks and this is anticipated to grow to 33 within ten or fifteen years. At the present time, the growth is restrained due to the condition of the sod runway. The type of activity is local commerce, serving Cyprus and other industry within the area, as well as cattle buyers, farmers, ranchers, hunters, fisherman, etc. The major activity at the airport is crop spraying.

Ruthmary Tonn asked what difference it would make to have the improvements done on the airport as far as the numbers using it and the types of aircraft that could land there. Mr. Monger stated that it would allow for more aircraft to come in. Not all aircraft are able to use the airport on a hot summer day or when the runway becomes wet. The activity is restricted because the runway has been determined to be substandard. Mr. Monger states that the proposed improvement will sustain the existing traffic and increase a new type of traffic.

Ruthmary Tonn states that the county will be obligating itself to 10% which is \$90,000. This would involve some sort of county-wide participation and she does not understand the county-wide benefit of investing \$90,000 into the Three Forks Airport. Mrs. Tonn states that the Commission has received comments from taxpayers by telephone who are opposed to any type of mill levy to cover the county's cost of the improvements.

Mr. Monger states that the 10% share is based on a five year program. The entire amount would not have to be borrowed at once. Mr. Monger states that if the Commission chooses only to go on a one year program, which would be the acquisition of the land, it would cost the county approximately \$15,000 as their 10% share. Mr. Monger states that the \$90,000 loan would be the "ideal situation" but the county could certainly get by with \$15,000 initially and confront the same decision year after year as the FAA contributes its share.

Ray Tocci, Chairman of the Gallatin County Airport Board, stated that the Master Plan came about through a discovery that the airport had no set clear zone for landing and taking off. The proposed improvements are included in the Master Plan which has been accepted by the FAA, the County and the Airport Board. After a meeting attended by the FAA and State Aeronautics people as well as the Airport Board, the FAA contacted the Airport Board and stated that they felt there was a need to develop the airport and that the Master Plan should be

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implemented.

Ruthmary Tonn asked whether there was a time restriction on how soon the offer of the FAA would have to be accepted. Mr. Tocci states that it is possible that this opportunity would not arise in the future due to changes in personnel, etc.

Mr. Monger stated that the FAA had indicated to him that if the paperwork was not in order by the first week in January, then the monies tentatively allocated for Three Forks would be put back into the state's funds for distribution to other communities.

Mr. Tocci stated that the 90% share contributed by the FAA is not generated through general tax monies. It is all generated by gasoline taxes and other user fees by the aviation industry.

Roger Stradley, a user of the airport, states that in his occupation as crop sprayer, he does a tremendous amount of work out of the Three Forks Airport. As well as serving Gallatin County, Broadwater and Madison Counties are served from the Three Forks Airport. Mr. Stradley states that work begins in April and continues into November. Mr. Stradley states that with a loaded airplane on a hot summer day it is sometimes difficult to take off and land because of the runway length.

Joy I. Nash stated that the Commission would discuss this matter further and come to a decision soon.

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Mike Sand, spoke regarding road design in the Kirk Michels Minor Subdivision. Mr. Sand spoke on behalf of himself and Kirk Michels, who is developing the minor subdivision. At the public meeting held on November 22, 1983, the Commission had requested that Mr. Sand provide them with further information regarding the use of the State land adjacent to the property owned by Mr. Michels.

Mr. Sand submitted a copy of a letter from Reed Lommen of the Dept. of State Lands in which it states that the State has no interest in developing the road to the property line. The State land is already served by a county maintained road, that being Thorpe Road. The land is served on the south and the west by this road. Mr. Sand cited section 6.d.2 of the county subdivision regulations which states: "When a new subdivision adjoins unsubdivided land and reasonable access thereto must pass through the new subdivision, streets and rights-of-way shall be provided so as to allow suitable access to the unsubdivided land." Mr. Sand states this is what he believes the road department is referring to when they requested Mr. Michels to build the road to the state property line. Mr. Sand does not believe that this section applies in this instance because the State has access via Thorpe Road. Mr. Sand does not feel that the extension of the road an additional 200 feet is required in this circumstance.

Ruthmary Tonn asked whether an easement would be provided for the additional 200 feet in the event a road would ever have to be built. Mr. Sand stated that the easement would be granted. The state land is presently being leased as agricultural land with the lease expiring in 1986. There are presently no pending requests for trade of the state land.

Ruthmary Tonn made a motion to amend the preliminary plat requirement so that an easement is provided to the state's property line, and that the actual road construction would end in a cul-de-sac that will service the last two lots. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Jerry Cashman, a member of the Recreation Advisory Board, spoke regarding continued county participation in recreation. Mr. Cashman stated that the Advisory Board is seeking the cooperation of the three government bodies, the County, the City and the School District, for participation in the Recreation Department. Mr. Cashman submitted a survey of the usage of organized recreation within the County. According to the numbers of the survey, the demand for organized recreation within the County and the City is very great. Mr. Cashman states that there are a number of people who are being denied an opportunity to play softball or soccer because there are not enough facilities. It is apparent that there is a need for more fields to provide space for these types of recreational facilities.

Mr. Cashman states that the Advisory Board also feels that there is a need to develop the park lands in some of the rural subdivisions. Mr. Cashman states that there is a possibility of selling some of the undesirable park lands, centralizing the funds, and developing the more desirable park sites.

Mr. Cashman stated that a way to accomplish some of these needs would be for the County to help provide for multi-use facilities. Mr. Cashman suggested that this could be done by the county donating land or funds for land so that these sites could be developed. Possible sites that have been suggested are at the county fairgrounds, the land surrounding the Law and Justice Center and other vacant land surrounding Bozeman. Mr. Cashman states that these facilities should ideally be located close to the population centers where the users are located.

Mr. Cashman stated that there are volunteers that are willing to provide their efforts to develop these sites. He cited the example of the Softball Complex and the Little League Baseball Fields which were developed by volunteers primarily.

Mr. Cashman states that it is the intention of the Recreation Advisory Board to seek complete cooperation between all government bodies involved to provide a positive recreation plan for all county residents.

Marla Stannebein of the League of Women Voters, read a letter of support for Gallatin County government participation in providing parks and recreation programs for county residents.

Del Straub, representing the Gallatin Valley Sports Council, read a resolution passed by the Sports Council at their quarterly meeting. This resolution cited the Council's disappointment with the County Commission's action to withdraw from the Interlocal Agreement. It also acknowledged the potential requirement for the City of Bozeman to impose user fees

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 13th DAY OF DECEMBER 19 83

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on county residents residing outside the Bozeman city limits.

Michael Wells, President of the Bridger Nordic Ski Club, expressed his opinion that the county and the city should cooperate in any formulation of a plan for countywide recreation.

Marty Weaver, a county resident, submitted a statement for the Commission's consideration. Mrs. Weaver stated her family members are users of city recreational facilities and she would like to help support recreation in the county and she feels it is part of her responsibility.

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Grace Bates, former President of the Gallatin County Historical Society, spoke regarding the lack of parking spaces available for the Historical Society's use. She states that there had been a verbal agreement regarding the use of the parking spaces formerly used by the Sheriff's Dept. when it was housed in the building. At that time, the Sheriff's Dept. used the four spaces between the Courthouse and the old jail and two spaces on Main Street. There were also three or four in the back of the old jail. Mrs. Bates states that there was also the feeling that they would have the parking spaces that were allotted for the jury when they met at the Courthouse. This was all a verbal understanding with the previous Commission. Mrs. Bates states that there must be room for parking if a Pioneer Museum is to be open to the public. There is presently no designated parking for the Historical Society and Pioneer Museum.

Mrs. Bates states that even though the Museum is open to the public only two days a week, there is a great deal of work going on in the building at other times during the week.

Joy I. Nash asked whether there was parking available in the alley directly behind the building. Mrs. Bates stated that the apartment in the building is being rented and this space should be provided for the person renting the apartment.

Ruthmary Tonn stated that there are three additional spaces behind the apartment. Mrs. Tonn states that the first priority must be to provide space for county employees and for the public. Mrs. Tonn states that the county parking lot is always full. Mrs. Tonn stated that she is not in favor of taking any county parking spaces away and designating them to the Historical Society. She states that she would be in favor of designating the three spaces behind the residence as Historical Society parking. Mrs. Tonn stated that there are also parking spaces available behind the house next to the Food Bank which are public parking and there are three sanitarian designated parking areas and that one of those could be removed as there are only two sanitarians. A letter will be sent designating the three parking spaces behind the building as Historical Society parking.

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Quarterly securities were checked with the County Treasurer and found to be in order as entered into the minutes on December 6, 1983.

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There being no further business, the meeting adjourned at 2:40 P.M.

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ATTEST:

*Gay St. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

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TUESDAY, THE 20th DAY OF DECEMBER, 1983 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Ruthmary Tonn, seconded by Wilbur Visser, none voting nay, that the minutes of December 13, 1983 be approved as written.

ANNOUNCEMENTS

December 14, 1983

Received the following A101's:

#3856 from the St. Dept. of Institutions in the amount of \$7,494.00 for monthly distribution of earmarked alcohol tax funds to the credit of the Alcohol Fund.

#3849 from St. Dept. of Revenue in the amount of \$599.70 for incentive payments collected for child support from other states to the credit of the General Fund.

#3848 from St. Dept. of Revenue in the amount of \$31,962.40 for corporate license tax re: Montana Bank of Bozeman reflecting adjustments to 1979 and 1981 tax and for taxes paid for 1982 to the credit of various funds.

#3874 from the First Lutheran Church in the amount of \$12.00 for rental of the Law and Justice Gym to the credit of the Recreation Fund.

December 15, 1983

Routine business this date.

December 16, 1983

Wilbur Visser attended the Audit Committee meeting.

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Wilbur Visser attended the Weed Board meeting.

Joy I. Nash played piano for the Christmas Program at the Ophir School.

Joy I. Nash discussed revised guidelines for the County Chemical Dependency and Alcohol Program four year plans and annual updates with Mike Ruppert, new director of Gallatin County Alcoholism Services and Gary Gullickson, Director of the Second Story Drug Program.

Received A101 #3877 from Tom's Vending Machine in the amount of \$14.00 for share of funds from vending machine located in the lobby of the Courthouse to the credit of machine and equipment rental.

December 19, 1983

Received A101 #3890 from St. Dept. of Revenue for distribution of wine tax in the amount of \$308.51 to the credit of the General Fund.

Margaret Brown, Superintendent of Schools to be out of state beginning December 21, 1983 and returning January 3, 1984.

December 20, 1983

Wilbur Visser attended the Board of Health meeting.

Received Constables Report as follows for the month of November: Papers received were 100, papers processed were 99, service charges paid to the Justice of the Peace were \$462.50, mileage charges paid to the Justice of the Peace were \$226.80.

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Mary Kay Peck spoke regarding review of exemptions claimed on certificates of survey.

Willis and Norma Daniel are claiming the exemption for sale to member of the immediate family. They are conveying a 2.222 acre parcel to their son. The survey shows that they are creating only one additional parcel. Based on the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to certify the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Alwin Thompson and William Spring, Jr. are claiming the agricultural exemption. Mr. Thompson and Mr. Spring had assumed that the East Gallatin Road was the boundary between their properties and they have been farming a small parcel of each other's property for years and years. They would like to have this error corrected. To do so, they would be creating a 2.509 acre parcel and a 2.724 acre parcel which they would exchange and the road would then become the property boundary in fact. Mr. Thompson and Mr. Spring have submitted a covenant which the County Commissioners would also be party to which has been customary for the agricultural covenants. Mr. Thompson and Mr. Spring state that they will limit the use of the land to agricultural purposes and that no building or structure which requires water or sewage facilities would be erected or utilized on either of those two parcels. Based on the information submitted, this appears to be a proper use of the agricultural exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash read a letter from John Paugh, President of the Gallatin Sheep Association as follows:

The Gallatin Sheep Association takes this opportunity to request funds for the Predatory Animal Fund as in past years. Twenty five hundred dollars has been appropriated from B L M in lieu of taxes funds in the past several years. These funds along with the county sheep tax, state and federal funds will maintain adequate staff for all predatory animal control in the county.

The livestock industry several years ago supported legislation to have a portion of funds collected for grazing on public lands revert back to county governments in lieu of taxes. This has been in the past considered an appropriate use for these funds.

Ruthmary Tonn stated that it was her understanding from what Mr. Paugh had discussed with the Commission that Mr. Paugh had spoken with the Commission prior to budgeting and that he thought the request for funding was in prior to the budget being set. This is something that has been approved for the past several years. No monies were allocated in either Revenue Sharing or PILT for this program. Mr. Paugh is requesting the funds at this time for this budget year. Mrs. Tonn states that the Commission has explained to Mr. Paugh that his request for any budget request should be submitted in writing in June.

Ruthmary Tonn made a motion to allocate \$2,500 from PILT to Predatory Animal Control, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash made an announcement of board vacancies as follows:

Belgrade City-County Planning Board - Two Year Terms of John Miller and Eugene Graf, III expiring December 31, 1983.

Manhattan City-County Planning Board - Two Year Terms of Howard Harmon and Carl Hanson expiring December 31, 1983.

Bozeman City-County Planning Board - Two Year Terms of Joel Shouse and Dan Kamp expiring December 31, 1983.



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Fair Board - Three Year Terms of John Smith and Ray Meyers, Jr. expiring December 31, 1983.  
 Tax Appeal Board - Three Year Term of Lewis Arnold expiring December 31, 1983.  
 Willow Creek Mount Green Cemetary Board - Three Year Term of Jack Cooper expiring December 31, 1983.  
 Manhattan Meadow View Cemetary Board - Three Year Term of Paul Skinner expiring December 31, 1983.  
 Pedestrian Traffic Safety Committee - Two Year Term of Earl Best, expiring December 31, 1983.  
 Refuse District No. 1 Board has an opening in the area of Monforton School District No. 27 west of Jackrabbit Lane and North of Norris Road.

There being no further business, the meeting adjourned at 1:55 P.M.

ATTEST:

*Gary St. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 27th DAY OF DECEMBER, 1983 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Shelley Heiser, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of December 20, 1983 be approved as written.

ANNOUNCEMENTS

December 21, 1983

The Commissioners judged the door Christmas decorations at the County Rest Home. Winners were:

1. May Maloney - Marie Roseberry
2. Girlie Rogers - Ada Hannon
3. Evelyn Rae - Lena VanAusdol

Joy I. Nash and Wilbur Visser attended the Open House at the Law and Justice Center to view the new radio communications system.

December 22, 1983

Employee Christmas Buffet was held in the Courthouse Community Room.

December 23, 1983

The Commissioners met as a Welfare Board.

Received list of new employees as follows:

- Evolyn Gomon, Housekeeping Aide, Rest Home, \$3,7402/hr., 11/30/83.
- Mary E. Reed, Kitchen Aide, Rest Home, \$3,7402/hr., 11/21/83.
- Dean Pliley, Kitchen Aide I, Rest Home, \$3,7402/hr., 11/19/83.
- Connie Thompson, Nurses Aide I, Rest Home, \$4.6159/hr., 11/29/83.
- Ramona Engel, Nurses Aide I, Rest Home, \$4.6159/hr., 11/21/83.
- Rhonda Kohrs, Staff Nurse, Rest Home, \$7.9221/hr., 12/28/83.
- Lynda Abeyta, Nurses Aide, Rest Home, \$4.6159/hr., 12/19/83.
- Annette Roth, LPN, Rest Home, \$6.7480/hr., 12/20/83.

Received transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-210 be transferred to account 2180-208-410335-370 under general class (2) Maintenance and Support.

That the sum of \$4,875.00 as appropriated under general class (3) Capital Outlay for account 2710-000-440320-940 be transferred to account 2710-900-411240-940 under general class (3) Capital Outlay.

That the sum of \$210.00 as appropriated under general class (1) Wages and Salaries for account 2270-840-440150-110 be transferred to account 2270-840-440150-397 under general class (2) Maintenance and Support.

TUESDAY THE 27th DAY OF DECEMBER 19 83  
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That the sum of \$365.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-513 under general class (2) Maintenance and Support.

That the sum of \$239.30 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-364 be transferred to account 2110-307-430230-590 under general class (2) Maintenance and Support.

December 26, 1983

LEGAL HOLIDAY - CHRISTMAS

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Mary Kay Peck, Subdivision Review Officer, spoke regarding review of exemptions claimed on certificates of survey.

Ted and Ethel Wendell have claimed the occasional sale exemption. The parcel was originally created through the use of the occasional sale exemption when certificate of survey No. 287 was filed in 1977. In addition, since then a .519 acre tract was split off of the original tract from COS 287. If this exemption is approved, this would be the third parcel created without review from the original tract.

In Appendix E of the subdivision regulations it states that the proper use of the occasional sale exemption is to create a single division of a parcel from any tract. In addition, the subdivision regulations state that the governing body shall declare the proposed division to be an evasion of the act if the proposed new parcel is part of the parcel that was created by the occasional sale exemption. Based on the information submitted and the prior history of the tract, this does not appear to be a proper use of the occasional sale exemption.

Ruthmary Tonn made a motion to declare the creation of this parcel to be an evasion of the subdivision regulations and deny the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash spoke regarding the renewal of a contract agreement with Management Associates of Helena and the Board of County Commissioners. Management Associates provides labor relations service and consultation. This service is provided for the amount of \$4,800.00 and the contract is in effect from January 1, 1984 to January 1, 1985.

Ruthmary Tonn stated that Management Associates had been very cooperative and helpful in many areas and that it would be beneficial to enter into the contract again.

Wilbur Visser made a motion to renew the contract with Management Associates, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:50 P.M.

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ATTEST:

*Gary St. Dingle*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

TUESDAY, THE 3rd DAY OF JANUARY, 1984 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of December 27, 1983 be approved as written.

ANNOUNCEMENTS

December 27, 1983

The Board of County Commissioners entered into litigation on behalf of the Gallatin County Detention Center and have authorized County Attorney Mike Salvagni to take necessary steps to pursue this matter.

December 28, 1983

Routine business this date.

December 29, 1983

Interviewed Ken Gilbertson for a vacancy on the City-County Planning Board.

A reception was held in the Community Room of the Courthouse for retiring employee Mabel Francis. Mrs. Francis was an employee in the Gallatin County Treasurer's Office for 17 years.

Received A101 #3949 in the amount of \$42.00 as follows: Dr. Stephen Forte, \$36.00; Ronald Marks, \$12.00. This was for Law and Justice gym rental to the credit of the Recreation Fund.

TUESDAY THE 3rd

DAY OF JANUARY 19 84  
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BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

December 30, 1983

The Bridger Canyon Planning and Zoning Commission met to consider modification of conditional use permit issued February 17, 1983 extending the hours of operation for the Crosscut Ranch. By a unanimous vote, the Commission extended the evening hours to 2:00 a.m. to coincide with the State mandated closing time.

Received A101 #3954 from John Depuydt in the amount of \$6.00 for rental of the Law and Justice Center gym to the credit of the Recreation Fund.

Wilbur Visser has been appointed by Governor Ted Schwinden to the Infrastructure Task Force. The purpose of the task force is to assess state and local governments infrastructure problems and to make recommendations to address them.

January 2, 1984

LEGAL HOLIDAY - NEW YEARS

January 3, 1984

Held monthly department head staff meeting.

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Mary Kay Peck spoke regarding exemptions claimed on certificates of survey.

James B. Peter and J. William Maloney have claimed the occasional sale exemption. Mr. Peter and Mr. Maloney have not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Fred F. Bahnson has claimed the security for construction financing exemption. Dr. Bahnson has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Empire Federal Savings and Loan has certified that the creation of the mortgage parcel is necessary to secure a construction loan. From the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Dallace Moore and Archie Kelley are claiming the occasional sale exemption. Mrs. Moore and Mr. Kelley have not taken a prior occasional sale. The original tract was not created through the use of the occasional sale exemption, and the exemption creates only one parcel. In addition, an agricultural covenant is being placed on an adjacent 19.021 acre parcel. This parcel is part of the Moore farm. Based on the information submitted, these appear to be proper uses of the occasional sale and agricultural exemptions.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash announced that this was the time for the public hearing regarding funding improvements to the Three Forks Airport.

Ray Tocci, Chairman of the Gallatin County Airport Board, spoke in favor of the proposed improvements to the Airport. Mr. Tocci reiterated points brought out in his testimony at the Commission's public meetings on November 29, 1983 and December 13, 1983. Mr. Tocci stated that at present there is no set "clear zone" around the airport and that subdivided land is creeping closer to the airport boundaries. Some action must be taken to preserve the airport and keep it from becoming crowded out. At present, there is land to the south that is up for sale.

Paul Newby of Ag Wagons, Inc. located at Gallatin Field spoke in favor of the proposed improvements. Mr. Newby states that he is an agricultural operator and uses the Three Forks Airport on a seasonal basis. Mr. Newby submitted a listing of the billing address and the number of acres accomplished for a given customer during the 1983 growing season. He notes that the majority of the addresses are in the Manhattan area, with a few Townsend, Toston, and Three Forks addresses. Mr. Newby states that he does not have a figure of how much of this work was done out of the Three Forks Airport; however, he estimates that 1/3 of the volume was done from the Three Forks Airport. He states that there are five other agricultural operators that use the airport and he points out that he uses the airport less than these other five. In terms of economic contribution in Mr. Newby's case, this usage translates to approximately \$50,000 gross.

Mr. Newby states that time is of the essence in his profession and that he tries to get as close to the job as he can to reduce his flying time. Mr. Newby states that Three Forks lies in the middle of the area that he services. Mr. Newby states that if he were to lose the availability of the Three Forks Airport, his non-productive flight time will possibly be doubled. Mr. Newby states that the Three Forks Airport has value to every agricultural operator.

Mr. Newby states that in its current condition, the airport is somewhat of a deterrent and he avoids it some of the time. Because of the runway length, he cannot carry the maximum loads he needs during certain times of the day. Mr. Newby states that if the proposed improvements are made to the airport, he would be able to continue operating at maximum efficiency throughout the usable time of the day.

Jack Rochford, President and Chairman of the Board at Security Bank of Three Forks, spoke in favor of the proposed improvements.

TUESDAY THE 3rd DAY OF JANUARY 1984  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Jim Monger wished to inform the Commission that the FAA has stated that the federal funding will be available for this project once the FAA can be assured that the sponsor has the needed 10% committed for the project.

John Schunke of Morrison-Maierle states that in accordance with the Master Plan, the present site of the Airport is the most desirable. Mr. Schunke states that this is the time to act because it is not certain whether the funds from the FAA will be available in the future. Mr. Schunke respectfully requested the Commission's support of the project and stated that he feels Gallatin County will significantly benefit from this project.

Ted Mathis, Airport Manager at Gallatin Field, stated that the Gallatin County Airport Authority is in favor of improvements to the Three Forks Airport. Mr. Mathis states that in his experience in the airport management business, he has seen airports throughout the United States close because of encroachment of development around the airport.

Victor Surdahl stated that he had no real interest as far as flying, only that his wife's parents donated about 1/3 of the ground to the airport for a very small fee. This was done about 35 years ago. He would personally like to see it developed. Mr. Surdahl states that he also owns land adjacent to the airport and is in the process of having it subdivided.

Ron Brown, a City Commission member from Three Forks, stated that the City Council in Three Forks is in favor of the airport project. They feel it would be detrimental to the area as far as the economic basis if the airport were lost. Mr. Brown also pointed out that during the time he was Airport Manager, there were two emergency landings at the Three Forks Airport. He feels that lives were saved because the facility was available.

Ruthmary Tonn asked Mr. Brown whether the City Council has talked about having the City share in the financing of the 10% share. Mr. Brown stated that this has been discussed and the City is taxing at the maximum mill levy it is able to tax. Mr. Brown states that they do not know where the money would come from.

Joy I. Nash stated that Gene Townsend, Mayor of Three Forks, had telephoned and stated that the City is willing to trade or sell excess ground. Mr. Brown stated that the second runway known as the cross-wind runway and the area that adjoins it, consists of approximately 40 acres of ground. The City has stated that it would not be opposed to selling the ground to help fund the project or to trade it with someone.

Frank Handley, a resident of Three Forks, stated that he uses the airport numerous times throughout the year, basically for agricultural purposes.

Randy Thoreson, Planning Consultant, stated that he prepared the Master Plan for the Airport. He states that he would like to see the expansion because it would alleviate any problems within the subdivided lands and the clear zone.

Joy I. Nash stated that she received a telephone call from Phil Hargas of Cyprus Industries and he states that he fully supports the expansion of the airport as a means of salvaging it. Mr. Hargas supports it personally and as a representative of Cyprus.

Russ Estes, a resident of the Gallatin Canyon, spoke in opposition to the improvements to the Airport. Mr. Estes stated that he would like to see the expansion of the Three Forks Airport justified on the basis of its total cost. He feels it would be difficult to justify with Gallatin Field 25 miles away. He feels Gallatin County is served well by having the West Yellowstone Airport in the southern part of the county and Gallatin Field in the northern part of the county. Mr. Estes feels that any expansion or continuation of the airport at Three Forks should be done by the users; he feels it should become a private airport. He does not feel that this is a proper use of his tax dollars.

Mike Ward, a Bozeman resident, stated that he has heard testimony that the Three Forks Airport serves four counties; however, the taxpayers of Gallatin County would be expected to pay for the improvements, not the residents of the other three counties. Mr. Ward asked who would pay for the \$90,000 loan?

Ruthmary Tonn stated that if a mill levy were approved, it would be county-wide.

Mr. Ward stated that he opposed the proposal.

After asking for further public testimony, Joy I. Nash closed the public hearing.

Ruthmary Tonn stated that she cannot see justification for a county-wide mill levy. She feels that there are people in the county that would benefit, but she is not sure that it justifies a county-wide mill levy. She states that the county is in the same position as the City of Three Forks as far as being at maximum mill levy. Mrs. Tonn states that she would like to see the City do further research with regard to raising funds within the Three Forks area that could go into the pot and possibly a proposal made for PILT funds or Revenue Sharing funds that could be budgeted next July.

Wilbur Visser stated that all county residents are being taxed to the limit at the present time and he is not in favor of assessing a larger mill levy.

Joy I. Nash wished to read into the minutes that the Commission received a letter from Mr. Lohr, manager of Ideal Cement stating that Ideal Cement Company is opposed to any property tax increase, but supports the improvements to the Three Forks Airport.

Joy I. Nash stated that she is also opposed to any further increase in property taxes.

Ruthmary Tonn made a motion that the County Commission not agree to enter in the sponsorship and fund the 10% that would be required by the FAA to proceed with the expansion of the airport, seconded by Wilbur Visser, none voting nay. The motion carried.

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Randy Thoreson, spoke regarding a request for approval of the Krushensky Minor Subdivision. This subdivision is located 1½ miles southeast of Belgrade. This parcel is a 7 acre tract out of an original certificate of survey, tract B-1, being divided into five lots, all lots

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being more than one acre in size. This parcel is along Alaska Road, running adjacent to an old railroad right-of-way. The developer proposes using the railroad right-of-way for road access into his lots. The developer is aware that the road will have to be built to county standards.

Lot sizes are acceptable as per Department of Health. Park dedication is proposed as cash in lieu. Lot configurations are acceptable as long as the access is designated and built to county standards.

The sixty foot right-of-way is owned by Mr. Krushensky's father-in-law. A letter has been written to release the right-of-way and putting it in Mr. Krushensky's ownership. Mr. Thoreson submitted a copy of this letter.

The Planning Board recommends approval of this subdivision with eight conditions.

1. Proposed road be researched, designed and built as per County standards. Specific attention given to grade differential and existing borrow pit. That said road and drainage plans be submitted to the County Engineers Office prior to installation of improvements and all improvements be complete prior to final plat.
2. Proposed Road be named. That street sign placement plans be submitted to County Engineers Office.
3. Because of potential safety hazards, Lot 1 access off of the proposed new road serving the subdivision.
4. Necessary utility easements be shown along lot lines and noted on final plat.
5. That a provision be made to insure that all lots be kept weed free and treated in a husbandry-like manner and that all areas disturbed by construction be reseeded with preferred vegetation types.
6. That a \$35.00 per lot fee be paid to the Belgrade Rural Fire Department as cash-in-lieu payment to cover the cost of fire protection until construction can be picked up on the tax roles.
7. That the final plat meet current dedication and certification requirements.
8. That the final plat conform to the Uniform Standards for Final Subdivision Plats and be accompanied by an approval from the State Department of Health and Environmental Sciences, a platting certificate and a County Attorney's Certificate.

Robert Throssell questioned the purpose of the letter releasing the right-of-way.

Jerry Krushensky stated that the 60 foot right-of-way would be surveyed out and transferred as soon as approval of the subdivision was obtained.

Ruthmary Tonn made a motion to grant preliminary plat approval for the minor subdivision with the eight conditions that were approved by the Belgrade City-County Planning Board, plus the addition of condition no. 9 which would read, "That a deed be filed in the Clerk and Recorder's Office transferring ownership of the 60 foot access road to Jerry and Sherry Krushensky." This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Loy Carroll, County Treasurer, spoke regarding a request for waiver of penalty and interest on taxes paid by the Fish and Wildlife Service. Mr. Carroll states that he has received a payment of \$4,033.12 from the Montana Fish and Game Department for land in Gallatin County. He is also in receipt of a letter which states that this department is an agency of the State of Montana and is exempt from payment of property tax. Instead of payment of taxes, the department is authorized to make a payment on certain department lands in a sum equal to the amount of taxes which would be payable based on county assessment of the property, according to Montana statute. This statute does not include authorization to pay interest or penalty related to that payment.

Mr. Carroll states that the payment was received in December, the taxes themselves were due November 30, 1983. Mr. Carroll recommends that the Commission waive payment of penalty and interest because of the statute involved. The penalty and interest amounts to approximately \$75.00.

Ruthmary Tonn made a motion to waive the penalty and interest, seconded by Wilbur Visser, none voting nay. The motion carried.

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Ruthmary Tonn made a motion to reappoint John Miller and Eugene Graf, III for two year terms to the Belgrade City-County Planning Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Ruthmary Tonn made a motion to reappoint Howard Harmon and Carl Hanson for two year terms to the Manhattan City-County Planning Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Ruthmary Tonn made a motion to reappoint Joel Shouse and as a new appointment, Ken Gilbertson, for two year terms to the Bozeman City-County Planning Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Ruthmary Tonn made a motion to reappoint John Smith and as a new appointment, Tennie Bottomly, for three year terms to the Gallatin County Fair Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Ruthmary Tonn made a motion to reappoint Lewis Arnold to a three year term on the Tax Appeal Board, seconded by Wilbur Visser, none voting nay. The motion carried.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 3rd DAY OF JANUARY 1984  
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Ruthmary Tonn made a motion to reappoint Jack Cooper to a three year term on the Mount Green Cemetary Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Ruthmary Tonn made a motion to reappoint Paul Skinner to a three year term on the Meadow View Cemetary Board, seconded by Wilbur Visser, none voting nay. The motion carried.

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Ruthmary Tonn made a motion to appoint Joy I. Nash as Chairman of the Board of County Commissioners, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:50 P.M.

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ATTEST:

*Fay H. Pringle*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

- - - -

TUESDAY, the 10th DAY OF JANUARY, 1984 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Shelley M. Heiser, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Ruthmary Tonn, seconded by Wilbur Visser, that the minutes of January 3, 1984 be approved as written.

ANNOUNCEMENTS

January 4, 1984

Received Services Contract for Susan Lee Wilcox to perform duties as temporary cook at the Detention Center at the amount of \$4.84 per hour. This is for the period December 1, 1983 to June 30, 1984.

Received report of the Clerk and Recorder for the month of December, 1983 in the amount of \$17,182.80 for fees collected.

January 5, 1984

Received A101 #3979 from Ed's Auto Salvage for December 1983 yard lease in the amount of \$250.00 to the credit of the General Fund.

Received transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$662.72 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-220 be transferred to account 5020-000-440340-224 under general class (2) Maintenance and Support.

That the sum of \$128.22 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-224 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

That the sum of \$137.75 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-356 be transferred to account 5020-000-440340-356 under general class (2) Maintenance and Support.

That the sum of \$38.95 as appropriated under general class (1) Salaries and Wages for account 5020-000-440370-110 be transferred to account 5020-000-440370-130 under general class (1) Salaries and Wages.

That the sum of \$182.33 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-124 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-204-410531-320 be transferred to account 1000-204-410531-210 under general class (2) Maintenance and Support.

That the sum of \$20.00 as appropriated under general class (2) Maintenance and Support for account 1000-204-410531-320 be transferred to account 1000-204-410531-312 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed

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with the County Clerk and Recorder.

DATED THIS 5th day of January, 1984

/s/ Joy I. Nash  
/s/ Ruthmary Tonn  
/s/ Wilbur Visser

January 6, 1984

Robert Sybrant, Welfare Director, to be out of state beginning January 6, 1984 and returning January 30, 1984 for personal leave.

January 9, 1984

Met with Duane Johnson and Paula Stoll of Management Associates to discuss review of the county personnel policy.

Met with Dr. King and Jackie Stonnell of the Health Department to discuss subcontracts with the State and the Health Department.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding exemptions claimed on certificates of survey.

David Jackson and David Delap have claimed the relocation of common boundary lines exemption. Two structures were built on the original boundary line, and this survey corrects that error and provides the Delap property with access to the existing road easement. Based on the information submitted, this appears to be a proper use of the exemption. However, the property owners have not yet submitted the quit claim deeds as required by the Subdivision Regulations.

Ms. Peck states that everything is in order except for submitting the proper Quit Claim deeds.

Ruthmary Tonn made a motion to defer action until Quit Claim deeds are submitted, seconded by Wilbur Visser, none voting nay. The motion carried.

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Discussion was held regarding the proposed Gallatin County Golf Course. Those who spoke in favor of funding the proposed Golf Course included Ron Brown, President of the Gallatin Valley Golf Association; Mike Kirwan, Attorney; Steve Hamilton, Gallatin Valley Golf Association; Frank Handley, who donated approximately 50,000 cubic yards of topsoil; Charles Ansley, Superintendent of Schools in Three Forks; and Douglas Daniels, Belgrade. Also letters in favor of the Golf Course were received from Senator Leo Lane, Gene Spranget of Security Title of Gallatin County, Inc. who volunteered any title work needed, and Steve Barrett, Attorney.

Those who spoke against funding the proposed Golf Course included Ellen Nehring, Bozeman Youth Soccer League, and Ron Burgess, Surveyor. Joy I. Nash read a list of endorsements from local civic organizations including Three Forks Chapter of Gallatin County Historical Society, City of Three Forks, United Cement, Lime & Gypsum Workers Local Union 239 AFL CIO, Veterans of Foreign Wars, Three Forks Jaycees, Senior Citizens and Three Forks Chamber of Commerce. The following organizations pledged support and will forward written endorsements: Three Forks School District, Lions Club of Three Forks and Belgrade, Three Forks Fire Department, and Three Forks Saddle Club.

Joy I. Nash read from the county park and recreation law survey 76-3-606 (2). Such cash donation shall be paid into the park fund to be used for the purchase of additional lands or for the initial development of parks and playgrounds.

Ruthmary Tonn made a motion to award \$100,000 from payment in lieu of parks funds to the City of Three Forks for the proposed Gallatin County Golf Course. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, reported the redesign of Hostetter Minor Subdivision has met the eight public interest criteria. The following conditions were recommended.

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
2. That plans for roads, drainage and placement of street signs be approved by the County Engineers Office prior to installation of improvements.
3. That all improvements be installed prior to final approval.
4. That the developer pay the Rural Fire Department \$35.00 per lot to cover the initial cost of fire protection, prior to final approval.
5. That utility easements be shown or noted on the final plat.
6. That the final plat conform to the Uniform Standards for Final Subdivision Plats, and be accompanied by a certificate of approval from the State Department of Health, a platting certificate, a County Attorney's certificate, and a County Treasurer's certificate.
7. That cash-in-lieu of parkland dedication be donated prior to final approval, and that the developer provide an appraisal of the fair market value of the unsubdivided, unimproved property to determine the amount of payment.

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 BOZEMAN, MONTANA

8. That no additional access be permitted on Cottonwood Road, and that the subdivision road be named.

9. That the entire sixty feet of road be dedicated to the use of the public.

Ruthmary Tonn made a motion to approve the summary review for Hostetter Minor Subdivision including the nine conditions as listed. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Wilbur Visser made a motion to appoint Sam Gianfrancisco to the Pedestrian Traffic Safety Committee for a two year term. This motion was seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Sue Avery, representing District Judge Joseph B. Gary, requested a transfer of funds for purchasing a dictaphone instead of one of the tables that were previously requested. Ruthmary Tonn made a motion to grant the transfer from Revenue Sharing funds to buy a dictaphone instead of one table. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:30 P.M.

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ATTEST:

*Gary H. Single*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

- - - -

TUESDAY, THE 17th DAY OF JANUARY, 1984 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of January 10, 1984 be approved as written.

#### ANNOUNCEMENTS

January 11, 1984

Sent letter to Loy Carroll, County Treasurer, authorizing the following transfers of funds:

Loy Carroll  
 County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$86.35 from fund 1000, and \$4.65 from fund 2270, to fund 2190 for December Savin charges.
2. The sum of \$310.00 from fund 2761 to fund 2710 to correct for error in coding purchase order #20099.
3. The sums of \$10.96 from fund 2110, \$14.90 from fund 2120, \$11.70 from fund 2180, \$10.65 from fund 2190, and \$2.70 from fund 5020, to fund 1000 for December supply charges.
4. The sums of \$5.50 from fund 2120, \$128.40 from fund 2140, \$16.90 from fund 2180, \$13.50 from fund 2190, \$133.50 from fund 2270, \$298.80 from fund 2290, \$22.15 from fund 5020, and \$5.00 from fund 2440, to fund 1000 for December printing charges.
5. The sum of \$324.30 from fund 2110 to fund 8205 to transfer expense.
6. The sums of \$50.78 from fund 1000, \$98.18 from fund 2160, \$114.78 from fund 2190, to fund 2110 for November gas charges.
7. The sum of \$35.93 from fund 2190 to fund 1000 for November gas charges.
8. The sum of \$25.50 from fund 1000 to fund 2180 for December copier charge.

/s/ Joy I. Nash, Chairman  
 Board of County Commissioners

Received transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages," and (2) "Maintenance and Support," may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be



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effective on the date this Resolution is passed:

That the sum of \$538.50 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-224 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

That the sum of \$275.50 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-356 be transferred to account 5020-000-440310-356 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-370 be transferred to account 1000-295-470260-320 under general class (2) Maintenance and Support.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-210 be transferred to account 2140-000-431100-220 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 10th day of January, 1984

/s/ Joy I. Nash  
/s/ Ruthmary Tonn  
/s/ Wilbur Visser

Board of County Commissioners  
Gallatin County, Montana

Joy I. Nash, Wilbur Visser and Emery Nelson, Sanitarian, attended the West Yellowstone/Hebgen Lake Refuse District No. 2 meeting in West Yellowstone at 4:00 P.M.

Ruthmary Tonn attended the Advisory Board meeting of the Gallatin County Alcohol Services.

Received A101 #4016 from Mike Eide for rental of the Law and Justice gym in the amount of \$12.00 for credit to the Recreation Fund.

January 12, 1984

The Commissioners attended Weed Information Day held at the Law and Justice Center.

Received the following A101's:

#4045 from the Motor Vehicle Department in the amount of \$150.00 for fines and miscellaneous fees for the month of December, 1983 to the credit of the General Fund.

#4039 from the State of Montana - State Auditor in the amount of \$407.43 for distribution of wine tax for December, 1983 to the credit of the General Fund.

#4040 from State of Montana - State Auditor in the amount of \$6.00 for December incentive payments for child support collection from other states to the credit of the General Fund.

#4038 from State of Montana - State Auditor in the amount of \$7,494.00 for earmarked alcohol tax funds to the credit of the Alcohol Fund.

#4042 from Justice of the Peace Goan in the amount of \$10,442.02 for monthly report for the month of December, 1983 to the credit of various funds.

#4048 from West Yellowstone/Hebgen Basin Refuse District No. 2 in the amount of \$4,156.94 to the credit of Refuse District No. 2.

The Commissioners attended the Chamber of Commerce meeting with Chamber of Commerce Board of Directors, City/County Officials and Gallatin County legislators to discuss legislative issues to be considered in 1985 session.

January 13, 1984

The Commissioners met as a Welfare Board this date.

January 16, 1984

Mike Salvagni, County Attorney, was given permission to be out of state beginning January 15, 1984 for five days.

Received the following A101's:

#4075 from Gallatin Council in the amount of \$180.00 for yearly rental for the Worthy Cause Store to the credit of the General Fund.

#4076 from Dennis Phillippi in the amount of \$12.00 for rental of the Law and Justice Center gym to the credit of the Recreation Fund.

#4081 from Rick Ellison in the amount of \$6.00 for rental of the Law and Justice Center gym to the credit of the Recreation Fund.

Received services contract for Tyler Etzel to microfilm county treasurer's tax receipts for prior years. This is work for the Clerk and Recorder's Office from January 19, 1984 to March 31, 1984 at the rate of \$5.25 per hour.

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Mary Kay Peck spoke regarding exemptions claimed on certificates of survey.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 17th DAY OF JANUARY 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

John T. and Katherine Nash have claimed the relocation of common boundary lines exemption. Mr. and Mrs. Nash are selling three acres of land to their neighbors and have submitted a warranty deed transferring all interest in the newly created eight acre parcel. Based on the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Mitchell B. Nelson has claimed the security for construction financing exemption. Mr. Nelson has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Valley Bank of Belgrade has certified that the creation of the mortgage parcel is necessary to secure a construction loan. From the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Ruthmary Tonn stated that the improvements agreement for Godfrey Canyon Estates expires on January 18, 1984. Mrs. Tonn stated that the Commission had received letters of credit to secure the installation of the improvements. Thomas, Dean & Hoskins has submitted their estimation of what is left to be done and they estimate the cost to be \$28,600. A contingency of 25% for any fluctuation of the cost of installation brings the cost to \$35,750. The cost of hiring an engineer to oversee completion of the improvements is \$9,000 bringing the total to \$44,750. Mrs. Tonn recommends that the Commission take the security that guarantees the completion of the improvements, put out for bid what is left to be done in the spring, and get all of the improvements installed according to the original plan.

The Road Department has reviewed Thomas, Dean & Hoskin's estimate and feels that it would barely cover the cost but that it would be adequate with the 25% contingency. The water and sewer systems and well have been installed. The roads and the pump house are all that is left to be installed.

Wilbur Visser made a motion to take \$45,000 in security to complete the project and go for bid on it in the spring, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Julie Hintz of the Gallatin Food Bank requested renewal of the lease for the Food Bank located at 314 West Mendenhall. This is for the period November 10, 1983 through November 10, 1984. The yearly rent for the building is \$180.00. Ms. Hintz submitted proof of insurance coverage. Ms. Hintz stated that the Food Bank serves approximately 250 individuals a month.

Ruthmary Tonn made a motion to renew the lease for one more year, seconded by Wilbur Visser, none voting nay. The motion carried.

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Gary Pringle spoke regarding a request for a budget allocation increase. Mr. Pringle states that in calculating non-tax revenue received from cities and towns for election judge wages, he estimated he would receive approximately \$6,500. Mr. Pringle states that he has actually received \$7,600. Mr. Pringle states that in making his budget appropriations, the figure he used was \$1,540. Therefore, the budget will be short approximately \$5,000 to pay election judges for the Presidential primary in June. Mr. Pringle requests an additional \$5,000 for the budget.

Ruthmary Tonn states that budget appropriations cannot be changed. The Commission could consider making a loan from PILT; however, the amount would have to be paid back to PILT during the next budget year.

Ruthmary Tonn made a motion to loan \$5,000 from PILT to the Clerk and Recorder's Office to be used to pay election judges in June with the requirement that the Clerk and Recorder's Office will pay back the loan next fiscal year in their regular budgeting process. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Ken Mosby, Administrative Assistant, requested additional monies for a printing press. During the budgeting process for fiscal year 1984, \$11,500 was allocated from capital outlay for a new printing press. Bids have been obtained for the new printing press and the bid Mr. Mosby would like to accept is for \$11,560. Mr. Mosby appropriated \$1,203 for maintenance on the printing press. The bid submitted was for \$388 for annual maintenance. Mr. Mosby states that since all maintenance contracts are tied to the fiscal year, he would be over his appropriation in maintenance by \$1,038, and he would be short in capital outlay by \$60.00. Mr. Mosby is requesting \$60.00 additional appropriation. A transfer cannot be made from maintenance to capital outlay.

Ruthmary Tonn made a motion to approve a transfer of funds of \$60.00 from the Commission's outlay account to the Administrative Assistant's outlay account who will in turn transfer \$60.00 from his maintenance account to the Commission's maintenance account. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:55 P.M.

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ATTEST:

*Gary H. Dingle*  
 Clerk

APPROVED:  
*Jay I. Nash*  
 Chairman

TUESDAY

THE 24th

DAY OF JANUARY 19 84

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of January 17, 1984 be approved as written.

## ANNOUNCEMENTS

January 18, 1984

Solid Waste Resource Recovery meeting was held in the Community Room with Peccia and Associates of Helena. Delayed decision on whether to proceed with Phase II until March 15, 1984. Next meeting will be held March 15, 1984 at 1:30 P.M. in the Community Room.

Received the following A101's:

#4098 from Kenneth Tonn in the amount of \$12.00 for rental of the Law and Justice gym to the credit of the Recreation Fund.

#4102 from New Life First Lutheran Church in the amount of \$12.00 for Law and Justice gym rental to the credit of the Recreation Fund.

#4099 from Dyksterhouse and Vandermolen in the amount of \$45,000 for completion of Godfrey Canyon Estates roads to the credit of Godfrey Canyon Estates fund.

January 19, 1984

Joy I. Nash talked with Dorothy Decar-Shannon regarding the DUI Task Force to be appointed in the near future.

Ruthmary Tonn, Wilbur Visser and Robert Throssell, Deputy County Attorney, attended the Refuse District No. 1 meeting in Manhattan.

Joy I. Nash attended a meeting of the League of Women Voters. City-County elected officials and Gallatin County legislators spoke of issues being considered for 1985 legislative session.

January 20, 1984

Commissioners attended the Urban Coalition meeting at City Hall.

Received the following A101's:

#4113 from Montana Bank of Bozeman in the amount of \$1,802.74 for interest earned on CD's 19544 and 19545 to the credit of the Protest Fund.

#4117 from First Security Bank in the amount of \$905.78 for interest earned on CD 53504 to the credit of Revenue Sharing.

January 23, 1984

Received and signed application for admission to Montana Veteran's Home for John Herman Wenzel.

January 24, 1984

Received the following A101's:

#4131 from First Bank Bozeman in the amount of \$909.54 for interest earned on CD 18097 to the credit of the Poor Fund.

#4129 from First Bank Bozeman in the amount of \$900.92 for interest earned on CD 18095 to the credit of BLM Fund.

#4128 from First Bank Bozeman in the amount of \$899.96 for interest earned on CD 18094 to the credit of the Protest Fund.

#4132 from First Bank Bozeman in the amount of \$914.33 for interest earned on CD 18098 to the credit of the General Fund.

Received transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$26.62 as appropriated under general class (1) Salaries and Wages for account 1000-209-420230-110 be transferred to account 1000-209-420230-397 under general class (2) Maintenance and Support.

That the sum of \$60.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-121 be transferred to account 5020-000-440320-130 under general class (1) Salaries and Wages.

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BOZEMAN, MONTANA

That the sum of \$50.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-122 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$80.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-123 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$100.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-125 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$25.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-121 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 23rd day of January, 1984

/S/ Joy I. Nash  
/S/ Ruthmary Tonn  
/S/ Wilbur Visser

- - - -

Mary Kay Peck spoke regarding review of exemptions claimed on certificates of survey. David S. and Janette G. Rutledge and Sourdough Creek Properties have claimed the exemption for the relocation of common boundary lines. Mr. and Mrs. Rutledge are buying additional land from Sourdough Creek Properties to enlarge the size of their lot. Sourdough Creek Properties has submitted a warranty deed transferring all interest in the Rutledge's lot. Based on the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck spoke regarding a request for approval of an amended subdivision plat for Baker Creek Meadows. This is for division of a lot in the subdivision which received preliminary approval from the Commission as a minor subdivision in February of 1983. Four conditions were required at the time of approval.

1. That construction be confined to the area outside the flood plain and that it be noted on the final plat.
2. That the easements be shown on the final plat.
3. That the \$35.00 fee be paid to the Belgrade Rural Fire Department until the property can be put on the tax roles.
4. That the final plat conform to the uniform standards for final subdivision plats and that it have the approval from the State Department of Health, that a platting certificate be shown and that the County Attorney's Certificate and County Treasurer's certificate accompany the plat.

Ms. Peck states that she has received a letter from Randy Thoreson, Planning Director for Belgrade stating that he has reviewed the final plat as it was submitted and he found that the conditions had been met and he recommends final approval for this minor subdivision.

Ruthmary Tonn made a motion to grant final approval for the amended subdivision plat, seconded by Wilbur Visser, none voting nay. The motion carried.

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Susan Christensen, Director of the Worthy Cause Store, requested renewal of the lease between the County and the Worthy Cause Store. Ms. Christensen submitted proof of insurance coverage. This coverage is for the contents of the building.

Ruthmary Tonn stated that she did not believe the liability coverage was adequate. The coverage is for \$300,000. The County would be liable for any damages between the \$300,000 and the \$1,000,000 the County is liable for by statute.

The Commission will postpone action on renewal of this lease until Ms. Christensen can submit proof of insurance coverage for \$1,000,000.

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Joy I. Nash read from a letter received from the Department of Justice, Highway Traffic Safety Division as follows:

I am pleased to notify you that Gallatin County is eligible for approximately \$24,110 per year over the next three years to initiate new activities to combat alcohol traffic safety problems throughout your county.

Montana's recently enacted comprehensive DUI legislation and other related programs have qualified the state for incentive funds. These funds are being made available to all county governments by a formula of the number of automobile crashes in a county as a percentage of total statewide crashes, with a minimum of \$1,000.00 per county.

To eventually secure the funds for your county, several steps are required:

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1. A broad-based DUI Task Force be appointed countywide to aid in identifying problems, perform needs assessments, study potential solutions, and develop recommended actions and priorities.
2. Develop the recommendations into a comprehensive three-year plan based upon this organized systems approach.
3. It would then be our intent to contract with the county (or cities within) to implement a portion of the plan each year as resources allow.
4. No funds shall be contracted until a countywide plan is accepted by the Highway Traffic Safety Division.
5. Funds available to a county shall be held until June 1, 1984. If a county chooses not to participate by that date, or does not have an acceptable plan, the funds shall be apportioned to other counties.

This letter was signed by Albert E. Goke, Administrator of the Highway Traffic Safety Division of the Department of Justice.

Joy I. Nash stated that there will be a meeting February 1, 1984 for Task Force Chairpersons. No appointments to the DUI Task Force have been made as yet but the Commission will accept names of anyone who would be interested in serving.

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There being no further business, the meeting adjourned at 1:50 P.M.

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ATTEST

*Gary W. Pringle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

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PUBLIC MEETING TUESDAY, THE 31st DAY OF JANUARY, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of January 24, 1984 be approved as written.

## ANNOUNCEMENTS

January 25, 1984

Received A101 #4155 from First Bank Bozeman and Montana Bank of Bozeman for interest earned on CD's as follows:

First Bank #0005-1	\$16,449.90
First Bank Passbook	9,762.93
Mt. Bank 577529-II	18,111.24
Mt. Bank 712388	3,907.32

Wilbur Visser attended a Communications System meeting at the Law and Justice Center.

Wilbur Visser attended the City/County Planning meeting.

Received letter from Loy Carroll, County Treasurer, releasing pledge receipts as follows:

First National Bank of Minneapolis  
First Bank Bozeman, Bozeman, MT  
Board of County Commissioners, Bozeman, MT

Gentlemen:

At the request of the above named bank, we hereby release pledge receipts Oregon Variable PURP for \$150,000.00 @ 5.60% due 7/15/93, Cook County Illinois for \$200,000.00 @ 5.75% due 11/1/93, Anne Arundel for \$150,000.00 @ 5.70% due 2/1/94, and Hawaii State Var PURP for \$200,000.00 @ 5.90% due 2/1/94.

This is your notice to release the above pledges.

Sincerely,

/s/ Loy R. Carroll  
County Treasurer

January 26, 1984

Joy I. Nash attended the Blue Ribbons Area Wide Planning Organizational Dinner. Steve Pilcher from Helena and Mr. Potts from the E.P.A. discussed de-designation. The group decided to keep the organization together on a yearly meeting basis with State Water Quality people and the E.P.A.

Met with the Road Department to go over road and bridge priorities for 1984.

Ruthmary Tonn and Joy I. Nash attended the HRDC board meeting in the Community Room.

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Received A101 #4181 from the State Auditor in the amount of \$120.00 for Custom Combine property taxes and unit permit to the credit of the General Fund.

January 27, 1984

Ruthmary Tonn and Joy I. Nash met as a Welfare Board this date.

Wilbur Visser in Helena to attend the Governor's Infrastructure meeting.

A retirement party was held for Earl Best, retiring County Surveyor.

Received A101 #4130 from First Bank Bozeman in the amount of \$909.54 for interest earned on CD 18096 to the credit of Law and Justice B & I.

Joy I. Nash attended the Weed Board meeting.

January 30, 1984

Held Hebgen Lake Zoning Commission meeting. The revised time table for Hebgen Lake Zoning was extended another three weeks due to weather conditions and the Christmas and New Year holidays disrupting meetings. A motion was made by Wilbur Visser to extend dates for three weeks, seconded by Earl Best, none voting nay.

Held Bridger Canyon Zoning Hearing to choose seven members for the Bridger Canyon Zoning Committee Citizens Study Group. Those chosen were: Hal Wehman, representing Montana Blesco; John Montagne, representing Crosscut Ranch; Russ Sime, representing Bridger Bowl Board of Directors; M. Douglas Scott, resident; Joan Kack, resident; Jane Newhall, resident; and Robert Smith, resident.

January 31, 1984

Received list of new employees as follows:

Patricia Davis, Judge Olson's secretary, \$925.00 per month, 12/21/83.  
 Roberta Cole, Laundry Worker, Rest Home, \$3.7402 per hour, 12/29/83.  
 Joy Wilmoth, Nurses Aide, Rest Home, \$4.6159 per hour, 1/3/84.  
 Theresa Grosz, Nurses Aide, Rest Home, \$4.6159 per hour, 1/13/84.  
 Cindy Schmidt, Nurses Aide, Rest Home, \$4.6159 per hour, 1/14/84.  
 Connie Staudohar, PHN I, Health Dept., \$7.9221 per hour, 1/17/84.  
 Winter Fair Employees:

Connie Lien, \$5.00 per hour.  
 Earl Maher, \$5.00 per hour.  
 Walt Johnson, \$5.00 per hour.  
 Albert DeWitte, \$5.00 per hour.  
 Elaine Schlenker, \$4.50 per hour.  
 David Hammerland, \$5.00 per hour.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding review of exemptions claimed on certificates of survey.

John Dykstra has claimed the exemption for the relocation of common boundary lines. Structures were built on the original boundary line, and this survey corrects that error. Because Mr. Dykstra owns the tract from which the additional land is being obtained, it is not necessary to submit a quit claim deed. Based on the information submitted, this appears to be a proper use of the exemption.

The Commissioners have received a letter from the Deputy County Attorney substantiating the fact that Mr. Dykstra does not need to submit a quit claim deed.

Wilbur Visser made a motion to grant the exemption, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Joy I. Nash read the notice of public hearing for new specifications for double shot penetration roads.

Mary Kay Peck, Subdivision Review Officer, stated that no written comment was received and that the proposed amendment had been sent to all the engineering firms in the Bozeman area.

Joy I. Nash asked for testimony regarding the specifications for double shot penetration roads.

Earl Best, County Surveyor, states that this method of road construction is used extensively throughout the United States. Mr. Best states that this type of road treatment is used to cut down on the environmental dust impact of gravel roads. Mr. Best states that it has proven successful in Gallatin County where there is relatively light traffic. It would also be beneficial as subdivision roads. This type of road treatment will give six to eight years of maintenance free-use.

Ruthmary Tonn made a motion to adopt the specifications for double-shot penetration as written by Earl Best as an option for county roads and subdivision roads, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:50 P.M.

ATTEST:

*Gary St. Dingle*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

TUESDAY

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Ruthmary Tonn, seconded by Wilbur Visser, that the minutes of January 31, 1984 be approved as written.

## ANNOUNCEMENTS

February 1, 1984

Joy I. Nash attended a meeting in Billings to learn how to establish a task force for implementation of DUI studies in Gallatin County.

Received report from the Clerk and Recorder showing the items of fees and other collections made during the month of January, 1984 totaling \$12,958.95.

February 2, 1984

Received A101 #4224 from Jim Bos in the amount of \$12.00 for rental of the Law and Justice gym to the credit of the Recreation Fund.

Joy I. Nash attended the Policy Coordinating Committee meeting. Those present were: Joel Shouse, Chairman; Ralph Zimmer, TAC Committee Chairman; Buck Harris, State Highway Dept.; Ken Weaver, Mayor of Bozeman.

February 3, 1984

Received A101 #4325 from State of Montana Arts Council in the amount of \$3,096.17 for a grant to the credit of the Gallatin County Historical Society.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed.

That the sum of \$10.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440370-370 be transferred to account 5020-000-440310-370 under general class (2) Maintenance and Support.

That the sum of \$10.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440370-381 be transferred to account 5020-000-440310-382 under general class (2) Maintenance and Support.

That the sum of \$17.32 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-356 be transferred to account 1000-211-410340-380 under general class (2) Maintenance and Support.

That the sum of \$148.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-370 be transferred to account 2180-208-420300-397 under general class (2) Maintenance and Support.

February 6, 1984

Met with local surveyors to discuss their proposal to the Commission for Examining Land Surveyor position.

Received A101 #4228 from the State of Montana State Auditor in the amount of \$2,394.84 for fees and taxes collected by the Dept. of Highways to the credit of the General Fund and various other funds.

February 7, 1984

Received a Highway Informational Notice regarding the Primary Weigh Station at Four Corners.

Joy I. Nash to be out of state beginning February 14, 1984 and returning February 28, 1984 for personal business.

Received A101 #4261 from State Auditor for child support incentive payments in the amount of \$60.00 to the credit of the General Fund.

Received number of prisoners report for the month of January for a total cost to the county of \$6,100.00.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding review of exemptions claimed on certificates of survey.

Nell McNeil and Robert Gosin have claimed the exemption to realign a common boundary. Mrs. McNeil is selling Mr. Gosin additional property to enlarge his lot and has submitted a quit claim deed for the new parcel. Based on the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Spencer Smith and Dan Curtis have claimed the exemption to realign a common boundary. Mr. Curtis built a garage which encroached on Mr. Smith's property, and this survey corrects that construction error. Mr. Smith has submitted a quit claim deed for the new parcel. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Ruthmary Tonn, none voting nay. The motion carried.

Ruth Sperry and David P. and Shirley A. Cudney have also claimed the exemption to realign a common boundary. The purpose of the survey is to align the property boundaries with a previously constructed fence. The property owners have submitted the necessary deeds. Based on the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Frank J. Trunk and Son have claimed the occasional sale exemption. The Certificate of Survey, as submitted, shows two tracts of land, Tract 1A (7.981 acres) for occasional sale, and Tract 1B (4.889 acres) with no claimed exemption. Appendix E, Section 1d of the Gallatin County Subdivision Regulations requires that only one (1) exemption shall be claimed per Certificate of Survey, and that each newly created parcel less than twenty (20) acres shall have a Certificate of Survey.

Tract 1B places the Trunk Certificate of Survey in non-conformance with this section of the Subdivision Regulations.

The history of the original tract for which this exemption is claimed is as follows. In June of 1977, Certificate of Survey #422 was filed which created a tract for occasional sale. In December of 1978, Certificate of Survey #643 was filed, with no exemption claimed, "to create a tract of land around a sewage lagoon for transfer to the Sewer District." In September of 1982, Certificate of Survey #1074 was filed which showed four tracts, one for occasional sale, one as a remainder, and two as additions to existing parcels.

The tract shown as a remainder on Certificate of Survey #1074 is now proposed for division into two additional parcels. Section 2B 3(a) of Appendix E of the Subdivision Regulations states that the governing body shall declare a proposed division to be an evasion if the proposed new parcel is part of a parcel which was created under the occasional sale exemption of the Act.

Finally, the Regulations (Appendix E, Section 2b2) state that the proper use of an occasional sale exemption is to create a single division of a parcel from any tract or contiguous tracts of land. If the two divisions shown on the Trunk Certificate of Survey are filed, there will be a total of six unreviewed divisions of the original tract (does not include the two parcels for additional acreage shown on C.O.S. #1074).

Based on the information submitted, and the prior history of the tract, this does not appear to be a proper use of the occasional sale exemption.

Ruthmary Tonn made a motion to deny the exemption based on the information submitted by Mary Kay Peck, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash read the notice of public hearing for the request for preliminary plat approval for Cimarron Subdivision. Mrs. Nash stated that she had the receipts of certified letters mailed to the adjacent land owners regarding the public hearing.

Mary Kay Peck, Subdivision Review Officer, presented the staff report. Ms. Peck displayed a proposed preliminary plat for Cimarron Subdivision #2. The proposed subdivision consists of 21.065 acres to be divided into fourteen residential lots that average one acre in size. One of the proposed lots was included in Cimarron Subdivision #1 and would involve a boundary realignment. A 3.964 acre park is also proposed.

Cimarron Subdivision #2 has been reviewed and given preliminary plat approval by the County Commission in October of 1982. However preliminary plat approval expired before all conditions for final approval could be met and the subdivision has been resubmitted. The subdivision remains basically the same as in the previous submittal, and all materials previously submitted have been resubmitted. The approximately twenty acres that make up most of Cimarron Subdivision #2 was deleted from the original parcel when the water table was found to exceed six feet. In an attempt to lower the water table, a drainage ditch was constructed with a perforated drain pipe below the ditch. This ditch runs along the east and north edge of Cimarron #2.

In a report prepared by the Soil Conservation Service, in September of 1983, it was recommended that the drainage ditch be extended west and south through lots 11, 12 and the park. The SCS noted the limited amount of groundwater monitoring was not sufficient to reach any conclusions. The property owner has since extended the drain 320 feet south beyond the property line. The SCS has thus amended the above report and notes that the groundwater level needs additional monitoring, especially in April, May, June and July.

The drainage ditch bisects lots 6 and 13. This not only severely limits the building location on both lots but also reduces the suitable area for a septic tank and drainfield to much less than the one acre required.

The proposed design meets the subdivision regulations, with the exception that lot 14 is an L shaped lot.

Both Cimarron Subdivision #1 and #2 are to be served by a single access road which connects to Cobb Hill Road on the South. At the time Cimarron #1 was proposed there was to be a second access to the east onto a private road to upgrade the road and use it for access. Cimarron #1 was allowed to be filed without this agreement. A record of attempts to obtain this agreement has been submitted by the developer. While verbal approval of the emergency access has been obtained, written approval has not.



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Ms. Peck reviewed the public interest criteria.

Need: The applicants indicate the lots will be in a moderate price range; and they plan to submit Cimarron #2 for FHA approval. This would assist lower income families.

Public Opinion: There have been no written expressions of public opinion received to date.

Agriculture: The property has not been under any agricultural use in the past. The area is primary rural residential in nature.

Local Services: The Monforton School has in the past expressed concern over increases in student population in their district. They feel they are near capacity and any rapid influx of students would make the tax burden on the district too much to handle. The developers feel the subdivision would develop over approximately an eight year period. If this were the case, the additional tax revenues may offset the impact on the school. Because of the existing homes in Cimarron #1, most public services necessary for a subdivision are already being provided.

Taxation: If the subdivision develops in accordance with the developers expectations, the tax revenue, may, over several years time, pay its own way.

Natural Environment: Because of the developed character of the area, the proposed subdivision should have minimal impact.

Wildlife: The area is not identified as habitat for any species of animals or birds. Little additional impact is anticipated.

Public Health and Safety: The drainage ditch that is designed to lower the water table was installed in order to receive approval for the use of individual septic tanks and drainfields. If the drainage ditch would cease to function properly at sometime in the future and sewerage contaminated the groundwater, it could cause a health problem for subdivision or other residents. This impact could be mitigated to a large extent by requiring property owners to be responsible for the maintenance and repair of the drainage system, which is addressed in the Homeowner's Association Bylaws.

The staff recommends that preliminary approval be granted subject to the following conditions:

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval and special attention be given to the water table.
2. That a secondary access be provided and that if the private easement is to be used, a written agreement accompany the final plat providing for the use of the road easement.
3. That lots 6 and 13 be enlarged and lot 14 be redesigned in accordance with the Gallatin County Subdivision Regulations. This redesign will be reviewed and approved by the Subdivision Review Office prior to final approval.
4. That the Homeowners Association responsibility for maintaining the drainage ditch should be noted in the covenants.
5. That plans for roads, drainage and placement of street signs be approved by the County Engineers Office prior to installation of improvements. The necessary improvements shall be installed prior to final approval.
6. That the developer pay the Rae Rural Fire Department \$35.00 per lot to cover the initial cost of fire protection. This fee is to be paid prior to final approval.
7. That the final plat conform to the Uniform Standards for Final Subdivision Plats and be accompanied by a certificate of approval from the State Department of Health, a platting certificate, County Attorney's certificate and County Treasurer's certificate.
8. That the legal description on the final plat be reworded to reflect that Cimarron Subdivision #2 is that unplatted portion of Cimarron Subdivision #1 and the realignment of the boundaries of lot 14, Cimarron Subdivision #1.

Ruthmary Tonn asked how binding the covenants would be on the homeowners association to maintain the ditch, and if they do not and there is contamination, what happens then?

Mary Kay Peck states that covenants generally have a provision that they can be changed by a certain percentage of the homeowners after a certain period of time. It is also in the by-laws that are proposed for the homeowners association.

Bob Throssell, Deputy County Attorney, stated that if the Commission wished something binding on the landowners, it could be required that deed restrictions be placed on each of the lots requiring them to pay for maintenance of the drainage ditch.

John Schunke of Morrison-Maierle spoke on behalf of the developer. In response to item 1 of the staff report concerning the high groundwater, Mr. Schunke states that the groundwater has been monitored for a period of about three years. Mr. Schunke states that he is confident that the water level will not exceed the six foot level. This is due to the installation and extension of the drainage ditch. The developer is continuing to monitor the wells.

With regard to the emergency access, Mr. Schunke states that when considering all the elements from subdivision to subdivision, one could have one good access and have better access than another subdivision that had two accesses. Mr. Schunke states that he does feel that the existing road is adequate in serving the existing fourteen lots and the additional thirteen that are being proposed.

Item 3 of the staff report refers to lots 6 and 13 being enlarged. Mr. Schunke states that the biggest concern was in providing a site for the septic and drainfields as well as a building site. Mr. Schunke displayed a map of the subdivision which indicated that

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there was sufficient space in lot 13 to accomodate these items. Mr. Schunke states that there was "adequate" room in lot 6. Mr. Schunke states that the lot line could be moved ten or fifteen feet to the west if the Commission wished to have this done.

Mr. Schunke states that the septic system is set back from the drainage ditch far enough so that there will not be a problem with the septic system draining into the ditch.

With regard to the configuration of lot 14, this was selected because the developer did not want to place the lot south of the creek and have the creek be part of the lot. However, if the Commission desires, the lot can be made into a rectangular lot. Mr. Schunke does not see a problem with the present configuration of the lot with regard to building sites and drainfields.

Mr. Schunke states that the developer has prepared the covenants and has included a provision for the maintenance of the ditch by the homeowners association. Mr. Schunke states that the installation of the ditch and the drain tile is a very simple concept so there is very little hazard of there being problems. Mr. Schunke states that any problem with the ditch could be easily resolved. The pipe is not buried very deep and any damage would be of minimal cost.

Mr. Schunke states that the road plans have been submitted to Earl Best and Mr. Best has approved them.

Mr. Schunke states that the area of the proposed subdivision is not being used for any purpose at the present time, it is essentially dormant. The proposed subdivision is adjacent to the existing Cimarron #1; therefore, the impact of creating an additional thirteen lots will be minimal.

Mr. Schunke states that it is felt there is a need for this subdivision because it would provide low income housing, this is an FHA approved area.

Ruthmary Tonn asked how fully developed Cimarron #1 was. Mr. Schunke stated that all of the lots had been sold. Mrs. Jessie Nelson, the developer, stated that there have been nine homes built with one presently being built.

Wilbur Visser asked whether the drain tile could be built right on top of the utility easement as shown on the plat. Mr. Schunke states that the drain tile is fourteen feet from the property line, which is four feet from the edge of the easement, which is ten feet from the restricted area of the property line itself.

Wilbur Visser asked where the drain tile drained into. Mr. Schunke stated that the drain tile begins approximately 320 feet to the south of the subdivision, it runs to the north and across to the west. The tile itself terminates between lot 4 and lot 5 and at that point it flows into a drainage ditch. The ditch is rocky, gravelly material so that the percolation rate is high. The flows generated by the tile itself are not great.

Jessie Nelson, the developer, spoke regarding her efforts to obtain the written emergency access requested by the Commission. She states that she did contact the homeowners after the hearing in September and they have all signed a statement stating that they understand that it was only an emergency access and they have agreed that it would never be used for everyday use. Mrs. Nelson states that she also spoke with the homeowners that live on the other side of Schutt's Lane. She feels she has made a concerted effort to acquire a statement in writing. Mrs. Nelson states that their continued response was that they had no problem with the emergency travel; however, they did not want to sign anything. Mrs. Nelson requests that the Commission waive the written requirement in lieu of having the verbal agreement. Mrs. Nelson submitted some photographs which shown that in an emergency a vehicle could drive off the road and go around, the ditches are very minimal. Mrs. Nelson states that there is no reason why the road would ever be blocked.

Bill Weber, the Assistant Fire Chief of the Rae Volunteer Fire Company, expressed the concern of the Fire Company regarding the secondary access. He states that he has spoken with the ambulance service and that they would like to go on record also requesting a secondary access.

Jessie Nelson states that Dave Johnson has a big pond on his property. Mrs. Nelson states that she has agreed to give Mr. Johnson her water rights. Mr. Johnson has indicated to Mrs. Nelson that his intention would be to provide water from his pond if there were ever a fire in the area. Mrs. Nelson states that she could obtain a statement from Mr. Johnson to that effect.

Emery Nelson, County Sanitarian, asked what impact or liability would be involved in collecting the water from the southern section of the property and discharging it at the northwest end of the property. Mr. Nelson states that this could possibly cause a raising of the groundwater at the northern end of the property.

John Schunke states that the soils the groundwater are being discharged into are good soils. Mr. Schunke states that the water is being discharged below the existing water table. Mr. Schunke states that the ditch is of a gravelly substance which gives the water somewhere to go.

Ruthmary Tonn expressed her concern with the emergency access. She feels it is important that the Commission require written approval by the Schutt's Lane people that they would allow emergency access. Mrs. Tonn is also concerned with the point raised by Emery Nelson regarding the drainage ditch. She feels that there should be a condition on final approval that some monitoring be done with regard to any impact the location of the end of the drain tile might cause to the subdivision to the north.

Mrs. Tonn feels that there would also be an impact on Monforton School.

Mrs. Tonn expressed concern regarding the maintenance of the ditch by the homeowners and what would happen if they did not maintain it. She questioned whether there was in fact an acre in lot 13 to the west of the ditch. She stated that this is something the health department could look at when they are looking at sanitary restrictions.

Mrs. Tonn states that she does not have a problem with the configuration of lot 14 because

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of the way it accesses onto Hickory Lane.

Wilbur Visser expressed his concern with the drainage ditch and where the tile terminates. Mr. Visser stated that he would like to see the tile extended all the way to the west side of the property so that there is no danger of raising the water table in Cimarron #1. Mr. Visser asked to see the plat of both subdivisions, which Mrs. Nelson provided.

Joy I. Nash asked what the time limit is on approval of the preliminary plat. Mary Kay Peck stated that it was submitted on December 30 and the Commission has 60 days to approve it, which would be approximately until the end of February.

Ruthmary Tonn stated that she would like to postpone any decision until the Commission has had an opportunity to speak with Mary Kay Peck regarding any conditions to address the concerns expressed by the Commissioners.

The decision will be deferred until further research can be done.

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Mike Money, Interim Planning Director, spoke regarding minor preliminary plat application to amend lot 6 of the Hyalite Foothills Subdivision. Mr. Money presented the Staff Report. The applicant is requesting to split lot 6 of the Hyalite Foothills Subdivision. If approved, the subdivision will create two tracts approximately 1.4 acres in size. To insure the lot split would be in conformance with all land use guidelines, the staff requested a copy of the covenants filed with the Clerk and Recorder's Office that pertains to the Hyalite Foothills Subdivision. The covenants made no reference to the future subdivision of the lots within that development. Therefore, it is understood by the staff that the proposed lot split would not be in violation of the established covenants.

The proposed lot split is located within a designated rural development node as suggested by the revised Bozeman Area Master Plan.

The subdivision is located in the same general area as the Gallatin Range Frontal Fault System. Since the fault is inactive and its location has not been identified, the staff would suggest that the owner be made aware of the potential hazard and that the existence of the fault not be weighted heavily in formulating a decision on this application.

The proposed lot split is within the Rea Volunteer Fire District. If approved, the applicant should be required to pay the initiation fee for one lot.

The lot split is exempt from the parkland requirement since this requirement has been satisfied with the original subdivision.

The applicant has requested a waiver from the requirement of submitting environmental and community impact statements. The staff supports this request because the area is already substantially developed.

The lots will front on Cougar Drive, an improved public road. No public improvements are required with this division of land.

The Planning Staff recommends approval with the following conditions:

1. That the final plat contain all the certificates and information required in Section 3.3 of the Subdivision Regulations.
2. That the utility easements be drawn on the final site plans.
3. That the initiation fees for the extra lot be paid to the Rea Volunteer Fire Department prior to final plat approval.

The Planning Staff further recommends that the requirements for community and environmental impact statements be waived.

Wilbur Visser made a motion to grant preliminary plat approval with the conditions recommended by the Planning Staff, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Kay Moore presented a proposal for a neighborhood park in Mountain Shadow Estates subdivision. Mrs. Moore requested changing the area of approximately 19 acres from its present use as a horse pasture to a park. Mrs. Moore presented petitions with signatures representing about 60 families that would like to see the area developed as a park. Mrs. Moore states that residents of the area are willing to donate their time to help develop the park. Mrs. Moore states that the area is already designated as a park and the residents would like to see it developed as one rather than to lease it out as horse pasture.

Ruthmary Tonn asked that since a public notice had already been published requesting bids for leasing of the property, would the Commission have to accept a bid? Bob Throssell, Deputy County Attorney, stated that the Commission is not compelled to lease the property. If the Commission chooses not to lease it, there is nothing binding it to lease the property. Mr. Throssell stated that the Commission could determine today that this is not one of the parcels it chooses to lease out even though it has already been advertised for bid.

Wilbur Visser asked how the weed problem would be handled. Mrs. Moore states that they would have the weeds mowed. She states that there are not very many weeds on the property.

Ruthmary Tonn stated that she would expect the residents to work with the County Extension Office in keeping the weeds sprayed.

Mike Rand who lives across from where the park would be developed, stated that he had circulated one of the petitions for the residents to sign and Mr. Rand states that the people he contacted showed a great interest in development of the park. A number of people were willing to donate their services toward development of the park.

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Ruthmary Tonn wished to make it clear that if the park was desired, the weeds would have to be controlled. Based on the condition that the weeds be controlled, Ruthmary Tonn made a motion that the Commission not lease the property as horse pasture this year, and the Commission would evaluate the weed control and the improvements that may or may not have been done to the park and decide whether or not they wish to continue with it as a neighborhood park. Wilbur Visser seconded the motion, none voting nay. The motion carried.

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Joy I. Nash stated that the Commission had delayed action to renew the lease for the Worthy Cause Store because of their insufficient liability insurance coverage. Mrs. Nash stated that the Commission had received a letter from Waite and Company informing them that the Gallatin Council on Health and Drugs has a one million dollar liability policy with St. Paul Insurance Company covering all of the locations that they occupy. The Worthy Cause Store is operated by the Gallatin Council on Health and Drugs.

Wilbur Visser made a motion to renew the lease for the Worthy Cause Store since proof of liability insurance has been submitted, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:45 P.M.

ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

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TUESDAY, THE 14th DAY OF FEBRUARY, 1984 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Ruthmary Tonn at 1:30 P.M. Also present were Commissioner Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Shelley M. Heiser, Deputy Clerk and Recorder, Acting Clerk to the Board. Joy I. Nash was out of state.

The following proceedings were had to wit:

Ruthmary Tonn asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Ruthmary Tonn, that the minutes of February 7, 1984 be approved as written.

ANNOUNCEMENTS

February 8, 1984

Joy I. Nash, Wilbur Visser and Emery Nelson, County Sanitarian went to West Yellowstone for the West Yellowstone/Hebgen Lake Basin Refuse District #2 meeting. They also met with Ron Hedges, a plumber, to discuss problems with the freezing of the sewer and water system at Hebgen Lake Estates.

Approved Services Contract for Megan J. Fischer to be an emergency part-time cook in the Sheriff's Office at the rate of \$4.84 per hour.

February 9, 1984

The Commissioners visited the Cimarron #2 Subdivision site.

Sent letter to Loy Carroll, County Treasurer, authorizing the following transfers of funds:

1. The sum of \$39.30 from fund 1000 to fund 2180 for copy costs.
2. The sum of \$142.56 from fund 1000 to fund 2440 for transfers.
3. The sum of \$592.33 from fund 2360 to fund 2210 to correct A101-3516.
4. The sums of \$20.75 from fund 1000, \$165.23 from fund 2160, \$74.88 from fund 2190, to fund 2110 for gas expenditures.
5. The sums of \$144.05 from fund 2110, and \$18.14 from fund 2190 to fund 1000 for gas expenditures.
6. The sum of \$9.55 from fund 8040 to fund 1000 for copy expenditures.
7. The sum of \$55.56 from fund 1000 to fund 2110 for phone expenditures.
8. The sums of \$73.35 from fund 1000, \$2.50 from fund 2110, \$4.15 from fund 2270, to fund 2190 for Savin expense.
9. The sums of \$2.75 from fund 2110, \$51.48 from fund 2120, \$28.20 from fund 2180, and \$108.51 from fund 2190, to fund 1000 for supply expense.
10. The sums of \$4,844.29 from fund 7792-100000, \$721.50 from fund 7792-100001, \$668.85 from fund 7792-100004, \$308.97 from fund 7792-100005, \$443.71 from fund 7792-100007, \$5,263.55 from fund 7794-100000, \$606.58 from fund 7794-100001, \$230.40 from fund 7794-100002, \$1,102.17 from fund 7794-100004, \$430.03 from fund 7794-100005 to fund 7920.
11. The sums of \$7.88 from fund 2110, \$73.80 from fund 2120, \$208.40 from fund 2140, \$39.00 from fund 2180, \$40.88 from fund 2190, \$142.00 from fund 2270, \$193.15 from fund 2290, and \$48.75 from fund 5020, to fund 1000 for printing expense.
12. The sum of \$6.75 from fund 7930 to fund 1000 to correct double entry.

Received A101 #4298 from Madison Dyke and Drain in the amount of \$300.00 for a loan repayment to the credit of BLM.

February 10, 1984

Commissioners sat as a Welfare Board this date.

Received the following A101's:

TUESDAY THE 14th DAY OF FEBRUARY 1984

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

#4301 from State of Montana Auditor in the amount of \$445.70 for distribution of wine tax for January, 1984 to the credit of the General Fund.

#4304 from State of Montana Auditor in the amount of \$7,494.00 for earmarked alcohol funds to the credit of Alcohol Fund.

February 13, 1984

LEGAL HOLIDAY - LINCOLN'S BIRTHDAY

February 14, 1984

Commissioners Tonn and Visser met with County Attorney Mike Salvagni and Attorney Dick Andriolo to discuss the pending litigation on the Detention Center.

Commissioners Tonn and Visser met with Bill Cainan, Rest Home Administrator, to discuss deficiencies in the Rest Home.

Received A101 #4317 from the Motor Vehicle Department in the amount of \$370.00 for fines and miscellaneous fees collected in January, 1984 to the credit of the General Fund.

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Ruthmary Tonn read a portion of a letter from B. Keith Chambers, Superintendent of the Bozeman School District, announcing that Governor Ted Schwinden and the Montana Board of Education have asked that a meeting be convened in each community on the evening of February 14, 1984 for the purpose of discussing education and completing a survey form related to education issues. The Bozeman Public Schools will be participating in that effort by holding a meeting in the cafeteria at Bozeman Senior High School beginning at 7:00 P.M. on the 14th.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding review of exemptions claimed on certificates of survey. Ted Olson has claimed the occasional sale exemption. Mr. Olson has not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding an amended plat in Mystic Heights No. 3. The purpose of the amended plat is to show the realignment of Jarmen Circle to correct construction errors. Jarmen Circle was inspected and approved by the County Surveyor's Office. Since Jarmen Circle is dedicated to the use of the public, the County Commission must be a party to the amended plat. The plat has been examined and appears to be in conformance with applicable regulations.

Wilbur Visser made a motion to approve the amended subdivision plat of Mystic Heights #3, seconded by Ruthmary Tonn, none voting nay. The motion carried.

Ruthmary Tonn reported that Mike Money, Acting City-County Planning Director, will be writing a letter to the Commission in the near future with suggestions to avoid problems such as this.

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Ruthmary Tonn read a Resolution to establish the question of forming a Local Government Study Commission on the ballot for the June 5, 1984 election. The Resolution is as follows:

WHEREAS, pursuant to Article XI, Section 9, of the Constitution of Montana, the legislature shall require an election by each unit of local government to determine if the people wish a review its structure, and,

WHEREAS, pursuant to Section 7-3-173, MCA 1983, the legislature required that in the year 1984 the electors shall vote on the question of conducting a local government review and establishing a study commission, and,

WHEREAS, pursuant to Section 7-3-177, MCA 1983, the local governing body shall establish by resolution the number of members of the local government study commission being an odd number and not less than three in number;

THEREFORE BE IT RESOLVED:

1. That as part of the primary election to be held June 5, 1984, there shall be placed on the ballot the question of whether local government review will be conducted by a study commission.
2. That the form of the proposition to be used to present the question of the establishment of a local government study commission is set forth in Section 7-3-175, MCA 1983, and such form shall be modified inserting the name of Gallatin County, Montana.
3. That the Board of County Commissioners of Gallatin County hereby establishes that the study commission shall consist of five (5) members to be so elected at the November general election depending upon the results of the voting at the primary election to determine if the people of Gallatin County desire local government review.

Wilbur Visser made a motion to adopt the Resolution, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser made a motion to appoint Ken Davis as a member to the West Yellowstone/Hebgen Basin Refuse District #2 Board, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Hank Wruck, Civil Defense Director, representing the Gallatin County Radio Communications Committee, requested \$167.00 from the County Commissioners to finance a one day trip for Iona Dvorack, Chief Supervisor of the Missoula County Control Dispatch, to aid the Committee in forming a professional dispatch center for Gallatin County. Mr. Wruck stated there was no one in Gallatin County who could guide the Committee or set up the system that he was aware of.

Wilbur Visser made a motion to approve the request for funds, providing the total amount would not go over \$167.00, seconded by Ruthmary Tonn, none voting nay. The motion carried.

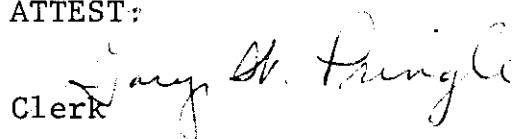
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There being no further business, the meeting adjourned at 1:45 P.M.

- - - -

ATTEST:

Clerk



APPROVED:

Chairman



PUBLIC MEETING TUESDAY, THE 21st DAY OF FEBRUARY, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioner Ruthmary Tonn, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. Joy I. Nash was out of state.

The following proceedings were had to wit:

Ruthmary Tonn made a motion to approve the minutes of February 14, 1984, seconded by Wilbur Visser, The motion carried.

## ANNOUNCEMENTS

February 15, 1984

Wilbur Visser attended the Governor's Conference on Disaster and Emergency Services in Billings.

Received A101 #4321 from U.S. Treasurer in the amount of \$578.00 for U.S. Fish and Wildlife Service to the credit of Revenue Sharing.

Sent letter to Loy Carroll authorizing transfers of funds as follows:

1. The sum of \$257.98 from fund 2760 to fund 1000 to clear Blue Ribbons.
2. The sum of \$15,000.02 from fund 7040-10177 and \$33,269.00 from fund 7040-10178 to fund 1000 to clear Homestead.
3. The following sums to record budgeted transfers:
  - a. \$5,000.00 from fund 2440 to fund 1000.
  - b. \$5,000.00 from fund 2720 to fund 1000.
  - c. \$134,111.00 from fund 2761 to fund 1000.
  - d. \$30,000.00 from fund 2710 to fund 2140.
  - e. \$99,472.00 from fund 2710 to fund 2180.
  - f. \$20,000.00 from fund 2710 to fund 2270.
  - g. \$358.00 from fund 7221, \$1,146.00 from fund 7222, \$2,120.00 from fund 7224, \$2,162.00 from fund 7225, \$3,332.00 from fund 7226, \$44.00 from fund 7227, \$53.00 from fund 7228, \$106.00 from fund 7229, \$17.00 from fund 7230 to fund 1000.
  - h. \$6,500.00 from fund 2270 to fund 2190.
  - i. \$5,000.00 from fund 2710 to fund 2430.
  - j. \$1,175.00 from fund 8208, \$2,884.00 from fund 8209, \$112.00 from fund 8213, \$214.00 from fund 8214, \$255.00 from fund 8215, \$239.00 from fund 8217, \$802.00 from fund 8218, \$234.00 from fund 8221, \$34.00 from fund 8223, \$72.00 from fund 8224, \$239.00 from fund 8226, \$66.00 from fund 8227, \$54.00 from fund 8228, \$203.00 from fund 8232, \$132.00 from fund 8236, \$111.00 from fund 8288, \$149.00 from fund 8290 to fund 1000.
4. The sum of \$93.55 from fund 1000 to fund 2110 to correct posting error.

Approved renewal of services contract for the Health Department for the services of Gary Lusin, a physical therapist.

February 16, 1984

Met with Mike Salvagni, County Attorney and Dick Andriolo to discuss the Detention Center litigation.

Received A101 #4328 from First Bank Bozeman and Montana Bank of Bozeman in the amount of \$39,264.64 for interest on bank accounts to the credit of various funds.

Met with Rudy Suda to discuss improvements agreement for Royal Arabian Subdivision.

February 17, 1984

Routine business this date.

TUESDAY

THE 21st

DAY OF FEBRUARY 19 84

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAFebruary 20, 1984

LEGAL HOLIDAY - WASHINGTON'S BIRTHDAY

February 21, 1984

Met with Mike Salvagni, County Attorney and Dick Andriolo to discuss the Detention Center litigation.

Received the following A101's:

#4372 from First Bank Bozeman in the amount of \$1,648.37 for interest earned on CD 18092 to the credit of BLM.

#4371 from First Security Bank in the amount of \$1,650.16 from interest earned on bank accounts to the credit of Rural Revolving and the Park Fund.

#4370 from First Security Bank in the amount of \$1,646.72 from interest earned on bank accounts to the credit of County Agent.

#4369 from First Security Bank in the amount of \$11,515.00 from interest earned on bank accounts to the credit of various funds.

#4379 from American Federal Savings & Loan Association in the amount of \$1,648.35 for interest earned on CD to the credit of the Bridge Fund.

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Wilbur Visser opened and read the bids for lease of park land on the old Milwaukee Railroad right-of-way as shown on the Ross Creek Subdivision plat.

Joe France bid \$485.00 for the 1984 grazing season.

Dick Hecox bid \$300.00 for the period March 1, 1984 to February 28, 1985.

Gregory A. Nelson bid \$125.00 for the period March 1, 1984 to February 28, 1985.

Ruthmary Tonn made a motion to award the bid to Joe France since he is the highest bidder, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding review of exemptions claimed on certificates of survey.

E & N Trust Estates (Robert Monforton, Trustee) have claimed the occasional sale exemption. The Trust has not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Barry L. Wall has claimed the security for construction financing exemption. Mr. Wall has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. First Security Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. From the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck spoke regarding a request for preliminary plat approval for Cimarron Subdivision No. 2. She read suggested conditions for the subdivision as follows:

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval and special attention be given to the water table.

2. That a secondary access be provided and that if an easement is to be used, a written agreement in legal form shall accompany the final plat providing for the use of the road easement. Such document shall be filed in the office of the Gallatin County Clerk and Recorder.

3. That plans be submitted for review to the Subdivision Review Office showing the septic drainfield and well location for lots 6 and 13. Such plans shall conform with the Gallatin County Subdivision Regulations. Approved septic field and well locations for lots 6 and 13 shall be shown on the final plat.

4. That the covenants explicitly state the following:

a. That the Cimarron II Homeowner's Association assumes all responsibility for maintaining the entire drainage system.

b. That the Cimarron II Homeowner's Association assumes all costs associated with maintaining the entire drainage system.

c. That the above section of the covenants cannot be changed or altered in any way by the Cimarron II Homeowner's Association.

5. That a deed restriction mandate membership in the homeowner's association.

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

6. That drainage and maintenance easements be obtained for that part of the drainage system not within the Cimarron II Subdivision. That the easements be in a legal form and recorded in the office of the Gallatin County Clerk and Recorder.

7. That the drainage ditch banks be leveled off and that the drainage pipe be extended underground to the point where the western edge of Cimarron I Subdivision meets the drainage ditch which runs in a north/south direction. Plans for the drainage system shall be submitted to the County for review prior to construction; the County shall conduct periodic field inspections during construction of the system.

8. That plans for roads, drainage and placement of street signs be approved by the County Engineers Office prior to installation of improvements. The necessary improvements shall be installed prior to final approval.

9. That the developer pay the Rae Rural Fire Department \$35.00 per lot to cover the intial cost of fire protection. This fee is to be paid prior to final approval. Proof of payment shall be submitted to the Subdivision Review Office prior to final approval.

10. That the final plat conform to the Uniform Standards for Final Subdivision Plats and be accompanied by a certificate of approval from the State Department of Health, a platting certificate, County Attorney's Certificate and a County Treasurer's Certificate.

11. That the legal description on the final Plat be reworded to reflect that Cimarron Subdivision II is that unplatted portion of Cimarron Subdivision I and the realignment of the boundaries of Lot 14, Cimarron Subdivision I.

Ruthmary Tonn stated that based on the information submitted at the public hearing, she finds that this subdivision is in the public interest. Ruthmary Tonn made a motion to grant preliminary plat approval with the eleven conditions read by Mary Kay Peck, seconded by Wilbur Visser, none voting nay. The motion carried.

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Due to the resignation of Allen Eby from the Gallatin Canyon Rural Fire District, Ruthmary Tonn made a motion to appoint Lynn Schumacher as trustee to this board, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:45 P.M.

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ATTEST:

*Gary J. Dingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY, THE 28th DAY OF FEBRUARY, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Joy I. Nash, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. Ruthmary Tonn was on vacation.

The following proceedings were had to wit:

Wilbur Visser asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Joy I. Nash, seconded by Wilbur Visser that the minutes of February 21, 1984 be approved as written.

February 22, 1984

Wilbur Visser attended the Gallatin Sheepgrower's Association dinner and meeting last evening.

Commissioners Tonn and Visser attended the City-County Cooperation meeting.

Received A101 #4387 from the U.S. Treasury in the amount of \$135,118.00 for Revenue Sharing payment to the credit of Revenue Sharing.

February 23, 1984

Ruthmary Tonn, Wilbur Visser, and Ray White met as a zoning commission in West Yellowstone to hear public testimony on proposed changes to the Hebgen Basin zoning district submitted by the Planning Committee. Other county employees present were Mary Kay Peck, Subdivision Review Officer, and Robert Throssell, Deputy County Attorney. Decision was made to have one more public hearing on May 24, 1984 on proposed changes with final decision on the plan to be adopted June 30, 1984.

Received A101 #4398 from the State of Montana Liquor Division for the last quarter of 1983 distribution of liquor fees in the amount of \$24,110.96 to the credit of various funds.

Received A101 #4402 from Charles Swenson in the amount of \$31.50 for rental of the Law and Justice gym to the credit of the Recreation Fund.

February 24, 1984

Commissioners Tonn and Visser sat as a Welfare Board this date.

Authorized the following transfers of funds:



TUESDAY

THE 28th

DAY OF FEBRUARY

19 84

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410333-210 be transferred to account 2180-208-410333-363 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-370 be transferred to account 1000-295-470260-320 under general class (2) Maintenance and Support.

That the sum of \$114.25 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-360 be transferred to account 2430-209-430800-240 under general class (2) Maintenance and Support.

That the sum of \$190.04 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-225 be transferred to account 2140-000-431100-210 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 24th day of February, 1984.

/s/ Wilbur Visser

/s/ Ruthmary Tonn

Received and approved services contract for Joyce Craft to work as a registered professional nurse in the Health Department at the rate of \$9.18 per hour for the period March 5, 1984 to May 31, 1984.

February 27, 1984

Received A101 #4416 from the State of Montana State Auditor in the amount of \$3,108.12 for land use planning payment to the credit of Land Planning.

Authorized the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfers between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$100.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-122 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$100.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-123 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$75.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-125 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$125.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-121 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

That the sum of \$20.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-122 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 27th DAY OF FEBRUARY, 1984

/s/ Wilbur Visser

February 28, 1984

Met with Mike Salvagni and Dick Andriolo to discuss Detention Center litigation.

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Vicki Staab, Acting Chief Probation Officer, requested a transfer of funds from Capital Outlay in order to purchase office furniture for the new Chief Probation Officer who is scheduled to begin working March 15, 1984. Three bids were received for one executive chair and three side chairs. The bid from Phillips Book Store was for \$418.39. The bid

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 28th

DAY OF FEBRUARY 19 84

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

from Terrell's was for \$691.60. The bid from J & H Office Equipment was for \$620.80.

Joy I. Nash made a motion to accept the bid from Phillips Book Store in the amount of \$418.39, seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

There being no further business, the meeting adjourned at 1:40 P.M.

- - - -

ATTEST:

*Gay St. Dingle*  
Clerk

APPROVED:

Chairman *Wilbur Visser*

- - - -

The following are the quarterly securities submitted by the County Treasurer for the quarter ended December 31, 1983:

\$11,678,378.05 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMANCREDIT BALANCE

Pass Book  
First Natl #1  
First Natl #2  
Checking

\$ 748,353.02  
2,469,847.53  
.00  
.00

N J Ser	5.60	7/1/93	200,000.00
MD 2nd Ser	5.50	7/15/93	200,000.00
Brighton MI	5.75	5/1/91	100,000.00
Saline MI	5.40	5/1/91	100,000.00
Novi MI	6.60	8/1/90	100,000.00
Anne Arundel	6.25	12/1/89	100,000.00
Dawson County	5.00	1/1/92	50,000.00
WA Ser	5.50	4/1/93	50,000.00
Park Cnty	5.90	6/15/93	30,000.00
Gall Mt 1976	8.00	1/1/88	80,000.00
Gall Cnty 1974	5.90	1/1/87	40,000.00
Fairfax Cnty	5.20	5/1/93	250,000.00
King Cnty	5.50	6/1/93	150,000.00
Co of Cook	5.60	11/1/92	100,000.00
Gall mt 1974	6.00	1/1/89	40,000.00
Il Ser A	5.25	5/1/93	200,000.00
Florida St	5.20	1/1/92	100,000.00
New Jersey	5.10	6/1/92	175,000.00

FIRST SECURITY BANK OF BOZEMANCREDIT BALANCE

\$ 10,040.16

2861	4.09	6/10/87	2,000.00
2862	4.09	6/10/85	2,000.00
2873	4.09	6/10/86	2,000.00
2874	4.09	6/10/84	2,000.00
US Treas. Note	7.875	5/15/86	75,000.00
6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
6722	6.70	6/1/85	110,000.00
6725	4.80	6/1/86	200,000.00
6730	6.75	11/1/84	100,000.00
20962	5.20	4/1/87	25,000.00
3370		7/1/87	10,788.75
3371		7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3377		7/1/85	10,788.75
3378		7/1/86	10,788.75
3379	5.00	9/1/92	25,000.00
4012	5.35	7/1/86	9,000.00
4013	4.75	12/1/88	10,000.00
4015	5.50	9/1/85	25,000.00
6000	7.25	9/1/88	120,000.00
PL2389	5.25	6/1/86	9,000.00

MONTANA BANK OF BOZEMANCREDIT BALANCE

577529  
712388  
Checking

\$2,500,000.00  
33,083.07  
10,945.32

683	4.34	8/1/84	1,500.00
821	3.70	7/1/84&85	6,400.00
1011	5.75	7/1/84-89	48,000.00
1012	4.50	7/1/86&87	8,000.00
1013	4.10	7/1/84&85	1,500.00
1014	5.75	7/1/84-86	3,000.00
27262	4.25	7/1/86	10,000.00
28149	4.30	7/1/84	1,000.00
28150	4.30	7/1/84	500.00
28151	4.30	7/1/84	2,000.00
28681	4.70	7/1/88	25,000.00
28682	4.50	7/1/86	15,000.00
29376	4.30	7/1/84	1,000.00

TUESDAY

THE 28th

DAY OF FEBRUARY 1984

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Montana Bank (cont.)			
30987	5.20	7/15/88	50,000.00
300013	5.20	3/1/88	10,000.00
300014	5.00	1/1/89	10,000.00
300015	4.00	7/1/85	15,000.00
300016	4.70	12/15/86	16,000.00
300017		12/15/85	14,000.00
300021	4.75	12/15/86&87	14,000.00
300026	4.75	12/15/86&87	8,000.00
300031	5.00	1/1/86-88	45,500.00

WESTERN BANK OF BOZEMAN

CREDIT BALANCE

\$ 2,208.84

VALLEY BANK OF BELGRADE

CREDIT BALANCE

\$ 20,616.77

27717 Carter, Lavon			21,711.33
30283 Kania, Bruce			34,162.81
30596 De Haan, Wm			21,809.41
30686 Hesse, Jerome			20,670.57
31390 Griffis, Harold			19,325.13
31828 Auger, William			11,022.84
32117 Bolls, Arlen			35,939.67
32287 Clarkin, Ed			34,471.49
32479 Goyins, Don			34,926.69
32723 Shehein, James			52,592.43
32728 Gorsuch, Paul			17,247.20
32963 Gustafson, Dan			43,303.94

MANHATTAN STATE BANK

CREDIT BALANCE

\$ 9,896.49

4910	5.15	9/1/84	25,000.00
4911	4.75	2/1/85	25,000.00
4912	4.80	2/1/86	25,000.00

SECURITY BANK OF THREE FORKS

CREDIT BALANCE

\$ 8,733.90

333662	10.95	11/10/86	200,000.00
333657	8.00	2/15/85	300,000.00

FIRST SECURITY BANK OF WEST YELLOWSTONE

CREDIT BALANCE

\$ 4,943.22

FIRST CITIZENS BANK OF BOZEMAN

9465		5/17/84	100,000.00
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EMPIRE FEDERAL SAVINGS & LOAN OF LIVINGSTON

9847	10.30	6/1/84	105,000.00
8340	9.45	6/1/84	100,000.00

OTHER BANKS

Commerce Trust			5,839.28
1st Natl St. Paul			28.50
No Western Natl			303,338.67
Southgate State			22,663.76
Yellowstone Laurel			6,240.00
1st Natl Bozeman			187,747.15
1st Trust Helena			79,452.91
1st Security Bozeman			2,035.00
Cash in Office			103,825.88
School Investments			658,856.44
County Investments			4,489,692.14

TOTAL CASH ON HAND \$11,678,378.05

PUBLIC MEETING TUESDAY, THE 6th DAY OF MARCH, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. Ruthmary Tonn was on vacation.

The following proceedings were had to wit:

Joy I. Nash asked if anyone would like the minutes of the previous meeting read. There being no request, a motion was made by Wilbur Visser, seconded by Joy I. Nash, that the minutes of February 28, 1984 be approved as written.

February 29, 1984

Interviewed the following for the position of Personnel Director for Gallatin County:  
Sharon Dickman and Kathy Nowierski.

TUESDAY THE 6th DAY OF MARCH 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

March 1, 1984

Interviewed the following for the position of Personnel Director for Gallatin County:  
 Jonathan Anderson and Robert Ogren.

Wilbur Visser attended the City-County Planning Board meeting at City Hall.

Wilbur Visser and Joy I. Nash attended the Chamber of Commerce meeting regarding the retention of the Law Enforcement Academy in Bozeman. This is a problem which will have to be resolved by state legislature.

Joy I. Nash chaired the organizational meeting of the DUI Task Force held in the Community Room. Approximately 32 people were in attendance representing schools, lawyers, law enforcement, rehabilitation services, sheriff, police and highway patrol. The next meeting will be held Thursday, March 8, 1984 in the Commissioner's office.

March 2, 1984

Met with Pauline D. Plaza of the National Audobon Society of Boulder, Colorado to discuss the feasibility of getting bear-proof garbage cans in the West Yellowstone area. This will be discussed at the next meeting of the West Yellowstone/Hebgen Basin Refuse District No. 2. Funding for the garbage cans is the question at hand.

Met with Management Associates to discuss classification system review process just completed by them with regard to the county Personnel Policy.

Received the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-370 be transferred to account 2180-208-420300-397 under general class (2) Maintenance and Support.

That the sum of \$80.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-370 be transferred to account 1000-202-410600-370 under general class (2) Maintenance and Support.

That the sum of \$78.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-370 be transferred to account 1000-202-410600-370 under general class (2) Maintenance and Support.

That the sum of \$10.51 as appropriated under general class (2) Maintenance and Support for account 1000-212-420820-200 be transferred to account 1000-212-420810-210 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder,

Dated this 2nd day of March, 1984

/s/ Joy I. Nash  
 /s/ Wilbur Visser

Received report of the Clerk and Recorder showing the items of fees and other collections made for the month of February, 1984 totaling \$10,862.88.

March 5, 1984

Doris Fisher, Gallatin County Coroner, will be out of state beginning March 3, 1984 and returning March 12, 1984. Dr. Kurtz will be acting coroner during this time.

Received cancellation of taxes no. 517 for 1977 Titan mobile home due to an error made during computer transition the payment was missed. This was in the amount of \$209.72.

March 6, 1984

Dr. Edward King, Health Officer, will be out of state beginning March 6, 1984 and returning March 13, 1984 to attend a medical meeting in Florida.

Received the following A101's:

#4499 from Tew Distributing in the amount of \$12.02 for commission on vending machine sales for Tom's Vending Machine to the credit of machine and equipment rental.

#4497 from Montana State Auditor in the amount of \$1,183,822.20 for state flat fee reimbursement for motor vehicle for 1983 to the credit of state flat fee for reimbursement for motor vehicle.

#4492 from Montana State Auditor in the amount of \$25,004.52 for fees and taxes collected by the State Dept. of Highways to the credit of various funds.

#4480 from Craig Bolton in the amount of \$12.00 for rental of the Law and Justice gym to the credit of the Recreation Fund.

TUESDAY

THE 6th

DAY OF MARCH

19 84

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser attended the Fair Board planning meeting at the Fairgrounds last evening.

Received the following list of new employees:

Winter Fair:

Clinton Burkhart, \$5.00 per hour.  
Wilson Dunkel, \$9.00 per hour.  
Bert Dusenberry, \$5.00 per hour.  
Kevin Frey, \$5.00 per hour.  
Warren Halpin, \$9.00 per hour.  
Charles Hodge, \$9.00 per hour.  
William Johnson, \$9.00 per hour.  
Randall Kamps, \$5.00 per hour.  
Chris Kent, \$9.00 per hour.  
Glen Kraft, \$5.00 per hour.  
Robert Lee, \$9.00 per hour.  
William Murphy, \$5.00 per hour.  
James Pattee, \$5.00 per hour.  
Diane Pfaff, \$4.00 per hour.  
Michael Rassley, \$9.00 per hour.  
Lloyd Ryen, \$5.00 per hour.  
John Vollmer, \$9.00 per hour.  
Lawrence Wilt, \$9.00 per hour.

Other new employees:

Michelle Hess, Kitchen Aide, Rest Home, \$3.7402 per hour, 1/31/84.  
Janice Langenbach, Nurses Aide, Rest Home, \$4.6159 per hour, 2/3/84.  
Richard Reed, Accountant I, Treasurer's Office, \$1,266.07 per month, 2/14/84.

Approved services contract for Shari Sendrea to work as a Laundry Aide at the Rest Home for the period March 1, 1984 to March 1, 1985 at the rate of \$3.74 per hour. She will be working less than twenty hours per week.

Received the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) Salaries and Wages, and (2) Maintenance and Support may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes: Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$1,872.75 as appropriated under general class (1) Salaries and Wages for account 2160-000-460200-110 be transferred to account 2160-000-460200-112 under general class (1) Salaries and Wages.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-231 be transferred to account 2160-000-460200-360 under general class (2) Maintenance and Support.

That the sum of \$539.00 as appropriated under general class (1) Salaries and Wages for account 2270-850-440140-110 be transferred to account 2270-850-440140-397 under general class (2) Maintenance and Support.

That the sum of \$70.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-364 be transferred to account 5020-000-440340-360 under general class (2) Maintenance and Support.

That the sum of \$130.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440340-360 under general class (2) Maintenance and Support.

That the sum of \$175.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440320-360 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 28th DAY OF FEBRUARY, 1984

/s/ Joy I. Nash  
/s/ Wilbur Visser

Held monthly department head staff meeting.

- - - -

Mary Kay Peck, Subdivision Review Officer, spoke regarding review of exemptions claimed on certificates of survey.

Paul Boylan has claimed the agricultural exemption. Mr. Boylan is transferring a ten acre parcel that will be used exclusively for agricultural purposes, and no building or structure requiring water or sewer facilities shall be utilized on the parcel. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Joy I. Nash, none voting nay. The motion carried.

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TUESDAY THE 6th DAY OF MARCH 1984  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval for Reed Minor Subdivision. This minor subdivision was given preliminary approval by the Commission in October of 1983. Ms. Peck states that the conditions set forth for final approval appear to have been met. At the time of submittal, there were four lots in the minor subdivision, one of them being a flag-shaped lot upon which Mrs. Reed's trailer sits. One of the conditions was that the flag-shaped lot be redesigned. Mrs. Reed has modified the flag-shaped lot and decreased the number of lots from four to three. The access to these lots has also been changed and is considerably shorter than that which was required for access to the original four lots proposed.

Wilbur Visser made a motion to grant final approval for the Reed Minor Subdivision, seconded by Joy I. Nash, none voting nay. The motion carried.

- - - -

Wilbur Visser read a Resolution establishing load limits on Little Holland and Visser Roads as follows:

RESOLUTION

WHEREAS, Section 7-14-2127, M.C.A., 1983 provides in part that local road authorities may by resolution prohibit the operation of vehicles upon any public highway under their jurisdiction, or impose restrictions as to the weight of the vehicle; and

WHEREAS, it has been brought to the attention of the Board of County Commissioners that load limits should be imposed upon certain county roads.

NOW, THEREFORE, BE IT RESOLVED, that upon the following described road (or roads) the following restrictions as to use, weight, are in effect:

LOAD LIMITS

Little Holland Road	300# per inch of width of tire
Visser Road	300# per inch of width of tire

These load limits are subject to change as conditions develop.

AND BE IT FURTHER RESOLVED, that the County Road Department is hereby directed to place appropriate signs advising the public as to the restrictions imposed thereon.

This resolution shall be in force and effect until further order of this Board.

Wilbur Visser made a motion to pass the Resolution, seconded by Joy I. Nash, none voting any. The motion carried.

- - - -

Earl Best, retired County Surveyor, read a Proclamation for National Surveyor's Week as follows:

PROCLAMATION

WHEREAS, the Congress of the United States recognizes the valuable contributions of the surveying profession to history, development, and quality of life in the United States of America;

WHEREAS, the surveying profession requires special education, training, experience, and knowledge of the principles of mathematics, the related physical and applied sciences, and requirement of law for adequate evidence; and

WHEREAS, since the early days of our nation when many of our forefathers, including our first and third Presidents, were surveyors, the profession of surveying has continued to be uniquely qualified to determine and describe land and water boundaries for the management of our natural resources and the protection of private property rights.

NOW THEREFORE, be it resolved by the Gallatin County Commission that in concurrence with the proclamation of the President of the United States of America, we hereby designate the week beginning March 11, 1984, as "National Surveyor's Week" and to urge the people of Gallatin County to observe such week with appropriate ceremonies and activities paying tribute to professional surveyors and their contribution to society.

Wilbur Visser made a motion to proclaim the week of March 11, 1984 as National Surveyors Week, seconded by Joy I. Nash, none voting nay. The motion carried.

- - - -

Wilbur Visser stated that the county has received a proposal for design analysis of the Gallatin County Detention Center from Maxey, Dean, Dale and Dean in connection with the litigation concerning the Detention Center. This proposal is for \$25,040.00.

Wilbur Visser made a motion to enter into the contract with Maxey, Dean, Dale and Dean, Corrections Facility Planning and Design of Jackson, Mississippi, in the amount of \$25,040.00 to do an examination of the Detention Center. This motion was seconded by Joy I. Nash, none voting nay. The motion carried.

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Quarterly securities were checked with the County Treasurer and found to be in order as entered into the minutes of February 28, 1984.

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There being no further business, the meeting adjourned at 1:45 P.M.

ATTEST:

Clerk

APPROVED:

Chairman

*Gary St. Pringle*  
 Clerk

*Joy I. Nash*  
 Chairman

TUESDAY THE 13th DAY OF MARCH 19 84

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board,

The following proceedings were had to wit:

Ruthmary Tonn made a motion to approve the minutes of March 6, 1984 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

March 7, 1984

Wilbur Visser attended the Communications meeting at the Law and Justice Center.

Joy I. Nash attended the premiere showing of a film on the Juvenile Justice System at MSU in connection with the Law Enforcement Academy. Jack Lodell and Ronald Gjeston were production coordinators, Iris Burchett was the TV script writer, Patty Turrentine was the producer. This film shows modern jail facilities and federal guidelines for booking juveniles. The film will be used for training purposes at the Law Enforcement Academy.

Received A101 #4510 from the Montana Winter Fair in the amount of \$486.73 to the credit of Revenue Sharing for Winter Fair expenditure credit.

March 8, 1984

Commissioners met with Richard Armstrong, Mountain Bell; David Ward, Rocky Mountain Mapping Company; Norm Stone and Mary Kay Peck to discuss the rural addressing project for Gallatin County.

Received the following A101's:

#4524 from the State of Montana in the amount of \$320.89 for distribution of wine tax to the credit of the general fund.

#4529 from Doug Hagfeldt in the amount of \$6.00 for Law and Justice gym rental to the credit of the Recreation Fund.

Commissioners met with Mike Williams of the Forest Service and Buck Jones of the Lionshead Resort; Bob Throssell, Deputy County Attorney, and Mary Kay Peck, Subdivision Review Officer to discuss land exchange.

Joy I. Nash attended the DUI Task Force meeting.

March 9, 1984

Commissioners met as a Welfare Board this date.

Received the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$3,000.00 as appropriated under general class (2) Maintenance and Support for account 2120-222-450131-719 be transferred to account 2120-222-450110-345 under general class (2) Maintenance and Support.

That the sum of \$10,000.00 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-901 be transferred to account 2110-307-430230-490 under general class (2) Maintenance and Support.

That the sum of \$343.64 as appropriated under general class (1) Salaries and Wages for account 1000-209-420230-110 be transferred to account 1000-209-420230-397 under general class (2) Maintenance and Support.

That the sum of \$14.45 as appropriated under general class (1) Salaries and Wages for account 2430-209-430800-110 be transferred to account 2430-209-430800-397 under general class (2) Maintenance and Support.

That the sum of \$108.78 as appropriated under general class (2) Maintenance and Support for account 8020-000-480100-220 be transferred to account 8020-000-480100-370 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED this 9th day of March, 1984.

/s/ Joy I. Nash  
/s/ Wilbur Visser

Received the following A101's:

#4550 from Richard Johnson in the amount of \$6.00 for Law and Justice gym rental to the credit of the Recreation Fund.

TUESDAY THE 13th DAY OF MARCH 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

#4538 from the State Auditor in the amount of \$1.76 for American Federal Savings & Loan Association corporate tax to the credit of various funds.

Received report for care of prisoners for the month of February, 1984 in the amount of \$7,193.00.

March 12, 1984

Wilbur Visser, Chairman of the Bridger Canyon Zoning Commission called a zoning hearing to order at 1:30 P.M. Other zoning members present were Joy I. Nash, Ruthmary Tonn and Ray White. Comments were heard both for and against a proposal for a Planned Unit Development submitted by the applicant, Montana Blesco, Corp. A motion was made by Ray White to extend the decision to April 5, 1984, seconded by Ruthmary Tonn, none voting nay.

Joy I. Nash called the public hearing to order to hear the Preliminary Plat application for Bridger Inn, Planned Unit Development. Ruthmary Tonn made a motion to hear this request in conjunction with the April 5, 1984 continued zoning hearing, seconded by Wilbur Visser, none voting nay.

Joy I. Nash announced that all poker machines had been removed from establishments in Gallatin County and the Commission has received requests for electronic keno machines to be installed in their place. The Gallatin County Gaming Commission has granted permission to install keno machines in the following establishments: Country Lanes, Korner Klub, Buck's T4, Stacey's Old Faithful Inn, Friendly Tavern, Skyway Lounge, and Fifth Ace Saloon.

These businesses may use their gaming license until it expires in June of 1984 for these keno machines. These licenses may be renewed at that time.

March 13, 1984

Chamber of Commerce members and other interested civic leaders met with Attorney General Mike Greeley to discuss future plans for the Law Enforcement Academy.

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Mike Money spoke regarding a request for final approval of the amended plat of Lot 6 of Hyalite Foothills Subdivision #2. This lot was recently reviewed by the County Commission and conditionally approved. All of the conditions set forth at that time have been met. Mr. Money recommends approval of the final plat by the County Commission.

Ruthmary Tonn made a motion to grant final approval for the amended plat of Lot 6 of Hyalite Foothills Subdivision No. 2, seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

Mike Money spoke regarding the hiring of an Historic Preservation Officer for the City of Bozeman. The City is applying for grant monies through the Montana Historical Society for the funding of a Preservation Officer. The grant is a 70/30 grant, 70% being paid by the Montana Historical Society and 30% being paid by local match. The local match would consist of in-kind services and local cash donations. Mr. Money has submitted a letter to the County Commission describing the budget for this position. The total budget amount is \$34,961.92. This would require a local match of \$10,488.58. \$800.00 has already been contributed in local funds.

Mr. Money requests that the Commission support the application for a grant.

The historical survey is scheduled to be completed in August of 1984. With the completion of the historical survey, it gives Bozeman and the surrounding area a place to start for the preservation of those historical structures. The purpose of the grant is to follow up the survey. The Historical Officer would be responsible for the establishment of historical districts, he would assist property owners within the district in acquiring financing to rehabilitate the units either through local banks or through the Montana Historical Society. The officer would also begin a public education and awareness program in preserving the historical structures and advise property owners of the tax incentives available. This grant is for a one-year period but could be extended into a multi-year grant.

Ruthmary Tonn made a motion to write a letter of support for the grant to be submitted with the grant application, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash spoke regarding a contract with Mountain States Telephone and Telegraph Company for the rural addressing project in Gallatin County. This work would commence by March 8, 1984 and the first phase would be completed by June 30, 1985. Thereafter, the second phase of the work will continue until parties mutually agree in writing to terminate the agreement. The amount of the contract is \$22,000 in advance and \$21,900 when fully completed. Thereafter, phase 2 will be performed at its sole cost and expense.

Wilbur Visser made a motion to sign the contract with Mountain States Telephone and Telegraph Company for the rural addressing project, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Wilbur Visser spoke regarding a resolution providing for the giving of notice of a public hearing on the proposed issuance of Industrial Revenue Bonds for Montana Container Corporation. The amount of the industrial development revenue bonds is \$500,000 for the acquisition of land and the construction of a manufacturing and office facility to be leased to Montana Container Corporation. This resolution shall be known as County Commissioner's Resolution No. 557. The date for the public hearing has been set for April 10, 1984 at 1:30 P.M.



TUESDAY

THE 13th

DAY OF MARCH

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Ruthmary Tonn made a motion to adopt the Resolution, seconded by Wilbur Visser, none voting nay. The motion carried.

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Bev Barnhardt, Project Director for the Retired Senior Volunteer Program requested that the Food Bank be subleased to the R.S.V.P. sewing group once a month so that they could sell their crafts as a fund raiser. They would be using only a portion of the space in the Food Bank and would be separated off from the portion of the Food Bank selling food. This would be on a three month trial basis. The sewing group brought along a display of some of their projects.

Ruthmary Tonn asked whether a sublease had been drafted that the Commission could look at. Ms. Barnhardt stated that she did not bring it with her. Mrs. Tonn asked what type of insurance would cover this group. Mrs. Barnhardt stated that R.S.V.P. insurance carries liability insurance that covers the volunteers wherever they work.

Ruthmary Tonn made a motion to grant the sublease subject to review and approval of the provisions within it, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:00 P.M.

ATTEST:

*Gary B. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 20th DAY OF MARCH, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Ruthmary Tonn and Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of March 13, 1984 as written, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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ANNOUNCEMENTS

March 14, 1984

Commissioners Joy I. Nash and Wilbur Visser and County Sanitarian Emery Nelson attended the West Yellowstone/Hebgen Basin Refuse District #2 meeting in West Yellowstone.

Received the following A101's:

#4554 from the Motor Vehicle Department in the amount of \$200.00 for fines and miscellaneous fees for February, 1984 to the credit of the General Fund.

#4573 from the State of Montana in the amount of \$39.75 for February child support incentive payments from other states to the credit of the General Fund.

#4581 from the Church of Christ in the amount of \$15.00 for Law and Justice gym rental to the credit of the Recreation Fund.

#4582 from West Yellowstone/Hebgen Basin Refuse District #2 in the amount of \$13,816.78 for garbage fees collected to the credit of West Yellowstone/Hebgen Basin Refuse District #2.

Received and approved a list of transfers as follows:

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$187.97 from fund 2110 and \$11.68 from fund 2190 to fund 1000 for gas expenditures.
2. The sums of \$28.22 from fund 1000, \$110.46 from fund 2160, and \$103.95 from fund 2190 to fund 2110 for gas expenditures.
3. The sum of \$328.72 from fund 2440 to fund 1000.
4. The sums of \$17.75 from fund 2110, \$52.90 from fund 2180, \$59.00 from fund 2190, \$226.65 from fund 2290, \$26.70 from fund 5020, \$25.35 from fund 2160, \$62.60 from fund 2270 to fund 1000 for printing expenditures.
5. The sums of \$5.76 from fund 2120, \$45.42 from fund 2180, \$87.95 from fund 2190, and \$30.75 from fund 2270 to fund 1000 for supply expenditure.
6. The sums of \$163.45 from fund 1000, \$2.70 from fund 2110, and \$2.60 from fund 2270 to fund 2190 for Savin charges.
7. The sum of \$18.90 from fund 1000 to fund 2180 for copier charges.
8. The sum of \$2.00 from fund 5020 to fund 1000 for copier charges.

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9. The sum of \$300.85 from fund 2761 to fund 1000.  
 10. The sum of \$51.62 from fund 2710 to fund 5020.

March 15, 1984

Held Solid Waste Resource Recovery meeting. Those present were members of the committee and Peter Brown of Billings and Bill Potts from the State of Montana to discuss the energy proposal.

Received A101 #4587 from First Bank and Montana Bank in the amount of \$36,774.09 for interest on repurchase and passbook accounts for the month of February, 1984 to the credit of various funds.

The Gaming Commission authorized permission for keno machines to be installed in the following establishments: Corral Bar, Bair's Truck Stop, Gateway Inn, Gene's Supper Club, and the VFW Club.

Wilbur Visser and Emery Nelson attended the Refuse District No. 1 meeting in Manhattan.

March 16, 1984

Routine business this date.

March 19, 1984

Wilbur Visser attended the Fairgrounds Planning meeting at the Fairgrounds.

Received A101 #4619 from Lodge Grass High School in the amount of \$12.00 for Law and Justice gym rental to the credit of the General Fund.

Joy I. Nash attended a Water Committee meeting on March 17, 1984 with Anne Anderson, City Commissioner and Dorothy Eck, State Senator.

March 20, 1984

Wilbur Visser attended the Department of Health monthly meeting.

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Mary Kay Peck spoke regarding a review of exemptions claimed on certificates of survey. Howard Nelson has claimed the security for construction financing exemption. Mr. Nelson has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Montana Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. From the information submitted, this appears to be a proper use of the exemption.

Ruthmary Tonn made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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James Johnstone, an attorney representing RID #305 at Big Sky, presented a petition to the Commission requesting the creation of a sewer district at Big Sky. Mr. Johnstone stated that he would be presenting a similar petition to the Madison County Commission since the district being proposed would be a multi-county district. Mr. Johnstone states that the petition is requesting that the current rural improvement district transfer their assets, liabilities and equipment to the newly created sewer district. Mr. Johnstone states that the current district hampers and impedes the ability of the district to service the population.

The Commission will forward the petition to the Clerk and Recorder for certification.

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Steve Tucker requested a waiver of penalty and interest on personal property taxes. Mr. Tucker states that in 1979 he and his mother purchased a mobile home from Mobile Home Brokers and Exchange. At that time they were not informed that there were any back taxes due on the home. Mr. Tucker has recently received a letter from the County Treasurer stating that he owes back taxes from 1977 and he did not own the home at that time. Mr. Tucker states that he does owe the second-half taxes for 1983. Mr. Tucker also states that he does not feel he should owe the taxes for 1977 since he was under the impression the taxes had all been paid.

Wilbur Visser made a motion to waive the penalty and interest on the 1977 taxes, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Wilbur Visser stated that the Road Department has requested that load limits be set on the recently improved sections of Valley Center and Hidden Valley Roads. The proposed resolution to establish these limits reads as follows:

RESOLUTION

WHEREAS, Section 7-14-2127, M.C.A., 1983 provides in part that local road authorities may by resolution prohibit the operation of vehicles upon any public highway under their jurisdiction, or impose restrictions as to the weight of the vehicle; and

WHEREAS, it has been brought to the attention of the Board of County Commissioners that load limits should be imposed upon certain county roads.

NOW THEREFORE, BE IT RESOLVED that upon the following described roads the following

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restrictions as to use, weight, are in effect:

LOAD LIMITS

Valley Center Road (paved portion) 300# per inch of width of tire  
Hidden Valley Road (paved portion) 300# per inch of width of tire

These load limits are subject to change as conditions develop.

AND BE IT FURTHER RESOLVED, that the County Road Department is hereby directed to place appropriate signs advising the public as to the restrictions imposed thereon.

This resolution shall be in force and effect until further order of this Board.

Wilbur Visser made a motion to place the limits on the roads, seconded by Ruthmary Tonn, none voting nay. The motion carried.

Glen Hargrove asked what would happen if he has to move a mobile home into his mobile home park? Wilbur Visser stated that he would have to obtain permission from the Road Department for an exemption to the load limit.

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Margaret Dusenberry and Dorie Heimbigner read a Proclamation for Extension Homemaker Week as follows:

PROCLAMATION

WHEREAS, the Gallatin County Extension Homemakers strive to improve the quality of life of all Gallatin County families by promoting research based education on nutrition and health, economic stability, family strengths, energy and environment, leadership skills, community responsibility and citizenship; and

WHEREAS the Gallatin County Extension Homemakers directly affect the lives of not only its own membership but also the lives of all family members in those homes, their neighbors and communities; and

WHEREAS the Gallatin County Extension Homemakers have been for over fifty years part of the rich heritage of this county with its members serving in key positions in agriculture, business and education;

NOW THEREFORE let it be known, the Gallatin County Board of County Commissioners do proclaim the week of March 23-29 as GALLATIN COUNTY EXTENSION HOMEMAKER WEEK.

Ruthmary Tonn made a motion to proclaim the week of March 23-29, 1984 as Extension Homemaker Week, seconded by Wilbur Visser, none voting nay. The motion carried.

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Wilbur Visser made a motion to appoint Jack Rea and Herb Steingruber to the Mosquito Control Board for three year terms expiring December, 1986, seconded by Ruthmary Tonn, none voting nay. The motion carried.

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Ruthmary Tonn stated that the Commission has received a request from the Weed Board for additional funds to hire an additional person to replace Bill Gibson, who is ill. It is uncertain when Mr. Gibson will be able to return to work and it is time to prepare the weed spraying equipment for the season and to prepare for the weed crew to begin work in May. The maximum amount of money they are requesting is \$4,860.00. This is anticipating that Mr. Gibson would not be able to return to work until July 1st, which takes us to the next budget year. If Mr. Gibson returns to work before that time, all of this money would not be needed.

Ruthmary Tonn made a motion to provide the funding as requested, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:55 P.M.

ATTEST:

*Jay D. Dingle*  
Clerk

APPROVED:  
*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 27th DAY OF MARCH, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Mrs. Nash asked if there was anyone present to submit bids for weed chemicals. There were none. Four bids had been received prior to the meeting.

Commissioners Ruthmary Tonn and Wilbur Visser were present as well as Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ruthmary Tonn made a motion to approve the minutes of March 20, 1984 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

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## ANNOUNCEMENTS

March 21, 1984

Wilbur Visser attended the Governor's Infrastructure Committee meeting in Helena.

Joy I. Nash attended a meeting with Anne Anderson, City Commissioner and Dorothy Eck to discuss water problems.

Granted permission to Ray White, County Assessor, to be out of state March 31, 1984 through April 8, 1984.

Received and approved transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$.69 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-360 be transferred to account 1000-213-410340-312 under general class (2) Maintenance and Support.

That the sum of \$245.00 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-370 be transferred to account 1000-210-411100-510 under general class (2) Maintenance and Support.

That the sum of \$650.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440350-229 under general class (2) Maintenance and Support.

That the sum of \$18.37 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-352 be transferred to account 1000-211-410340-397 under general class (2) Maintenance and Support.

That the sum of \$55.80 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-210 be transferred to account 1000-211-410340-320 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 20th DAY OF MARCH, 1984

/s/ Joy I. Nash  
/s/ Ruthmary Tonn  
/s/ Wilbur Visser

March 22, 1984

The Commissioners went to West Yellowstone to meet as the Hebgen Lake Zoning Commission. Also present were zoning commission member Ray White; Mary Kay Peck, Subdivision Review Officer; and Bob Throssell, Deputy County Attorney. The Zoning Commission heard a proposed amendment to the Hebgen Lake Zoning Ordinance to allow mobile homes as a conditional use in the Ski Yellowstone Planned Unit Development. This amendment was approved. The Commission also heard a proposed amendment to change PUD boundaries for Ski Yellowstone. This amendment was approved.

The County Commission also held a public meeting in West Yellowstone to discuss the central communications system and dispatching in the West Yellowstone area.

Received services contract for Teresa Tough for the period March 21, 1984 to March 21, 1985 for services as a nurses aide at the Rest Home at the rate of \$4.6159 per hour.

Received the following A101's:

#4637 from Hyalite Junior Camp in the amount of \$2,595.84 for expenditure credit.

#4642 from the Clerk of the District Court in the amount of \$433.34 to the credit of the General Fund and the General School Fund.

Received boiler certificates for the boilers in the Courthouse, Rest Home and Law and Justice Center.

March 23, 1984

Commissioners met as a Welfare Board this date.

Granted permission to the Montana High School Rodeo Association to conduct a raffle.

Commissioners Nash and Tonn attended the Ideal Cement banquet for their ten-year safety, no accident recognition.

March 26, 1984

Received A101 #4647 from First Bank Bozeman for interest earned on CD 18547 and 18545 in the amount of \$1,771.04 to the credit of Protest Fund.

#4648 from First Bank Bozeman for interest on CD 18546 in the amount of \$884.56 to the credit of various funds.

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Received a list of new employees for the month of March as follows:

Michael Rand, Sheriff's Deputy, 3/1/84, \$1,385.37 per month.  
 Kathy Griffin, Nurses Aide, Rest Home, 2/29/84, \$4.159 per hour.  
 Anne Sanders, Laundry Aide, Rest Home, 3/1/84, \$3.7402 per hour.  
 Donald Gullickson, Sheriff's Deputy, 3/6/84, \$1,385.37 per month.  
 Debra Cappon, Nurses Aide, Rest Home, 3/5/84, \$4.6159 per hour.  
 Tracy Rausch, Nurses Aide, Rest Home, 3/10/84, \$4.6159 per hour.  
 David Gates, Chief Deputy Probation Officer, 3/15/84, \$1,750.00 per month.  
 Kathy Nowierski, Personnel Officer, 3/26/84, \$888.61 per month (half-time).  
 Cynthia Olson, Nurses Aide, Rest Home, 3/17/84, \$4.6159 per hour.

March 27, 1984

Received the following A101's:

#4655 from Montana Bank of Bozeman in the amount of \$1,213.10 for interest on CD 10266 to the credit of Junk Vehicle.

#4667 from American Federal Savings & Loan in the amount of \$2,564.11 for interest on CD 105 to the credit of Park Fund.

#4668 from American Federal Savings & Loan in the amount of \$7,713.80 for interest earned on CD 106, 113, and 114 to the credit of Revenue Sharing.

#4669 from American Federal Savings & Loan in the amount of \$7,703.06 for interest earned on CD 107, 108 and 109 to the credit of BLM.

#4670 from American Federal Savings & Loan in the amount of \$5,144.34 for interest earned on CD 110 and 111 to the credit of the General Fund.

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Joy I. Nash read the notice of publication for the invitation for bids for weed chemicals. Gerry Dusenberry, Chairman of the Weed Board, read the bids received as follows:

Bid from Gallatin Farmers Company in Belgrade:

1,400 gallons CCC Armine #4 in 30 gallon containers: \$8,636.60.  
 300 gallons Tordon 22K in 5 gallon containers: \$21,291.00.  
 350 gallons Banvel: \$15,316.00.  
 200 gallons Wetter Spreader Sticker in 5 gallon containers: \$1,024.00.  
 400 pounds Baytex 2% granules: \$347.20.  
 480 pounds BTI granules: \$619.20.  
 50 gallons ULV Malathion: \$909.50.  
 50 gallons BTI liquid: \$1,255.00.  
 75 gallons Baytex 46% EC (Mobay): \$3,440.25.  
 75 gallons Baytex 46% EC (Prentiss): \$3,344.25.

Total with Mobay Baytex: \$52,838.75.

Total with Prentiss Baytex: \$52,742.75.

Bid from AgriBasics Company in Belgrade:

1,400 gallons 24D Amine in 30 gallon containers: \$8,652.00.  
 300 gallons Tordon 22K in 5 gallon containers: \$21,450.00.  
 350 gallons Banvel in 2.5 gallon containers: \$15,746.50.  
 200 gallons Activator NF in 5 gallon containers: \$1,230.00.  
 400 pounds Baytex 2% in 50 pound containers: \$228.00.  
 No bid on 480 pounds BTI Granular  
 50 gallons Malathion in 5 gallon containers: \$836.50.  
 50 gallons BTI Liquid - No bid  
 75 gallons Baytex 46% EC in 5 gallon containers: \$3,441.75.

Bid from Churchill Equipment Company in Manhattan:

1,400 gallons 2,4-D Amine in 30 gallon containers: \$6.27 per gallon.  
 300 gallons Tordon 22K in 5 gallon containers: \$71.79 per gallon.  
 350 gallons Banvel: \$45.29 per gallon.  
 200 gallons Activator MF (spreader sticker) in 5 gallon containers: \$6.20 per gallon.  
 400 pounds Baytex 2% granules in 50 pound containers: \$.58 per pound.  
 480 pounds BTI granules - No bid  
 50 gallons Malathion ULV in 5 gallon containers: \$16.99 per gallon.  
 50 gallons BTI liquid - No bid  
 75 gallons Baytex in 5 gallon containers: \$46.19 per gallon.

Bid from Cargill, Inc. of Bozeman:

1,400 gallons 2,4-D Amine in 30 gallon containers: \$6.84 per gallon.  
 300 gallons Tordon 22K in 5 gallon containers: \$74.88 per gallon.  
 350 gallons Banvel: \$218.25 per gallon.  
 200 gallons Spreader Sticker: \$12.05 per gallon.  
 400 pounds Baytex 2% granules: \$29.7 per 50 pound bag.  
 480 pounds BTI granules: \$1.39 per pound.  
 50 gallons Malathion ULV: \$20.13 per gallon.  
 50 gallons BTI Liquid: \$19.41 per gallon.  
 75 gallons Baytex 46% EC: \$48.51 per gallon.

The Weed Board will review these bids and make their recommendation to the Commission later on in the meeting.

Dean Larson requested a waiver of penalty and interest on a mobile home on behalf of Randy Myett.

Mr. Larson states that in 1983 he had placed a call to the Assessor's Office requesting the amount of back taxes on the mobile home and was given only the amount of back taxes for

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1982. At that time, the taxes were paid and were believed to have been brought up-to-date. Mr. Larson states that a month ago the new owner of the mobile home received a notice that back taxes from 1977 were still owing. Mr. Larson requests that the penalty and interest and possibly even the taxes themselves, be waived.

The Commissioners will defer their decision until further information can be obtained from the County Treasurer.

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The meeting was recessed for a short time to allow the Weed Board to study the weed chemical bids.

It was noted that this was Ruthmary Tonn's last public meeting as Mrs. Tonn is resigning effective March 31, 1984.

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Gene Surber, County Extension Agent, stated that since there were no members from the Mosquito Control District present, they would not award the bid on the mosquito chemicals at this time. He recommended that the bid for the weed chemicals be awarded to Gallatin Farmers. Ruthmary Tonn made a motion to award the bid for the weed chemical to Gallatin Farmers and to defer awarding the mosquito chemicals until the Mosquito Control Board can make a decision. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:15 P.M.

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ATTEST:

Clerk

*Gary H. Pringle*

APPROVED:

Chairman

*Joy I. Nash*

PUBLIC MEETING TUESDAY THE 3RD DAY OF APRIL, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash introduced Jane Jelinski as the new member of the Board of County Commissioners, replacing Ruthmary Tonn who resigned March 31, 1984.

Wilbur Visser made a motion to approve the minutes of March 27, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

Joy I. Nash announced that there will be a special meeting of the County Commission on April 5, 1984 at 1:30 P.M. to consider five exemptions claimed on certificates of survey.

#### ANNOUNCEMENTS

March 28, 1984

Joy I. Nash attended a Water Committee meeting with Anne Anderson, City Commissioner and Dorothy Eck, State Senator.

Received A101 #4661 from First Security Bank in the amount of \$2,729.52 for interest on CDs 54119, 54120 and 54121 to the credit of the Protest Fund.

Received transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$20.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-122 be transferred to account 5020-000-440340-140 under general class (1) Salaries and Wages.

That the sum of \$25.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-123 be transferred to account 5020-000-440340-140 under general class (1) Salaries and Wages.

That the sum of \$20.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-125 be transferred to account 5020-000-440340-140 under general class (1) Salaries and Wages.

That the sum of \$30.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-121 be transferred to account 5020-000-440350-140 under general class (1) Salaries and Wages.

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440350-397 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-352 be transferred to account 1000-211-410340-312 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-121 be transferred to account 5020-000-440320-130 under general class (1) Salaries and Wages.

That the sum of \$200.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-122 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$100.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-123 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 29th DAY OF MARCH, 1984

/s/ Joy I. Nash  
/s/ Ruthmary Tonn  
/s/ Wilbur Visser

Held farewell reception for County Commissioner Ruthmary Tonn attended by department heads and county employees. Mrs. Tonn is resigning effective March 31, 1984.

March 29, 1984

The Commissioners; Sam Gianfrancisco, Road Superintendent; and Bob Throssell, Deputy County Attorney, met with William Lower and Pat Hatler of the Ideal Cement Plant at Trident to discuss a new railroad crossing. The group also toured the plant.

Ruthmary Tonn and Joy I. Nash attended the HRDC board meeting. Jim Smith, Region VIII in Helena, discussed the history of HRDC as well as providing board training to seven new board members.

Received A101 #4697 from Law Office in the amount of \$48.00 for Law and Justice gym rental to the credit of the General Fund.

Joy I. Nash chaired the DUI Task Force meeting.

March 30, 1984

Received the following A101's:

#4693 from the Church of Christ in the amount of \$15.00 for Law and Justice gym rental to the credit of the General Fund.

#4687 from State of Montana State Auditor in the amount of \$37,541.82 for taxes and fees collected by the Highway Department to the credit of various funds.

Received and approved services contract for Judy Harris to work in the Superintendent of Schools office for the period April 2, 1984 to May 25, 1984 at the rate of \$5.25 per hour.

Received and approved services contract for Marian Hollenback to work in the Superintendent of Schools office for the period April 2, 1984 to May 31, 1984 at the rate of \$5.25 per hour.

Jane Jelinski was appointed by the District Judges to fill the term left vacant by Ruthmary Tonn. Mrs. Jelinski will serve for the remainder of the year.

April 2, 1984

Received the approved services contract for Melissa Birch to work at the Rest Home as a nurses aide at the rate of \$4.61 per hour.

Received and approved services contract for Julie Mulcahy to work at the Rest Home as a nurses aide at the rate of \$4.61 per hour.

The Commissioners interviewed Tom Tyler of the Snoshoe Inn for a gambling license.

The Commissioners interviewed Charles French, a senior at Montana State University, to do a study of future landfill sites in Gallatin County.

April 3, 1984

Jane Jelinski was sworn in by District Judge Joseph Gary as County Commissioner at 8:30 A.M. in the Courthouse Community Room.

Held monthly department head staff meeting.

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Received monthly report of the Clerk and Recorder showing the items of fees and other collections made during the month of March in the amount of \$10,305.10.

Received A101 #4689 from State of Montana State Auditor in the amount of \$40.00 to the credit of various school funds.

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Bob Throssell, Deputy County Attorney, spoke regarding a resolution transferring operation of RID #304, West Yellowstone Sewer, to the Town of West Yellowstone. Last year, the bonds were paid off on this Rural Improvement District. The Town of West Yellowstone has sent a letter to the Commission and expressed a desire to accept the responsibility and the operation and maintenance of this Rural Improvement District.

The proposed resolution transferring this district provides that the county relinquish all control of the management and operation of RID #304, transfers all county interest in any of the real or personal property owned by the district to the Town of West Yellowstone for the amount of \$10.00.

The county has in the past levied a maintenance agreement on the district on which it is still collecting the delinquents. The transfer agreement provides that any balance in the account be forwarded to West Yellowstone for maintenance of the district. The Town agrees, by this resolution, to accept all responsibility for the operation, control and management of the district and to hold harmless and indemnify the county in the case of any liabilities against the district. The Town of West Yellowstone must also act on this Resolution.

The Town of West Yellowstone has recently annexed 160 acres to the Town as a result of a land exchange with the Forest Service. The Town of West Yellowstone would be more capable of handling the maintenance of the sewer district when it is incorporated into these additional acres.

Wilbur Visser made a motion to pass the Resolution transferring the operation of RID #304 to the Town of West Yellowstone, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jack Cain, who lives beside the Bozeman Hot Springs, stated that there is a problem with the Gallatin River washing away property near the Hot Springs. This has been an ongoing problem for many years, and the residents have tried to do what they can without rip rapping. Mr. Cain has checked on the availability of rock from other sources and has discovered that it would be too long a distance to haul it and the cost would be prohibitive. Mr. Cain requests large rock from the county gravel pit which is located about three miles from the site where the rip rap is needed.

Bruce Thompson, spoke on behalf of his father, Art Thompson. Mr. Thompson owns property directly next to Mr. Cain. Mr. Thompson states that if the river is not rip rapped before the high water gets here, it will cut a new channel down through three different places and there is a good chance it will destroy at least one home, that being Mr. Thompson's. Mr. Thompson states that many acres of ground will be lost because there is nothing to stop the river. Mr. Thompson also states that hauling of the rock a great distance would also be prohibitive as far as cost. Mr. Thompson states that the property owners have trucks and a Cat that they would be able to use to do the work themselves.

Wilbur Visser asked whether the property owners have a permit to rip rap. Mr. Thompson states that they have applied for a 310 permit, which was granted. The Fish and Game has been consulted and they have no problem with the rip rapping being done.

Jane Jelinski asked whether this would be supervised by the Fish and Game. Mr. Thompson stated that he is sure the Fish and Game would be present to observe. Mr. Thompson states the Fish and Game has indicated to him that this is something that should have been done many years ago.

Steve Barber, a property owner along the river, states that if the river continues its course, it could cause severe damage to his property.

Jane Jelinski asked whether the property owners would be willing to pay for the rock. Mr. Barber stated that they would.

Sam Gianfrancisco, Road Superintendent, stated that the county's policy is not to get into competition with people that are in the business to do rip rapping. The county also cannot allow the public into the gravel pit because the insurance coverage with the Bureau of Mines would have to be changed for additional liability. Mr. Gianfrancisco states that the county does not normally get involved in river management unless a county road is involved. Mr. Gianfrancisco states that John Gardner sells rip rap as does Mike Boylan.

Wilbur Visser stated that due to the regulations of the Bureau of Mines, he does not feel that the public should be allowed into the county gravel pit. Wilbur Visser made a motion to deny the request for large rock from the pit, seconded by Joy I. Nash, none voting nay. The motion carried with Jane Jelinski abstaining.

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Loy Carroll, County Treasurer, spoke regarding the awarding of bid for repurchase agreement. Mr. Carroll states that the county has two repurchase agreements that are put up for bid every year. The agreements are repurchase 1 and repurchase 2. These agreements have a minimum of \$500,000 each and a maximum of \$2,500,000. Of the bids received, the bid from First Bank Bozeman for repurchase 1 was felt to be most advantageous. They submitted an option A fixed bid that would yield 9.31% daily interest or 9.75% annual interest. For repurchase 2, it was felt that the bid received from Montana Bank was most advantageous. Their bid was .25% below the most recent 91-day T bill rate. The last rate the bank offered was 9.51%. Mr. Carroll recommends that the bid for repurchase 1 be awarded to



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First Bank Bozeman and the bid for repurchase 2 be awarded to Montana Bank.

Mr. Carroll noted that the county has just finished its second year of investing in these repurchase agreements. The first year the County earned \$547,164.67. For the 11 month period of the second year, the County earned \$407,679.39. The County also invests in CD's for the money the County has in excess of the \$5,000,000 in these two repurchase agreements.

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Sam Gianfrancisco, Road Superintendent, spoke regarding setting speed limits on Hidden Valley and Valley Center Roads. The Road Department is requesting 35 MPH speed limits on these two roads. The traffic on Valley Center Road averages about 1,200 cars per day and on Hidden Valley it averages about 850 cars per day. These two roads were recently paved, and the traffic is beginning to move at excessive speeds due to the paving of the roads. There are also numerous approaches to these two roads. There are a number of school bus stops on this road. Mr. Gianfrancisco states that load limits have recently been placed on the road due to its condition, and the speed limits would help this. These speed limits would be in effect on the newly oiled portion of these roads.

Wilbur Visser made a motion to pass the Resolution establishing speed limits of 35 MPH on Hidden Valley and Valley Center Roads oiled portions, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser made a motion to grant permission to install one electronic keno machine in the Snoshoe Inn, seconded by Jane Jelinski, none voting nay. The motion carried.

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It was noted that there would need to be a vote taken on the awarding of the bid for the two repurchase agreements.

Wilbur Visser made a motion to award repurchase agreement 1 to First Bank Bozeman and repurchase agreement 2 to Montana Bank of Bozeman, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:05 P.M.

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ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED,

*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 10th DAY OF APRIL, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, County Attorney A. Michael Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of April 3, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

## ANNOUNCEMENTS

April 4, 1984

Received and approved services contract for Melody Stuart to work for the County Treasurer's Office doing microfilming. This is for the period April 4, 1984 until June 30, 1984 at the rate of \$5.25 per hour.

Received A101 #4727 in the amount of \$206.78 from Montana Physician's Service for a refund of an overpayment of insurance premium to the credit of Employer Contributions.

Joy I. Nash and Jane Jelinski attended a meeting at the Chamber of Commerce regarding the Law Enforcement Academy.

Jane Jelinski attended the Alcohol Advisory Board meeting.

April 5, 1984

Joy I. Nash called a special meeting to order at 1:30 P.M. to review a backlog of exemptions claimed on certificates of survey.

Mary Kay Peck spoke regarding five claimed exemptions as follows:

Harry Brainard has claimed the agricultural exemption. Mr. Brainard has certified that the parcel will be used exclusively for agricultural purposes, and that no building or structure requiring water or sewer facilities shall be utilized on the parcel. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to approve the exemption for Harry Brainard, seconded by Jane Jelinski, none voting nay. The motion carried.

Alvin Bakker has claimed the occasional sale exemption. Mr. Bakker has not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption,

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and only one parcel is being created. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to approve the exemption for Alvin Bakker, seconded by Jane Jelinski, none voting nay. The motion carried.

Howard Nelson, acting for the Gallatin Airport Authority, has claimed the occasional sale exemption. The purpose of the survey is for the Airport Authority to be able to acquire additional lands to fulfill master plan and noise contour restrictions. The information submitted by Mr. Nelson indicates that this is a proper use of the exemption.

Jane Jelinski made a motion to approve the exemption for the Gallatin Airport Authority, seconded by Wilbur Visser, none voting nay. The motion carried.

The Gallatin Airport Authority and Richard and Patricia Thomson are claiming the exemption for the relocation of common boundaries. In accordance with their master plan, the Airport Authority is acquiring additional land to comply with noise contour requirements. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the exemption for the Gallatin Airport Authority and Richard and Patricia Thomson, seconded by Wilbur Visser, none voting nay. The motion carried.

The Gallatin Airport Authority and Alton and Helen Thomson are also claiming the exemption for relocation of common boundaries. This acquisition is also in response to noise contour requirements and appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the exemption for the Gallatin Airport Authority and Alton and Helen Thomson, seconded by Wilbur Visser, none voting nay. The motion carried.

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Received A101 #4743 from the State Auditor in the amount of \$302.94 for distribution of wine tax for March, 1984 to the credit of the General Fund.

Received and approved services contract for Catherine Jeske to work as an Activities Director at the Rest Home for the period April 4, 1984 to April 4, 1985 at the rate of \$4.6159 per hour.

April 6, 1984

Commissioners attended the Urban Coalition meeting in Billings this date to organize and prepare for the 1985 legislative session.

April 9, 1984

Joy I. Nash attended the Jefferson Day Awards Ceremony in Governor Schwinden's Office in Helena. Gallatin County Coroner Doris Fisher was chosen to receive this award for her outstanding work in the Montanans Against Drunk Driving (MADD) program. A total of nine awards were given to people from throughout the State of Montana.

The Commissioners approved a permit to hold a raffle requested by the Gallatin County Sheriff's Posse. The item to be raffled is a rifle and the cost of the tickets are \$1.00 per ticket. Tickets will be sold from April 14, 1984 and end with a drawing held on June 30, 1984 at the Main Mall in Bozeman.

Received and approved services contract for Molly Campbell as a Kitchen Aide at the Rest Home at the rate of \$3.74 per hour.

Received and approved services contract for Cornelia Jordan as a Laundry Aide at the Rest Home at the rate of \$3.74 per hour.

Received and approved transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$537.50 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-361 be transferred to account 1000-209-420100-226 under general class (2) Maintenance and Support.

That the sum of \$70.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-210 be transferred to account 1000-202-410550-335 under general class (2) Maintenance and Support.

That the sum of \$250.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-210 under general class (2) Maintenance and Support.

That the sum of \$1,500.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410333-700 be transferred to account 2180-208-410333-320 under general class (2) Maintenance and Support.

That the sum of \$165.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-362 be transferred to account 1000-254-420600-210 under general class (2) Maintenance and Support.

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That the sum of \$1,000.00 as appropriated under general class (2) Maintenance and Support for account 2120-222-450131-719 be transferred to account 2120-222-450110-320 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 5th day of April, 1984

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

The Commissioners issued the following public notice to the newspapers and radio stations in the area:

Due to the frost boils on Goldenstein Road which have made the road impassable, the Gallatin County Road Department is closing Goldenstein Road to public travel until conditions improve and it can be repaired. We apologize for this inconvenience.

Received the Prisoner Board Billing for the month of March, 1984. There were a total of 248 prisoners for a total of 640 days at a cost of \$7,111.00.

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Joy I. Nash opened the public hearing for the proposed issuance of \$500,000 in Industrial Revenue Bonds for Montana Container Corporation. Mrs. Nash stated that she has the Affidavit of Publication of the Notice of the Public Hearing. It was published for three consecutive weeks commencing on March 14, 1984.

Robert Boie, President of Montana Container Corporation, requested the Commission's favorable action on this request. Mr. Boie stated that he believes this project would be in the interest of the people of Gallatin County. He states that it will add to the tax base, increase the dollars in the community and increase employment. Mr. Boie states that Montana Container Corporation was formed in 1975 by him with one employee. At that time, he sold boxes during the day and made them at night. Presently, Montana Container Corporation employs eighteen people and they manufacture cardboard boxes and one gallon plastic milk containers. At present, the plant manufactures approximately 120,000 milk containers per week and an equivalent of approximately two truckloads of boxes per week. Mr. Boie states that the products are non-polluting to both air and water.

Mr. Boie states that the proposed project would be 18,000 square feet of manufacturing with 1,000 square feet of office space. It will be one-and-a-half times the size of the present facility. There will be four loading docks as opposed to the one in the present facility. The proposed contractor is Everett Egbert, a local contractor. They estimate that they will be able to take occupancy in August. The estimated annual property tax on the building will be \$4,607.00.

Mr. Boie states that in 1975-76 there were three employees at the plant with sales of \$238,000. In 1983 there were eighteen employees with sales in excess of \$1.5 million. The plant can no longer continue to grow because they are crowded in their present facility. Mr. Boie states that he believes his company meets the intent of the industrial development revenue bond.

Jane Jelinski asked whether Mr. Boie had tried conventional financing. Mr. Boie states that his company would be able to receive conventional financing although it might cause them not to be able to build as large a building. Mr. Boie states that the money saved in interest would be used towards the growth of the company.

Mr. Boie states that the county itself has no liability on the bonds. He states that the First Bank of Bozeman has tentatively agreed to purchase the bonds on a private basis.

Wilbur Visser asked how many new employees the company anticipated hiring once the new facility is in place. Mr. Boie stated that by 1988 he believes there will be twenty-eight working at the plant.

Joy I. Nash asked where the proposed building would be built. Mr. Boie stated that the proposed site is between the Lux Transfer Building and American Simmental on 4.1 acres. Mr. Boie states that 90% of their business is within the State of Montana with 10% being shipped out of state.

Harry Newlon, President of First Bank Bozeman, spoke on behalf of the proposed project. Mr. Newlon states that Mr. Boie's company is growing each year and in order to sustain that growth, they must maintain a competitive posture in selling their products. Mr. Newlon states that it is important to Gallatin County to have businesses such as this continue to grow. Mr. Newlon states that First Bank Bozeman endorses this use of industrial development revenue bonds and believes that they were designed for such a use.

Scott Heck, Vice President of First Bank Bozeman, states that he and Mr. Boie have spoken about the bank's interest in entering into an agreement to purchase or to fund the bonds if they are approved. Mr. Heck states that Montana Container Corporation is a financially strong company.

Lavon Carter, representing Darigold Farms, stated that Darigold is a customer of Mr. Boie. They use approximately 9,000 to 10,000 of the plastic milk containers per day. They are now able to use Mr. Boie's product rather than hauling them from Wyoming as they did previously. Mr. Carter requests the Commission's approval of this request for industrial revenue bonds.

Dennis Schweitzer, President of R & S Marketing, stated that his company is also a customer of Mr. Boie's. His company imports and distributes fireworks and artificial flowers. A substantial portion of the business is manufacturing and repackaging the

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imported products. During fiscal year 1983, the company spent approximately \$100,000 on packaging and containers from Montana Container Corporation. Mr. Schweitzer states that they would have to obtain these items outside the State of Montana at additional cost if Montana Container Corporation were not available to them. Mr. Schweitzer feels that this would be an ideal usage for an industrial revenue bond.

Mike Ward, a Bozeman resident, posed several questions to Mr. Boie. Mr. Ward asked what was meant by non-polluting, he questioned that there must be waste products of some type. Mr. Boie stated that the plastic gallon jugs are made of polyethylene. Mr. Boie states that the polyethylene is brought in in granular form from Houston and is manufactured into the jugs. The waste generated from this process is reground and recycled into the manufacturing process. Mr. Boie states that the waste produced from the corrugated shipping containers is biodegradable. There are no air or water pollutants.

Mr. Ward asked with regard to the increase in loading docks if there would be an increase in truck traffic. He also questioned the burden on county roads and if the trucks would be heavily loaded. Mr. Boie states that the number of truck loads would undoubtedly increase with an increase in production. At present, the use of one dock is very inefficient. Mr. Boie stated that a 45 foot load of plastic containers weights about 2,000 pounds. A load of paper weighs about 20,000 pounds. Neither of these loads are considered to be heavy.

Mr. Ward questioned the impact on the sewer and water system. Mr. Boie states that they would be hooked into the sewer system that runs along the road. Water supply would be provided by a well.

Joy I. Nash asked for testimony in opposition of the proposed industrial revenue bonds. There being none, the hearing was closed.

Mike Salvagni, County Attorney, states that there is currently proposed legislation in the Federal Congress that would limit a county's ability to issue industrial revenue bonds. Mr. Boie states that his resolution takes that into account and it essentially states that if this legislation is approved, it is requested that these bonds be included in the allotted amount.

Wilbur Visser asked for how many years the bonds would be issued for. Mr. Boie states that twenty years would be the length of issue.

Mike Salvagni, County Attorney, stated that in the statute creating the Commission's authority to approve the bonds, the Commission must make a decision as to whether or not the project is in the public interest. Mr. Salvagni states that the proposed resolution that has been submitted to the Commission is in order. It acknowledges that there are several other things that have to be done if the Commission takes favorable action. This is just the first step in a lengthy process.

Jane Jelinski stated that she believes this is in the public interest and she believes that small business in Gallatin County is an important part of the economy of the county. Mrs. Jelinski made a motion to issue the bonds, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding one claimed exemption on a certificate of survey. David Jackson and David Delap have claimed the relocation of common boundary lines exemption. Two structures were built on the original boundary line, and this survey corrects that error and provides the Delap property with access to the existing road easement. This exemption was previously submitted for review in January of 1984. At that time, the Commission deferred action because the required quit claim deeds had not been submitted. Copies of the quit claim deeds have now been submitted. From the information provided, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mike Foley, representing the developer, spoke regarding a request for final approval for Grayling Arm Meadows Subdivision. Mr. Foley stated that all of the documents required by the conditions set forth in the Findings of Fact have been submitted to the Subdivision Review Office.

Jane Jelinski questioned the section referring to "guest houses" in the covenants. Mr. Foley stated that Mr. Hasler has submitted a changed set of covenants which allow a guest house without kitchen facilities and with the provision that no guest houses will be rented. Mr. Foley was not aware of any size restrictions on the guest house.

Jane Jelinski stated that the taxes on the property will be due May 31, 1984. She asked whether the developer would make a commitment that the taxes would be paid within the next month. Mr. Foley stated that he presumed the developer would, but could not speak for him. Mr. Foley states that when the platting certificate was obtained, the taxes were slightly delinquent and Mr. Hasler paid them immediately. Mr. Hasler has extensive plans for development and in fact plans to have three homes under construction in a few weeks' time.

Wilbur Visser asked Mr. Foley how he expected the grass to grow that had been seeded over the snow. Mr. Foley stated that they were told by the County Extension Agent that it would work. The old barrow pit was reseeded last Fall.

Wilbur Visser made a motion to grant final approval for Grayling Arm Meadows Subdivision, seconded by Joy I. Nash, none voting nay, with Mrs. Jelinski abstaining.

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Wilbur Visser made a motion to appoint Henry VanderVos and R. R. Williamson to the Bridger Canyon Rural Fire District Board for a three year term to expire in April, 1987. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

Wilbur Visser made a motion to appoint Robert O. Smith and Lawrence G. Christie to the Bridger Canyon Rural Fire District Board for a three year retroactive term to expire in April, 1986. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

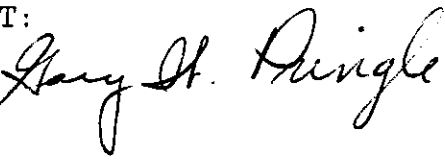
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There being no further business, the meeting adjourned at 2:20 P.M.

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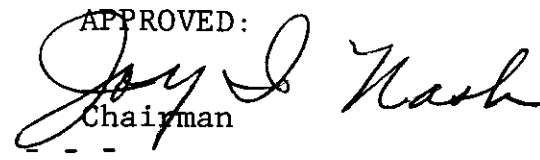
ATTEST:

Clerk



APPROVED:

Chairman



PUBLIC MEETING TUESDAY, THE 17th DAY OF APRIL, 1984 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of April 10, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

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## ANNOUNCEMENTS

April 11, 1984

Discussed Goldenstein Road closure with Milt Dewitt and Clark Robinson of the Sourdough Rural Fire Department.

The Bridger Zoning Commission held a continuation of a hearing of March 12, 1984. The following action was taken: Ray White made a motion to approve the conditional use permit for Bridger Inn, seconded by Joy I. Nash with Jane Jelinski abstaining. The motion carried.

The Board of County Commissioners held a public hearing regarding a request for preliminary plat approval for Bridger Inn. Approval was granted with the following conditions:

1. That a phase timetable which includes installation of improvements be submitted to the Subdivision Review Office within sixty (60) days of preliminary plat approval.
2. That the north-south road design be extended to provide access to unsubdivided land to the northwest, prior to final approval.
3. That a name for the road be submitted to the County Road Office for review and approval prior to final approval.
4. That the final plat show twenty foot wide utility easements.
5. That complete road, drainage, and street sign placement plans be submitted to the County Subdivision Review Office and Surveyor's Office for review and approval prior to construction.
6. That the covenants be revised to specifically state that the common open space is reserved in perpetuity and that the maintenance of the roads is the responsibility of the association. That the covenants set forth a method for ultimately transferring ownership of the sewer system to the unit owners association.
7. That a schedule showing the completion of required improvements be submitted to the Subdivision Review Office within sixty (60) days of preliminary plat approval.
8. That the open space be designated on the final plat and that the park requirements be waived.
9. That copies of all "310" permits obtained from the Conservation District be submitted to the Subdivision Review Office prior to construction.
10. That a primary access be provided to the Subdivision which meets County Road Standards. That an easement for access via the Forest Service Road be obtained and filed in the Clerk and Recorder's Office prior to final approval.
11. That, prior to final approval, a written letter be provided to the Subdivision Review Office from the Bridger Canyon Volunteer Fire Department indicating that their concerns about locating a site for a second fire hall in the Base Area have been addressed.
12. That approval of the sewer and water system be obtained from the State Department of Health and Environmental Sciences prior to final approval.
13. That all required improvements be installed prior to final approval.
14. That a \$35.00 per unit fee be paid to the Bridger Canyon Volunteer Fire Department to cover the initial cost of fire protection prior to final approval.
15. That all roads be dedicated to the public and built to County Road Standards.

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16. That the final plat show a Certificate of Installation of Improvements by Registered Engineer, a Certificate of the Governing Body, and a Certificate of Approval by the State Department of Health and Environmental Sciences.

17. That another name for the development be submitted to the County Assessor's Office prior to final approval.

Approved the following transfers of funds:

April 10, 1984

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$124.35 from fund 1000, \$.55 from fund 2110, and \$10.40 from fund 2270 to fund 2190 for Savin charges.
2. The sums of \$102.87 from fund 2120, \$64.80 from fund 2180, \$57.63 from fund 2190, \$93.38 from fund 2270, \$265.02 from fund 2290 and \$11.07 from fund 5020 to fund 1000 for printing charges.
3. The sums of \$5.10 from fund 2110, \$32.32 from fund 2120, \$32.45 from fund 2180, \$40.41 from fund 2190, \$33.34 from fund 2290, and \$16.23 from fund 5020 to fund 1000 for supply charges.
4. The sum of \$84.05 from fund 2440 to fund 1000 for expenditures.
5. The sum of \$6,590.72 from fund 1000 to fund 2190 for salaries.
6. The sums of \$253.77 from fund 1000, \$17.53 from fund 2180, \$52.27 from fund 2160, \$88.12 from fund 2190 to fund 2110 for gas.
7. The sum of \$18.80 from fund 1000 to fund 2180 for copies.
8. The sums of \$95.58 from fund 2110 and \$14.87 from fund 2190 to fund 1000 for gas.

April 12, 1984

Met with Dr. King, County Medical Officer; Bill Cainan, Gallatin County Rest Home Administrator; Mary Krum, Director of Nursing at the Rest Home; and Kathy Nowierski, Personnel Officer to discuss hiring and personnel procedures at the Rest Home and also to discuss Rest Home budget requests to be presented at today's public meeting.

Wilbur Visser hosted the Governor's Infrastructure Committee meeting in the Community Room. Those present were: Bill Fogarty, Kay Foster, Don Fallang, Jerry Burrows, Rob McCracken, Janice Winston and Sam Gianfrancisco.

Received the following applications for Cancellation of Taxes:

#520	BSC Corp.	\$904.01	Not in business in 1980, arbitrary assessment
#519	BSC Corp.	\$741.51	Not in business in 1979, arbitrary assessment
#518	McCracken Clothing	\$39.03	Paid taxes in 7C before moving to 44C

April 13, 1984

Commissioners met with John Liou of FEMA and other interested persons to discuss future flood plain maps and studies.

Received the following A101's:

#4796 from State of Montana in the amount of \$4,244.00 for earmarked alcohol tax funds to the credit of Alcohol Funds.

#4806 from First Bank Bozeman and Montana Bank in the amount of \$39,266.48 for interest on repurchase agreements and passbook savings to the credit of various funds.

#4811 from Church of Christ in the amount of \$15.00 for Law and Justice gym rental to the credit of the General Fund.

April 16, 1984

Received and approved transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$291.84 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-220 under general class (2) Maintenance and Support.

That the sum of \$386.63 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420230-380 under general class (2) Maintenance and Support.

That the sum of \$18.97 as appropriated under general class (1) Salaries and Wages for account 2430-209-430800-110 be transferred to account 2430-209-420230-397 under general class (2) Maintenance and Support.

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That the sum of \$146.25 as appropriated under general class (1) Salaries and Wages for account 1000-209-420230-110 be transferred to account 1000-209-420230-397 under general class (2) Maintenance and Support.

That the sum of \$5,000.00 as appropriated under general class (3) Capital Outlay for account 2110-307-430230-940 be transferred to account 2110-307-430230-340 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 10th day of April, 1984.

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

Received A101 #4804 from State Auditor in the amount of \$51.00 for child support incentive payments for March, 1984 to the credit of the General Fund.

Joy I. Nash, Jane Jelinski and Mary Kay Peck, Subdivision Review Officer, visited the site for the proposed Kable Subdivision.

Granted permission to the Gallatin Valley Golf Association to hold a raffle beginning April 17, 1984 and ending July 21, 1984. The price of a raffle ticket is \$1.00 per chance.

April 17, 1984

The Commissioners met with the County Extension Board to hear a presentation of media services now available to County Extension Offices throughout the State. The presentation was given by Susan McMaster and Thomas Welch, students at Montana State University.

Susan McMaster will be serving as an intern in the County Extension Office for six weeks. She is an Ag Education student at MSU.

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Wilbur Visser spoke regarding a recommendation received from the Three Forks Mosquito Control District to award the bid for Mosquito Control chemicals. Their recommendation is to award the bids as follows:

Gallatin Farmers Co.:	Baytex 46% 75 gallons at \$45.87 per gallon
	BTI granules 480 pounds at \$1.29 per pound
Cargill, Inc.	BTI liquid 50 gallons at \$19.41 per gallon
Agri Basics	Baytex Granules 200 pounds at \$.57 per pound
Churchill Equipment	Malathion ULV 50 gallons at \$16.99 per gallon

Wilbur Visser made a motion to award the bids as recommended by the Mosquito Control District, seconded by Jane Jelinski, none voting nay. The motion carried.

- - - -

Bill Cainan, Rest Home Administrator, spoke regarding a request for funds. These items were not budgeted during the regular budgeting process and have been brought to Mr. Cainan's attention during an inspection by the State. Federal law requires the Rest Home to have a Pharmacy Consulting Service. Pay N Save Corporation has bid a low bid of \$100.00 per month for not more than 10 hours per month. The Rest Home currently has a contract with Bungalow Drug for \$25.00 per month. Mr. Cainan recommends that this contract be allowed to run out to the end of this budget year.

Jane Jelinski questioned the use of two pharmacists to look over the records. Mr. Cainan states that the bid did not include the attendance of the quarterly meetings. The pharmacist the Rest Home is currently contracted with will attend the quarterly meetings.

Jane Jelinski made a motion to approve the request for funds with the understanding that Mr. Cainan will reevaluate the program to look for duplications of services at the end of the three month period. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

Mr. Cainan states that there is a problem with the contract the Rest Home has with Medicare. It is caused by several people at the Home who have their charges paid by the Medicare program. The contract states that the Rest Home is to pay the consulting contractors and then Medicare will reimburse the Home for the charges. However, Mr. Cainan states that Medicare does not always reimburse for the amount the Rest Home has paid. Medicare has indicated to Mr. Cainan that they will pay for all charges that the Rest Home has paid through the end of March, 1984. However, they may or may not pay for any charges paid through the end of this budget year. The charges for April, May and June of 1984 will have to be budgeted in next year's budget. Mr. Cainan estimates it to be approximately \$1,000 for this three month period; however, he has no estimation for next year.

Wilbur Visser made a motion to approve the request for funds for Medicare charges not reimbursed by Medicare to be budgeted in FY 1984-85 budget. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

Mr. Cainan states that as part of the State's inspection, it was discovered that there was a door that was deficient and would have to be replaced. The door was originally in the contract when the remodeling was done on the Rest Home and was removed from the contract upon the architect's recommendation that a different type of door could be used for the same purpose. The door must be replaced to fulfill the fire code requirements. Mr. Cainan has received a bid from John Miller Construction for \$400.00 to replace the

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door to bring it up to code.

Wilbur Visser stated that he was under the impression that the door would be replaced for the \$250.00 that was deleted from the contract when the door was deleted in the first place. Mr. Visser does not feel that the county should have to pay for the replacement of this door as it is a deficiency caused by the architect's recommendation. Mr. Visser stated that he was under the impression that Mr. Springer would see to it that the door was installed as originally called for in the specifications and that the county would only need to pay an additional \$250.00, not the \$400.00 as bid.

Wilbur Visser made a motion to defer action on the request for funds for replacement of the door until Mr. Cainan has had a chance to confer with Mr. Springer further. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser made a motion to waive the 1977 penalty and interest for personal property taxes for Randall Myett due to an omission in the Treasurer's Office of this bill for a total of \$104.56 on the condition that the taxes be brought current by May 31, 1984. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:55 P.M.

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ATTEST:

Clerk

*Gary H. Pringle*  
Clerk

APPROVED:

Chairman

*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 24TH DAY OF APRIL, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Mike Salvagni, County Attorney, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of April 17, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

## ANNOUNCEMENTS

April 17, 1984

Received A101 #4834 from State Auditor for payment from Dept. of Fish, Wildlife and Parks to the credit of Hyalite Youth Camp in the amount of \$1,621.46.

Jane Jelinski attended a benefit for the Food Bank at the Senior Center.

Jane Jelinski attended the Bozeman Library Board meeting.

April 18, 1984

Granted permission to Gary Pringle, Clerk and Recorder, to be out of state from June 11, 1984 to June 22, 1984 for National Guard Camp in Boise, Idaho.

Received A101 #4843 from the Motor Vehicle Dept. in the amount of \$230.00 for miscellaneous fines to the credit of the General Fund.

Commissioners met with the following people to discuss siting of the future landfill: Ron Nadwornik, Soil Conservation Service; Emery Nelson, County Sanitarian; Dick Kountz, Three Rivers Disposal Company; John Nicoletti, Three Rivers Disposal Company; and Barry Damschen, formerly of Peccia and Associates.

April 19, 1984

Commissioners Visser and Jelinski attended the County Weed Board meeting.

Commissioners Visser and Jelinski attended the Refuse District #1 meeting in Manhattan.

Joy I. Nash chaired the DUI Task Force Committee meeting.

April 20, 1984

Commissioners signed the Joint Operating and Financial Plan for Reimbursable Services between Gallatin County and the Forest Service. This agreement is renewed annually for services of the Sheriff's Department at various campgrounds in Gallatin County.

Approved additional keno machines for the Corral Bar and the Snowshoe Inn. Both of these establishments now have two keno machines.

April 23, 1984

Joy I. Nash attended the Area IV Council on Aging meeting in White Sulphur Springs.

Jane Jelinski toured the County Rest Home.

April 24, 1984

The Commissioners met with Bernard Noonan, Public Works Engineer for the Burlington Northern



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Railroad; Pat Hatler, Ideal Cement Company; and Sam Gianfrancisco, Road Superintendent to discuss the railroad crossing at the Ideal Cement Plant. There is a possibility that this crossing will be moved in the future.

Received a list of new employees as follows:

Marci Crane, Nurses Aide, Rest Home, 3/27/84, \$4.6159 per hour.  
 Kathleen Sanchez, Accountant Clerk I, Treasurer's Office, 4/2/84, \$800.07 per month.  
 Michael Baughman, Sheriff's Deputy, 4/2/84, \$1,385.37 per month.  
 Jane Jelinski, County Commissioner, 4/3/84, \$1,872.12 per month.  
 Eileen Hegeman, Nurses Aide, Rest Home, 4/13/84, \$4.6159 per hour.  
 Virginia Rowles, Nurses Aide, Rest Home, 4/11/84, \$4.6159 per hour.  
 Julie Mulcahy, Nurses Aide, Rest Home, 4/19/84, \$4.6159 per hour.  
 Cornelia Jordan, Laundry Aide, Rest Home, 4/10/84, \$3.7402 per hour.  
 Teresa Tough, Nurses Aide, Rest Home, 4/19/84, \$4.6159 per hour.  
 Pamela Sinness, Staff Nurse, Rest Home, 3/27/84, \$7.9221 per hour.  
 Molly Campbell, Kitchen Aide, Rest Home, 4/5/84, \$3.7402 per hour.  
 Catherine Jeske, Activity Aide, Rest Home, 4/4/84, \$4.6159 per hour.

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Dave Penwell presented a petition requesting the creation of an RID in Middle Creek Meadows Subdivision for the purpose of road maintenance and lighting. Mr. Penwell represents the North Middle Creek Owners Association. Mr. Penwell states that this petition pertains only to the property north of Highway 191.

Mr. Penwell states that the covenants did not provide for the creation of a homeowner's association so that property owners within the subdivision have no means of taking care of the property within the subdivision with regard to the roads and the entrance lights to the subdivision. Mr. Penwell states that maintenance of the roads and payment of the lights are taken care of by donations from some of the property owners within the subdivision.

Wilbur Visser asked why the road maintenance district already created in a portion of subdivision no. 3 on the south side of Highway 191 could not be expanded to include the proposed district. Mr. Penwell states that there had been a meeting held to discuss this and the property owners of the existing road maintenance district felt that the districts should be kept separate and recommended that the North Middle Creek property owners go ahead with their own district.

Jane Jelinski stated that she wished to defer the decision until the Commission had had a chance to review it and have the petition certified by the Clerk and Recorder.

Joy I. Nash asked whether there were any debts owing on the improvement installations on the north side. Mr. Penwell states that there were none.

Jane Jelinski asked what would be required as far as the installation of additional lights at the entrance to the subdivision. Mr. Penwell stated that there were two entrances to the subdivision on the north side. The far east entrance has two pillars with lights at the top. A similar lighting arrangement would be installed at the next entrance to the west.

Jane Jelinski questioned the legality of the owners association since the covenants do not provide for one. Mr. Penwell stated that the property owners of both the north and south side of the subdivision have met and decided to amend the covenants to provide for an owners association and each section of the subdivision would have its own owners association.

Wilbur Visser asked what the estimated cost would be to each property owner should the RID be created. Mr. Penwell estimates the cost to be about \$25.00 per year per lot, based on maintenance work that has been done in the past and paid for through donations from the property owners. Mr. Penwell states that the assessment would be based per lot rather than road footage. Mr. Penwell states that each lot has an equal square footage area within the district.

Mr. Warner, a property owner in block 9 of the subdivision questioned the basis for the assessment on the basis of assessment per lot. Mr. Warner questioned why one of his lots was included within the boundary of the district. He states that he does not utilize the road on which the maintenance assessment is to be charged.

Mr. Warner asked who was paying the lighting at the entrance to the subdivision at the present time. Mr. Penwell stated that the lighting is being paid for by interested property owners. Mr. Penwell states that the lights are not being metered, Montana Power is charging an agricultural rate. Mr. Penwell states that the homeowners association has the money in their treasury to install the additional lights at the west end of the subdivision.

Wilbur Visser made a motion to defer the decision regarding this petition until it can be checked by the County Attorney and certified by the Clerk and Recorder, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser made a motion to appoint Lyle Woosley to a three year term on the Sedan Fire District Board expiring April, 1987, seconded by Jane Jelinski, none voting nay. The motion carried.

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Due to the death of Floyd Rash, there is a vacancy on the Meadow View Cemetery Board. Wilbur Visser made a motion to appoint Martin J. Douma to the Meadow View Cemetery Board to fulfill the term of Floyd Rash, expiring December 31, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:05 P.M.

ATTEST

Clerk

*Guy St. Dingle*

APPROVED:

Chairman

*Joy I. Nash*

PUBLIC MEETING TUESDAY, THE 1ST DAY OF MAY, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of April 24, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

April 25, 1984

Wilbur Visser and Jane Jelinski attended the City/County Cooperative meeting.

The Commissioners attended a luncheon sponsored by First Bank Bozeman to hear Maxine Johnson, an economist from the University of Missoula, discuss the future economy of Gallatin County.

April 26, 1984

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325, further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$168.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-122 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$165.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-123 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$160.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-125 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$50.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-121 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

That the sum of \$90.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-344 be transferred to account 5020-000-440320-343 under general class (2) Maintenance and Support.

That the sum of \$54.30 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-381 be transferred to account 5020-000-440370-381 under general class (2) Maintenance and Support.

That the sum of \$1,000.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410333-345 be transferred to account 2180-208-420300-345 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 25th DAY OF APRIL, 1984

/s/ Joy I. Nash  
 /s/ Wilbur Visser  
 /s/ Jane Jelinski

Board of County Commissioners  
 Gallatin County, Montana

April 27, 1984

Wilbur Visser attended the Governor's Infrastructure Task Force meeting in Helena.

Joy I. Nash and Jane Jelinski met as a Welfare Board.

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Received the following A101's:

#4907 from First Security Bank in the amount of \$1,780.60 for interest earned on CD 54123 to the credit of the Law and Justice B & I.

#4906 from First Security Bank in the amount of \$889.35 for interest earned on CD 54124 to the credit of Law and Justice B & I.

#4902 from First Security Bank in the amount of \$889.34 for interest earned on CD 54124 to the credit of the Health Fund.

#4915 from State Auditor in the amount of \$19,044.07 to the credit of various funds for fees and taxes collected by the State Highway Dept.

Signed a contract for the 18th Judicial Courts Law Library with Westlaw Publishing Co. This is for the computer to be used in the Law Library.

April 30, 1984

Wilbur Visser, Chairman of the Bridger Canyon Zoning Commission called a special meeting to discuss the revised time table of the Bridger Canyon Citizens Study Committee. Joy I. Nash made a motion to accept the revised time table, seconded by Ray White, none voting nay. The motion carried.

Received the following A101's:

#4928 from First Bank Bozeman in the amount of \$1,782.51 for interest earned on CD 18549 to the credit of various funds.

#4930 from Security Bank of Three Forks in the amount of \$1,783.56 for interest earned on CD 10043 to the credit of Refuse District #1.

The Commissioners have received a petition from the freeholders surrounding Francis Road requesting that this county road be abandoned. A review committee has been appointed as follows: Commissioner Wilbur Visser and Land Surveyor Earl Best. The county will contract with Mr. Best for this work. This review committee will be doing their work as soon as weather permits and the roads are passable. Once the review has been received, the hearing will be advertised.

May 1, 1984

Commissioners were guests of the Gallatin County Bar Association for a breakfast held at the Elks Club to commemorate Law Day. Associate Justice Frank Morrison was guest speaker.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$90.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-344 be transferred to account 5020-000-440320-343 under general class (2) Maintenance and Support.

That the sum of \$325.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440350-364 under general class (2) Maintenance and Support.

That the sum of \$340.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-381 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

That the sum of \$15.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-335 be transferred to account 5020-000-440320-397 under general class (2) Maintenance and Support.

That the sum of \$380.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-350 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$3,000.00 as appropriated under general class (2) Maintenance and Support for account 2710-201-410100-210 be transferred to account 2710-900-411240-110 under general class (1) Salaries and Wages.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410332-395 be transferred to account 2180-208-410331-345 under general class (2) Maintenance and Support.

That the sum of \$75.00 as appropriated under general class (2) Maintenance and Support for account 2440-000-411000-370 be transferred to account 2440-000-411000-320 under general class (2) Maintenance and Support.

That the sum of \$65.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-335 be transferred to account 5020-000-440310-210 under general class (2) Maintenance and Support.

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BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 27th DAY OF APRIL, 1984

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

Board of County Commissioners  
Gallatin County, Montana

Linda Sanem, an MSU student majoring in Social Justice and Law Enforcement, has been observing law enforcement activities at the Sheriff's Dept. and Law and Justice Center. She is present today observing the activities of the Commissioner's office.

Held monthly department head staff meeting.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Maxx Johnson has claimed the occasional sale exemption. Mr. Johnson has not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Richard E. Anderson has claimed the exemption for sale to a member of the immediate family. Mr. Anderson is selling a 2.010 acre parcel to his daughter and son-in-law, Mr. and Mrs. Kane C. Quenemoen. Mr. Anderson has previously submitted a 26 acre subdivision which included this family sale parcel. That subdivision was denied, as was a subsequent minor subdivision, which also included this family sale parcel.

This parcel is identical to lot 5 of the denied minor subdivision, and is the third parcel created through the use of subdivision exemptions. The two other parcels were created through the use of the family sale and occasional sale exemption, and are both in the name of Mr. and Mrs. John Champeny, who are Mr. Anderson's other daughter and son-in-law. Mr. Anderson has not previously transferred a parcel to Mr. and Mrs. Quenemoen and thus appears to meet the requirements to claim the use of the family sale exemption.

Robert Throssell, Deputy County Attorney, has reviewed this transfer at the request of Mary Kay Peck. Mr. Throssell states that under the regulations that the Commission has adopted, Mr. Anderson is at the end of his use of exemptions. Given the fact that Mr. Anderson has attempted to develop two subdivisions, any further transfer by Mr. Anderson would be considered a violation of the regulations. However, because this particular daughter has not received the parcel and Mr. Anderson is entitled to use this exemption, it was felt that this was an acceptable division of land. Mr. Throssell stresses that any further division of land will have to be accomplished through minor subdivision or regular subdivision review.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Mary Kay Peck stated that Al Frost, attorney for Frank J. Trunk and Son, has submitted new information regarding this exemption claimed on certificate of survey to her just prior to the meeting. She will give her staff report based on the information she had prior to the meeting.

Frank J. Trunk and Son have claimed the occasional sale exemption. The Commission denied Mr. Trunk the use of the occasional sale on this parcel on February 7, 1984, and advised Mr. Trunk in a letter dated February 9, 1984, that the proper way to divide his land was through the minor subdivision procedure. The plat that is now under consideration is the same as the plat submitted previously, with one exception. The prior plat showed two tracts of land, 1A and 1B. This survey shows only Tract 1A, with Tract 1B now labelled as "remaining portion of Tract 1 of COS 1074. Not part of this Survey."

However, the history of the tract is unchanged since the Commission denied the use of the exemption. In June of 1977, Certificate of Survey #422 was filed which created a tract for occasional sale. In December of 1978, Certificate of Survey #643 was filed, with no exemption claimed, "to create a tract of land around a sewage lagoon for transfer to the Sewer District." In September of 1982, Certificate of Survey #1074 was filed which showed four tracts, one for occasional sale, one as a remainder, and two as additions to existing parcels, which consisted of an addition to the Rae Sewer District and the Rae Fire District.

The tract shown as a remainder on Certificate of Survey #1074 is now proposed for division into two additional parcels, Tract A-1 and the parcel identified as "Remaining Portion . . . Not a part of this Survey." Section 2B 3(a) of Appendix E of the Subdivision Regulations states that the governing body shall declare a proposed division to be an evasion if the proposed new parcel is part of a parcel which was created under the occasional sale exemption of the Act.

The Regulations (Appendix E, Section 262) state that the proper use of an occasional sale exemption is to create a single division of a parcel from any tract or contiguous tracts of land. If this exemption is granted, there will be a total of six unreviewed divisions of the original tract (does not include the two parcels for additional acreage shown on C.O.S. #1074).

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In addition, the Attorney General's opinion issued July 20, 1983, held that a local government should consider all surrounding circumstances when considering the validity of claimed exemptions, including the nature of the claimant's business and the prior history of the tract. As the subdivider of both the nearby King Arthur Mobile Home Park and Rae Subdivision, Mr. Trunk can be considered as being in the business of land development.

Finally, the Certificate for the County Commission on the Certificate of Survey reads that "the accompanying Certificate of Survey has been duly reviewed . . ." The Certificate should read that the exemption claimed on the Certificate of Survey has been reviewed, as the Commission reviews the use of exemptions, not the Certificate of Survey.

Based on the information submitted, and the prior history of the tract, this does not appear to be a proper use of the occasional sale exemption.

Albert Frost, Attorney for Mr. and Mrs. Frank Trunk, stated that the Trunks have modified the certificate of survey to cure certain technical objections surrounding the filing of the original plat.

Mr. Frost states that it is his client's position that the subdivision to be created from this plat is not an evasion of the subdivision act. Mr. Frost states that there is a provision in appendix E, paragraph 1E that states, "This act shall not be applicable to deeds, contracts, leases or other conveyances executed prior to the effective date of these regulations." Mr. Frost states that the Trunks entered into a buy-sell agreement with Barbara and Kip Kapinos on August 5, 1983. The Kapinos have obtained a conditional use permit from the City to operate a sign shop on the property. The property to be sold was previously the Trunk's residential property when they resided in Gallatin County. Mr. Frost states that because the buy-sell agreement existed prior to the date of the 1983 subdivision amendments, he feels that the proper review of this particular subdivision plat is under the 1982 subdivision regulations. Paragraph 1A-4 in appendix E of the 1982 regulations indicates that an occasional sale within a twelve month period will be allowed unless there is an intention to evade the subdivision act.

Mr. Frost displayed a certified copy of certificate of survey no. 1074. The certificate of survey created four tracts. Tract 3 was a small tract that was added to a prior certificate of survey. The Rae Volunteer Fire Department requested additional land for use in connection with the Fire Department. Mr. Trunk agreed to convey the additional land at no cost.

Tract 4 was added to certificate of survey no. 643. This is the sewage lagoon owned by the Rae Water and Sewer District. When certificate of survey no. 643 was created, it left a strip of land that is practically unusable along the eastern edge of the sewage lagoon. There being no use for this land, it was made a part of the sewage lagoon.

Mr. Frost states that tract 2 is the site of the King Arthur Mobile Home Park. It was created in order to sell the Mobile Home Park.

Mr. Frost states that this leaves what is marked as tract 1 which contains 12.871 acres, which was the Trunk's residential property. This is the parcel the Trunks now desire to convey to the Kapinos, that being Tract 1A. The Trunks will remain the owners of Tract 1B, there are no plans at this time for any improvement of that parcel, or any subdivision of the parcel under any exemption.

Mr. Frost states that there is no question that further subdivision of either of these two parcels would require further review; however, he believes that under the prior regulations this does not qualify as a subdivision and would be exempt from the subdivision review process.

Mr. Frost states that the history of the land divisions in this area by the Trunks show very logical and reasonable use of the past exemptions. He believes it shows a reasonable use of the property, he does not feel that there is any public purpose served by requiring the Trunks to go through a subdivision review process to sell this property. There is no attempt to evade the subdivision process. Mr. Frost states that this certificate of survey should be accepted for filing at this time based on the applicable regulations existing on the date that the Trunks contracted to sell the property to the Kapinos.

Wilbur Visser made a motion to defer the decision on the claimed exemption to the certificate of survey submitted by Frank Trunk and Son for one week so that the County Attorney's office has had a chance to review the points brought out by Mr. Frost today. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Joy I. Nash stated that she had the affidavit of publication for the Notice of Public Hearing for the Emmelkamp Subdivision and also the receipts for the certified letters that were sent to the contiguous landowners surrounding the proposed subdivision.

Mary Kay Peck, Subdivision Review Officer, presented the Staff Report as follows:

As planned, the 2.908 acre tract would be subdivided into eight lots averaging slightly less than one-third acre each. Access to the subdivision for all but two lots would be provided by a new subdivision road approximately 370 feet in length. Each lot would be supplied water by a central water system for the subdivision. Sewage disposal is to be supplied by the Amsterdam-Churchill Sewer System. The proposed subdivision is located in the Churchill community approximately 16 miles northwest of Bozeman. The subdivision lies south of Churchill Road and east of the Bethel Christian Reformed Church.

1. This subdivision plat was originally submitted in 1978 and received preliminary approval at that time. The subdivision was withdrawn for consideration by the Emmelkamps in 1979. The major difference between the earlier submittal and the current submittal is the deletion of the park land dedication. There are two existing houses

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- on lots 1 and 7. The proposed lots 1 and 2 were divided as only one lot through the use of subdivision exemptions.
2. The lot design generally conforms to the subdivision regulation standards. Lot 5 was the proposed park in the prior submittal and is somewhat irregularly shaped.
  3. Lots 6, 7, and 8 all front on Churchill Road. Lot 8 can obtain access from Emmelkamp Circle or Pleasant Street, which would reduce the number of encroachments onto Churchill Road. An encroachment permit for lot 6 must be obtained from the Road Office.
  4. Emmelkamp Circle connects to Pleasant Street, which is part of Pleasant Meadows Subdivision. Pleasant Meadows Subdivision was approved in 1950, with no streets, alleys, parks or playgrounds being required to be set aside or dedicated. The subdivision was amended in 1978, and the plat has a statement which reads, "No new land is offered for public dedication by this rearrangement." Thus, Pleasant Street is not dedicated to the public and Emmelkamp Circle does not have public access. Pleasant Street must be dedicated to the public to meet subdivision regulations.
  5. There is no provision for the maintenance of Emmelkamp Circle and no Homeowner's Association.
  6. Utility easements are ten feet along interior subdivision lot lines. County Subdivision Regulations require twenty foot utility easements.
  7. Sewage treatment will be provided by the Amsterdam-Churchill Sewer District. Sewer plans must be submitted to and approved by the Sewer District and the Department of Health and Environmental Sciences, as set forth in the Subdivision Regulations.
  8. The developer has requested that land dedication for park purposes be waived and that cash-in-lieu be accepted by the Commission. While there are no dedicated parklands in the immediate area, there is a playground area at the Manhattan Christian School. If the requirements were met, parkland dedication would be for only one-third of an acre, which would not be particularly well suited for development as a recreational site.
  9. Because this subdivision contains less than ten lots, the environmental impact assessment and community impact statements have been waived, as provided for in the Subdivision Regulations.
  10. The Commission is required to consider the eight public interest criteria when making its decision. Comments on the criteria follow:
    - (a) Need: The Churchill Community is a developing rural node, and there appears to be a demand for additional subdivided lots.
    - (b) Public Opinion: No public testimony has been received for or against the proposed subdivision.
    - (c) Agriculture: The subdivision is within the developed Churchill area and thus, will not have a substantial impact on agriculture.
    - (d) Local Services: Local services should be able to adequately handle the increase of eight additional homes.
    - (e) Taxation: The effects on taxation will not be substantial but there will be an increase due to new construction and increased evaluations over the years.
    - (f) Natural Environment: This area is within the developed area of Churchill and therefore, the impact on the natural environment is very minimal.
    - (g) Wildlife and Wildlife Habitat: Since the area is already developed, the effect on wildlife is also very minimal.
    - (h) Health and Safety: Because the subdivision is in a rural community with central sewer and water, there should be no adverse effect on public health and safety.

Staff Recommendations

1. That an encroachment permit for lot 6 be obtained prior to final approval. That lot 8 obtain access from either Emmelkamp Circle or Pleasant Street, and that a statement prohibiting access from lot 8 to Churchill Road be noted on the final plat.
2. That an easement for public access to Pleasant Street from Emmelkamp Circle to Churchill Road be obtained and filed in the Clerk and Recorder's Office prior to final approval and that section of Pleasant Street meet County Road Standards prior to final approval.
3. That covenants be submitted to the Subdivision Review Office prior to final approval which provide for a homeowner's association to maintain Emmelkamp Circle and the water system.
4. That all utility easements be shown as twenty feet wide on the final plat unless written approval of the ten foot easement is obtained from the utility companies.
5. That approval be obtained from the Amsterdam-Churchill Sewer District and the State Department of Health and Environmental Sciences prior to final approval.
6. That cash-in-lieu of parkland dedication be approved.
7. That road, drainage, and street sign plans be submitted for approval to the County Surveyor's Office. That all improvements be installed prior to final approval.
8. That the uniform standards for final subdivision plats be met.

Ray Center, Rocky Mountain Engineers, stated that a draft of covenants is being prepared

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at the present time which would include the creation of a homeowner's association. Approval has already been obtained from the sewer district for connection to the existing sewer system. Plans and specifications have been submitted to the state health department for their review. Mr. Center also agrees with the staff findings that if park land dedication were required rather than cash-in-lieu, the size of the park would not be very beneficial to recreational activity.

There being no one else to speak for or against the proposed subdivision, Wilbur Visser made a motion to grant preliminary plat approval for Emmelkamp Subdivision with the conditions set forth, seconded by Jane Jelinski, none voting nay. The motion carried.

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Pete Lineberger, Attorney for the Town of West Yellowstone, spoke regarding the proposed transfer of the sewer district by the county to the Town of West Yellowstone. Resolution 560 was passed on April 3, 1984 by the Commission which is a transfer agreement to transfer the ownership of the sewer district to the Town of West Yellowstone.

Mr. Lineberger states that the Town of West Yellowstone is in complete agreement with every provision of the proposed agreement. However, before signing the agreement, the town council requests that an agreement be entered into with the County Assessor's Office on a contract basis whereby the Assessor's Office would continue to assist the town in collecting the user fees for operation and maintenance of the sewer system. Mr. Lineberger states that the Town of West Yellowstone would reimburse the County for this service.

Harold Eagle, of Morrison-Maierle Consulting Engineers, stated that his company has been retained by the Town of West Yellowstone to assist in compiling a budget to operate the sewer district and to assist in presenting this to the Public Service Commission. Mr. Eagle states that the users of the sewer district pay their fees to the district on a yearly basis. He states that it is felt an annual assessment would continue to work for the Town of West Yellowstone and therefore services of the Assessor's Office would only be required once a year.

Larry Binfet, Mayor of West Yellowstone, stated that the Town does not wish to make an extra burden for the Assessor's Office or for the County Commissioners. He states that the Town is simply trying to find an easier method in dealing with the collection of fees for the sewer district. He states that the Town does not have the facilities at this time to do it themselves. Mr. Binfet states that the Town is willing to accept the resolution as soon as the matter of collection has been resolved.

Wilbur Visser asked if the new annexation to the Town of West Yellowstone would be accepted into the sewer district as soon as the resolution is signed by the Town. Mr. Lineberger states that this annexation would not affect the County except in the matter of collection of fees which would be submitted along with their regular annual submission of users and numbers of units.

Wilbur Visser asked if the County has to assess the Town of West Yellowstone, would the County not be obligated to assess the new annexation? Bob Throssell, Deputy County Attorney, stated that as he understood the proposal, as the units would come on line, whatever usage is assigned would be part of the billing if the County agreed to send out the billings.

Mr. Binfet states that the billing list would be updated once a year, much the same way the solid waste district is maintained.

Jane Jelinski asked about how many bills would be involved. Larry Binfet stated that it would be between 300 and 400. Jane Jelinski suggested that it might be to West Yellowstone's advantage to set up their billing system now while the district was still small. Mr. Binfet agreed that the district was small; however, the Town of West Yellowstone would still be required to hire someone to send out the bills. This would be a temporary position from year to year. Mr. Binfet states that the Town feels that the simplest way to handle collections would be by the method they are proposing.

Ray White, County Assessor, stated that he has spoken with both Mr. Lineberger and Mr. Eagle regarding this and he feels that it would not be a problem for his office to handle these collections because they have done it for eighteen years. He states that his office would rather not continue to do the collecting because they do not wish to become a "service bureau".

Mr. White feels that the problem brought up earlier of the new annexations to the Town would be a problem of the Town of West Yellowstone because they would have to supply the information to the Assessor's Office. Mr. White states that all his office would supply would be a complete list of ownership of the properties from the computer. The charges would then be entered onto the computer sheet by the Town of West Yellowstone and then would be posted by the Assessor's Office and the billings would be mailed.

Mr. White and Mr. Eagle are in agreement that a unit system of billing could be utilized. Mr. White also suggests that the contract be updated once a year due to increases in the number of billings being sent out. Mr. White states that during the first year there would be more time involved in getting the system on line; however, after the first year there would be less time involved to maintain the system.

Jane Jelinski asked Mr. White if he had a proposed cost for the Town of West Yellowstone for providing this service. Mr. White states that based on prior experience, it would be approximately \$2.00 an entry per year. Mr. White states this his office would not be the only office involved, the Treasurer's Office would be involved in the collection of the fees and possibly the Auditor's Office would also be involved.

Wilbur Visser made a motion to defer the decision on this request by the Town of West Yellowstone for two weeks so that the county can obtain a complete cost to charge the Town of West Yellowstone for this service. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski noted that if there were approximately 350 bills generated at a cost of \$2.00 each, this would be a total of \$700.00. Mrs. Jelinski states that if the Town of West Yellowstone were to do this themselves and hire a full time person for a week at \$10.00 per hour plus \$70.00 for postage, it would cost the Town \$470.00.

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Dave Penwell, representing the North Middle Creek Owner's Association, stated that the required number of signatures for the petition requesting an RID for road maintenance and lighting were not obtained. Mr. Penwell requests that the Commission's decision regarding this petition be deferred for one week to allow Mr. Penwell to obtain the required number of signatures.

Jane Jelinski made a motion to defer the action on the petition for one week per Mr. Penwell's request, seconded by Wilbur Visser, none voting nay. The motion carried.

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Gary Pringle, Clerk and Recorder, stated that in July of 1983 he was notified by the Treasurer's Office of delinquent taxes on property owned by Robert P. Tollefson. At that time, Mr. Pringle began the process for collection of delinquent taxes or tax deed. Mr. Tollefson was the sole owner of the property, having no liens, mortgages or attachments. A certified letter was sent to Mr. Tollefson informing him of the delinquent taxes owed on the property. This initial letter was returned by the Post Office with the notation that there was no such address. In further research, Mr. Pringle obtained an address of 34297 Frontage Road in Bozeman for Mr. Tollefson. A second certified letter was sent to that address. This second letter was returned unclaimed.

Mr. Tollefson has recently been informed through another source that the county has taken tax deed to his property. Mr. Tollefson is requesting that he be allowed to pay the delinquent taxes through 1983 totaling \$4,609.12. Mr. Pringle states that the property is currently still on the tax rolls for 1984. These taxes are for the period 1979 through 1983, including penalty and interest.

Bob Throssell, Deputy County Attorney, states that under statute there is an official redemption period so that the original property owner does have the right to redeem his property by paying the taxes.

Mr. Pringle states that the county has not made public notice to sell this property at public auction.

Mr. Throssell states that the property owner has the right to redeem his property and it does not require an action by the Commission.

Mr. Tollefson stated that he is willing to pay his taxes immediately to redeem his property.

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Wilbur Visser made a motion to reappoint George Reich to a three year term on the Willow Creek Rural Fire District Board, with his term expiring in April, 1987. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski read a Proclamation as follows:

WHEREAS, May 1st is Law Day U.S.A. in the United States of America;

WHEREAS, the United States of America has been the citadel of individual liberty and a beacon of hope and opportunity for more than 200 years to many millions who have sought our shores, and;

WHEREAS, the foundation of individual freedom and liberty is the body of the law that governs us, and;

WHEREAS, the Constitution of the United States of America, and the Bill of Rights, are the heart of that body of law, which guarantees us many freedoms--including freedom of religious belief, freedom to have and to hold property inviolate, freedom of assembly, freedom of speech, freedom of press, freedom of petition, and due process of the law among others, and;

WHEREAS, this year marks the 27th annual nationwide observance of Law Day, and the Congress of the United States and the President by official proclamation have set aside May 1 as a special day for recognition of the place of law in American life.

NOW THEREFORE, We, County Commissioners of Gallatin County, do hereby designate May 1, 1984, as Law Day U.S.A. and call upon all citizens, schools, businesses, clubs, and the news media to commemorate the role of law in our lives.

Wilbur Visser made a motion to proclaim May 1, 1984 as Law Day, U.S.A., seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser read a Proclamation as follows:

WHEREAS, the continuation of the program for peacetime registration for the Selective Service System contributes to National readiness by reducing up to two months the time required for full defense mobilization, and

WHEREAS, the registration program is an important signal to our allies and to our potential adversaries of the seriousness of the United States defense commitment at home and abroad, and



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WHEREAS, over one million United States citizens have sacrificed their lives in military service to protect the rights and freedoms of all Americans and registration for Selective Service is an integral part of current preparedness to preserve these rights and freedoms in the future, and

WHEREAS, Nationwide over 10 million men, representing 96 percent of potential registrants, and WHEREAS, 42,700 young Montana men representing 98.4 percent have registered with the Selective Service System since the resumption of registration and by so registering have enhanced United States National defense preparedness, and

WHEREAS, the Selective Service System has been tasked with assisting in the process of improving our readiness posture by calling upon eighteen year old male citizens to identify themselves by simply registering their name, address, date of birth, and social security number with that System by spending five minutes at the Post Office within thirty days of their eighteenth birthday, and

WHEREAS, there is no penalty for registering after the required time, but there is a severe penalty for failure to register

NOW THEREFORE, BE IT RESOLVED that We, Commissioners of Gallatin County do support continuation of registration with the Selective Service and hereby declare May, 1984 as REGISTRATION AWARENESS MONTH in Gallatin County, Montana and urge all the young men in our area to express pride in their country and belief in its rights and freedoms by registering with the Selective Service System in accordance with the Military Selective Service Act.

Jane Jelinski made a motion to proclaim the month of May as Registration Awareness Month, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash announced a vacancy on the County Weed Board. Gerry Dusenberry's term will expire on July 1, 1984. If anyone is interested in serving on the Board, they should contact Gene Surber, County Extension Agent.

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There being no further business, the meeting adjourned at 3:05 P.M.

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ATTEST:

*Gary D. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

TUESDAY, THE 8TH DAY OF MAY, 1984 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of May 1, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

May 2, 1984

Received a report from the Clerk and Recorder's Office showing the items of fees and collections made during the month of April, 1984 in the amount of \$12,700.76.

A letter was sent to Ed Argenbright, Superintendent of Public Instruction for the State of Montana, stating that the Board of County Commissioners and the County Superintendent have approved isolation for the Pass Creek School District #25. This was done due to poor road conditions, distance from the Pass Creek School is too far for small children, secondary roads are left until last to be plowed causing children to be absent from school, Belgrade Schools are already overcrowded, and there are no high school students in the Pass Creek district so Belgrade will not be running a bus out there this year.

Reeves Petroff has been assigned as temporary Weed Supervisor with the County Weed Department to fulfill the duties of Bill Gibson, who has been ill.

May 3, 1984

Routine business this date.

The DUI Task Force held their weekly meeting in the Commissioner's Office.

May 4, 1984

Wilbur Visser was in Missoula to attend the Republican State Convention.

Jane Jelinski was in Helena to attend the Democratic State Convention.

Received final Phase I report regarding the Solid Waste Management and Resource Recovery Study from Peccia and Associates.

Received A101 #4969 from Gary Refsland of the defunct Gallatin County Housing Authority in the amount of \$226.95 to close out the checking account of the Housing Authority to the credit of the General Fund.

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May 7, 1984

The Commissioners announced that the Rosary Gym at the Law and Justice Center will not be available for use until later notice. The gym floor is to be refinished.

Received the following A101's:

#5000 from the U.S. Treasury in the amount of \$135,118.00 to the credit of Revenue Sharing.

#5003 from the State Auditor's Office in the amount of \$4,244.00 for earmarked alcohol tax funds to the credit of the Alcohol Fund.

The Commissioners, Ken Mosby, Administrative Assistant; Doug Kosty, County Auditor; Greg Bishop, Director of the County Junk Vehicle Program; Sheriff L. John Onstad; Undersheriff Captain Carl Smith met with Larry Mitchell and Duane Robertson of the Solid Waste Management Bureau to discuss the Junk Vehicle Program for Gallatin County for the 1984-85 fiscal year.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support" may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-370 be transferred to account 2180-208-410335-210 under general class (2) Maintenance and Support.

That the sum of \$10.32 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-320 be transferred to account 2430-209-430800-312 under general class (2) Maintenance and Support.

That the sum of \$59.41 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-361 be transferred to account 2430-209-430800-340 under general class (2) Maintenance and Support.

That the sum of \$87.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-381 be transferred to account 1000-209-420230-380 under general class (2) Maintenance and Support.

That the sum of \$73.70 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-210 be transferred to account 1000-209-420100-220 under general class (2) Maintenance and Support.

That the sum of \$264.55 as appropriated under general class (2) Maintenance and Support for account 1000-209-420230-222 be transferred to account 1000-209-420230-392 under general class (2) Maintenance and Support.

That the sum of \$252.80 as appropriated under general class (2) Maintenance and Support for account 1000-209-420230-226 be transferred to account 1000-209-420230-392 under general class (2) Maintenance and Support.

That the sum of \$109.70 as appropriated under general class (2) Maintenance and Support for account 1000-209-420230-226 be transferred to account 1000-209-420230-220 under general class (2) Maintenance and Support.

That the sum of \$.01 as appropriated under general class (1) Salaries and Wages for account 2430-209-430800-110 be transferred to account 2430-209-430800-397 under general class (2) Maintenance and Support.

That the sum of \$1,240.47 as appropriated under general class (2) Maintenance and Support for account 2710-201-410100-210 be transferred to account 2710-201-410100-111 under general class (1) Salaries and Wages.

That the sum of \$432.50 as appropriated under general class (2) Maintenance and Support for account 1000-900-411200-360 be transferred to account 1000-900-411200-200 under general class (2) Maintenance and Support.

That the sum of \$1,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440310-130 under general class (1) Salaries and Wages.

That the sum of \$200.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440310-140 under general class (1) Salaries and Wages.

That the sum of \$1,500.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440370-110 be transferred to account 5020-000-440370-130 under general class (1) Salaries and Wages.

That the sum of \$300.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440370-110 be transferred to account 5020-000-440370-140 under general class (1) Salaries and Wages.

That the sum of \$400.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-121 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$175.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-122 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

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That the sum of \$300.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$45.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-381 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED this 7th day of May, 1984

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

Board of County Commissioners  
Gallatin County, Montana

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Mike Salvagni, County Attorney, spoke regarding proposed gambling regulations he has prepared for the Commission's consideration. Mr. Salvagni states that currently there is a set of regulations entitled "Gambling Regulations Applicable in Gallatin County, Belgrade, Manhattan, Three Forks and West Yellowstone". Mr. Salvagni states that these were adopted at the time the new gambling laws now in effect were enacted. Mr. Salvagni states that the current regulations are hard for him to understand and would probably be difficult for anyone who is applying for a gambling license to understand.

Mr. Salvagni has worked with Captain Smith of the Sheriff's Department in updating the regulations. Mr. Salvagni states that currently there is no limit to the number of tables or games an establishment can have. He states that the current regulation requires that a licensee pay a \$500.00 annual license fee and \$250.00 for each card game operated under the license. There is nothing in the current regulations that acknowledges the existence of electronic keno machines which are legal in the State of Montana. The regulation as it stands now does not require the \$500.00 license fee for the operation of a keno machine. The annual license fee only relates to card games.

Mr. Salvagni proposes to create an annual license fee for anyone that operates a card game or a keno game on an annual basis. The fee would be \$500.00. It would also be required to pay the fee of \$250.00 for each game that an establishment would operate under the license.

Mr. Salvagni states that there has been some confusion with regard to granting a license for the conduct of a raffle. The current policy is that a license for a non-profit organization will not require payment of a fee. The regulations do not contemplate a profit organization conducting a raffle. Mr. Salvagni proposes that the Commission set a fee for a temporary license for a profit organization to conduct a raffle.

Mr. Salvagni states that he feels these proposed regulations should be considered by the Commission to ensure that they have the authority to charge the proposed fees.

Mr. Salvagni states that the question of whether or not a County Commissioner or the County Attorney or the Sheriff should be able to have a gambling license has come up due to a recent court case involving a Belgrade City Council member. Mr. Salvagni states that he feels it would be unconstitutional for the Commissioners to prohibit these parties from having a gambling license. He does not feel that they would have the authority to do this under the gambling statutes of the State of Montana.

Mr. Salvagni asked that at the Commission's next public meeting to be held May 15, 1984, the regulations Mr. Salvagni has proposed be considered as an ordinance to be adopted by the Commission with whatever changes or additions they saw fit. The first reading of the ordinance would be at the May 15, 1984 meeting. It is required by statute to have two meetings when an ordinance is being proposed. The second reading of the ordinance would be on May 29, 1984. Should the proposed ordinance be accepted by the Commission, it would go into effect on July 1, 1984 which is when all gambling licenses are to be renewed.

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Margaret Brown, Superintendent of Schools, requested a new calculator for her office. The old calculator is no longer in working condition and would cost too much to repair. Mrs. Brown states that she needs this calculator in order to prepare her budgets for the next fiscal year. She has received a quote of \$275.00 for a calculator similar to the one she is now using. Mrs. Brown states that she has no funds in her budget to pay for this calculator.

Jane Jelinski made a motion to approve the request for \$275.00 for a new calculator for the Superintendent of Schools Office, seconded by Wilbur Visser, none voting nay. The motion carried.

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Gale Thompson, Road Office Supervisor, requested funds to pay the phone bill in the Surveyor's account. Mr. Thompson states that the budget request for this account was \$550.00; however, this was cut to \$420.00 in the actual budget. Recently it was discovered that the Sheriff's Department had for years been paying the cost of the phone line from Story Hill to the Road Office console radio. This cost is now being charged to the Road Office.

Mr. Thompson states that it appears that the budget will be about \$500.00 short, with about \$250.00 being the charge for the new phone line. This phone line will no longer be in use once the new radio system is installed on High Flat Mountain. Mr. Thompson states that in years past when the Surveyor's account was short of funds, the Road Office would

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automatically pick up the difference. He does not feel that this should be the case. There are no funds available in the Surveyor's budget to pay these phone costs.

Wilbur Visser made a motion to grant the request for funds for phone charges to the Surveyor's account in the amount of \$400.00 since the phone line from Story Hill will be disconnected in the near future. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Bob Throssell, Deputy County Attorney, spoke regarding an exemption claimed on certificate of survey for Frank J. Trunk & Son. This matter came before the Commission on May 1, 1984. Albert Frost, attorney for Mr. Trunk, raised the issue that this transaction occurred prior to the changes in the subdivision regulations, and the exemption claimed was entitled to be reviewed under the old regulations. Mr. Throssell states that from the information submitted to him, it appears that the transaction was well along by the time the new regulations regarding occasional sale exemptions went into effect.

The survey that has been presented now is entitled to be reviewed under the previous regulations. Under that criteria, the Commission has to determine whether the sale is being conducted with an attempt to evade the Subdivision Act. Mr. Throssell states that given the history of the transfers in the area, with several of the transfers going to governmental entities and sale of the King Arthur Mobile Home Park, it does not appear that the transactions have been undertaken as an attempt to evade the Subdivision Act.

Mr. Throssell states that he has spoken to Mr. Frost regarding the remaining parcel of land which would fall under the current subdivision regulations should Mr. Trunk seek to transfer it. Mr. Trunk is aware of this.

Mr. Throssell recommends that the Commission approve the use of the exemption claimed because it does fall under the old regulations and meets the criteria for the exemption.

Wilbur Visser made a motion to grant the exemption to Frank J. Trunk & Son, seconded by Jane Jelinski, none voting nay. The motion carried.

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Dave Penwell, attorney for the North Middle Creek Meadows Owners Association, spoke regarding a resubmittal of a petition requesting an RID for Middle Creek Meadows Subdivision Road Maintenance and Lighting. Joy I. Nash stated that the petition had been certified by the Clerk and Recorder with 56 freeholders of record and 40 of these persons signed the petition, being 71%. Mrs. Nash asked if Mr. Penwell had prepared the resolution requesting the Commission to create the RID. Mr. Penwell was not aware that the Resolution would need to be submitted prior to a decision by the Commission. Mr. Penwell stated that he would provide the Resolution for the Commission's consideration.

Jane Jelinski stated that per statute the assessment would be determined by square footage of the lot rather than a set fee per lot. Mr. Penwell stated that the Resolution would reflect what is set forth in the statute.

Joy I. Nash stated that once the Resolution has been submitted by Mr. Penwell, the Commission would take action on it.

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Harry Lundstrom of Cottonwood Creek Canoe Company requested a waiver of personal property taxes. Mr. Lundstrom is in receipt of a letter from the County Treasurer stating that Mr. Lundstrom owes personal property taxes for the years 1982 and 1983. Mr. Lundstrom states that his business was not in existence during that time. He states that he attended school during winter quarter of 1982 and went to Florida for the remainder of the year.

Mr. Lundstrom states that he had no prior knowledge he was being taxed on his personal property for this business because he had never received notice of it. Mr. Lundstrom was put on the tax rolls by an arbitrary assessment by obtaining his business' name from the phone book. Mr. Lundstrom states that his phone for the business was disconnected in 1982.

Mr. Lundstrom stated that he rented the space at 803 N. Wallace in Bozeman where he operated the business. The equipment involved was a table saw, a band saw, and pieces of fiberglass. Mr. Lundstrom states that this is his personal property which he keeps at his residence in Big Sky. Mr. Lundstrom states that he currently has a business known as Mountain Whitewater which he pays taxes on.

Loy Carroll states that the tax notices were not returned to his office as undeliverable; therefore, it was assumed that the individual had received the tax notice. Mr. Lundstrom states that he never received mail at 803 N. Wallace, he has a PO Box which he uses for all business.

Jane Jelinski made a motion to waive the personal property taxes for Cottonwood Creek Canoe Company for the years 1982 and 1983. This motion was seconded by Joy I. Nash with Jelinski and Nash voting aye, Visser voting nay. The motion carried.

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Joy I. Nash read a proclamation as follows:

WHEREAS, the professional public safety dispatcher plays a vital role in the protection of human life and property and the preservation of law and order guaranteed by our constitution; and

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WHEREAS, the incidents of crime, alcohol and drug abuse, suicides, and broken homes are a daily occurrence; and

WHEREAS, the increased use of transportation of hazardous materials, advancing technologies, expansion and increased use of mass transit have created additional hazards and major emergencies; and

WHEREAS, the professional public safety dispatcher is that pivotal link between the citizen or victim and the public safety provider who may apprehend a criminal, save their worldly possessions from fire, save their life or the life of a loved one; and

WHEREAS, the professional public safety dispatcher performs their duties and tasks daily in a dedicated, diligent, and loyal manner while enduring the stresses of shift work, odd hours, confined work space (typically without windows); and

WHEREAS, recent events in Dallas, Sacramento, and San Francisco demonstrate the need for proper screening of emergency phone calls; and

WHEREAS, Gallatin County is fortunate to be blessed with dedicated and trained professional public safety dispatchers; and

WHEREAS, these professionals need and deserve the informed support of our community to continually maintain and improve the quality of public safety dispatching services; and

WHEREAS, the Board of County Commissioners of Gallatin County wishes to commend the devotion, services, and contributions of professional public safety dispatchers to the overall improvement of public safety services in Gallatin County;

NOW THEREFORE, be it resolved by the Board of County Commissioners of Gallatin County that we do hereby proclaim the second week of May, as National Dispatcher's Week in Gallatin County.

Wilbur Visser made a motion to proclaim the week of May 7, 1984 as National Dispatcher's Week, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser made a motion to enter into a lease agreement with John Costello for office space for the Sheriff's deputy in West Yellowstone for the amount of \$350.00 per month, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:25 P.M.

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ATTEST:

*Gary A. Dingle*  
Clerk

APPROVED:  
*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 15th DAY OF MAY, 1984 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order at 1:30 P.M. by Chairman Joy I. Nash. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Robert Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

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The following proceedings were had to wit:

Joy I. Nash asked if anyone had any bids to submit for the improvements for Godfrey Canyon Estates Subdivision. None were submitted.

Wilbur Visser made a motion to approve the minutes of May 8, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

May 8, 1984

Received A101 #5007 from Sheriff's Department in the amount of \$920.00 from Abandoned Car Sale to the credit of the General Fund.

May 9, 1984

Received and approved the following transfers of funds:

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$4.35 from fund 2110, \$36.32 from fund 2120, \$24.62 from fund 2180, \$36.54 from fund 2190, \$26.94 from fund 2270, \$216.50 from fund 2290, \$6.51 from fund 5020, and \$4.53 from fund 2710, to fund 1000 for supplies.
2. The sum of \$18.90 from fund 1000 to fund 2180 for copier usage.
3. The sum of \$2,576.00 from fund 2270 to fund 2190 for salary and phone.

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4. The sums of \$68.11 from fund 1000, \$118.78 from fund 2160, and \$110.08 from fund 2190, to fund 2110 for gas.
5. The sums of \$136.20 from fund 2110 and \$31.36 from fund 2190 to fund 1000 for gas.
6. The sum of \$93.20 from fund 2710 to fund 1000 to correct p.o. 11201.
7. The sum of \$49.38 from fund 2440 to fund 1000 for expenditures.
8. The sums of \$221.75 from fund 1000, \$.85 from fund 2110, and \$4.85 from fund 2270 to fund 2190 for Savin charges.
9. The sums of \$96.31 from fund 2120, \$138.52 from fund 2140, \$89.35 from fund 2180, \$71.82 from fund 2270, \$85.31 from fund 2290, \$18.49 from fund 5020, \$14.50 from fund 2710, \$19.40 from fund 2160 to fund 1000 for printing.
10. The sum of \$2,694.65 from fund 2270 to fund 2190 for expenditures.
11. The sums of \$.30 from fund 2140, \$4.40 from fund 5020, and \$3.40 from fund 2710 to fund 1000 for copies.
12. The sum of \$1,945.09 from fund 1000 to fund 2430 to correct A101's.
13. The sum of \$3,680.00 from fund 2270 to fund 2271 to correct A101's.
14. The sum of \$400.00 from fund 2710 to fund 1000 for phone expenditures.
15. The sum of \$470.92 from fund 2180 to fund 1000 to correct p.o. 24561.

/s/ Joy I. Nash  
 Chairman, Board of County Commissioners

Received the prisoner board billing from the Sheriff's Department for the month of April. A total of 193 prisoners for a total of 639 days at the cost of \$7,200.00.

Received the following A101's:

#5018 from Montana Bank of Bozeman in the amount of \$16,960.85 for interest earned on Passbook #55-196-1-20 to the credit of Wagon Wheel RID.

#5019 from First Bank Bozeman and Montana Bank in the amount of \$48,854.91 for repurchase accounts to the credit of repurchase accounts.

May 10, 1984

Joy I. Nash conducted the DUI Task Force meeting to finalize the grant proposal to the State Traffic Safety Commission.

Wilbur Visser and Earl Best, appointed as viewing board, viewed the county road from Sixteen Mile Road to Francis Road. Their findings are as follows:

On May 10, 1984, Earl Best, Land Surveyor, and Wilbur Visser, County Commissioner, having been duly appointed as the viewing board for the county road known as Francis Road, viewed 2.47 miles, more or less, from Sixteen Mile Road to Francis Road. We find that this road only services one ranch. It is the opinion of the viewing board to be in the best interest of the county that this road be abandoned.

A public hearing will be held regarding the abandonment of this road.

May 11, 1984

Received the following A101's:

#5035 from State of Montana in the amount of \$313.04 for distribution of wine tax to the credit of the General Fund.

#5036 from State of Montana in the amount of \$75.75 for child support incentive payments to the credit of the General Fund.

May 14, 1984

Commissioners met as a Welfare Board this date.

Wilbur Visser and Sam Gianfrancisco, Road Superintendent, were in Helena to view a new process for road improvements and dust control.

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Joy I. Nash stated that she had received only one bid for the required improvements for Godfrey Canyon Estates Subdivision.

Wilbur Visser read the bid received from Amsterdam Lumber Company as follows:

Base course gravel:	\$ 3,375.00
Surface gravel:	8,505.00
Install culvert:	235.00
Culvert for drainage:	2,695.00
Test water system:	279.00
Pump House	6,950.00
Pump, piping, cable	<u>2,000.00</u>
Total Bid:	\$24,039.00

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Wilbur Visser made a motion to accept the bid of Amsterdam Lumber Company to finish the improvements for Godfrey Canyon Estates, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mike Salvagni, County Attorney, spoke regarding requested changes to the gambling regulations he presented to the Commission at last week's public meeting. Mr. Salvagni states that he recommends a change to sections 22 and 23 with regard to investigative fees for card dealers. He recommends a fee of \$75.00 be paid. Mr. Salvagni recommends that the number "four" be inserted in regulation no. 25, limiting the number of games that can be installed in an establishment. Also, Mr. Salvagni recommends that a fee of \$25.00 be inserted in regulation no. 29 as the fee for a profit organization that wishes to hold a one day bingo or raffle for obtaining a license.

Mr. Salvagni states that item 34 was inadvertently left out. It requires that the licensee maintain records of his gross receipts and of his expenses in the operation of the game. Item 36 has been expanded. This provides for the revocation of a license but has been expanded to include seven specific instances which would be cause for violation of the licensing privilege and grounds for revocation of the license.

Joy I. Nash asked for public comment regarding the proposed gambling regulations. Mrs. Nash stated that copies of the proposed regulations were available for the public and that a second reading of the proposed regulations would be held at the May 29, 1984 public meeting.

Mike Ward, a Bozeman resident, respectfully requested the Commission to fill in the blank with regard to the number of gambling machines an establishment can have with the number "four", as suggested by Mike Salvagni.

Wilbur Visser made a motion to insert the number "four" in item 25 to limit the number of games to four, and in item 29 to insert the license fee of \$25.00. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

Wilbur Visser made a motion to adopt the gambling regulations for Gallatin County for the first reading, seconded by Jane Jelinski, none voting nay. The motion carried.

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Randy Thoreson, City-County Planning Director for the City of Belgrade, spoke regarding preliminary plat approval for Mountain View Subdivision #7. Mr. Thoreson has submitted to the Commission his staff report, recommendations by the Belgrade City-County Planning Board, and minutes of the Planning Board's meeting held on April 24, 1984. Mr. Thoreson has also submitted the Environmental Assessment and Community Impact Statement for Mountain View #7.

Mr. Thoreson states that the subdivision is comprised of 48.3 acres of 33 single family lots. A 4.5 acre park has been dedicated. Mr. Thoreson displayed maps of the subdivision. Following are portions of Mr. Thoreson's staff report:

The subdivision is located three miles east of Belgrade, immediately north of U.S. Highway 10, and adjacent to Mountain View #2, #4, and #6. A stream transverses the property from the east to west. Individual wells and septic tanks are proposed. Subdivision access is served by three existing subdivision roads being Coulee Drive (2 points) and Sacajawea Peak Drive.

Environmental Assessment and Community Impact Statements were updated and a current analysis of Mountain View #7 were submitted. All authors and researchers submitting reports assured that adverse impacts from the development of Mountain View #7 would be minimal. In terms of community impact data, no adverse comments were noted except for the Gallatin County Sheriff's office concern for manpower and equipment to handle new subdivisions in the county. Belgrade Schools could handle the addition of students; however, the High School may suffer a burden in future years with additional students. In summary, no adverse impacts were noted in the environmental and community impact statements.

With regard to overall plat design, streets are constructed pursuant to that required by subdivision regulations and county standards, with the exception of Coulee Drive in Mountain View #2 which was not constructed to County standards. This issue should be resolved prior to acceptance (or as a condition of) plat. Lot configurations are acceptable as shown. An access road to the north should be shown on the plat. The park area as proposed is acceptable. The stream that flows through the subdivision should be reviewed by Fish & Game as well as County when culverts are put in. Covenants are proposed and are attached with submittal.

Basis of Need: Existing subdivisions #3 - #5 are almost completely developed. Mountain View #6 shows a great deal of development activity. Mountain View #7 will most likely show similar interest. However, the basis of need criteria is difficult to ascertain.

Public Opinion: There was some concerns voiced during the preapplication meeting regarding the access from Coulee Drive through Mountain View #2. Expressed public opinion will be given during the public hearing process.

Effects on Agriculture: The 48.3 acres are currently under agricultural cropland usage. Although the soils are not ideally suited for agricultural purposes, the removal of this land from that use is a concern throughout the valley.

Effects on Local Services: Concern was voiced from the County Sheriff and from the Belgrade School Superintendent in terms of impact in future years. Again, these are concerns throughout the valley.

Effects on Taxation: The tax revenue from the subdivision would be greater than that of agricultural land.

Effects on Natural Environment: Outside of the stream which flows through the area, the impact on the natural environment should be minimal.

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Effects on Wildlife: Again, outside of vegetation cover along the stream, the impact of wildlife would be minimal.

Effects on Public Health and Safety: The hydrology study for the area should be taken into consideration. Construction setbacks from the stream should be implemented. The subdivision lies within the noise corridor of the airport and adequate construction measures should be undertaken. Overall public health and safety impacts should be minimal if such measures are adhered to.

The developer, Don Townsend, has owned and developed Mountain View #3 through #6. Mountain View #1 and #2 were implemented prior to Belgrade's current subdivision regulations.

Mr. Thoreson states that basically there were three items that were discussed at great length at the public hearing on April 24, 1984. One was the design of the plat, the second was access as it pertains to Mountain View #2 (Coulee Drive), and the third was a stream which meanders through the subdivision.

Mr. Thoreson states that with regard to the overall plat design, the Planning Board felt that it was in conformance to the Master Plan that was shown. Mr. Thoreson states that the access with regard to Coulee Drive was discussed at great length. This was attached as a condition by the Board, that this access problem be resolved. Mr. Thoreson states that with regard to the stream, the Planning Board also recommended a condition that a flood delineation line, as well as a building setback line be indicated on the final plat.

Nine conditions were recommended by the Planning Board as follows:

1. That special attention be given to the hydrology studies which are attached to the Environmental and Community Impact Statements. Floodline delineation and construction setbacks from the stream shall be indicated on final plat.
2. That plans for roads, drainage, culverts and placement of street signs be approved by the County Engineer's Office prior to installation of improvements and improvements be accomplished prior to final plat approval.
3. That Coulee Drive access issue through Mountain View #2 be resolved as it pertains to Mountain View #7, prior to County Commission meeting.
4. That necessary utility and drainage easements be shown on final plat.
5. That a \$35.00 per lot fee be paid by the developer to the Belgrade Fire Department, prior to final approval.
6. Lots be kept in a weed-free manner.
7. Final plat conform to uniform standards and be accompanied by necessary certificates including a certificate of approval from the Department of Health and Environmental Sciences.
8. That the covenants be reviewed by the County Attorney's Office prior to final approval and filed with the plat.
9. Temporary cul-de-sacs be shown on Hardscrabble Peak Drive and Painted Canyon Drive.

Joe Sabol, attorney for the developer Don Townsend, stated that the Belgrade City-County Planning Board recommended unanimous conditional approval of Mountain View #7, subject to certain conditions.

Mike Foley, the surveyor for the developer, discussed the eight public interest criteria.

Basis of Need: Mr. Foley states that he believes that sales history is one criteria for basis of need. Also, an inventory of suitable lots of the same size and shape in the general vicinity. Mr. Foley states that in Mountain View #4, there is only one lot that has not been sold. The rest have either sold or are under contract for deed at this time. Mr. Foley states that Mountain View #5 is 100% developed. Mountain View #3 has three lots that are undeveloped. Mr. Foley states that all but one lot in #6 were sold within six months of the filing of the final plat.

Mr. Foley states that within a two mile radius of the Mountain View subdivision he found approximately six lots that were available of comparable size.

Mr. Townsend has indicated to Mr. Foley that he would be able to sell several lots in #7 at this time, he has had people express a desire in buying lots in #7.

Public Opinion: Mr. Foley states that at the public hearing there was no public opinion expressed in opposition of Mountain View #7. Mr. Foley spoke regarding the concern expressed by some people regarding Coulee Drive and the access to Mountain View #2 and #7. Coulee Drive begins at Highway 10, travels through Mountain View #1 and #2 to the north, loops through Mountain View #7 and loops to the east and continues over to Sacajawea Drive. The main accesses to #7 are Sacajawea Drive through subdivisions #5 and #6, Arete and Cirque Drive through subdivisions #4 and #6, which are all standard roads. Mr. Foley states that Coulee Drive through subdivision #2 was built years ago before any standards were required by the County.

Effects on Agriculture: Mr. Foley states that at present Bob Davis is farming the land which is being rented from Mr. Townsend. Mr. Foley states that Mr. Davis has indicated to him that if he did not get the land rent-free, he could not pay for his seed money. Mr. Davis stated to Mr. Foley that if he had to pay rent on the land, he would not farm it.

Effects on Local Services: Mr. Foley states that one item of concern with regard to local services is the position of the Sheriff's Department with regard to the current work load which is currently at capacity. Mr. Foley states that there is not much that can be done about this situation at this time. Mr. Foley stated that the Belgrade Schools have indicated that they have more than adequate room for grade school students at this time. They do foresee a problem many years from now in that the high school would have to be expanded. Mr. Foley states that this would be the case regardless of whether or not



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Mountain View #7 is there.

Effects on Taxation: Mr. Foley states that an increase of 33 lots with homes similar to those in #4, 5, and 6 will greatly increase the tax revenue. Mr. Foley stated that there are no RIDs or special assessments proposed for Mountain View #7.

Effects on Natural Environment: Mr. Foley states that there are no critical wildlife or vegetative habitats anywhere in the proposed subdivision. The Fish and Game Department has been contacted regarding the stream which crosses Mountain View #7. They have requested that an easement be set on the stream, which the developer plans to do. The stream crossing on Coulee Drive has been discussed and the Fish and Game has no opposition to that provided it is constructed to their standards.

Effects on Wildlife: There is no noticeable wildlife in the area. An occasional deer may pass by, hawks have been sighted and there are numerous gophers. The Fish and Game has been consulted and they see no problem with the effect on wildlife.

Effects on Public Health and Safety: Mr. Foley states that the Belgrade Planning Board has set forth a condition for approval that states that Coulee Drive access issue through Mountain View #2 be resolved as it pertains to Mountain View #7, prior to the County Commission meeting. Mr. Foley states that Mr. Townsend has signed an agreement with the Mountain View #2 Homeowners Association which states that Mr. Townsend will give \$10,000 to the Mountain View #2 Homeowners Association as his full and complete share of the cost of reconstructing Coulee Drive through Mountain View Subdivision #2.

Dr. Darrell Dunn, discussed geology, ground water and hydrology of the subdivision. Dr. Dunn stated that he did the original study of availability of ground water for the Mountain View subdivisions in 1978. Dr. Dunn stated that his study included subdivisions #3 through #7. Dr. Dunn has recently updated the study he did in 1978.

Dr. Dunn states that by determining the depth-to-water-level of wells drilled versus time, it shows no significant decline in water level. Dr. Dunn stated that he tried a different approach called multiple regression and still was not able to identify any decline in water level. Dr. Dunn stated that he also obtained information regarding two wells which were drilled to approximately the same depth, at about the same time of year, in about the same area but in different years, 1977 and 1981. Dr. Dunn states that the water levels in the wells were 51 feet and 52 feet respectively. Dr. Dunn states that by using this approach he was not able to find any decline in the water level. Dr. Dunn states that the water level decline is within the amounts that were predicted by him in 1978.

Dr. Dunn also collected the pump test data from the driller's reports and calculated the value for transmissivity. This is important for estimating what future water draw down will be. The number Dr. Dunn used in 1978 was 5,000. Dr. Dunn has recently calculated the number again and it came out to 5,558. Dr. Dunn states that this is not a significant difference and he sees no reason to change any projections that were made in 1978.

Rick Kerin of Kerin and Associates, spoke regarding the hydrology, road design and flood plain delineation.

Mr. Kerin states that there are basically two drainages within the subdivision. The natural surface drainage that flows continually on the west side of the project, and there is also a drainage swail that cuts through on the east side of the project. Mr. Kerin states that they looked at the existing streams and canals that affect both of the drainages and developed a volume of flow for a hundred year event and developed a flood plain delineation from that using accepted engineering methods.

Mr. Kerin states that there are two culverts, one on the east side and one on the west that are sized based on the hydrology study to handle the run-off.

Mr. Kerin states that the plans for road design are based on current county standards.

Mike Foley brought up the point that presently there are 167 lots in Mountain View #1 through #6. This proposed addition will add 33 more lots for a total of 200. This is the last land that Mr. Townsend owns in the area and is the final phase of his project. Mr. Foley states that as a designer of subdivisions, he is quite proud of this subdivision.

Joy I. Nash asked for public comment in favor of the proposed subdivision. Mike Foley presented a letter from the Mountain View #2 Homeowners Association. Wilbur Visser read the letter into the record as follows:

May 12, 1984

Gallatin County Commissioners

We the directors of Mountain View Homeowners Association #2 have come to an agreement with Mr. Don Townsend. Mr. Don Townsend will pay Mountain View Homeowners Association #2 \$10,000 cash for the upgrading of Coulee Drive.

/s/ Lori Fingerson, President

Joy I. Nash asked for public comment in opposition of the proposed subdivision.

Joy I. Nash read a letter from the Belgrade Rural Fire Department as follows:

May 14, 1984

Gallatin County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

Re: Fire District Annexation Water Points

Before adopting the annexation of Mountain View Subdivision #7 to the Belgrade Rural Fire District please take into the consideration the availability of water to fight a fire.

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We, the Belgrade Rural Fire District Board of Trustees, would like to propose a stipulation to the annexation and that is, that a gravel pad for a water point be developed at the developer's expense in the creek, which flows through the subdivision. This would give the fire department suitable access to water in case of a fire.

This would be in addition to the \$35.00 per lot impact fee.

We feel that the availability of water needs to be taken into consideration for all subdivisions and/or annexations to the Belgrade Rural Fire District.

Sincerely,

/s/ James Balke, Chairman  
 Belgrade Rural Fire District  
 Board of Trustees

Mary Kay Peck, Subdivision Review Officer, stated that she would like the Commissioners to consider whether it is in the public interest to add additional traffic to a substandard road. Coulee Drive travels through Mountain View #2 and into Mountain View #7. Ms. Peck states that this subdivision provides a logical development pattern, the roads are well connected; however, there is a big flaw in that Coulee Drive is not up to county standards. The concern of the condition of the road through Mountain View #2 is a valid concern with regard to public convenience and safety.

Ms. Peck states that she suggests that condition no. 3 of the staff report be changed to read as follows: "That all streets which provide access to Mountain View Subdivision #7 meet county road standards prior to final approval."

Ms. Peck states that in order to address the concerns of the Belgrade Rural Fire Department, she suggests an additional condition to read: "That the location and design of the gravel pad to provide the fire department suitable access to water be submitted to the Belgrade Fire Department for review and approval. That if any 310 permit is necessary for the gravel pad, a copy be submitted to the Belgrade Planning Office. That the gravel pad be installed prior to final approval."

Sam Gianfrancisco, County Road Superintendent, also expressed a concern with Coulee Drive as an access to Mountain View #7. The existing road was built about fifteen years ago with some material taken from the barrow pit. Mr. Gianfrancisco states that he is aware that there has been some upgrading done to the road; however, it still does not come anywhere near meeting the new county standards for roads.

Joe Sabol stated that the Belgrade Planning Board approved the preliminary plat for this subdivision conditionally subject to the conditions that were imposed by the Board. Mr. Sabol states that the developer is ready to accept those conditions. Mr. Sabol states that they are also ready to accept the condition suggested by the Belgrade Fire Department. Mr. Sabol states that they are not ready to accept the condition that the developer be required to reconstruct Coulee Drive from Highway 10 through nos. 1 and 2 to no. 7 to county standards.

Mr. Sabol states that the fact that it is not built to county standards is no one's problem. Mr. Townsend had nothing to do with nos. 1 and 2. Mr. Sabol states that the developer has met with the homeowners in #2 to work something out to help them with the condition of the road. Mr. Townsend has done that.

Mr. Sabol states that if the condition suggested by Mary Kay Peck regarding this road is approved, the \$10,000 Mr. Townsend has pledged to the homeowners in #2 will probably have to be increased to \$40,000. Mr. Sabol states that he feels this is unreasonable, unnecessary, and unjustified. Mr. Sabol states that without the approval of #7, there will not be \$10,000 available to work on the road in #2. Mr. Sabol states that it has been stipulated by the developer that the \$10,000 is to be used for road improvement only. It will be given to the homeowners within 90 days of approval of the preliminary plat.

Jane Jelinski states that the Commissioners have taken a tour of the road and it is in terrible shape. She states that obviously it will be used as an access to #7. Ms. Jelinski states that \$10,000 would not even begin to adequately provide for improvement of the road.

Mr. Sabol states that this is the figure that was ultimately proposed by the homeowners in #2 as the figure which would be acceptable to them. Mr. Sabol states that if Coulee Drive were to be the only access, then perhaps there might be a bigger obligation. Mr. Sabol states that as shown on the map, there are two other accesses in and out. Mr. Sabol states that we can never anticipate the road being built to county standards, certainly not by this developer.

Jane Jelinski asked Mr. Sabol if the developer would be willing to comply with the condition of the Belgrade Fire Department. Mr. Sabol states that if the department wanted the pad, the department would have to obtain the 310 permit and the developer would put in the pad.

Jane Jelinski moved that the condition set forth by Mary Kay Peck regarding road access to Mountain View #7 remain a condition of preliminary plat approval as well as the condition regarding the construction of a gravel pad for the Fire Department.

Joy I. Nash asked for a second to the motion. Wilbur Visser stated that he had a problem requiring the people to bring the road up to county standards at this time. He would like to see the road improved but does not know if the county can force them to bring it up to standard.

Randy Thoreson stated that this could create a problem in that if Mr. Townsend contributed the \$10,000 toward improvement of the road but the road was not improved up to county standards, he would not obtain final approval for the subdivision due to the condition, yet he has contributed \$10,000 toward the road improvement.

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Sam Gianfrancisco asked the developer if he had talked to anyone with regard to what it would take to bring the road up to county standards. The Road Department has never been approached. Mr. Townsend states that he has received an estimate of about \$6.00 per foot. Mr. Foley states that there is about 2,700 feet of road from the Highway to the south boundary of #7. Mr. Gianfrancisco states that the \$10,000 Mr. Townsend is contributing would actually pay for more than half of the estimated cost for improvement.

Jane Jelinski made a motion to grant preliminary plat approval of Mountain View #7 with the conditions set forth by Mary Kay Peck: "That all streets which provide access to Mountain View #7 meet county road standards prior to final approval." and, "That the location and design of the gravel pad to provide the Fire Department suitable access to water be submitted to the Belgrade Fire Department for review and approval. That if a 310 permit is necessary for the gravel pad, the copy be submitted to the Belgrade Planning Office. That the gravel pad be installed prior to final approval." and, the conditions as set forth by the Belgrade City-County Planning Board. Wilbur Visser seconded the motion, none voting nay. The motion carried.

Joe Sabol asked for clarification with regard to the condition set forth by the county regarding the road access meeting county standards and the condition set forth by the Belgrade City-County Planning Board which states that the Coulee Drive access issue be resolved. Jane Jelinski states that the road issue shall be resolved according to county road standards. Ms. Jelinski states that how it is resolved is no concern of the county. Mr. Sabol stated that it does not impose any obligation on the part of the developer to bring it to county standards. Ms. Jelinski stated that it did not.

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

John Bos has claimed the security for construction financing exemption. Mr. Bos has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract, and that he will retain title to an possession of the original tract. Empire Federal Savings has certified that the creation of the mortgage parcel is necessary to secure a construction loan. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant approval of the certificate of survey, seconded by Jane Jelinski, none voting nay. The motion carried.

Lois Young has claimed the exemption for sales to two members of her immediate family. Mrs. Young is conveying one parcel to each daughter and son-in-law, and has not previously conveyed land to them. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemptions for sale to two family members being tract 3A and 3C, seconded by Wilbur Visser, none voting nay. The motion carried.

Mrs. Young also claimed the occasional sale exemption to convey the portion of land remaining after the sale of the two family tracts. Mrs. Young has not taken a prior occasional sale, the tract was not created through the exemption, and only one parcel is being created by the use of this exemption. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the occasional sale exemption to Lois Young, seconded by Jane Jelinski, none voting nay. The motion carried.

Benava Hostetter has claimed the family exemption. In accordance with the Attorney General's Opinion issued July 20, 1983, and with the Gallatin County Subdivision Regulations, when considering the validity of exemption, the Commission may consider the prior history of the tract in question and the proposed configuration of the tract if the exemption is granted. The prior history of this tract is as follows:

The original tract which the Hostetters owned was approximately ten acres in size. Tract B, approximately two acres in size, was conveyed through the use of the occasional sale exemption in 1976. Tract A2, a three acre parcel, was also conveyed through the use of the occasional sale exemption in 1977.

In November of 1983, the Commissioners denied the Hostetters the use of the occasional sale for a parcel which was identical to the proposed family sale. The reason for the denial of this exemption was that the Hostetters had taken two prior occasional sales from the original tract and the granting of this exemption would create a total of four tracts from the original tract, which would be an evasion of the Subdivision Regulations. This was explained to the Hostetters in a letter dated November 4, 1983 and they were told that the proper way to divide their property would be through the minor subdivision procedure.

A minor subdivision was then submitted by the Hostetters and given preliminary approval in January of 1984. The minor subdivision has not been withdrawn for consideration. There are nine conditions pending final approval of this minor subdivision.

Mary Kay Peck displayed the certificates of survey showing the occasional sale parcel which was denied in 1983, the minor subdivision submitted in January of 1984, and the certificate of survey claiming the family exemption which the Commission must act on today. These certificates all pertain to the same parcel of land.

If the family exemption is approved, it would be the third division made without review, and would create a total of four tracts. The configuration of the parcel would be the same as the proposed (and denied) occasional sale, and would be similar to the approved minor subdivision. Based on the information submitted, the prior history of the tract, and the proposed configuration of the tract, this does not appear to be a proper use of the family exemption.

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Wilbur Visser asked if the road had ever been approved for the minor subdivision. Mary Kay Peck stated that it had not, it was one of the conditions for approval of the minor subdivision.

Bill Hostetter stated that he obtained preliminary approval for a minor subdivision with the condition that there be a 60 foot dedicated right-of-way and that the road be built to county standards. Mr. Hostetter states that this is the way he would prefer the land to be divided. Earl Best has inspected the existing road and has determined that the road is sufficient. The road has been graded and drainage has been provided on either side. It needed only to be widened out and graded according to county standards.

Mr. Hostetter states that he had a problem in obtaining the 60 feet of dedicated right-of-way in that the homeowner across the road was unwilling to dedicate their 30 feet of an existing easement. The County Road Office then proposed that Mr. Hostetter build an additional road along side of the existing road. Mr. Hostetter states that this would create two roads servicing seven lots which would be wider than North Seventh Street including the curbs, the medians, two driving lanes and two parking lanes.

Mr. Hostetter states that he would request the Commission to accept half of the right-of-way as dedicated. The easement is there and the road would be brought up to standard.

Mr. Hostetter states that the reason he has submitted the certificate of survey with the sale to family member exemption is because the minor subdivision with the condition of the road improvement attached is cost-prohibitive.

Jane Jelinski stated that it would probably be a better alternative for the Commission to consider an amendment to the preliminary approval for the minor subdivision because the Commission would not be able to approve the exemption claimed because it is clearly an evasion of the subdivision act.

Mr. Hostetter states that he prefers the subdivision.

Wilbur Visser made a motion to deny the exemption claimed by Mr. Hostetter, seconded by Jane Jelinski, none voting nay. The motion carried.

Mr. Hostetter will appear before the Commission at a later date for amendment to preliminary approval for the minor subdivision.

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Jane Jelinski spoke regarding a request by Ray Ehly for a refund of taxes due to an overassessment. Mrs. Jelinski stated that the Commission is in receipt of a letter from the Assessor's Office with the calculations of the amount of a refund for the years 1981, 1982, and 1983 which is \$231.35. Mr. Ehly was assessed for having a basement to his dwelling and there is no basement.

Wilbur Visser made a motion to grant the refund on the condition that the taxes be brought current, seconded by Jane Jelinski, none voting nay. The motion carried.

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Pete Lineberger, Attorney for the Town of West Yellowstone, spoke regarding the request for county assistance in issuing payment notices for the West Yellowstone Sewer District. Mr. Lineberger states that he has received a copy of the estimated cost projections by the county showing Option A being a cost of \$7,162.00 and Option B being a charge of \$5,127.00. In view of these figures, Mr. Lineberger has been authorized by the Mayor of West Yellowstone to withdraw the request.

Wilbur Visser made a motion to accept the withdrawal of the Town of West Yellowstone for issuing payment notices, seconded by Jane Jelinski, none voting nay. The motion carried.

Mr. Lineberger states that the Town of West Yellowstone will sign the Resolution regarding the sale of the sewer district to the Town of West Yellowstone,

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Joy I. Nash read the following proclamation:

WHEREAS, May has been proclaimed "Older Americans Month" by President Reagan and Governor Schwinden has proclaimed May 16th as "Senior Citizens' Day" here in the State of Montana; and

WHEREAS, Gallatin County has been especially blessed with many contributions that have been given to it by its older citizens and should give special thanks to them. They are caring, industrious, and unselfish; and

WHEREAS, these elders are the pioneers of our community. They have brought dignity, beauty and compassion to our county. Their experience and expertise is called upon daily by our community; and

WHEREAS, oftentimes the contributions of the elderly go unrecognized. Today our community has more for which to be thankful because of these many contributions. We are grateful for their courage, vitality and wisdom; let us reaffirm through prayers and actions our thankfulness.

NOW THEREFORE, We, the Gallatin County Commissioners do hereby proclaim the week of May 14-18, 1984 as SENIOR CITIZENS' WEEK and call upon our citizens to give appropriate expressions of our thanksgiving to the elderly citizens of Gallatin County.

Jane Jelinski made a motion to proclaim the week of May 14-18, 1984 as Senior Citizens Week, seconded by Wilbur Visser, none voting nay. The motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 15th DAY OF MAY 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

There being no further business, the meeting adjourned at 3:20 P.M.

ATTEST:

*Gary J. Pringle*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

PUBLIC MEETING TUESDAY, THE 22nd DAY OF MAY, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash asked if anyone had any bids to submit for the horse barn and angus barn additions at the county fairgrounds. The bidding was then closed.

Wilbur Visser made a motion to approve the minutes of May 15, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

## ANNOUNCEMENTS

May 16, 1984

The Commissioners attended the Senior Citizens luncheon at the Senior Center in honor of Senior Citizens Week.

Granted raffle permits to the following:

Tri-County Rock Club, a non-profit organization; and Rose Ann Penwell Political Campaign, profit organization.

Granted permission to the Korner Klub to install one poker table. They have a licensed dealer at their establishment. A fee of \$29.90 was collected to operate the table until June 30, 1984.

May 17, 1984

Commissioners attended a luncheon at the Senior Center in Three Forks in honor of Senior Citizens Week.

Resource Recovery Committee met to consider a decision on whether or not to proceed with Phase II of the project. The Committee voted not to proceed with Phase II of this project.

Commissioner Jane Jelinski attended the RSVP Dinner at the Fairgrounds.

Joy I. Nash attended the DUI Task Force committee meeting.

Wilbur Visser attended the Refuse District #1 meeting in Manhattan.

May 18, 1984

Jane Jelinski went to the Urban Coalition meeting in Great Falls.

Wilbur Visser called a special meeting of the Bridger Canyon Zoning Commission. Those present were Joy I. Nash and Ray White. Also present was Mary Kay Peck, Subdivision Review Officer. Wilbur Visser stated that the Commission should consider the conditional use permit granted to operate a ski shop at the Crosscut Ranch. One of the conditions of the permit were that security be provided in the amount of 110% of estimated road construction costs. Ray White made a motion that a registered letter be sent to Paul Kink, owner of the Crosscut Ranch, advising him that if security is not received within three working days after receipt of the letter, the Bridger Canyon Zoning Commission would meet again to set a hearing date to consider revocation of the permit. This motion was seconded by Joy I. Nash, none voting nay. The motion carried. Mary Kay Peck, Subdivision Review Officer, was instructed to write a letter to Mr. Kink with a copy to be furnished to the County Attorney.

May 21, 1984

The Commissioners; Ray White, County Assessor; and Gary Pringle, Clerk and Recorder toured tax deed lands which will be put up for public auction.

The Commissioners have sent a congratulatory letter to Stephanie Hockel, the winner of the bumper sticker contest sponsored by MADD (Montanans Against Drunk Driving). Her winning bumper sticker read: "Don't Underestimate Intoxication" (DUI).

The County has advertised an invitation for bids for county printing. Bids will be opened on June 12, 1984.

Approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages," and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

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That the sum of \$125.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-362 be transferred to account 1000-254-420600-320 under general class (2) Maintenance and Support.

That the sum of \$75.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-362 be transferred to account 1000-254-420600-340 under general class (2) Maintenance and Support.

That the sum of \$225.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-362 be transferred to account 1000-254-420600-345 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-370 be transferred to account 2180-208-410333-363 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 18th DAY OF MAY, 1984

/s/ Joy I. Nash  
 /s/ Wilbur Visser  
 /s/ Jane Jelinski

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Joy I. Nash read the invitation for bids for the horse barn and angus barn additions at the county fairgrounds.

Wilbur Visser read the bids as follows:

J. R. Baker Construction: Base Bid 1 - \$ 23,240.00  
 Base Bid 2 - 5,957.00  
 Base Bid 3 - 13,390.00

Total Bid: \$42,259.00

Taylor Construction: Base Bid 1 - \$17,534.00  
 Base Bid 2 - 5,145.00  
 Base Bid 3 - 9,550.00

Total Bid: \$32,229.00

Davies Construction: Base Bid 1 - \$11,069.00  
 Base Bid 2 - 3,098.00  
 Base Bid 3 - 10,661.00

Total Bid: \$24,828.00

K N Construction: Base Bid 1 - \$13,540.00  
 Base Bid 2 - 3,580.00  
 Base Bid 3 - 10,925.00

Total Bid: \$27,900.00

New Life Construction: Base Bid 1 - \$14,475.00  
 Base Bid 2 - 3,000.00  
 Base Bid 3 - 5,300.00

Total Bid: \$22,475.00

Base Bid 1: Construction to addition of the angus barn.  
 Base Bid 2: Construction to foundation of horse barn addition.  
 Base Bid 3: Erection of the addition to the horse barn.

Bid bonds were received from all contractors.

Wilbur Visser made a motion to submit the bids received to the architect, Lowell Springer, for his review, seconded by Jane Jelinski, none voting nay. The motion carried.

Mr. Springer will give his recommendation to the Commission at next week's public meeting.

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Gary Pringle, Clerk and Recorder, spoke regarding tax deed property in Wildflower Subdivision. The Homeowners Association has requested to redeem the property. These are lots 12 and 18 in Wildflower Subdivision. Shirly C. McCarton and Wildflower Properties both had an interest in the property. Mrs. McCarton has a contract for deed and Wildflower Properties had filed a lien against both of the lots. Certified letters were sent to both Mrs. McCarton and to Wildflower Properties, in care of Leo Oeschger, who was President of the Wildflower Homeowners Association at that time. Both letters were returned to the Clerk and Recorder, undeliverable as addressed and unknown at this address. At that time, Mr. Pringle proceeded to take tax deed to these properties.

At the present time, Mark S. Johnson is the President of the Wildflower Homeowners Association. Mr. Johnson could not be present at today's meeting and Mr. Pringle has a letter of proxy from Mr. Johnson appointing Sandy Lee as his representative. The Homeowners Association wishes to pay the taxes including penalty and interest with a check written by the Homeowners Association. The total taxes including penalty and interest on lot 12 from 1979 to 1982 total \$234.72. The taxes on lot 18 for the same period total \$232.09. These taxes do not include taxes for the first half of 1983, which are now delinquent, and the second half which are now due.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 22nd

DAY OF MAY

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
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Bob Throssell asked if a tax deed had been issued to the county. Mr. Pringle stated that it had, as of January 31, 1984. Mr. Pringle states that in the chain of deeds, Wildflower Properties has a warranty deed and Shirlye McCarton has a notice of purchaser's interest from Wildflower Properties. The Wildflower Homeowners Association has an interest through a lien filed with the Clerk and Recorder. The Homeowners did not respond within sixty days while the county was making application for tax deed, because the letter mailed to them giving notice was returned undeliverable.

Bob Throssell states that at this time the sixty day notice provision prior to issuance of the tax deed has expired. Lienholders are not able to redeem the property at this time. The only parties that would be allowed to redeem the property would be the owner of record. Wildflower Homeowners Association is a lienholder and Wildflower Properties would be the owner of record. He states that if someone representing Wildflower Properties could provide proper documentation, they would be able to redeem the property as could the party who has a contract for deed. However, any other outside party cannot redeem the property except at public auction.

Sandra Lee stated that she was a member of Wildflower Homeowners Association, not Wildflower Properties. She states that she believes that Wildflower Properties would be Mr. Newman and Mr. Bateman who started the subdivision.

No action is required to be taken by the Commission.

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Dave Penwell, representing the North Middle Creek Meadows Owners Association, spoke regarding a resolution of intention to create an RID for road maintenance and lighting. Mr. Penwell has presented this resolution to the Commission for their approval. This RID is intended to be created as a maintenance district only, with all costs being borne by the homeowners. Mr. Penwell states that according to statute, each lot will be assessed according to the square footage that it has within the district.

Jane Jelinski asked Mr. Penwell to clarify how the homeowners would be assessed because it was unclear in the resolution.

Mr. Penwell states that the last sentence of paragraph one should read: "Each lot in the district shall be assessed by the ratio that the area of the portionate part that each lot has within the district bears to the entire district, exclusive of streets, avenues, alleys and public places." Mr. Penwell states that the concept is that each property owner shall bear the same charge.

Mrs. Jelinski states that a ten acre lot that is assessed the same as a one acre lot, could be broken up into ten different portions. Mr. Penwell states that there is a provision in the covenants prohibiting further subdivision of property, except for those in subdivision no. 1 which says they can be divided into one or two more lots.

Bob Throssell states that he has discussed this with Mr. Penwell and suggests that if the Commission chooses to adopt the Resolution, a specific square footage figure should be set for each lot. Mr. Penwell states that they have come up with a figure of 2,000 square feet per lot that is contained within the district, regardless of the size of the rest of the lot.

Mr. Throssell states that if in the future a lot is split, to maintain the district the Commission can expand the size of the district for maintenance if a parcel outside the district is benefitting from the improvement of the district. This would have to be done by separate resolution by the Commission to assess additional lots. The Resolution presented today is based on what is there now. Mr. Throssell states that the only problem with the Resolution as it is presented now, is that rather than simply referring to portions of lots, that a specific square foot figure be set.

Mr. Warner, a property owner within the subdivision, asked for clarification with regard to the square footage assessment. He wanted to make the point that the lots could be further subdivided. Mr. Warner feels that the assessment per lot of 2,000 square feet is totally inequitable. Mr. Warner states that there is an instance of an individual who is living within 300 feet of the road, and he has three lots consisting of a total acreage of 5 to 6 acres. This individual would be paying three times what his neighbor across the street is paying. Mr. Warner feels that assessing on a homesite basis would be a much more equitable way of assessing the property owners.

Mr. Penwell states that the statute does not provide for a homesite assessment, it has to be done on a square footage or on a ratio that incorporates an area. Mr. Penwell states that the example cited is not inequitable because the person who owns three lots always has the opportunity to sell one or two of them.

Mr. Penwell has prepared a resolution of intention incorporating the change suggested by Mr. Throssell with regard to the 2,000 square footage assessment.

Wilbur Visser made a motion to pass the Resolution of Intention to Create a Rural Improvement District for Middle Creek Meadows Property 1 and 3, with 2,000 square foot assessment, seconded by Jane Jelinski, none voting nay. The motion carried.

Bob Throssell stated that there will be a time period now whereby notice will be sent to the property owners within the district notifying them with a copy of the Resolution of Intent. Written protest can then be submitted to the Commission within 15 days of receipt of the letter. After the protest period, the Commission can then take action on a Resolution to create the district.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request by Gerald Jacobsen for an occasional sale exemption. Ms. Peck states that she was contacted by Ron Allen, a surveyor, to explain the situation. Basically, Mr. Jacobsen has an unrecorded contract to buy five acres of land through a parcel that was originally twenty acres. An occasional

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sale has been previously taken on that parcel. The correct procedure for the Commissioners to determine this is set forth in the subdivision regulations. A certificate of survey with the claimed exemption is submitted to the County Clerk and Recorder who then gives it to his designated agent, the Subdivision Review Officer, who then prepares a staff report for the Commissioners' recommendation. The Commissioners then consider the claimed exemption at a public meeting after they have a survey to review.

Gerald Jacobsen states that he is the buyer in this transaction and he wishes to purchase the land from Les Baguhn. Mr. Baguhn gave Mr. Jacobsen five acres of land which Mr. Jacobsen now wishes to purchase under the occasional sale exemption. Mr. Jacobsen presented numerous pieces of correspondence between himself and FHMA with regard to the purchase of this land. Mr. Jacobsen states that the only thing he and Mr. Baguhn did not do was to register the transaction with the County Clerk and Recorder. Mr. Jacobsen states that he and Mr. Baguhn entered into a handshake agreement five years ago.

Mr. Jacobsen states that he would like to have an answer from the Commission regarding the proposed use of the occasional sale exemption before a survey is done. Mr. Jacobsen states that this agreement began before the revised subdivision regulations went into effect.

Jane Jelinski stated that the Commission does not have the authority to approve something that is not platted. Mr. Jacobsen states that the previous property sale of his dairy farm was approved by the Commission and recorded at the Clerk and Recorder's Office.

Mr. Throssell states that the problem is that under the current regulations, by recording this, unless Mr. Jacobsen's sale occurred prior to that, Mr. Baguhn is not entitled to another occasional sale. Mr. Jacobsen is offering proof that he in fact had purchased the property on which his dairy farm is situated prior to this. Mr. Throssell states that Mr. Jacobsen claims he purchased the property prior to the change in the subdivision regulations.

The Commissioners will defer their decision until they have had a chance to review the documents produced by Mr. Jacobsen.

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Norm Stone of the County Road Department, spoke regarding a request by V. K. Putnam for an encroachment of lot 11 of Bruce Industrial Park. Mr. Stone states that he has received an application for an encroachment permit for this lot. Mr. Stone has informed Mr. Putnam that due to the conditions on the plat, the Commission would probably make a negative response. At that time, Mr. Putnam stated that he would like to make a formal request before the Commission.

Mr. Stone states that the problem he foresees with it, is that there is an existing approach into lot 11 that was put in without a permit. There is a condition on the preliminary plat that states that there will be no access into lots, 5, 10, and 11 from Madison Avenue and that is where the access goes in there now. Essentially, a permit was put in when it was not authorized by either the county or through the subdivision process.

Cliff Robetz, a representative for Mr. Putnam and an adjacent property owner, stated that he was approached by Mr. Putnam with a request to improve the parking lot because of his affiliation with White and McNeil Excavating. Mr. Putnam would like to expand the parking lot into the right of way of Madison Avenue. The right-of-way is about 160 feet, and Mr. Putnam wishes to utilize it for parking and for access in and out of lot 11 with the large trucks.

Jane Jelinski stated that the Industrial Park was given preliminary approval. If the certificate needed to be amended, it would have to be done by the developer, Lonnie Beck. The condition of final approval clearly states that there shall be no access from lots 5, 10, and 11 to Madison Avenue. It cannot be amended until final approval has been granted.

Bob Throssell states that the plat will have to be approved with the conditions set forth during preliminary plat approval and he does not see a way that there can be access onto the lots from Madison Avenue. Mr. Throssell states that evidently there was some discussion during the preliminary approval stage to limit the access. Mr. Putnam does not currently own the property, he will not be the owner of the property until final plat approval is obtained. The only way this condition regarding the access can be changed, would be if Mr. Beck would withdraw this particular plat and go through the preliminary approval process again and make his presentation on why those conditions should not be placed on there. The conditions for final approval are set and he must meet them to obtain final approval.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for abandonment of a certificate of survey by Bernard Cole. Mr. Cole used the family exemption to transfer a parcel of land to his son, Gene Cole. This was shown on certificate of survey 1081. Mr. Cole would like to transfer another parcel to his son and because he cannot use the family sale exemption again, he is requesting that certificate of survey 1081 be abandoned and the proper paper work will be submitted to the Clerk and Recorder if approval is granted by the Commissioners and that parcel of ground will, in fact, no longer be recorded.

Mike Foley, representing Bernard Cole, stated that Mr. Cole had deeded the old ranch house to his son which his son lived in while building a new house. At that time, they were under the impression that as long as Gene Cole owned the first family sale, a second family sale could be transferred. The Coles were then informed they could not do this. Gene Cole has now sold the original one acre parcel back to his father, the deed is recorded in the Clerk and Recorder's Office. Bernard Cole has requested that this one acre be absorbed back into the family dairy operation, which is planning to be sold at a later date.

Wilbur Visser read a letter from Mr. Cole into the record as follows:



TUESDAY THE 22nd DAY OF MAY 1984  
 FORM 12187-TRIBUNE PRINTING OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

May 18, 1984

Gallatin County Commission  
 Gallatin County Courthouse  
 PO Box 1905  
 Bozeman, MT 59715

Dear Commissioners:

We wish to petition the Gallatin County Commission to vacate Certificate of Survey No. 1081 as provided by Section 7-5-2501, M.C.A. No lots, streets, alleys, parks or other public or dedicated lands are contained within the bounds of the tract shown on said Certificate of Survey.

If this survey is vacated, we will consider the parcel shown on Certificate of Survey No. 1081 to be part of our entire farm operation.

Sincerely,

/s/ Bernard Cole

Jane Jelinski made a motion to grant Bernard Cole's request to vacate certificate of survey no. 1081, seconded by Wilbur Visser, none voting nay. The motion carried.

The County Attorney's Office will prepare a document for the Commissioners' signature to record with the Clerk and Recorder reflecting this action.

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Joy I. Nash read a proposed lease agreement with William Tietz as follows:

WATER USE AGREEMENT

This agreement, made and entered into on this \_\_\_ day of \_\_\_\_\_, 1984, by and between the Board of County Commissioners of Gallatin County, hereinafter referred to as "County", and William Tietz, hereinafter referred to as "Tietz".

WITNESSETH:

WHEREAS, the County has an interest of 25 acre feet in the Middle Creek Water Users Association which at this time it is not utilizing, and;

WHEREAS, William Tietz has expressed a desire to utilize water rights the County has for the agricultural year 1984;


IT IS HEREBY AGREED:

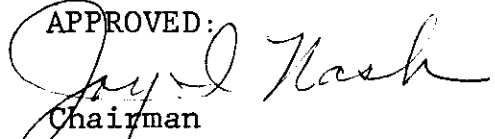
1. That the County hereby agrees to allow Tietz to utilize this 25 acre foot interest pursuant to Contract No. 51-A, Middle Creek Water Users Association, during the agricultural year 1984.
2. That Tietz agrees to pay the County seventy-five dollars (\$75.00) upon execution of this Agreement, the receipt of which is hereby acknowledged, for the use of the water rights set forth above.
3. That the County and Tietz agree the use of the water as set forth herein shall be accomplished in accordance with the by-laws and regulations of the Middle Creek Water Users Association and it is the responsibility of Tietz to see to it that such by-laws and regulations are complied with.

Wilbur Visser made a motion to enter into the lease agreement, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:00 P.M.

ATTEST:  
  
 Clerk

APPROVED:  
  
 Chairman

PUBLIC MEETING TUESDAY, THE 29th DAY OF MAY, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Deputy Clerk and Recorder Vickie Jorgensen, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the rough draft of the minutes of May 22, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

May 22, 1984

Public Meeting held this date.

May 23, 1984

Received A101 #5081 from Montana Bank of Bozeman in the amount of \$1,331.98 for additional

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interest for repurchase #2 and other checking accounts.

Received a petition from landowners on Sypes Canyon Road requesting a new covering of top road mix.

The Commissioners met with the Forest Service to discuss the maintenance agreement for county and forest service roads. Each entity is to let the other know when the work is scheduled to be done, and the condition of the road once the maintenance has been completed.

Held the Bridger Canyon Zoning Commission meeting to consider a one year conditional use permit extension for Roger Cruwys. Certified letters were sent to adjoining property owners and no protest was received. Ray White made a motion to grant a one year extension on the conditional use permit, seconded by Jane Jelinski, none voting nay. The motion carried.

Received Irrevocable Letter of Credit from First Bank Bozeman for Crosscut Ranch in the amount of \$20,000 for construction of the main access road to the Crosscut Ranch.

Received and approved a services contract for Debbie Arkell at the rate of \$5.25 per hour for typing of a manual on Drugs, Alcohol and Tobacco for the Health Department, not to exceed 40 hours. This is for the period May 23, 1984 to May 30, 1984.

May 24, 1984

The Commissioners and the Hebgen Lake Planning and Zoning Commission met in West Yellowstone, Montana to take public testimony on the update of the Hebgen Lake Zoning Ordinance. Changes to the ordinance were suggested by the Hebgen Lake Citizens Study Committee and the county staff. The Zoning Commission unanimously passed a Resolution of Intention to Rezone. A meeting of the Zoning Commission will be held on June 21, 1984 in the Courthouse Community Room to take action on the suggested amendment.

Joy I. Nash attended the DUI Task Force meeting.

Received the following applications for cancellation of taxes:

#521	Cottonwood Creek Canoe Co.	1982 taxes	business no longer in operation	\$99.37
#522	Cottonwood Creek Canoe Co.	1983 taxes	business no longer in operation	\$39.39
#523	Willard and Sylvia VanDyke	1981 taxes	business no longer in operation	\$35.73
#524	Willard Van Dyke	1982 taxes	business no longer in operation	\$38.58

Received the following list of new employees:

Elizabeth Kennedy, Clerk Typist, Health Dept., \$744.73 per month, 4/26/84.  
 Theodore J. Lambros, Detention Clerk, Sheriff's Dept., \$840.65 per month, 5/7/84.  
 Arthur Petroff, Weed Supervisor, \$1,373.14 per month, 5/2/84.  
 Rocky Jones, Court Reporter, Judge Olson, \$1,500.00, 5/15/84.  
 Raleigh Flint, Maintenance Helper, Rest Home, \$3.7402 per hour, 4/30/84.  
 Delores Berendes, Laundry Aide, Rest Home, \$3.7402 per hour, 5/8/84.  
 Susan J. Lambertson, Nurses Aide, Rest Home, \$4.6159 per hour, 5/14/84.  
 Denise Young, Laundry Aide, Rest Home, \$3.7402 per hour, 5/13/84.  
 Teresa Munshower, Nurses Aide, Rest Home, \$4.6159 per hour, 5/16/84.  
 Mary Frey, Nurses Aide, Rest Home, \$4.6159 per hour, 5/17/84.  
 Barb Jensen, Temporary Election Clerk, \$5.3548 per hour, 5/9/84.  
 Scott Webster, Weed Crew, \$5.6452 per hour, 4/25/84.  
 Herman VanDyken, Weed Crew, \$5.7732 per hour, 4/18/84.  
 James Dickerson, Weed Crew, \$5.3548 per hour, 5/7/84.  
 Earl Best, Examining Land Surveyor, \$10.00 per hour, 6/1/84.  
 David Wilder, Weed Crew, \$5.3548 per hour, 6/4/84.

May 25, 1984

Jane Jelinski and Wilbur Visser attended the Weed Board meeting.

May 28, 1984

HOLIDAY - MEMORIAL DAY

May 29, 1984

The Commissioners met with Lloyd Pyfer, Marilyn and Gordon Darlinton, and George Wilcox of the Madison Dike and Drainage District to discuss flood plain problems in the Three Forks area.

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Bob Throssell, Deputy County Attorney, spoke regarding the proposed gambling regulations. These regulations were approved by the Commission at the first reading at their public meeting on May 15, 1984. No changes have been made since the first reading.

No public comment was received regarding the proposed regulations.

Wilbur Visser made a motion to adopt the Gallatin County Gambling Regulations, seconded by Jane Jelinski, none voting nay. The motion carried.

These regulations will be effective July 1, 1984.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Bernard Cole has claimed the exemption for a sale to a member of the immediate family. Mr. Cole is conveying a 1.067 acre parcel to his son. Mr. Cole had previously conveyed

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a parcel to his son; however, the parcel was vacated by the County Commissioners at their May 22, 1984 meeting. Thus this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

D. M. Hart is claiming the exemption for the realignment of common boundaries. This survey is intended to correct structure encroachment on the original boundary line and to reflect a Forest Service land trade. Copies of the quit claim deeds have been submitted. Based on the available information, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Timberline Industries is claiming the exemption for acquiring additional land for an existing lot. No additional lots are being created, and this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Robert A. and Dorothy A. Haugland are also claiming the family sale exemption to convey a parcel to their son and daughter-in-law. Mr. and Mrs. Haugland have not previously claimed this exemption, and would only create one additional parcel. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for preliminary plat approval for Forest Park Mobile Home Park expansion. Joy I. Nash stated that she was in receipt of the affidavit of publication for the public hearing and the receipts for certified letters mailed to the adjoining land owners.

Ms. Peck presented the staff report and presented a proposed plat of the mobile home park.

Forest Park Associates has applied for approval of the expansion of the Forest Park Mobile Home Park. The existing park provides rental lots for 87 permanent mobile home sites, 13 short term full service sites, and 17 partial service sites for recreational vehicles. Seven of the existing permanent mobile home lots were created and rented out by the previous owner without County or State approval.

The proposed expansion would consist of four phases. Phase I would provide 24 full service recreational vehicle sites; Phase II would be developed for five recreational vehicle lots; Phase III would consist of 10 permanent mobile home lots; Phase IV would create 17 mobile home lots.

The mobile home park is located in the Southeast Quarter (SE $\frac{1}{4}$ ) and the South Half (S $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Ten (10), Township Two (2) South, Range Four (4) East, M.P.M., Gallatin County, Montana. The proposed expansion is further described as being north of State Highway 289 and the Milwaukee, St. Paul and Pacific Railway, and east of the West Gallatin River.

1. Portions of the proposed expansion are located in the delineated floodplain of the West Gallatin River and are thus subject to the Gallatin County Floodplain Regulations. Phase I which would provide 24 recreational vehicle sites, is located in the floodplain. This appears to be an acceptable use of the floodplain, as recreational vehicles can easily be moved in case of emergency. However, Phase III is also located in the floodplain, and consists of 10 lots for permanent mobile homes. Since these lots are located in the floodway, the floodplain administrator cannot issue a floodplain development permit because the lots are intended for permanent inhabited dwellings. There is a possibility that the floodplain delineation could be changed by the Department of Natural Resource Conservation in Helena, if the developer makes the proper application.
2. The expanded areas of the Mobile Home Park would use existing roads in the Park, which were not built to County standard. Private roads are required to be 24 feet wide, with no right-of-way required in excess of road width, and must be built to County standard. An exception to the 24 feet road width would be the one way road through Phase I, for recreational vehicles. This road is proposed to be 15 feet wide, and appears to be an adequate width for one way traffic.
3. The proposed design generally meets the design standards for mobile home parks, with the exception of the existing, unapproved lots in Phase III.
4. There are no parkland dedication requirements for mobile home parks. However, the Subdivision Regulations require that one-ninth of the mobile home or recreational park be reserved as park or recreational area. The requirement would be for 3 1/3 acres of park or recreational area; 5.79 acres are proposed.
5. The road for Phase IV will cross a small stream which is on the property. To construct stream crossings, 310 permits must be obtained from the Soil Conservation Service.
6. Base material for trailer stands is proposed to be determined on site. The Subdivision Regulations require that base material be subject to County Engineer approval.
7. Mobile home stands are proposed to be equipped with anchors or tie-downs in conformance with the regulations and minimum standards adopted by the Montana Department of Administration, Division of Architecture and Engineering. Those lots in the floodplain would also be subject to tie-down requirements of the Floodplain Regulations.
8. The park expansion would be serviced by central water and sewer systems and thus is subject to approval by the State Department of Health and Environmental Sciences.

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9. The County Commissioners must consider the eight (8) public interest criteria when reviewing a preliminary request. Following are comments on the criteria:

- a. Need: There appears to be a shortage of mobile home lots in the Bozeman area, and this expansion would help meet the need. Tourism is very important to the local economy, and additional recreational vehicle park area would support increased tourism.
- b. Public Opinion: There have been no written expressions of public opinion received to date.
- c. Agriculture: None of the land owned by Forest Park Associates is in agricultural production.
- d. Local Services: Monforton School is at or over capacity in some of its classrooms, and is currently studying how to deal with further student increases. Bozeman High School could absorb the increase in students.
- e. Taxation: Forest Park generated about \$11,200 in tax revenues in 1983; taxes are estimated to increase by \$6,710 when expansion is completed.
- f. Natural Environment: The expansion should have no effect on the aquatic habitats of the West Gallatin River, and there are no known critical wildlife habitats in the area.
- g. Natural Environment: Because of the developed character due to the existing mobile home park, the expansion should have minimal impact.
- h. Public Health and Safety: The greatest concern to public health and safety is the location of the park in the floodplain. However, if all requirements of the Floodplain Regulations are adhered to, this concern should be mitigated.

Staff Recommendations: The staff recommends preliminary approval be granted subject to the following conditions:

1. That all sanitary and water facilities in the floodplain shall be installed in accordance with the following requirements of the Gallatin County Floodplain Regulations:
  - a. All manholes shall be waterproofed.
  - b. The maintenance access into the lift station shall be raised to an elevation to two (2) feet above the 100 year flood elevation.
  - c. Sewer lines shall have check valves installed to prevent sewage back-up into permitted structures for permanent inhabitation.
  - d. The new wells in floodplain shall be water tight to 25 feet below ground surface.
  - e. Check valves shall be installed on main water lines and at all permanent residences.
  - f. All well casings shall terminate at least two (2) feet above the 100 year flood elevation.
2. That the floodplain delineation be changed by the Department of Natural Resource Conservation or the lots in non-conformance in Phase III be deleted from the expansion plan.
3. That all roads serving the four expansion phases be built to County standard for private roads. That road and drainage plans be submitted to the County Engineers Office for approval prior to installation of improvements.
4. That necessary improvements be installed prior to final approval and prior to occupancy by any mobile home or recreational vehicle.
5. That copies of all 310 permits be submitted to the Subdivision Review Office prior to final approval.
6. That base material for trailer stands be approved by the County Engineer's Office prior to the installation of the stands.
7. That the elevation of the compacted gravel pad for the lots in the 100 flood fringe shall be built to the 100 year flood elevation.
8. That lots in the floodplain have mobile home tie-downs built in accordance with the Gallatin County Floodplain Regulations.
9. That State Department of Health and Environmental Science approval be obtained prior to final approval.
10. That no construction begin until floodplain development permits are obtained.
11. That a copy of the lease agreement be submitted to the Subdivision Review Office within sixty (60) days of preliminary approval.
12. That phase approval be given prior to occupancy by any mobile home or recreational vehicle.
13. That the corners of all lots be marked by a suitable means prior to final approval.
14. That the final approval documents show a Certificate of Installation of Improvements by Registered Engineer, a Certificate of the Governing Body, and a Certificate of Approval by the State Department of Health and Environmental Sciences.
15. That signs be posted which clearly delineate the one-way road in Phase I.

Wilbur Visser asked where the park area was to be located. Ms. Peck stated that there were several different sites, which are spaced throughout the area.

Robert Lee of Morrison-Maierle, spoke on behalf of the developer. Mr. Lee spoke regarding the area of most concern, that being the flood plain. Mr. Lee stated that he has done some topographic surveys in the area and has found significant discrepancies between

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the designated flood plain levels in Phase III and the actual elevations present. Mr. Lee states that a flood plain permit application has been submitted to Norm Stone, Gallatin County Flood Plain Administrator.

Mr. Lee stated that he discovered after doing the topographic surveys that the ground elevations for a good portion of Phase III were 1 to 1½ feet above the estimated levels of the hundred year flood. Mr. Lee states that he believes they have a reasonable case to make to the State for a redesignation of the flood way in Forest Park.

Mr. Lee states that since the time of the flood plain designation by the State, the Milwaukee Railroad has removed a trestle that was on the Gallatin River. The State found that with the trestle in place, the river channel was constricted. Mr. Lee states that the trestle has been removed and the only thing remaining is a few piles in the center of the river. Mr. Lee states that he believes that when the State takes a look at that, there is a good possibility that they will modify not only the flood plain elevations within the immediate vicinity of the trestle, but they will also adjust them accordingly downstream.

Mr. Lee states that the new owners of the park have been cleaning up the area and also putting in rip rap on the river banks. Two new wells have also been installed.

John Schunke of Morrison-Maierle, spoke on behalf of the developer. Mr. Schunke states that the problems in the past with the water system have been resolved within the past year. Mr. Schunke states that five wells were originally drilled and four of them have now been abandoned, since there have been two new wells drilled. There are now a total of three wells with a present capacity of about 135 gallons per minute which is adequate capacity for the existing units as well as the proposed Phase I. It is expected that before Phases II, III, and IV are developed, one or two additional wells will be drilled. The storage tanks are pneumatic and they are located within a well house.

The sewage is handled with a central collection system and dumps into a lift station which is located on the north side of the property. It appears that the lift station is within the 100 year floodplain and it is proposed to extend the lift station cover two feet above the 100 year floodplain. If a redesignation is completed by the State, it may be discovered that the lift station is not in the 100 year floodplain and thus there will be no requirement to extend the lift station. Mr. Schunke states that the lift station has a capacity far in excess of the generated flows from the existing and the proposed phases. Mr. Schunke states that the sewer treatment plan is presently being used at about 50% of capacity so there is no problem with the plant. Mr. Schunke states that there are monitoring wells to determine if any contamination of the adjoining land is occurring.

Mr. Schunke states that the access roads which would serve the existing as well as the future four phases, do need some upgrading. Mr. Schunke states that they are willing to work with the county in bringing the road up to county standards. Mr. Schunke states that plans have been submitted to the County Road Office for construction of the proposed trailer pads, a gravel pad and the water/sewer/electrical facilities.

Mr. Schunke spoke regarding the recommended conditions set forth by Mary Kay Peck. Mr. Schunke questioned condition 1.c. with regard to the sewer lines having check valves installed. Mr. Schunke states that the check valves themselves can create more of a problem than a benefit to the improvements themselves. Mr. Schunke states that because you have sewage running through the system, a check valve can create an obstacle and restrict flows from going through the sewer. Mr. Schunke states that he has proposed a plan to Norm Stone regarding this. Mr. Schunke proposes that each one of the services be capped or plugged and in doing so as units come into the park, the caps would be removed and they would have a typical connection to the service riser and as the units leave the park, the caps would be reinstalled. Mr. Schunke states that this is a typical connection for an RV Court. Mr. Stone had expressed a concern that the caps could be lost and if a flood occurred the caps would not be found to put back on the risers, and therefore sewage would be introduced to the system. Mr. Schunke states that a method to solving that would be to possibly put a gate valve on the main line, rather than multiple check valves in the risers. This one valve could be manually shut by the maintenance people to keep any sewage from running back into the units or into the lift station itself. Mr. Schunke would request that item 1.c. not be included as a condition and that the developer be allowed to work with the Department of Health and the Flood Plain Administrator in resolving the problem to their satisfaction.

Mr. Schunke also states that with regard to item 1.e. which refers to the check valve in the water line, he pointed out that you cannot put check valves in loop systems, they will not work. In a loop water system, water must run both ways, and in putting a check valve in, it would only run in one direction. Mr. Schunke states that check valves have been installed in each of the well systems. Mr. Schunke would request that item 1.e. not be included as a condition unless Norm Stone can explain what is intended by this condition.

Norm Stone, Gallatin County Flood Plain Administrator, stated that with regard to item 1.e. of the conditions, the flood plain regulations state that check valves are installed on main water lines at wells and at all building entry locations. Mr. Stone states that there will be no problem with the loop system and the check valves being installed at the wells.

Jane Jelinski asked for clarification with regard to item 1.c. of the conditions. Mr. Stone states that he has no problem with the RV units with regard to the caps. Mr. Stone states that he has a problem with the permanent structures trying to keep the sewer from backing up into the structure during a flood. The regulations call for a check valve in the sewer line. Mr. Stone states that he is willing to work with the engineers if they have a better system.

Jane Jelinski asked whether the condition could be changed to read that: "Sewer lines shall meet with the criteria of the Department of Natural Resources and the Gallatin County Health Department." Mr. Stone felt that this would be appropriate; however, he is not familiar with the regulations of the Department of Natural Resources with regard to sewer systems within a flood plain.

Jane Jelinski asked whether the two points brought up by Mr. Lee with regard to their

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application for a redesignation of the flood plain would provide the State with the data they need to obtain the change in flood plain elevations? Mr. Stone states that once the cross-sections of the river are done and they take into consideration the removal of the trestle, it will change the elevations quite drastically. Mr. Stone states that the river is wider now than it was. Mr. Stone states that he believes the new delineation will be in the developer's favor and he will be able to do in Phase III what he wishes to do. The County does not have the authority to make the determination, it must be done through the State.

Jay Mcevers, part owner of Forest Park, stated that the State planned to develop a new bridge at Shed's Bridge crossing. Mr. Mcevers states that the State will probably use the same abutments which he believes constricts the river at that point and causes a lot of the flood elevations to be situated where they are.

Mr. Mcevers stated that he also would like to see some of the wording in the conditions changed with regard to the check valves, particularly with condition l.e. Mr. Mcevers states that there is a natural waterway that flows throughout the park and empties into the Gallatin River so that if there were ever a flood, the water would be carried away.

Mike Ward, a Bozeman resident, stated that with regard to the park land requirements, there are four separate parcels which when all added together comprise approximately six acres. He questioned whether this satisfied the county's requirement for park land dedication.

Mary Kay Peck, Subdivision Review Officer, stated that with a mobile home park, 1/9 of the area is to be used for recreation. Ms. Peck states that there is a designated area along the river which she feels is a good use and she believes that it is the intention of the developer to have some active areas away from the river for children. She believes that in this situation it is better that the park land be separated throughout the development as is proposed.

Jane Jelinski made a motion to grant preliminary plat approval for Forest Park Mobile Home Park Expansion with the following conditions:

The conditions as set forth by the staff, with a change to l.c. to read: "Sewer lines shall be installed which meet the requirements of the State Department of Natural Resources and the Gallatin County Health Department.", and a change to l.e. to read: "Check valves shall be installed at main water lines at wells and at all building entry locations.", and with the addition of no. 15 with regard to signs on the one-way street.

Mr. Stone felt that condition l.e. would be more clear if it read permanent residences rather than building entry locations.

The motion was seconded by Wilbur Visser, with the addition that the eight public interest criteria be included in the motion. With none voting nay, the motion carried.

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Joy I. Nash stated that the Commission was in receipt of a letter from Lowell Springer with his recommendation for the awarding of the bid for the Angus and horse barn additions at the county fairgrounds.

Wilbur Visser read the letter as follows:

May 25, 1984

Gallatin County Commissioners  
 Gallatin County Courthouse  
 Bozeman, MT 59715

Re: Gallatin County Fairgrounds Angus and Horse Barn Bids

Dear Commissioners:

I have reviewed the proposals submitted from each of the contractors and have determined the low qualified bids.

Each of the qualified low bids are in order and correctly submitted.

We recommend the Commission accept the low bid of \$11,069.00 from Davies Construction for the Angus Barn Addition (Base Bid I) and the low bid of \$8,300.00 for the Horse Barn Addition (Base Bid II and Base Bid III) from New Life Construction. This results in a total construction cost of \$19,369.00, a savings of \$3,106.00 over the single low bid of \$22,475.00 (Based Bid IV).

We feel that this method of bidding has been very successful in this case and that the County is getting an excellent value.

Sincerely,

/s/ Lowell W. Springer

Wilbur Visser made a motion to award the bid as recommended by Lowell Springer, seconded by Jane Jelinski, none voting nay. The motion carried.

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Dave Donahue, a graduate student at Montana State University, spoke regarding a proposed water study to be done for the City of Bozeman and the County.

Jane Jelinski stated that his proposal is to collate the information already available and make it more accessible. Mr. Donahue states that there is a need to get the data together in one place. Mrs. Jelinski states that according to the proposal, copies would be placed in the City Manager's Office, Montana State University Library, and the City/

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County Planning Office. Mrs. Jelinski states that there is no provision for having one available in the county offices. Mr. Donahue states that the proposal was originally written for the City; however, they would be willing to place a copy in the County Planning Office.

Joy I. Nash asked what the amount of money needed for the proposal would be and how would it be divided up among the various entities? Mr. Donahue states that the total is \$2,500. Mr. Donahue states that they would like the county to contribute because the data would be valuable to both the city and the county.

Jane Jelinski stated that in view of the report submitted by Judge Lessley who chaired the water conference emphasized that another study is not needed; however, he urged that existing studies should be collected to establish a timely understanding of current and projected needs for the Gallatin drainage, she moved that if the proposal includes a copy of the data for the county, Gallatin County pay for one-half of the cost of the study which would be \$1,250. Joy I. Nash called for a second to the motion. There being no second, the motion died.

Wilbur Visser made a motion to deny the funding of a water study, seconded by Joy I. Nash, with Visser and Nash voting aye, Jelinski voting nay. The motion carried.

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Kay Moore, a resident of Mountain Shadow Estates Subdivision, requested funds for a park within the subdivision. Mrs. Moore states that this year they plan to spray the weeds and fertilize the grasses. She states that some bulldozing needs to be done as well as rocks to be picked. Mrs. Moore is requesting funds as follows:

Fertilizer	\$380.00
Weed Spray	200.00
Bulldozer	200.00
Fuel	200.00
Grass Seed	50.00
Fence Posts	434.00
Wire	180.00
Nails	10.00
Shrubs	200.00

Mrs. Moore states that they should be able to have the gravel for the parking lot donated. Mrs. Moore states that they will order the shrubs from the County Extension Office. Mrs. Moore states that the bulldozing to be done is minimal, just filling in a ditch. She states that the fence posts will be wooden, with the wire being smooth, not barbed.

Jane Jelinski made a motion to grant the request for funds for a park in Mountain Shadow Estates Subdivision in the amount not to exceed \$2,000.00 to be paid from the cash-in-lieu-of-park fund with proper presentation of invoices to the County Auditor, seconded by Wilbur Visser, none voting nay. The motion carried.

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Gus Gustafson of the Law Enforcement Academy, spoke regarding the DUI Task Force Grant Proposal. He is asking for the Commission's approval on the grant proposal so that it may be forwarded to the State Highway Traffic Safety Department.

This grant proposal is for application for federal and state monies in the amount of approximately \$24,000 per year for the next three years for Gallatin County. The monies will primarily be used for the funding of a part-time research and records technician that will be used to coordinate activities and gather records and disburse the information, typing and assisting law enforcement personnel with some of their reports. The bulk of the rest of the money during the first year will be used for purchasing of equipment to be used by law enforcement personnel in the processing of DUI drivers. A portion of the funds will be used for preparing the DUI processing room in the Gallatin County Detention Center. The room must be prepared in order to be able to make a usable sound recording in the room. The balance of the funds will be used for training of the local law enforcement personnel.

Mr. Gustafson states that the second year the monies would be used to pay for the records and research technician and also a part-time jailer. This individual would be used as another means of cutting down the time the law enforcement personnel are off patrol once they have made an arrest. Currently, this requires about three hours per arrest. Also, it has been planned to have a film made that will depict the hazards of driving while intoxicated. It will be used in the school systems and training of the general public.

Mr. Gustafson states that the third year the monies will be used again for the records and research technician and a part-time jailer. Monies will also be used for equipment maintenance, office supplies, and ongoing education.

Mr. Gustafson states that at the end of the three year period, the local areas should then be prepared to fund the program with local funds.

Mr. Gustafson states that the records technician would be located in the County Coroner's Office. The county must be able to provide the in-kind services as part of the grant proposal and this is the way they will provide that.

Mr. Gustafson complimented Joy Nash for the great amount of work she did toward getting the grant proposal ready.

Wilbur Visser made a motion to adopt the DUI task force grant proposal, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski spoke regarding payment of dues to the Urban Coalition. The Coalition has

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set \$2,000 for the annual contribution for dues to help pay for the lobbyist for the Coalition. The lobbyist will present the needs of the counties to the state legislature. These dues are paid during the legislative session year, not each year.

Wilbur Visser made a motion to allocate \$2,000 for dues paid to the Urban Coalition, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:20 P.M.

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ATTEST:

Clerk

*Gary H. Dingle*

APPROVED:

Chairman

*Joy I. Nash*

PUBLIC MEETING TUESDAY, THE 5th DAY OF JUNE, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the rough draft of the minutes of May 29, 1984 with the minor corrections as noted, seconded by Jane Jelinski, none voting nay. The motion carried.

#### ANNOUNCEMENTS

May 30, 1984

Jane Jelinski went to Helena for the Montana State Advocacy meeting.

Joy I. Nash went to Helena to deliver the DUI Task Force Grant Proposal to Al Goke at the Department of Justice.

Bill Gibson, Gallatin County Weed Supervisor, passed away this morning. Funeral services will be held at Dahl Mortuary on June 1, 1984.

Received the following A101's:

#5154 from First Security Bank of Bozeman in the amount of \$2,503.55 for interest earned on CD 54126 to the credit of PILT and Special Health.

#5151 from Security Bank of Three Forks in the amount of \$2,492.84 for interest earned on CD 44 to the credit of Rural Revolving and Employer Contributions.

#5152 from Security Bank of Three Forks in the amount of \$2,503.55 for interest earned on CD 046 to the credit of Revenue Sharing and the Park Fund.

#5153 from Security Bank of Three Forks in the amount of \$2,503.55 for interest earned on CD 045 to the credit of Poor Fund.

#5155 from First Security Bank of Bozeman in the amount of \$2,503.55 for interest earned on CD 54127 to the credit of Rural Revolving.

#5156 from First Security Bank of Bozeman in the amount of \$7,505.30 for interest earned on CD 54128, 54129, and 54130 to the credit of the General Fund.

May 31, 1984

The Commissioners went on a tour coordinated by the Belgrade Chamber of Commerce with Chamber members Gwen Myers, Randy Thoreson, Wally Arneson, and Candy Mills. Industrial sites visited are as follows: Brodin Landing Nets, Skyland Scientific Services, Inc., Big Sky Insulations Unlimited, Gomer's Diesel and Electric, Inc., Valley Machine and Engineering, Inc., Filson Metal Products, F & W Econoheat, Inc., Weldco, Plum Creek Timber Co., Inc., Addco Products, Inc., B & W Welding, Fisher's Garden Store, Jim's Diesel Engine Service, McLees, Inc., Westwood Manufacturing Co., Inc., Montana Canvas Co., Norie's Candies, AgriBasics - Feed Division, Rocky Mountain Candy Co., Wick Building Systems - Gallatin Homes.

June 1, 1984

Received and approved services contract for Marian Hollenback to work in the Superintendent's Office at the rate of \$5.25 per hour for the period June 1, 1984 to June 30, 1984.

Approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support



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for account 5020-000-440320-342 be transferred to account 5020-000-440320-397 under general class (2) Maintenance and Support.

That the sum of \$46.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-350 be transferred to account 5020-000-440310-210 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440310-345 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-125 under general class (1) Salaries and Wages.

That the sum of \$3,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-126 under general class (1) Salaries and Wages.

That the sum of \$4,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$500.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-146 under general class (1) Salaries and Wages.

That the sum of \$28.89 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-381 be transferred to account 5020-000-440310-370 under general class (2) Maintenance and Support.

That the sum of \$2.88 as appropriated under general class (2) Maintenance and Support for account 5020-000-440370-370 be transferred to account 5020-000-440310-370 under general class (2) Maintenance and Support.

That the sum of \$14.55 as appropriated under general class (2) Maintenance and Support for account 5020-000-440370-370 be transferred to account 5020-000-440310-382 under general class (2) Maintenance and Support.

That the sum of \$108.15 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-381 be transferred to account 5020-000-440310-382 under general class (2) Maintenance and Support.

That the sum of \$151.44 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-121 be transferred to account 5020-000-440320-130 under general class (1) Salaries and Wages.

That the sum of \$93.74 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-335 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440330-220 under general class (2) Maintenance and Support.

That the sum of \$1,100.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-123 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$75.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-360 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

That the sum of \$1,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440350-122 under general class (1) Salaries and Wages.

That the sum of \$189.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-350 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-125 under general class (1) Salaries and Wages.

That the sum of \$3,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-126 under general class (1) Salaries and Wages.

That the sum of \$135.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-344 be transferred to account 5020-000-440320-343 under general class (2) Maintenance and Support.

That the sum of \$360.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440320-341 under general class (2) Maintenance and Support.

That the sum of \$50.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-320 be transferred to account 2180-208-410333-363 under general class (2) Maintenance and Support.

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That the sum of \$235.00 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-363 be transferred to account 1000-203-410540-210 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 30th DAY OF MAY, 1984

Board of County Commissioners  
Gallatin County, Montana

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

June 4, 1984

The Commissioners, Mary Kay Peck, Subdivision Review Officer, and Sam Gianfrancisco, Road Superintendent met with Don Townsend, the developer of Mountain View #7, Ward McCaughey, Pam Gilbert, and Sandy O'Donnell to discuss road plans for Coulee Drive in Mountain View #2.

The Commissioners granted a waiver of penalty and interest on 1983 taxes for Thane Sayer of West Yellowstone for his business, Yellowstone Antique Photos. The amount of penalty and interest was \$15.95. There was a mix-up in the mailing of his tax notice.

The Gallatin County Gaming Commission interviewed Sharon K. Movald to be a poker dealer at the Friendly Tavern in Belgrade. A \$75.00 investigation fee was received.

Wilbur Visser made a motion to grant Sharon Movald a permit to deal poker at the Friendly Tavern, seconded by Jane Jelinski, none voting nay. The motion carried.

June 5, 1984

Held monthly department head staff meeting.

Received monthly report from the Clerk and Recorder showing items of fees and other collections made during the month of May, 1984 in the amount of \$12,376.10.

Primary Election Day.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request by Ski Yellowstone for an extension of preliminary plat approval. This involves Phases I, II, III & IV which were approved by the Commission in August of 1983. At that time, preliminary approval was granted for one year which is what the Gallatin County Subdivision Regulations allow. The applicant can be given an extension. For phased development, one additional year can be given for the first phase; however, for the other phases, there can be up to five additional years.

Ms. Peck states that the applicant has requested that Phase I be extended until August 31, 1985, Phase II be extended until August 31, 1987, Phase III be extended until August 31, 1989, and Phase IV be extended until August 31, 1986.

Ms. Peck states that the attorney for Ski Yellowstone, Bob Planalp, has submitted a letter to the Commission in which he explains that Forest Service regulations have led to a delay in the development being able to start construction for Phase I development. This information has been confirmed by Forest Service officials. Ms. Peck states that the timetable submitted does appear to be in conformance with the regulations.

Bob Planalp, Attorney for Ski Yellowstone, stated that Ski Yellowstone, entering into the summer of 1984, was prepared to lift all of the restrictions from Phase I of Ski Yellowstone. Mr. Planalp states that in April the Forest Service asked for a meeting with Ski Yellowstone and requested that Ski Yellowstone not install their sewer and water lines in Phase I during the summer of 1984. Mr. Planalp states that the development was prepared to begin this construction, as well as the construction of the roads. Mr. Planalp states that Ski Yellowstone is willing to do whatever is reasonable with the Forest Service, but they do have the time constraints placed on them by the County Commission. It was then decided that Ski Yellowstone and the Forest Service would mutually request this extension.

Mr. Planalp states that the Forest Service has requested that in order for them to prepare a good bear management plan for the area, they have requested Ski Yellowstone not to install the sewer and water utilities for only Phase I for 1984. It is expected that the bear management plan would be concluded in January or February of 1985. Ski Yellowstone would then be able to use the next construction season for Phase I.

Mr. Planalp states that other than the construction of the sewer and water utility lines, Ski Yellowstone is in the process of meeting all of the other conditions set forth by the Commission. Mr. Planalp states that they are constructing the roads within Phase I with the approval of the Forest Service.

Ross McPherson of the Forest Service, stated that as part of the special use permit to Ski Yellowstone issued by the Forest Service, there is a covenant that states that Ski Yellowstone will not develop their private lands until they can come to an agreement for an overall development plan which would include Ski Yellowstone's private land plus the National Forest.

Mr. McPherson states that Ski Yellowstone is an occupied grizzly bear habitat and because it is, the Fish and Wildlife Service must be consulted to insure that the welfare of the grizzly bear is not jeopardized by any actions. In order to avoid any jeopardy to the bear, the Forest Service is doing a cumulative effects study to try and develop

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a mitigation plan for the grizzly bear. Consequently, the Forest Service has asked Ski Yellowstone not to embark on any construction until the study has been completed. Mr. McPherson states that the Forest Service is willing to let Ski Yellowstone go ahead with their plans for road development because it is not felt that this would be an irretrievable action that would affect anything that would come out of the grizzly bear mitigation plan.

Mr. Planalp states that the granting of this extension would not hurt anything and he feels that it facilitates an important study of the Forest Service. He feels that in this case, all of the parties would be best served by such an extension.

Wilbur Visser made a motion to grant the extension for the phased timetable as presented by Mary Kay Peck, seconded by Jane Jelinski, Commissioner Nash voting nay. The motion carried.

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Pat Myers of the Humane Society spoke regarding a petition that has been presented to the Commission requesting that a dog ordinance be reenacted by the Commission. Mrs. Myers states that approximately 700 signatures have been obtained.

Wilbur Visser asked whether there had been any ideas as to how to fund the program.

Sheriff L. John Onstad states that he agrees there is a big problem with regard to animal control. He states that the previous program was in effect for less than a year and he believes that it was beginning to work. Sheriff Onstad states that his department continues to receive phone calls regarding dog control and his department is only able to inform people that there is no program.

Sheriff Onstad states that he believes the last program was beginning to be a success. He states that if the Commission does consider the program again, he requests that they would consider it for a reasonable period of time. Sheriff Onstad states that he has been told that other communities have ordinances, licensing laws, and fines that can be used within a budget to fund the program. He feels a study should be done to determine whether the program can be supported by these revenues alone, or whether it would require tax dollars to support it.

Joy I. Nash stated that with the previous program, fines were imposed. She asked whether or not licensing of dogs would be difficult to enforce. Sheriff Onstad stated that he feels it would be enforceable. He states that farmers and ranchers do not want to collar their working dogs to display a tag. Sheriff Onstad states that there are other ways to mark the dog that is licensed. He states this his department had used paint ball guns on dogs they were unable to catch and kept records. When the dog was sighted in the future on the owner's property, his department was able to warn the owner, or cite them.

Sheriff Onstad states that the program was dropped because of cost and because of protest by dog owners.

Sheriff Onstad states that somehow there is an assumption that this should be a Sheriff's Department function. In the past, the burden of enforcement has been put on the Sheriff's Department. The budget was inadequate to fund the program and therefore the Sheriff's Department was requested to fund any additional costs from the Law Enforcement budget and that became a burden on the department. He states that with the new communications system, his department would be the likely candidate.

Jane Jelinski asked whether it would be feasible to fund a person out of the Humane Society or some other agency. Sheriff Onstad stated that it would be; however, he does not know whether the Humane Society would be willing to do that.

Sheriff Onstad states that the City of Bozeman has a dog catching program and a licensing program.

Pat Myers presented statistics from the Sheriff's Department on calls they had taken when the dog ordinance was in effect. Ms. Myers states that Deputy Schumacher has told her that he receives numerous calls in the Big Sky area of people complaining about dog packs in the area.

The Commissioners will look into the feasibility of maintaining a dog control program.

Mrs. Myers stated that the Commissioners might want to contact Jim Lancaster in Kalispell who has developed the program in Flathead County.

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There were three parcels of land taken for tax deed on the agenda that were to be redeemed by the property owner. The property owners had contacted Gary Pringle, Clerk and Recorder, stating that they wished to redeem their property. Neither Jerry Hoff, Karl Vandermolen, nor Thomas Young were present at the meeting to redeem their various properties. The Commissioners had received a letter from H. B. Landoe regarding the redemption of the property for Thomas Young. This is for lot 33, Second Pine View Subdivision.

Bob Throssell, Deputy County Attorney, stated that there is no real action for the Commission to take. The property owners can pay their taxes and the penalty and interest to redeem their property. At this point, they must pay in full or the County will proceed with the tax sale.

Gary Pringle states that the letter from Mr. Landoe included a check; however, the check does not pay the taxes in full. The check was in the amount of \$437.60 which Mr. Pringle states appears to be accrued taxes, interest and penalty through the year 1982. Mr. Pringle states that taxes for the year 1983 are now delinquent as of May 30, 1984. Mr. Pringle states that no amount of taxes has been paid on the other two parcels of land; however, when he spoke with Mr. Hoff and Mr. Vandermolen they informed him that they would be prepared to pay their taxes in full today.

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Al Lien, Chairman of the Gallatin County Fair Board, requested emergency funds to pay the utility bills that will be incurred at the end of the fiscal year for the Fairgrounds. The Fair Board has submitted a letter of facts to the County Commission. The Board currently has an outstanding bill of \$1,445.00 as of the end of May. They estimate a bill of approximately \$787.00 for the month of June. Mr. Lien states that this is due to rate increases that were not foreseen when the budget was prepared. Mr. Lien states that at this time, the utility fund is short an estimated \$1,913.00. This is very near the \$1,600.00 that was removed from the Fair Board budget as it was prepared.

Jane Jelinski made a motion to grant the emergency funds to pay the utility bill for the County Fairgrounds in the amount of \$1,913.22, seconded by Wilbur Visser, none voting nay. The motion carried.

Wilbur Visser stated that the Fair Board should submit their bills to Ken Mosby and he will assign an account for them to be paid out of.

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Joy I. Nash stated that Gallatin County does not belong to the Montana Association of Counties, but it does belong to the National Association of Counties. The yearly dues for this membership is \$620.00.

Wilbur Visser made a motion to pay the dues out of next year's budget for the National Association of Counties, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski stated that Niza Shaw, a Bozeman resident, will be one hundred years old on June 6, 1984. The County Commission wishes her a Happy Birthday.

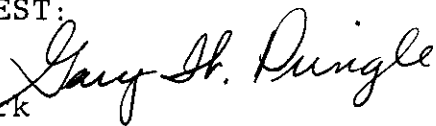
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There being no further business, the meeting adjourned at 2:10 P.M.

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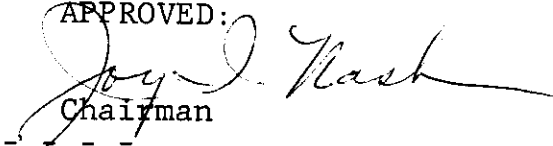
ATTEST:

Clerk



APPROVED:

Chairman



PUBLIC MEETING TUESDAY, THE 12th DAY OF JUNE, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the final draft of the minutes of May 22 and May 29, 1984 and the minutes of last week's meeting, June 5, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

## ANNOUNCEMENTS

June 6, 1984

The Commissioners toured the Kagy Boulevard project with Gary Gilmore of the State of Montana Highway Division and Ole Olson and Steve Kologi of the Bozeman Highway Division, Sam Gianfrancisco, Road Superintendent, and Don Nash, local attorney.

Jane Jelinski attended the Alcohol Advisory Board meeting.

June 7, 1984

Commissioners Visser and Nash canvassed votes for the primary election with the election clerks; Doug Kosty, County Auditor; and Gary Pringle, Clerk and Recorder.

Received the following A101's:

#5112 from Motor Vehicle Dept. in the amount of \$1,453.00 for title fees and fines collected by the Motor Vehicle Dept. to the credit of various funds.

#5133 from the State of Montana State Auditor in the amount of \$17,699.02 for fees and taxes collected by the Dept. of Highways to the credit of various funds.

#5233 from the State of Montana State Auditor in the amount of \$16,758.83 for distribution of liquor license tax for quarter ending 3/31/84 to the credit of various funds.

#5237 from First Bank Bozeman in the amount of \$2,503.55 for interest earned on CD #A18550 to the credit of the Poor Fund.

#5232 from State of Montana State Auditor in the amount of \$4,244.00 for earmarked alcohol tax payment for June, 1984 to the credit of the Alcohol Fund.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) Salaries and Wages, and (2) Maintenance and Support may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a

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Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-231 be transferred to account 2160-000-460200-360 under general class (2) Maintenance and Support.

That the sum of \$18.67 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-395 be transferred to account 1000-213-410340-312 under general class (2) Maintenance and Support.

That the sum of \$59.09 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-395 be transferred to account 1000-213-410340-380 under general class (2) Maintenance and Support.

That the sum of \$84.06 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-395 be transferred to account 1000-213-410340-210 under general class (2) Maintenance and Support.

That the sum of \$6,500.00 as appropriated under general class (2) Maintenance and Support for account 2120-222-450141-712 be transferred to account 2120-222-450141-719 under general class (2) Maintenance and Support.

That the sum of \$10,000.00 as appropriated under general class (2) Maintenance and Support for account 2120-222-450137-721 be transferred to account 2120-222-450137-722 under general class (2) Maintenance and Support.

That the sum of \$220.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-320 be transferred to account 2180-208-410333-210 under general class (2) Maintenance and Support.

That the sum of \$130.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-221 be transferred to account 2180-208-420300-210 under general class (2) Maintenance and Support.

That the sum of \$600.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-370 be transferred to account 2180-208-410333-320 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 7th DAY OF JUNE, 1984

BOARD OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

/s/ Joy I. Nash  
 /s/ Wilbur Visser  
 /s/ Jane Jelisnki

June 8, 1984

Received emergency call from George Wilcox regarding possible damage done to the Madison Dike due to high water. Mr. Wilcox has requested a loan from the county in the amount of \$7,000.00 to obtain large rock for rip rapping of the river. Mr. Wilcox has been in contact with the Corps of Engineers regarding this and it is understood that the Corps of Engineers will reimburse the Madison Dike and Drainage District for the work that is done.

The Commissioners reviewed the following budgets with department heads:

Gale Thompson, Sam Gianfrancisco, Bob Jordan: Road and Bridge  
 Gary Pringle, Clerk and Recorder

The Commissioners met as a Welfare Board this date.

Members of the Hebgen Lake Zoning Commission met with Mary Kay Peck, Subdivision Review Officer, to discuss Hebgen Lake zoning issues.

The Commissioners met with Sheriff L. John Onstad to discuss the new communications system and procedures to be put into effect with the system. A meeting has been scheduled on June 27, 1984 at 7:00 P.M. in the Community Room for persons interested and those using the system.

June 11, 1984

Commissioners reviewed the following budgets with department heads:

Butch Goan, Justice of the Peace  
 Doug Kosty, Auditor  
 Doris Fisher, Coroner  
 Mary Kay Peck, Subdivision Review Officer  
 Margaret Brown, Superintendent of Schools

June 12, 1984

The Commissioners reviewed the following budgets with department heads:

Sheriff L. John Onstad, Sheriff's Department  
 Dr. Edward King and Jackie Stonnell, Health Department

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Wilbur Visser read the bids for the printing contract as follows:

This is for legal advertising in local newspapers for the period July 1, 1984 to June 30, 1986.  
 Bozeman Daily Chronicle. They have discounted their par rate by 15%.

Legal Advertising: \$6.00 par, \$5.10 with discount  
 Official Publications: \$6.00 par, \$5.10 with discount  
 Publication of Commission Minutes: \$8.00 par, \$6.80 with discount

They have included a list of their standard audit prices and a list of their circulation information.

High Country Independent Press.

Legal Advertising: \$6.00 per folio first insertion with 48% discount  
 \$4.00 per folio subsequent insertion  
 Official Publications: \$3.00 per column inch, no discount  
 Publication of Commission Minutes: \$6.00 per folio with 48% discount

They have included a list of rates per the State and a list of their circulation information.

Wilbur Visser stated that he would like to turn the bids over to the Clerk and Recorder's Office to study as there are several points that must be considered.

Jane Jelinski made a motion to defer the decision on the printing bids for one week, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash stated that she had the affidavit of publication regarding the abandonment of Francis Road and a receipt of certified mail to the adjoining property owner. Mrs. Nash read the letter from the viewing board as follows:

Board of County Commissioners  
 Gallatin County

Dear Board:

On May 10, 1984, Earl Best, Land Surveyor, and Wilbur Visser, County Commissioner having been duly appointed as the viewing board for the county road known as Francis Road, viewed 2.47 miles more or less, from Sixteen Mile Road to Francis Road. We find this road only services one ranch. It is the opinion of the viewing board to be in the best interest of the county that this road be abandoned.

/s/ Earl Best  
 /s/ Wilbur Visser

Mrs. Nash stated that she also had the Certificate from the Clerk and Recorder qualifying the signatures of the persons signing the petition requesting abandonment of this road.

Barrion Anderson, who owns a ranch on which the road is located, states that it should not be a necessity for the county to keep the road open because the ranch personnel are the only ones using the road. Mr. Anderson states that the ranch has been maintaining the road over the last 24 years. Mr. Anderson states that he wishes to use the abandoned Milwaukee Railroad right-of-way as access to his ranch because it is shorter and is on grade. Mr. Anderson states that his ranch is only used primarily during the summer and he expressed a concern that there are periods of the year during which the ranch is abandoned. Mr. Anderson states that he would like to have the ability to close the road so that the public would not be able to have access to the road when the ranch was abandoned.

Joy I. Nash stated that she received a telephone call this morning from Joe Gutkowski who questioned whether it would be possible to get into the public school section #36.

Mr. Anderson states that the section is directly behind his building on the ranch. He states that there is no road access to it.

Wilbur Visser asked whether Mr. Anderson has purchased the railroad right-of-way through his ranch. Mr. Anderson stated that he had purchased this right-of-way.

Wilbur Visser stated that hearing no protest to the abandonment of this road, he made a motion to abandon the 2.47 miles, more or less, of Francis Road, seconded by Jane Jelinski, none voting nay. The motion carried.

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Randy Thoreson, Belgrade City-County Planning Director, spoke regarding a request for preliminary plat approval for Michael Sand Minor Subdivision. Mr. Thoreson displayed a plat of the minor subdivision. This minor subdivision was reviewed and accepted by the Belgrade Planning Board and the County Commission in 1979. In 1980, a one-year extension for the final plat was granted by the County. Since then, the extension period has elapsed. Mr. Sand is now resubmitting the minor subdivision. No changes have been made in the minor subdivision since the original submittal. This is a four lot subdivision, dividing nine acres. Easements for both utility and drainage are shown on the plat. Leah Drive, which provides access into the subdivision is currently under construction. The road is a shared access to the Kirk Michels Minor Subdivision to the north. Covenants have been submitted.

The Belgrade Planning Board recommended preliminary plat approval for this subdivision at their May 29, 1984 meeting with six conditions as follows:

1. Leah Drive be constructed to County standards prior to final plat approval and be reviewed

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by County Engineer's Office.

2. That drainage and street sign plans be submitted to the County Engineer's Office prior to installation of improvements and that improvements be installed to County Standards prior to final plat.

3. Lots be kept in a weed-free manner.

4. That a \$35.00 per lot fee be paid by the developer to the Belgrade Rural Fire Department as a cash-in-lieu payment to cover the cost of fire protection until construction can be picked up on the tax roll.

5. That the final plat conform to uniform standards and be accompanied by necessary approval from the State Department of Health and Environmental Sciences, a platting certificate and County Attorney's certificate.

6. That utility and drainage easements be shown on final plat.

Michael Sand, the developer, stated that the access road runs along the north end of the proposed subdivision and is shared with Kirk Michel. The cost of the road is being shared by Mr. Sand and Mr. Michel. Mr. Sand and Mr. Michel appeared before the Commission previously with a request to shorten the length of the road, which was granted. Mr. Sand states that the road has been completed, other than the driveway accesses into Mr. Sand's four lots.

Mr. Sand states that all of the surrounding land is in the process of being developed, with the exception of the land to the west which is owned by the State of Montana. Mr. Sand states that the State has indicated to him that they do not plan to develop the property.

Mr. Sand stated that he has proposed covenants, which he considers minimal. He is mainly trying to protect resident's property values. They would also create a homeowner's association for road maintenance.

Mr. Sand requests that there be no park dedication, he is proposing cash-in-lieu of park payment.

Mr. Sand states that there is a cul-de-sac at the end of Leah Drive which accesses the westernmost lots in the Michael Sand Minor Subdivision and the Kirk Michels Minor Subdivision. The State of Montana accesses their land via Thorpe Road.

Barton Hahn asked whether the land had any water rights and if so, would they be abandoned. Mr. Sand stated that he had filed for water rights with the Department of Natural Resources. He has not received any final adjudication.

Mr. Hahn asked whether the ditch would be maintained. He states that the ditch also runs through his property and it is flooding his fields. Mr. Sand states that it is his understanding that the ditch is maintained and he is not aware of any blockage in the ditch or overflows on his property. Mr. Hahn states that there is not a ditch company, just the individual farmers. Wilbur Visser states that the users of the water in the ditch would be the ones responsible for maintaining it. Mr. Sand states that he has not nor does he plan to use any water out of the ditch.

Jane Jelinski made a motion to grant preliminary plat approval for the Michael Sand Minor Subdivision with the six conditions as recommended by the Planning Board, seconded by Wilbur Visser, none voting nay. The motion carried.

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Randy Thoreson, Belgrade City-County Planning Director, spoke regarding a request for preliminary plat approval for Springvale Subdivision, Phase II. Mr. Thoreson has provided the Commission with a copy of the minutes of the Planning Board's meeting on May 29, 1984 in which they recommend approval with nine conditions. He has also submitted his staff report. Mr. Thoreson displayed a map of the subdivision. Following is a portion of Mr. Thoreson's staff report:

The proposed subdivision consists of 10.02 acres to be divided into 14 single family lots. It is located four miles east of Belgrade, immediately north of Airport Road and west of Springhill Road.

Springvale Subdivision, Phase I, consists of 30 acres divided into 46 single family lots which received approval in August of 1978. The subdivision has a central water system and individual septic systems. A 2.81 acre park was incorporated in the plat design. As of March, 1984 there were 16 occupied residences, 6 new starts, and 33 of the original 46 lots sold.

Springvale Subdivision, Phase II, was presented as a preapplication before the Planning Board on March 27, 1984. Items discussed included a drainage ditch in the area, central water system, double frontage lots, and cash-in-lieu of parks.

Phase II adjoins Phase I at its eastern boundary. Lot sizes in phase I are one-half acre in size and will utilize central water and individual septic systems. Cash-in-lieu of park monies are proposed. Protective covenants have been submitted with the subdivision proposal.

Overall Plat Design: A total of 14 single family lots are shown. Lot configurations are rectangular in shape. Honeysuckle Drive is proposed to be built to county standards and is shown proceeding northward from Airport Road and serving the lots at their western boundaries. This road will connect with Rosebush Lane to form a looped road system within the Springvale Subdivision. An existing drainageway is found incorporated along the western borrow pit line of Honeysuckle Drive. With the addition of Honeysuckle Drive as it is shown, "double frontage" lot situations are created for the eastern lots in Phase I. However, after conferring with the Gallatin County Road Office, it was felt more desirable to have this situation than have the existing drainageway flowing along interior rear lot lines. Restricting access from these lots to the east was recommended

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and has been set forth as an Access Note on the preliminary plat of Phase II.

Environmental Assessment and Community Impact: Updates and a current analysis of Springvale Subdivision Phase II were submitted. The existing drainageway ditch was created to carry excess water from the ditch along Airport Road. It appears also to alleviate any flooding impact on the Springvale Subdivision during times of high water. An irrigation ditch runs along the north boundary but does not fall within the proposed subdivision lots.

Minimal effects from the development were noted on vegetation and wildlife.

This 10 acre tract is found between the existing Springvale Subdivision to the west and developed homesties to the east. Letters from Montana Power, Bozeman Public Schools, Fish and Game Department, Halls Emergency Service and Gallatin County Sheriff were received. Minimal impacts were noted except for the Gallatin County Sheriff who responded that new subdivisions were creating a strain on his department.

Summary: The eight public interest criteria are as follows:

Basis of Need. Springvale Subdivision Phase I is undergoing a good deal of development activity. It can be assumed that Phase II could receive similar interest.

Public Opinion. Legal notice has been published in the newspaper as well as notices sent to adjoining land owners.

Effects on Agriculture. The tract is currently being used for non-irrigated cropland. Soils are deemed average for cropland use. Because of the relatively small acreage, effects on agriculture is felt minimal.

Effects on Local Services. All subdivisions have an effect on local services. The Community Impact Statement cited letters received from the various services, with a concern voiced by the County Sheriff regarding the impact the subdivision would have on the department. The effect on local Belgrade Fire Department capabilities has yet to be spoken to as of this writing.

Effects on Taxation. The tax revenue from the subdivision would be greater than that of agricultural land.

Effects on Natural Environment. No adverse effects noted because of lack of vegetation and natural water courses.

Effects on Wildlife. Minimal because of foregoing reasons.

Effects on Public Health and Safety. Overall public health and safety impacts should be minimal if existing drainageway is incorporated properly with the construction of Honeysuckle Drive and access across that drainageway is restricted. The covenants as attached with the proposed subdivision are deemed appropriate.

Mr. Thoreson states that in terms of the ditch, Honeysuckle Drive has been widened to seventy feet to accomodate the ditch which has been found in the area. Mr. Thoreson states that he has talked this over at great length with Norm Stone and Mary Kay Peck and they have all looked at it. By having the ditch incorporate with Honeysuckle Drive, it creates double-frontage lots in the last tier of lots in Phase I. However, Mr. Thoreson has received a letter from Norm Stone in which he agrees with Mr. Thoreson that double-frontage lots were better than having the ditch flowing in the back of lot lines.

Mr. Thoreson states that he has received a letter from the Belgrade Fire Department in which they request gravel pads at the water source. They have also asked that the well have verifiable minimum flow of 250 gallons per minute. Mr. Thoreson states that he has just received correspondence at today's meeting stating that the developer has met with the Belgrade Fire Department and they have discussed the placement of the gravel pad.

Mr. Thoreson states that at their May 29, 1984 meeting, the Planning Board made a recommendation to approve the preliminary plat of Springvale Subdivision Phase II with the following conditions:

1. That plans for roads, drainage, culverts, and placement of street signs be approved by the County Engineer's Office prior to installation of improvements and improvements be accomplished prior to final plat approval.
2. That a NO ACCESS statement be shown on final plat as it pertains to drainageway and lots bordering it to the west.
3. That necessary utility and drainage easements be shown on final plat.
4. That a \$35.00 per lot fee be paid by the developer to the Belgrade Fire Department, prior to final approval. Further, that Fire Department input as to central water supply be adhered to.
5. Lots be kept in a weed-free manner.
6. Final plat conform to uniform standards and be accompanied by necessary certificates including a certificate of approval from the Department of Health and Environmental Sciences.
7. That the covenants be reviewed by the County Attorney's Office prior to final approval and filed with the plat.
8. That plumbing be installed or modified to allow maximum output from both existing wells and the proposed new well to be available at the hydrant and provide a verifiable minimum flow of 250 gallons per minute at any time.
9. That a gravel pad built to county standards for gravel depth and compaction be built to allow closer access to the hydrant by fire apparatus. To be resolved prior to meeting with the County Commission.



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Mr. Thoreson states that no public comment for or against the subdivision has been received.

Ron Allen, of Allen and Associates, spoke on behalf of the developer, John Austin. Mr. Allen states that Phase I was created with the intention of further development into Phase II being proposed at this time.

Mr. Allen states that with regard to the ditch, it runs on an average of one to two weeks a year, during the Spring. There currently is a ten foot easement on the first phase for maintenance of this ditch along the back of the lots. At this time, the developer is proposing a seventy foot right-of-way, putting a full road section in, plus using the additional right-of-way to improve and provide the ditch in a much safer manner, as well as an easier way to maintain the ditch.

Mr. Allen states that in Phase I, the developer and the Belgrade Fire Department agreed that the developer would put in the fire hydrant for the fire district in lieu of the \$35.00 per lot fee. Because the developer has provided fire protection for the area initially and one of the conditions requires installation of the gravel pad, the developer would like to install the items required by the Fire Department around the hydrant rather than paying the \$35.00 per lot fee for Phase II. The developer has worked out the cost of doing this, and it is more than what the \$35.00 per lot fee would be. Mr. Allen states that a test has been done on the hydrant, and it provides 400 gallons per minute, which is more than that required by the Fire Department. The Fire Department has also requested that a formal agreement be drawn up between the Department and the homeowners agreeing that the hydrant can be used for fighting other fires in the area.

Joy I. Nash asked whether the subdivision was located within the noise corridor of the airport. Mr. Allen stated that it was not. Mrs. Nash asked if Phase I was completed filled up with homes. Ron Allen stated that out of a total of 46 lots, approximately 28 had been sold in the last fifteen months.

Joy I. Nash asked whether a letter had been received from the school district with regard to the impact the subdivision would have on schools. Mr. Thoreson stated that a letter had been received from Hawthorne School with a copy being provided in the Community Impact Statement.

Wilbur Visser made a motion to grant preliminary plat approval for Springvale Subdivision Phase II, with the conditions set forth by the Planning Board with the revision of condition no. 4 waiving the \$35.00 per lot fee paid to the Fire Department with said monies to be used for fire department gravel pad access, seconded by Jane Jelinski, Commissioners Visser and Jelinski voting aye, Commissioner Nash voting nay. The motion carried.

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Jane Jelinski read the agreement from the Humane Society as follows:

This agreement entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 1984, by and between the HUMANE SOCIETY OF GALLATIN VALLEY (hereinafter referred to as Humane Society), and THE COUNTY OF GALLATIN, a political subdivision of the State of Montana by the Board of County Commissioners of Gallatin County, (hereinafter referred to as County).

WITNESSETH:

WHEREAS, the County of Gallatin, State of Montana, requires an animal shelter for the purpose of impounding and caring for animals with no known owner subject to quarantines, animals picked up as abused animals, and other animals taken into custody by the Sheriff's Office; and,

WHEREAS, the Humane Society maintains and operates an animal shelter which meets the needs of Gallatin County in sheltering animals.

IT IS THEREFORE AGREED:

1. Care and Custody. The Humane Society hereby agrees to accept responsibility for the care and custody of all animals requiring impoundment by the Sheriff of Gallatin County and by the Health Officer of Gallatin County, excluding animals quarantined when the owner is known. The Humane Society shall provide a suitable animal shelter for this purpose.

2. Records. The Humane Society hereby agrees to maintain accurate records concerning all animals impounded pursuant to this agreement including:

- A. A numerical identification system.
- B. A description of the animal by breed, gender, physical condition, and collar/tags.
- C. A written record of the date and time the animal is received and released.

3. Holding. The Humane Society hereby agrees to hold all animals impounded by the Sheriff and Health Officers for four (4) days, unless ownership is known and euthanasia is ordered. The Humane Society shall not release any animal without authorization of the Office whose representative impounded the animal.

4. Fees. The County shall pay the Humane Society the following fees on a monthly basis after receiving a detailed billing:

- a. A ten dollar (\$10.00) impounding fee charge for the first day an animal is impounded.
- b. A five dollar (\$5.00) fee per day payment after the first day for boarding of a dog, horse, goat, or other livestock and four dollars (\$4.00) per day after the first day of boarding a cat.
- c. That the ten dollar (\$10.00) impound fee for the first day and the five dollar (\$5.00) a day boarding fee for the subsequent days apply to the quarantining of any animal under a quarantine order.
- d. Fifteen dollars (\$15.00) for euthanasia and disposal of any animal.

5. Term. The term of this agreement shall be from the 1st day of July, 1984 through the 30th day of June, 1985.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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Jane Jelinski made a motion to renew the agreement with the Humane Society, seconded by Wilbur Visser, none voting nay. The motion carried.

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Cathy McLaughlin, representing her father Herman Hermanson, made a request for a waiver of penalty and interest on 1975 taxes. Mrs. McLaughlin states that the tax bill was just recently found in her father's basement and it was discovered that the taxes had never been paid. Mr. Hermanson has recently passed away.

Joy I. Nash stated that the amount of penalty and interest is \$178.98 and that she has spoken with Loy Carroll, County Treasurer regarding this. Mr. Carroll recommends that the penalty and interest be waived, primarily because penalty and interest cannot be put on mobile homes, which is what these taxes are for.

Wilbur Visser made a motion to waive the penalty and interest for 1975 taxes for Herman Hermanson, seconded by Jane Jelinski, none voting nay. The motion carried.

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Bill Cainan, Rest Home Administrator, requested a budget adjustment, caused by three departments of the Home having contracted personnel in their department for which there is no budget provision. The money set aside for these individuals was in the salary budget. Mr. Cainan is requesting an amendment to transfer \$222.10 from the Nursing Dept. to the contracted personnel budget, \$500.00 from the Dietary Dept. to contracted personnel, and \$235.46 from the Laundry Dept. to contracted personnel. Mr. Cainan states that he has talked this over with the County Auditor and the funds are available for transfer.

Wilbur Visser made a motion to grant the budget amendment to the Rest Home budget as requested by Mr. Cainan to facilitate transfer of funds, seconded by Jane Jelinski, none voting nay. The motion carried.

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Bob Throssell, Deputy County Attorney, representing County Attorney Mike Salvagni, requested a budget amendment. Mr. Throssell stated that the Commissioners have the authority to amend a budget that has been finalized. Mr. Throssell states that the County Attorney's budget has \$1,700.00 in contracted services for a summer intern. This intern will be placed on the regular payroll because it has been determined by the Personnel Officer that contracted services can no longer be used. Mr. Salvagni is requesting that his budget be amended to transfer \$700.00 from contracted services to salaries and employer contributions.

Wilbur Visser made a motion to grant the budget amendment to the County Attorney's budget as requested to facilitate transfer of funds, seconded by Jane Jelinski, none voting nay. The motion carried.

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Bob Throssell stated that for the Commissioner's information, as this is an amended procedure, there is a publishing requirement in that the Commission will be required to publish notice of these amendment changes and they will not become effective for a week following publication. The public will have time to comment on the proposed amendments.

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Jackie Stonnell, Nursing Director for the Health Department, representing Edward King, Health Officer, also requested a budget amendment. Mrs. Stonnell stated that the Health Department had monies allocated under salaries and used contracted services; however, the Health Department did not have any funds allocated for contracted services. These are in the general fund, the blood pressure fund, school nursing and in the well-child WIC program. Mrs. Stonnell states that in the Homemaker Aide program the problem is different. They had not allocated enough money for salaries because it is difficult to determine hours worked for the year. Mrs. Stonnell states that there is an excess in the budget for office supplies and travel, but they would be shifting it into the salary budget to take care of the deficit in the Homemaker Aide fund. Mrs. Stonnell requests transfers as follows:

\$3,700.00 from the general fund to contracted services.  
\$639.00 from the Blood Pressure Fund to contracted services.  
\$4,700.00 from School Nursing Fund to contracted services.  
\$4,400.00 from Travel and Office Supplies to Homemaker Aide salaries.  
\$400.00 from Well Child/WIC Program to contracted services.

Jane Jelinski made a motion to grant the budget amendment to the Health Department's budget as requested to facilitate transfer of funds, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:45 P.M.

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ATTEST:

Clerk

*Gary H. Dingle*

APPROVED:

Chairman

*Joy I. Nash*

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COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
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The following are the quarterly securities submitted by the County Treasurer for the quarter ended March 30, 1984:

\$11,742,183.15 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

Pass Book			\$1,643,892.49
First Nat'l #1			2,347,041.54
First Nat'l #2			.00
Checking			23,115.85
N J Ser	5.60	7/1/93	\$200,000.00 ✓
MD 2nd Ser	5.50	7/15/93	200,000.00 ✓
Brighton MI	5.75	5/1/91	100,000.00 ✓
Saline MI	5.40	5/1/91	100,000.00 ✓
Novi MI	6.60	8/1/90	100,000.00 ✓
Arundel	6.25	12/1/89	100,000.00 ✓
Dawson	5.00	1/1/92	50,000.00 ✓
WA Ser A	5.50	4/1/93	50,000.00 ✓
Park Cty	5.90	6/15/93	30,000.00 ✓
Gall MT 1976	8.00	1/1/88	80,000.00 ✓
Gall Co 1974	5.90	1/1/87	40,000.00 ✓
Fairfax Cty	5.20	5/1/93	250,000.00 ✓
King Cty	5.50	6/1/93	150,000.00 ✓
Co of Cook	5.60	11/1/92	100,000.00 ✓
Gall MT Airport	6.00	1/1/89	40,000.00 ✓
IL Ser A	5.25	5/1/93	200,000.00 ✓
Florida St	5.20	1/1/92	100,000.00 ✓
New Jersey	5.10	6/1/92	175,000.00 ✓

FIRST SECURITY BANK OF BOZEMAN

CREDIT BALANCE

			\$ 10,040.16
2861	4.09	6/10/87	2,000.00 ✓
2862	4.09	6/10/85	2,000.00 ✓
2873	4.09	6/10/86	2,000.00 ✓
2874	4.09	6/10/84	2,000.00 ✓
5545	7.875	5/15/86	75,000.00 ✓
6001	7.50	7/15/87	100,000.00 ✓
6430	5.00	10/1/89	100,000.00 ✓
6722	6.70	6/1/85	110,000.00 ✓
6725	4.80	6/1/86	200,000.00 ✓
6730	6.75	11/1/84	100,000.00 ✓
20962	5.20	4/1/87	25,000.00 ✓
3370		7/1/87	10,788.75 ✓
3371		7/1/88	10,788.75 ✓
3372	4.50	9/1/96	30,000.00 ✓
3377		7/1/85	10,788.75 ✓
3378		7/1/86	10,788.75 ✓
3379	5.00	9/1/92	25,000.00 ✓
4012	5.35	7/1/86	9,000.00 ✓
4013	4.75	12/1/88	10,000.00 ✓
4015	5.50	9/1/85	25,000.00 ✓
6000	7.25	9/1/88	120,000.00 ✓
PL2389	5.25	6/1/86	9,000.00 ✓

MONTANA BANK OF BOZEMAN

CREDIT BALANCE

#577529			\$2,500,000.00
Checking			6,523.90
#712388			1,643,927.49
683	4.34	8/1/84	1,500.00 ✓
821	3.70	7/1/84 & 85	6,400.00 ✓
1011	5.75	7/1/84 & 89	48,000.00 ✓
1012	4.50	7/1/86 & 87	8,000.00 ✓
1013	4.10	7/1/84 & 85	1,500.00 ✓
1014	5.75	7/1/84 - 86	3,000.00 ✓
27262	4.25	7/1/86	10,000.00 ✓
28149	4.30	7/1/84	1,000.00 ✓
28150	4.30	7/1/84	500.00 ✓
28151	4.30	7/1/84	2,000.00 ✓
28681	4.70	7/1/88	25,000.00 ✓
28682	4.50	7/1/86	15,000.00 ✓
29376	4.30	7/1/84	1,000.00 ✓
30987	5.20	7/15/88	50,000.00 ✓
300013	5.20	3/1/88	10,000.00 ✓
300014	5.00	1/1/89	10,000.00 ✓
300015	4.00	7/1/85	15,000.00 ✓
300016	4.70	12/15/86	16,000.00 ✓
300017		12/15/85	14,000.00 ✓
300021	4.75	12/15/86 & 87	14,000.00 ✓
300026	4.75	12/15/86 & 87	8,000.00 ✓
300031	5.00	1/1/86 & 88	45,500.00 ✓

WESTERN BANK OF BOZEMAN

CREDIT BALANCE

\$ 2,208.84

VALLEY BANK OF BELGRADE

CREDIT BALANCE

\$ 6,265.37

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

MANHATTAN STATE BANK CREDIT BALANCE  
 \$ 4,237.39

4910	5.15	9/1/84	25,000.00✓
4911	4.75	2/1/85	25,000.00✓
4912	4.80	2/1/86	25,000.00✓

SECURITY BANK OF THREE FORKS CREDIT BALANCE  
 \$ 7,778.90

333662	10.95	11/10/86	200,000.00✓
333657	8.00	2/15/85	300,000.00✓

FIRST SECURITY BANK OF WEST YELLOWSTONE CREDIT BALANCE  
 \$ 5,214.77

FIRST CITIZENS BANK OF BOZEMAN

9465		5/17/84	100,000.00✓
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HOME FEDERAL SAVINGS & LOAN

2 Fed Home	11.25	7/1/2009	1,041,365.30✓
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OTHER BANKS

Commerce Trust			5,839.28
First Nat'l St. Paul			28.59
N. Western Nat'l			5,297.32
Southgate State			10.01
1st Trust Bozeman			346,033.40
1st Trust Helena			79,452.91
1st Security Bozeman			2,035.00
Cash in Office			95,768.77
School Investments			308,856.44
County Investments			2,698,524.82
			<u>\$11,742,183.15</u>

PUBLIC MEETING TUESDAY, THE 19th DAY OF JUNE, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to accept the minutes of June 12, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

## ANNOUNCEMENTS

June 13, 1984

The Commissioners reviewed the following budgets with department heads:

Gene Surber, Weed Department  
 Loy Carroll, County Treasurer  
 Bill Cainan, Rest Home

Joy I. Nash and Wilbur Visser went to West Yellowstone to attend the West Yellowstone/Hebgen Basin Refuse District #2 garbage meeting.

Received A101 #5264 from the Dept. of Revenue for distribution of wine tax in the amount of \$315.64 to the credit of the General Fund.

Jane Jelinski attended the Weed Department workshop.

Received Sheriff's report of prisoners board bill in the amount of \$4,778.00.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$60.88 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-226 be transferred to account 2430-209-430800-340 under general class (2) Maintenance and Support.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

That the sum of \$19.13 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-226 be transferred to account 2430-209-430800-312 under general class (2) Maintenance and Support.

That the sum of \$12.50 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-226 be transferred to account 2430-209-430800-390 under general class (2) Maintenance and Support.

That the sum of \$295.41 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-381 under general class (2) Maintenance and Support.

That the sum of \$53.12 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-220 under general class (2) Maintenance and Support.

That the sum of \$97.13 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-312 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-371 be transferred to account 2290-245-450400-334 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-370 be transferred to account 2180-208-410333-210 under general class (2) Maintenance and Support.

That the sum of \$80.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-320 be transferred to account 2180-208-410335-210 under general class (2) Maintenance and Support.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-345 be transferred to account 1000-212-420810-350 under general class (2) Maintenance and Support.

That the sum of \$60.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-345 be transferred to account 1000-212-420820-200 under general class (2) Maintenance and Support.

That the sum of \$50.00 as appropriated under general class (2) Maintenance and Support for account 1000-204-410531-380 be transferred to account 1000-204-410531-210 under general class (2) Maintenance and Support.

That the sum of \$1,450.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-397 be transferred to account 1000-202-410600-320 under general class (2) Maintenance and Support.

That the sum of \$800.00 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-363 be transferred to account 1000-203-410540-312 under general class (2) Maintenance and Support.

That the sum of \$3.50 as appropriated under general class (2) Maintenance and Support for account 2270-000-440113-210 be transferred to account 2270-000-440113-312 under general class (2) Maintenance and Support.

That the sum of \$28.60 as appropriated under general class (2) Maintenance and Support for account 2270-830-440170-370 be transferred to account 2270-830-440170-210 under general class (2) Maintenance and Support.

That the sum of \$149.00 as appropriated under general class (2) Maintenance and Support for account 2270-840-440150-210 be transferred to account 2270-840-440150-370 under general class (2) Maintenance and Support.

That the sum of \$16.85 as appropriated under general class (2) Maintenance and Support for account 2270-811-440170-210 be transferred to account 2270-810-440170-210 under general class (2) Maintenance and Support.

That the sum of \$37.95 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-395 be transferred to account 1000-213-410340-380 under general class (2) Maintenance and Support.

That the sum of \$3.45 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-395 be transferred to account 1000-213-410340-312 under general class (2) Maintenance and Support.

That the sum of \$29.00 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-395 be transferred to account 1000-213-410340-330 under general class (2) Maintenance and Support.

That the sum of \$13.99 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-395 be transferred to account 1000-213-410340-210 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 13th DAY OF JUNE, 1984

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

Board of County Commissioners  
Gallatin County

TUESDAY THE 19th DAY OF JUNE 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Commissioners Nash and Visser reviewed the budget of B. J. Hultz Justice of the Peace #2, West Yellowstone.

June 14, 1984

Reviewed the following budgets with department heads:

Gene Surber, Extension Office  
 Bob Sybrant, Poor Fund  
 Lorraine Van Ausdol, Clerk of Court

Received the following A101's:

#5277 from Montana Dept. of Revenue for child support incentive payments in the amount of \$78.90 to the credit of the general fund.

#5278 from Dept. of Revenue for distribution of corporate tax for First Security Bank in the amount of \$6,932.00 to the credit of various funds.

#5279 from the Dept. of Revenue for distribution of corporate tax for Manhattan State Bank in the amount of \$13,208.80 to the credit of various funds.

#5280 from the Dept. of Revenue for distribution of corporate tax for First Bank Bozeman in the amount of \$40,00 to the credit of various funds.

#5282 from the Dept. of Health and Environmental Sciences in the amount of \$23,606.00 for state reimbursement to the credit of the Junk Vehicle Fund.

Approved Cancellation of Taxes #525 for Lot 3 Block 3 of Westfork Meadows Subdivision due to sale to Gallatin Canyon Fire District in the amount of \$17.88.

Received a letter from Loy Carroll, County Treasurer as follows:

Northwestern National Bank of Minneapolis  
 First Security Bank of Bozeman, Bozeman, Montana  
 Board of County Commissioners, Bozeman, Montana

Gentlemen:

At the request of the above named bank, we herewith enclose copies of the following Pledge Receipts:

#2874 \$2,000.00 Park Co., Montana High School District No. 3  
 (Wilsall) School Building Bond, 1967, due 6/10/84 @4.09%

This is your notice to release.

/s/ Loy R. Carroll  
 Gallatin County Treasurer

June 15, 1984

Received A101 #5300 from William J. Tietz in the amount of \$75.00 for a lease payment for the Middle Creek Water Users Association to the credit of the General Fund.

Reviewed the following budgets with department heads this date:

Dave Gates and Judge Olson, Court Services  
 Hank Wruck, Civil Defense  
 Delbert High and Members of the Fair Board, Fairgrounds  
 Senior Center

June 18, 1984

Joy I. Nash attended the Area IV Council on Aging meeting in Whitehall. A hearing was held on the aging program plan for FY 1984-85. The Area IV program plan outlines the program objectives and allocation of \$135,202 of Federal Title IIIB funds from the Older Americans Act.

The Commissioners signed letters at the request of the Treasurer to the following banks requesting permission to cancel all uncashed checks outstanding as of May 31, 1984: Western Bank, First Security Bank, Montana Bank and First Bank Bozeman.

- - - -

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Kenneth Hollar has claimed the occasional sale exemption. Mr. Hollar has not taken a prior occasional sale, the tract was not created through the occasional sale exemption, and only one parcel is being created through the use of this exemption. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Four Corners Investors have claimed the exemption to realign a common boundary and to aggregate lots. The use of these exemptions would combine three lots into two lots. Copies of the quit claim deeds have been submitted, and this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for preliminary plat approval extension for Belgrade Industrial Park.

Jack R. Fisher, of Thomas, Dean & Hoskins, on behalf of Lonnie Beck, has applied for a one year extension of preliminary plat approval for the Belgrade Industrial Park.

In the letter requesting extension, Mr. Fisher notes that the roads in the Industrial Park have not been completed. Work on the road base is nearly finished, and paving is scheduled for July, 1984.

The Belgrade Subdivision Regulations, as well as the County Subdivision Regulations, provide for a one year extension of the approval. Ms. Peck has talked to Randy Thoreson, Belgrade Planning Director, and he has no objections to granting the extension.

Wilbur Visser made a motion to grant preliminary plat approval extension for one year, seconded by Jane Jelinski, none voting nay. The motion carried.

- - - -

Bob Throssell, Deputy County Attorney, as a member of the Audit Committee, spoke regarding the award of the bid for the printing contract for legal advertising. Mr. Throssell states that the Audit Committee recommends the bid be awarded to the High Country Independent Press as lowest and best responsible bidder.

Wilbur Visser made a motion to award the bid for the printing contract to High Country Independent Press, seconded by Jane Jelinski, none voting nay. The motion carried.

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Joy I. Nash stated that the Commission had received a letter from Dr. Edward King, Health Officer, recommending that Dr. Wayne Thompson and Dr. Robert Flaherty be reappointed to the Board of Health.

Wilbur Visser made a motion to reappoint Dr. Wayne Thompson to a three year term on the Board of Health, term expiring June 30, 1987, seconded by Jane Jelinski, none voting nay. The motion carried.

Wilbur Visser made a motion to reappoint Dr. Robert Flaherty to a three year term on the Board of Health, term expiring June 30, 1987, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser stated that the Commissioners had received word from Ted Mathis, Airport Manager, that Zales Ecton, Jr. and Ashley Branning would be willing to serve again on the Airport Authority Board.

Wilbur Visser made a motion to reappoint Ashley Branning to a five year term on the Airport Authority Board, term expiring June 30, 1989, seconded by Jane Jelinski, none voting nay. The motion carried.

Wilbur Visser made a motion to reappoint Zales Ecton, Jr. to a five year term on the Airport Authority Board, term expiring June 30, 1989, seconded by Jane Jelinski, none voting nay. The motion carried.

- - - -

Joy I. Nash stated that the Commissioners had received word from the County Weed Board that they recommend appointment of Russ Sime to the Weed Board to replace the vacancy of Gerry Dusenberry.

Jane Jelinski made a motion to appoint Russ Sime to the County Weed Board for a five year term to expire in July of 1989, seconded by Wilbur Visser, none voting nay. The motion carried.


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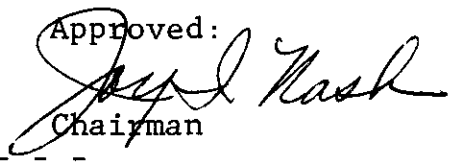
Quarterly securities were checked with the County Treasurer and found to be correct as entered into the minutes.

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There being no further business, the meeting adjourned at 1:50 P.M.

- - - -

Attest:  
  
 Clerk

Approved:  
  
 Chairman

PUBLIC MEETING TUESDAY, THE 26th DAY OF JUNE, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Robert R. Throssell, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

No action was taken on the minutes of June 19, 1984 as they had not been prepared by the Clerk.

TUESDAY THE 26th DAY OF JUNE 19 84

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

## ANNOUNCEMENTS

June 19, 1984

Joy I. Nash served on a panel to discuss Ski Yellowstone. Others serving on the panel were representatives from the Forest Service, Fish and Wildlife and Environmental Sciences. John Vincent served as moderator.

Emery Nelson, County Sanitarian, will be attending the National Sanitarians meeting in Grand Rapids, Michigan on June 24, 1984 through June 27, 1984.

Sent letter to Loy Carroll, County Treasurer, authorizing the following transfers of funds:

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$118.35 from fund 2110 and \$49.56 from fund 2190 to fund 1000 for gas.
2. The sums of \$163.85 from fund 1000, \$98.47 from fund 2160, \$131.27 from fund 2190, and \$38.06 from fund 2140, to fund 2110 for gas.
3. The sum of \$25.20 from fund 1000 to fund 2180 for copies.
4. The sums of \$4.95 from fund 2120, \$.85 from fund 2140, \$37.80 from fund 2180, \$53.13 from fund 2190, \$37.67 from fund 2270, \$23.79 from fund 2290, and \$2.32 from fund 2710, to fund 1000 for supplies.
5. The sums of \$113.75 from fund 1000, \$.60 from fund 2110, and \$5.55 from fund 2270, to fund 2190 for copies.
6. The sums of \$56.60 from fund 2110, \$111.55 from fund 2180, \$49.37 from fund 2190, \$203.77 from fund 2270, \$238.12 from fund 2290, \$49.76 from fund 5020, and \$2.00 from fund 2440 to fund 1000 for printing.
7. The sum of \$51.06 from fund 2440 to fund 1000 for expenditures.
8. The sum of \$1,890.00 from fund 2271 to fund 2270 to correct PO 24643.
9. The sums of \$1.30 from fund 5020 and \$28.10 from fund 2710 to fund 1000 for copies.

June 20, 1984

The Commissioners met with Lee Lewis, County Fire Chief, to discuss renewal of the Rural Fire Chief Contract.

Joy I. Nash met with the Superintendent of Schools, Margaret Brown, regarding transportation routes for school buses in Gallatin County for the upcoming year.

The Commissioners participated in the College National Finals Rodeo Parade.

June 21, 1984

Received the following A101's:

#5321 from First Bank Bozeman and Montana Bank in the amount of \$50,721.43 for interest earned on various bank accounts for May, 1984 to the credit of various funds.

#5331 from the Motor Vehicle Dept. in the amount of \$1,626.00 for taxes, fees and fines collected for May, 1984 to the credit of various funds.

Wilbur Visser and Jane Jelinski attended the Refuse District #1 meeting in Manhattan.

Joy I. Nash and Wilbur Visser attended a ceremony at the Fairgrounds honoring Under Secretary of Agriculture, Frank Naylor.

Following is a list of new employees for Gallatin County:

Sandra Lannon, Homemaker Aide, Health Dept., \$4.6159/hr., 5/29/84.  
 Diane England, Nurses Aide, Rest Home, \$4.6159/hr., 5/30/84.  
 Madalyn Crouch, Nurses Aide, Rest Home, \$4.6159/hr., 5/23/84.  
 Rosalee Talbot, Nurses Aide, Rest Home, \$4.6159/hr., 6/6/84.  
 Ann Smith, Nurses Aide, Rest Home, \$4.6159/hr., 6/11/84.  
 Gary Balaz, Intern, County Attorney's Office, \$850.00/mo., 6/11/84.  
 Virginia Gillespie, District Clerk, Soil Conservation District, \$779.99/mo., 6/13/84.  
 Duane Visser, Weed Crew, \$5.3548/hr., 6/6/84.  
 Robert Selles, Weed Crew, \$5.6452/hr., 6/11/84.  
 Ted Fiscus, Weed Crew, \$5.6452/hr., 6/11/84.  
 Dan Fiscus, Weed Crew, \$5.6452/hr., 6/11/84.  
 Letitia Stuart, Nurses Aide, Rest Home, \$4.6159/hr., 6/13/84.  
 Kimberly Walton, Nurses Aide, Rest Home, \$4.6159/hr., 6/13/84.  
 John Mahan, Ward Aide, Rest Home, \$4.6159/hr., 6/19/84.  
 Joan Gay, PHN, Health Dept., \$1,373.14/mo., 6/18/84.  
 Leda Miller, Cook I, Rest Home, \$4.2966/hr., 6/6/84.  
 Victoria Mace, Kitchen Aide, Rest Home, \$3.7402/hr., 6/9/84.  
 William Murphy, Temporary Maintenance Helper, Rest Home, \$5.00/hr., 6/4/84.  
 Richard Prasse, Cook, Sheriff's Dept., \$4.50/hr., 6/14/84.  
 Julia Creed, Kitchen Aide, Rest Home, \$3.7402/hr., 6/15/84.

A hearing was held to discuss the Hebgen Lake Zoning District zoning ordinance. Ray White made a motion to adopt the changes to the zoning ordinance as follows: requirements for housing, creation of a new zone category with density of one unit per three acres, provision of a density bonus for clustered development, elimination of the minimum size requirement for Planned Unit Developments and deletion of the R20 zoning category. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.



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FORM 12187-TRIBUNE PRINTING

June 22, 1984

Received the following A101's:

#5336 from County Treasurer's Office in the amount of \$300.00 for postage and fees to the credit of the General Fund.

#5345 from Mountain Bell in the amount of \$22,000.00 for advance payment for the Rural Addressing Agreement to the credit of the General Fund.

The Commissioners approved the pay matrix for county employees for FY 1984-85.

June 25, 1984

The Commissioners worked on the FY 1984-85 budget with Ken Mosby, Administrative Assistant.

Commissioners attended the Weed Board meeting.

Jane Jelinski attended the Senior Olympics at MSU to present awards on Saturday, June 23, 1984.

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Jane Jelinski read the Resolution of Intent to lease county land for the Law Enforcement Academy and Forensic Lab as follows:

WHEREAS, the State of Montana has expressed the need to build a new Law Enforcement Academy and State Forensics Laboratory; and

WHEREAS, the Board of Commissioners of Gallatin County have found the size, location, topography and zoning of Gallatin County property IRA COS 691 SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 12, T2S, R5E to be suitable for such purpose. This land is located immediately in front of the Law and Justice Center.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Gallatin County do hereby resolve to lease to the State of Montana, upon entering an agreement beneficial to both parties, the aforementioned property for the purpose of conducting said Law Enforcement Academy and State Forensics Laboratory.

Ms. Jelinski stated that the zoning, drainage, and sewer had all been checked and that letters had been sent to adjoining land owners requesting their comments on the proposed building site.

Bob Correa, of the Bozeman Chamber of Commerce, representing the task force for the City of Bozeman and Gallatin County, requested support and encouragement of the passage of the resolution.

Wilbur Visser made a motion to adopt the Resolution, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser read the contract renewing the agreement for the County Rural Fire Chief.

Bill Weber, of the Gallatin County Fire Council Board of Directors, suggested an alternate plan be considered.

Lee Lewis, Bozeman Fire Chief and designated County Rural Fire Chief, reported that there were nine calls responded to last year.

Discussion was held regarding the alternate plan proposed by Bill Weber.

Wilbur Visser made a motion to enter into the contract for County Rural Fire Chief for the period July 1, 1984 to June 30, 1985, seconded by Jane Jelinski, none voting nay. The motion carried.

- - - -

Joy I. Nash read a Resolution adopting salaries for elected officials for fiscal year 1984-85 as follows:

WHEREAS, the 1981 Legislature of the State of Montana amended the existing statutes and established new salaries for county elected officials; and

WHEREAS, the salaries of county elected officials must be officially established for each county by a board of county commissioners for the upcoming fiscal year;

THEREFORE, BE IT RESOLVED THAT:

1. The Board of County Commissioners of Gallatin County, State of Montana, hereby establish the salaries of the elected officials of Gallatin County as specified by Chapter 518, Session Laws, 1981 as follows:

Gallatin County Treasurer	\$21,201.24
Gallatin County Clerk & Recorder	21,201.24
Clerk of the District Court	21,201.24
Gallatin County Attorney	20,869.73
Gallatin County Assessor	21,201.24
Gallatin County Supt. of Schools	21,601.20
Gallatin County Sheriff	23,201.28
Gallatin County Surveyor	21,201.24
Gallatin County Auditor	21,201.24
Gallatin County Commissioners (each)	23,201.28
Justice of the Peace #1	21,201.24

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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 BOZEMAN, MONTANA

2. That these salaries shall be in effect for the fiscal year beginning July 1, 1984 and ending June 30, 1985.

3. That these salaries are set in accordance with the provisions of Chapter 518, Session Laws of 1981, and are intended to conform with state law.

Wilbur Visser made a motion to adopt the Resolution, seconded by Jane Jelinski, none voting nay. The motion carried.

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Joy I. Nash read the affidavit of publication on the budget amendments which were discussed at the June 19, 1984 public meeting. No public comment had been received regarding these budget amendments.

Wilbur Visser made a motion to adopt the budget amendments, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:00 P.M.

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ATTEST

Clerk

*Gary St. Pingle*

APPROVED:

Chairman

*Joy I. Nash*

- - - -

PUBLIC MEETING TUESDAY, THE 3rd DAY OF JULY, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Robert R. Throssell, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of June 26, 1984 after the final draft has been written, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

June 26, 1984

Commissioners met with Ken Mosby to work on the budget for FY 1984-85.

Renewed gambling licenses for the following businesses for the period July 1, 1984 through June 30, 1985 and collected fees as follows:

Gallatin Gateway Inn, \$1,250.00.  
 Bair's Truck Stop, \$1,000.00.  
 Skyway Restaurant and Lounge, \$750.00.  
 Korner Klub, \$1,000.00.  
 Fifth Ace Saloon, \$1,000.00.  
 Snoshoe Inn, \$1,000.00.  
 Friendly Tavern, \$1,250.00.  
 Corral Bar, \$1,000.00.

June 27, 1984

Received the following A101's:

#5377 from Montana Dept. of Highways in the amount of \$13,739.79 for fees and taxes collected to the credit of various funds.

#5373 from the Dept. of Revenue in the amount of \$69,195.20 for distribution of corporate tax for First Security Bank to the credit of various funds.

Discussed the Greater Yellowstone Ecosystem and the feasibility of bear-proof garbage cans for the West Yellowstone/Hebgen Basin Refuse District #2 with Bob Anderson and Bob Throssell. This item will be discussed further at the July 11, 1984 meeting of the Refuse District. Gallatin County is applying for a grant to assist with the implementation of the garbage cans in the West Yellowstone area.

Wilbur Visser and Earl Best reviewed the following roads petitioned for abandonment:

1. Westfork County Road.
2. Bozeman Street in Gallatin Gateway.
3. An alley in the North Rainbow Subdivision.

The Commissioners met with Dr. Edward King, Jackie Stonnell, and mental health providers to discuss the budget for the mental health fund.

The Commissioners met with members of the Sourdough Rural Fire District to discuss future plans of the district.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the general classes of (1) "Salaries and Wages" and (2) "Maintenance and Support." may be

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FORM 12187-TRIBUNE PRINTING

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made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$29.71 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-345 be transferred to account 2160-000-460200-360 under general class (2) Maintenance and Support.

That the sum of \$1.12 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-345 be transferred to account 2160-000-460200-370 under general class (2) Maintenance and Support.

That the sum of \$17.11 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-345 be transferred to account 2160-000-460200-210 under general class (2) Maintenance and Support.

That the sum of \$3.19 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-231 be transferred to account 2160-000-460200-210 under general class (2) Maintenance and Support.

That the sum of \$13.31 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-312 be transferred to account 1000-295-470260-370 under general class (2) Maintenance and Support.

That the sum of \$13.00 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-363 be transferred to account 1000-295-470260-312 under general class (2) Maintenance and Support.

That the sum of \$10.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-368 be transferred to account 5020-000-440340-381 under general class (2) Maintenance and Support.

That the sum of \$168.28 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440350-121 under general class (1) Salaries and Wages.

That the sum of \$233.36 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440350-122 under general class (1) Salaries and Wages.

That the sum of \$439.66 as appropriated under general class (1) Salaries and Wages for account 5020-000-440360-122 be transferred to account 5020-000-440360-130 under general class (1) Salaries and Wages.

That the sum of \$54.80 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-360 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$55.65 as appropriated under general class (2) Maintenance and Support for account 5020-000-440360-220 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$9.65 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-364 be transferred to account 5020-000-440350-229 under general class (2) Maintenance and Support.

That the sum of \$14.14 as appropriated under general class (2) Maintenance and Support for account 5020-000-440360-220 be transferred to account 5020-000-440350-229 under general class (2) Maintenance and Support.

That the sum of \$27.06 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

That the sum of \$142.21 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

That the sum of \$58.03 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

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That the sum of \$63.71 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-370 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

That the sum of \$15.38 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-368 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

That the sum of \$1,022.97 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440320-341 under general class (2) Maintenance and Support.

That the sum of \$89.09 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440320-397 under general class (2) Maintenance and Support.

That the sum of \$82.41 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440310-370 under general class (2) Maintenance and Support.

That the sum of \$75.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-359 be transferred to account 5020-000-440310-382 under general class (2) Maintenance and Support.

That the sum of \$224.65 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440320-343 under general class (2) Maintenance and Support.

That the sum of \$340.52 as appropriated under general class (2) Maintenance and Support for account 8020-000-480100-320 be transferred to account 8020-000-480100-220 under general class (2) Maintenance and Support.

That the sum of \$184.48 as appropriated under general class (2) Maintenance and Support for account 8020-000-480100-320 be transferred to account 8020-000-480100-370 under general class (2) Maintenance and Support.

That the sum of \$178.78 as appropriated under general class (2) Maintenance and Support for account 8020-000-480100-370 be transferred to account 8020-000-480100-370 under general class (2) Maintenance and Support.

That the sum of \$2.18 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-368 be transferred to account 5020-000-440350-364 under general class (2) Maintenance and Support.

That the sum of \$965.92 as appropriated under general class (1) Salaries and Wages for account 1000-202-410900-110 be transferred to account 1000-202-410550-110 under general class (1) Salaries and Wages.

That the sum of \$150.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-320 be transferred to account 1000-202-410900-210 under general class (2) Maintenance and Support.

That the sum of \$117.86 as appropriated under general class (2) Maintenance and Support for account 2110-307-430210-320 be transferred to account 2110-307-430210-210 under general class (2) Maintenance and Support.

That the sum of \$84.14 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-366 be transferred to account 2110-307-430230-345 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-370 be transferred to account 2180-208-420300-210 under general class (2) Maintenance and Support.

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That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-370 be transferred to account 2180-208-420300-210 under general class (2) Maintenance and Support.

That the sum of \$156.49 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-370 be transferred to account 1000-295-470260-320 under general class (2) Maintenance and Support.

That the sum of \$49.40 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-370 be transferred to account 1000-295-470260-312 under general class (2) Maintenance and Support.

That the sum of \$135.63 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-397 be transferred to account 1000-203-410540-210 under general class (2) Maintenance and Support.

That the sum of \$1,485.49 as appropriated under general class (2) Maintenance and Support for account 2761-900-411200-360 be transferred to account 2761-900-411200-110 under general class (1) Salaries and Wages.

That the sum of \$949.76 as appropriated under general class (2) Maintenance and Support for account 2710-201-410100-210 be transferred to account 2710-201-410100-111 under general class (1) Salaries and Wages.

That the sum of \$40.00 as appropriated under general class (1) Salaries and Wages for account 8040-000-430800-140 be transferred to account 8040-000-430800-110 under general class (1) Salaries and Wages.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 8040-000-430800-220 be transferred to account 8040-000-430800-340 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 8040-000-430800-220 be transferred to account 8040-000-430800-320 under general class (2) Maintenance and Support.

That the sum of \$72.34 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-342 be transferred to account 5020-000-440310-210 under general class (2) Maintenance and Support.

That the sum of \$35.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-358 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$24.76 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-344 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$16.25 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-360 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$12.49 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-356 be transferred to account 5020-000-440350-220 under general class (2) Maintenance and Support.

That the sum of \$200.49 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-126 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$381.02 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-122 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

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That the sum of \$154.68 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-123 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$33.83 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-124 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$122.55 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-125 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$890.20 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-121 be transferred to account 5020-000-440320-130 under general class (1) Salaries and Wages.

That the sum of \$200.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-123 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$300.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-124 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$1,167.19 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-125 under general class (1) Salaries and Wages.

That the sum of \$1,276.20 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$542.00 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-352 be transferred to account 1000-211-410340-320 under general class (2) Maintenance and Support.

That the sum of \$87.95 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-352 be transferred to account 1000-211-410340-360 under general class (2) Maintenance and Support.

That the sum of \$150.00 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-352 be transferred to account 1000-211-410340-312 under general class (2) Maintenance and Support.

That the sum of \$6.50 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-352 be transferred to account 1000-211-410340-380 under general class (2) Maintenance and Support.

That the sum of \$12.30 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-352 be transferred to account 1000-211-410340-397 under general class (2) Maintenance and Support.

That the sum of \$155.00 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-352 be transferred to account 1000-211-410340-330 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 27th DAY OF JUNE, 1984

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

Board of County Commissioners  
Gallatin County, Montana

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

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1984

FORM 12187--TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAJune 28, 1984

The Commissioners worked on budgets with Ken Mosby.

Received A101 #5416 from Disaster and Emergency Services Division in the amount of \$18,919.60 for reimbursement for the Communications System to the credit of the Disaster and Emergency Services Fund.

June 29, 1984

Renewed gambling licenses for the period July 1, 1984 to June 30, 1985 for the following businesses:

Land Of Magic  
Eino's Tavern  
VFW  
Stacey's Old Faithful Inn

July 2, 1984

The Commissioners worked on budgets with Ken Mosby.

July 3, 1984

The Board of Gallatin County Commissioners announced that Summer Cutoff Road will be closed Thursday, July 5 and Friday, July 6 due to construction. Access can be made from Saddle Mountain Road.

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Wilbur Visser made a motion to appoint Robert Davis to a two year term on the City-County Planning Board, term expiring June 30, 1986, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser read a Resolution to exclude two parcels of ground owned by Jacob M. and Sadie V. Braaksma and Gerald and Joann Schaper from the Churchill Lighting District as follows:

WHEREAS, there exists Churchill Lighting District to provide a lighting system in the Churchill, Montana area; and,

WHEREAS, pursuant to Section 7-12-2204, the Board of County Commissioners has the authority to yearly change the boundaries of the maintenance district; and,

WHEREAS, a request has been made to consider the exclusion of property from the maintenance district for the reason that it is agricultural property and does not benefit from inclusion in the lighting maintenance district;

THEREFORE, BE IT RESOLVED:

1. That the after-described property in Churchill Lighting District be excluded from assessment maintenance of the district for the reason that it is not benefitted by the lighting system.
2. That the action of the Board of County Commissioners by this resolution in no way affects the validity of the Churchill Lighting District or the future inclusion of the after-described lands in the maintenance district if upon future review the lands are benefitted by the lighting district.
3. The following lands are excluded from the Churchill Lighting District for maintenance purposes:

The first parcel being:

All that part of the E $\frac{1}{2}$  of the SW $\frac{1}{4}$  (E $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section 13, in Township 1 South of Range 3 East, M.P.M., included within the following metes and bounds, to-wit:

Beginning at a point 1610.3 feet east of the SW corner of said Section 13, said point being also at the intersection of the center line of the county road, thence north 22°14' east 506.4 feet; thence north 39°09' east 598 feet; thence north 11°11' east 433.6 feet; thence north 11°36' east 150 feet, thence east 350 feet, more or less to the east line of the E $\frac{1}{2}$  of the SW $\frac{1}{4}$  (E $\frac{1}{2}$ SW $\frac{1}{4}$ ) of said Section 13, thence south along the east line 626.4 feet to the west bank of the "Davison Irrigation Ditch"; thence south 32°30' west 1046 feet, more or less, to a point on the south line of said section; thence west along the center line of the county road 488.5 feet, more or less, to the point of beginning; subject to easement for private road as now established.

The second parcel being:

All that part of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 13, Township 1 South, Range 3 East M.P.M., included within the following described metes and bounds: Commencing at the NE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 13, thence south along the east line of said quarter of quarter section 835.3 feet, thence west 197.3 feet to the point of beginning; thence continuing west 97.3 feet, thence north 11°36' east a distance of 15 feet; thence southeasterly a distance of 97 feet, more or less, to the point of beginning.

Bob Throssell, Deputy County Attorney, stated that according to Statute 7-12-2204, the County Commissioners can exclude parcels from lighting districts once a year. These parcels of ground are commonly referred to as Lot 20 and 21 of the assessor's plat, respectively.

Wilbur Visser made a motion to exclude lots 20 and 21 from Churchill Lighting District, seconded by Jane Jelinski, none voting nay. The motion carried.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Robert Throssell, Deputy County Attorney, read the following Resolution to annex Ponderosa Pines Ranch into Refuse District No. 1:

WHEREAS, the property owners of Ponderosa Pines Ranch desire to be included in Gallatin County Refuse District No. 1; and,

WHEREAS, the Board of Directors of Refuse District No. 1 have reviewed and agreed to accept portions of Ponderosa Pines Ranch into Refuse District No. 1;

THEREFORE BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County concur with the decision of the Board of Directors of Refuse District No. 1 to annex into the district for the provision of refuse disposal services, particularly the right to use the landfill maintained by the district, the following lands:

Township 3 North, Range 3 East, M.P.M.

All of Sections 1, 2, 3, 10, 11, 13, 14, 15, 17, 18, and 19.

All of Section 6 EXCEPT the  $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{2}SW\frac{1}{2}NW\frac{1}{2}$ , and the  $NW\frac{1}{2}SW\frac{1}{2}NW\frac{1}{2}$ .

In Section 7; the  $E\frac{1}{2}$ ,  $SW\frac{1}{2}$ , Lots 1 and 2 and the  $E\frac{1}{2}$  of the  $NW\frac{1}{2}$ .

In Section 8;  $SW\frac{1}{2}$ , all that part of the  $NW\frac{1}{2}$  of Section 8, described as follows: Commencing at the  $W\frac{1}{2}$  corner of said Section 8, thence north along the West line of said section to the NW corner; thence in a straight line SE to the center of said section; thence west along the center line of said section to the point of beginning. The  $SE\frac{1}{2}$ , EXCEPTING therefrom a tract of land in the NE corner more particularly described as follows: Commencing at the  $E\frac{1}{2}$  corner of said section thence south along the east line of said section a distance of 1320 feet; thence in a straight line northwesterly to a point in the east-west center line of said section, which point is 660 feet west of the east line of said section; thence east along said center line a distance of 660 feet to the point of beginning.

In Section 12;  $N\frac{1}{2}NW\frac{1}{2}$ , and the  $SW\frac{1}{2}NW\frac{1}{2}$ ,  $NE\frac{1}{2}$ , and the  $NE\frac{1}{2}SE\frac{1}{2}$ ,  $SE\frac{1}{2}NW\frac{1}{2}$ ,  $SW\frac{1}{2}$ ,  $W\frac{1}{2}SE\frac{1}{2}$ ,  $SE\frac{1}{2}SE\frac{1}{2}$ .

Township 4 North, Range 3 East, M.P.M.

All of Sections 30 and 31

In Section 19; Lots 1, 2, 3, and 4,  $S\frac{1}{2}SE\frac{1}{2}$ ,  $NE\frac{1}{2}SE\frac{1}{2}$ , lying south and east of the Railroad right-of-way.

In Section 20; All that part of the  $NW\frac{1}{2}$  lying South and East of the Railroad right-of-way.

In Section 29; All that part of the  $W\frac{1}{2}$  of Section 29, described as follows: Beginning at the NW corner of said Section 29, thence east along the north line of said section a distance of 1500 feet to a point; thence from said point in a straight line in a southwesterly direction to a point on the south line of said Section 29, which point is 660 feet east of the SW corner of said Section 29; thence west along the south line of said Section 29 a distance of 660 feet to the SW corner of said section; thence north along the west line of said Section 29 a distance of 5280 feet to the point of beginning;

In Section 35; the  $S\frac{1}{2}$ .

Township 3 North, Range 2 East, M.P.M.

In Section 1; all, lying east of the Railroad right-of-way, EXCEPTING the  $E\frac{1}{2}NE\frac{1}{2}SE\frac{1}{2}NE\frac{1}{2}$  and the  $E\frac{1}{2}W\frac{1}{2}NE\frac{1}{2}SE\frac{1}{2}NE\frac{1}{2}$ .

In Section 12; All that part of the  $SE\frac{1}{2}$  lying east of the right-of-way of the Northern Pacific Railway Company and all that part of the  $NE\frac{1}{2}$ , lying east of the right-of-way of the Northern Pacific Railway Company.

In Section 13; All that part of Section 13 lying east of the right-of-way of the Northern Pacific Railway Company.

Township 4 North, Range 2 East, M.P.M.

In Section 25; Lots 1, 2, 3,  $SE\frac{1}{2}SE\frac{1}{2}$ , lying east of the right-of-way of the Northern Pacific Railway Company.

2. That the residents and owners of such lands above described shall be entitled to use the district landfill located near Logan, Montana for the purpose of disposing of wastes in accordance to the rules and rates as established by the district.

Jane Jelinski made a motion to adopt the Resolution, seconded by Wilbur Visser, none voting nay. The motion carried.

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Gary Refsland and Patty Spainhower, spoke regarding a request for funds for Nordvedt Park on Sourdough Ridge. They reported that the estimated cost of completing Phase II of the park including a pump and well and hoses would be \$6,000.00. Montana Power bid \$500.00 to bring electricity to the well and Cashman Nursery bid \$919.50 for landscaping.

Wilbur Visser made a motion to defer the decision regarding the requested \$9,000.00 for improving the park, seconded by Jane Jelinski, none voting nay. The motion carried. The Commission will make their decision at next week's public meeting.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.



TUESDAY

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BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Feddes Herefords, Inc. has claimed the exemption for a sale to a member of the immediate family. The Feddes' Ranch holdings are in a family corporation, and they wish to separate a tract for their homesite. Mr. Marvin Feddes, as president of the corporation, is transferring a one acre tract to his wife. There has been no previous use of the family exemption, and this does appear to be a proper use.

Robert Throssell, Deputy County Attorney, stated that a corporation does not have a family, and therefore should not use a family sale exemption. He also stated that it would be possible for the corporation to use an occasional sale exemption, or possibly file for approval for a minor subdivision.

Wilbur Visser made a motion to deny the request for an exemption on a certificate of survey for Feddes Herefords, Inc., seconded by Joy I. Nash, Commissioners Visser and Nash voting aye, Jelinski voting nay. The motion carried.

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Richard A. and Patricia A. Ramler have also claimed the family sale exemption. The Ramlers are conveying a 5 acre tract to Mr. Ramler's father, and have not previously conveyed land to him. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Norman F. Kenck has claimed the occasional sale exemption. Mr. Kenck has not taken a prior occasional sale, the tract was not created through the occasional sale exemption, and only one parcel is being created through the use of this exemption. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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William H. Cook has also claimed the occasional sale exemption. Mr. Cook has submitted a signed, notarized statement that he has not taken a previous occasional sale, and that the tract was not created through the use of the occasional sale exemption. Only one parcel is being created, and this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:55 P.M.

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ATTEST,

*Gary D. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 10th DAY OF JULY, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Joy I. Nash announced once again that the Commissioners are still looking for volunteers to serve on a committee to study the feasibility of a dog control ordinance.

Wilbur Visser made a motion to accept the minutes of July 3, 1984, in rough draft, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

July 4, 1984

LEGAL HOLIDAY - INDEPENDENCE DAY

July 5, 1984

Received a report from the Clerk and Recorder showing fees and other items collected for the month of June, 1984 in the amount of \$13,429.10.

The Commissioners met with the following concerned citizens, Leonard Krueger, Dewey Wiseman, Milt Freeland and Ivan Martin regarding the Lower Rainbow Road and the possibility of creating an RID for this road.

The Commissioners worked on budgets with Ken Mosby, Administrative Assistant.

The Commissioners sent a congratulatory letter to Louis Moos on his nomination for Senior Citizen of the Year for the State of Montana.

July 6, 1984

TUESDAY

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Received the following A101's: #5445 from First National Bank in Bozeman in the amount of \$2,327.87 for interest earned on CD 19322 to the credit of the Protest Fund.

#5441 from First National Bank Bozeman in the amount of \$918.03 for interest earned on CD 19318 to the credit of the General Fund.

#5442 from First National Bank Bozeman in the amount of \$922.40 for interest earned on CD 19319 to the credit of various funds.

#5443 from First National Bank Bozeman in the amount of \$926.78 for interest earned on CD 19320 to the credit of Rural Revolving Fund.

#5444 from First National Bank Bozeman in the amount of \$926.78 for interest earned on CD 19321 to the credit of Park Fund.

#5446 from First National Bank Bozeman in the amount of \$2,327.87 for interest earned on CD 19323 to the credit of the Protest Fund.

#5452 from Tew Distributing in the amount of \$11.56 for commission on vending machine sales to the credit of the General Fund.

#5453 from the State of Montana Department of Revenue in the amount of \$40.00 for distribution of corporate tax for Security Bank of Three Forks to the credit of various funds.

#5456 from the State of Montana Department of Revenue in the amount of \$350.69 for distribution of wine tax to the credit of the General Fund.

The Commissioners worked on budgets with Ken Mosby.

Joy I. Nash attended a DUI meeting regarding the grant with the following in attendance: Al Goke, Dept. of Justice; Sgt. Bob Furu, Bozeman Police Dept.; Larry Bowman, Bozeman Police Dept.; Scott Wyckman, Montana Highway Patrol; Katy Hayes, a member of the DUI Task Force; and Justice of the Peace Butch Goan.

July 9, 1984

Received the following applications for cancellation of taxes:

#526	J. E. and Johanna Beckman	\$44.22	Tract does not exist
#527	J. E. and Johanna Beckman	\$43.23	Tract does not exist
#528	RQG 16954 Rec. 9890	\$80.00	Should not have been a garbage charge, combined with another parcel

July 10, 1984

Received report of prisoner board billing in the amount of \$5,852.00 for board of prisoners.

Received A101 #5469 from First National Bank Bozeman in the amount of \$135,118.00 for Revenue Sharing to the credit of Revenue Sharing.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding an exemption claimed on a certificate of survey by Tony Tuss. Mr. Tuss has claimed an occasional sale exemption for a 1.001 acre tract. This parcel was originally created by dependent survey no. 19. These dependent surveys were done before the certificates of survey, and this particular one showed several ten acre parcels. The original tract has since been divided by two court orders through boundary realignment and through occasional sale. Since, 1979, there have been five tracts divided from the original one.

It should be noted that Mr. Tuss did not take the exemptions to create these five other parcels. The parcel he owns was created through the use of the occasional sale exemption. The Subdivision Regulations that the Commissioners adopted in August of 1983 state that a proposed division of land shall be declared an evasion if the original parcel was created under the occasional sale exemption, which this parcel was. However, Mr. Tuss has submitted numerous documents to show that the transaction to create this parcel occurred before these regulations were adopted last August. The documentation includes an agreement between himself and the buyer, these are all unrecorded. A copy of the moving permit that the buyer obtained from the State Highway Dept. to move his mobile home onto this property and cancelled checks to show that payments have been made on the land for the past year were also submitted.

Ms. Peck states that if the Commission feels that the documentation that Mr. Tuss has submitted supports this claim, they should then grant the exemption.

Mike Foley, representative for Mr. Tuss, stated that Mr. Tuss came to him early last summer and it was done under the old subdivision regulations.

Wilbur Visser stated that he had not had a chance to study the plat or the documents submitted by Mr. Tuss. Mr. Visser made a motion to defer the decision regarding this claimed exemption for one week, seconded by Jane Jelinski, none voting nay. The motion carried.

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Steve Lere, Bozeman City-County Planning Director, spoke regarding a request for preliminary plat approval by Dan Henderson for H-S Properties for a three lot minor subdivision. The location of this minor subdivision is at the intersection of Nash and Sourdough Roads. The applicant is requesting to split a twenty-acre tract into three parcels approximately six to seven acres in size. This area was recently requested for subdivision and was going to be called Shenandoah Subdivision on a 176 acre parcel divided into 113 lots. This application was turned down by the Planning Staff because the request was not in compliance with the Bozeman Area Master Plan. The applicant was informed of this and that he would have to go through a Master Plan Amendment to get approval and the project was dropped by the applicant at that time.

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The proposed minor subdivision is not in compliance with the Bozeman Area Master Plan. The Master Plan shows this area as developing as agricultural/suburban, allowing one unit per 20 acres. The Master Plan also refers to sporadic rural development in the county and the increased demand on facilities, school systems, roads in that area and it does suggest that if development does take place in the county that this development should take place in the rural development nodes that are designated on the Bozeman Area Master Plan Land Use Map.

Section 16.08.030 of the Bozeman City-County Subdivision Regulations state that subdivisions of five or fewer lots may be given summary review if they meet a specific set of seven criteria. This proposed minor subdivision does not meet the seventh criteria which requires that the subdivision would be in compliance with the Master Plan. This minor subdivision is not in compliance with the Plan.

The Staff Report does list the eight public interest criteria and it was reviewed. The Planning Staff would suggest that this minor subdivision be denied due to the fact that it was not in compliance with the Bozeman Area Master Plan or the summary review requirements of the Bozeman Area Subdivision Regulations.

Wilbur Visser stated that the road accesses are not sufficiently noted on the plat. He read the following letter into the record:

"The proposed minor subdivision in the southeast  $\frac{1}{4}$  of section 6, township 3 south, range 6 east, does not conform to our present road policies.

All the lots front onto the county road and we presume that each lot would want access. This would require accesses to be spaced closer together than the 400 foot minimum that is now our present policy. This problem would be eliminated if one access and a frontage road to serve the three lots were provided

The location of this subdivision would add additional traffic to Sourdough Road which violate the moratorium of development along Sourdough Road.

If approval is given, then a single access and a frontage road to serve these three lots is suggested.

Sincerely,

/s/ Norm W. Stone  
Gallatin County Road Office"

Jane Jelinski made a motion to deny approval of this preliminary plat application for H-S Properties for a minor subdivision, seconded by Wilbur Visser, none voting nay. The motion carried.

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Sam Gianfrancisco, Gallatin County Road Superintendent, stated that earlier this Spring, the Road Department had asked that load limits be placed on Little Holland, Visser, Hidden Valley and Valley Center Roads. Since that time, the roads have dried up and are in serviceable condition. Mr. Gianfrancisco recommends that the load limit on Visser Road be raised from 300 to 400 pounds and set the others according to State Highway standards. The reason the load limit needs to be raised on Visser Road is that the Road Department has discovered a bridge that needs to have some work done on it. The bridges on the other roads are adequate.

Joy I. Nash asked whether the Road Department had any way of enforcing the load limits for these roads. Mr. Gianfrancisco stated that the county does not, they have contacted the State Highway Department who will patrol it on a sporadic basis.

Wilbur Visser stated that his preference would be to bring the load limit up to 350 pounds rather than 400 due to the increase in the liability of the county should there be a problem with the bridge not holding up.

Mr. Gianfrancisco states that the Road Department would be agreeable to the 350 pounds.

Wilbur Visser made a motion to lift the load limits on Little Holland, Hidden Valley and Valley Center Roads and raise the load limit to 350 pounds on Visser Road, seconded by Jane Jelinski, none voting nay. The motion carried.

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Pat Gibson and Louise Steingruber requested funds for the Willow Creek Firehall Park.

Mrs. Gibson states that the Willow Creek Firemen built a new addition to their Firehall and they gave the landscaping job to the 4H Club to do. Last year they prepared the area, planting grass, and hoses and sprinklers were purchased and trees were planted. Schedules for mowing and sprinkling have been set up. The firemen have purchased the lawn mower. Mrs. Gibson states that they plan to plant shrubs and put up a fence, gazebo and picnic tables. Mrs. Gibson requests funds for the expenses of the gazebo.

Wilbur Visser asked who the owner of the property is. Mrs. Gibson states that it belongs to the fire district.

Jane Jelinski states that before the Commission can legally contribute money towards the park, it must be dedicated by the land owner to the public for use as a park. When that has been accomplished, the county would be able to contribute money towards the park.

Bob Throssell, Deputy County Attorney, states that the county can only expend park fund monies on land that is dedicated as public parks. The owner of the property must make the dedication so that it will be a park forever. The Board of Trustees of the Fire District would be the ones who would make that dedication.

Mrs. Gibson and Mrs. Steingruber will appear before the Commission with their request when they have obtained the dedication of the land from the Board of Trustees.

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TUESDAY

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Helen Anderson spoke regarding last week's request of the Commission for funds for Nordtvedt Park. Mrs. Anderson stated that Mr. Visser and Mrs. Jelinski had had an opportunity to visit the park site and hoped that the proposed improvements were clear to them now.

Joy I. Nash stated that the request is for \$8,000 for a well, Montana Power electrical hook-up, and shrubs.

Wilbur Visser made a motion to grant the request for Nordtvedt Park for cash-in-lieu of parks monies up to \$8,000 with the stipulation that the Homeowners Association has a clause that addresses the maintenance and the power bills of this project being paid for by the Homeowners Association, seconded by Jane Jelinski, none voting nay. The motion carried.

- - -

Pat O'Brien spoke regarding a request for endorsement of an application for the Bozeman Deaconess Hospital Certificate of Need for Home Health Care. Ms. O'Brien is coordinator of out-reach services at the hospital.

Ms. O'Brien states that Medicare defines home health care as a provision of skilled, part-time, intermittent nursing care and one other service such as physical therapy. Ms. O'Brien states that the hospital feels that home health care can be utilized by people of all ages with acute and chronic illnesses, or by people recovering from surgery or those who are developmentally disabled. Ms. O'Brien states that by the hospital establishing a home health program, it would enable it to continue providing patients with a comprehensive health care plan.

Ms. O'Brien states that the hospital will be providing services for patients who are not only private-pay, those who are covered by insurance, those covered by Medicare, a limited amount of Medicaid patients and also those who are unable to pay. It is not the hospital's practice to not care for indigent patients.

Ms. O'Brien states that based on the following, the hospital feels this program would be beneficial:

1. Patients are now having much shorter lengths of stay in the hospital.
2. They are choosing to stay at home rather than be admitted to the hospital and have procedures done for them at home that have traditionally been done in a hospital setting.
3. A data collection study was done during the month of May to determine if there was a need in the hospital for more home health care programs. Based on these results, it was concluded that another home health care program was needed.

Ms. O'Brien states that the hospital plans to use its existing staff for this program. Many of them have expertise in the area of home health care.

Ms. O'Brien states that in Montana, by law, all agencies delivering skilled nursing service and one other therapeutic service are required to have a license. It is therefore necessary for the hospital to submit a certificate of need application. Part of the application process is soliciting letters of support from the community and agency people. That is why Ms. O'Brien is requesting the county's permission to write a letter of support that can be sent in with the certificate of need application.

Jane Jelinski asked how many additional patients this program would be able to serve. Ms. O'Brien stated that when the data collection study was done, no eligibility requirements were used; however, for the month of May there was a total of approximately 400 admissions. Out of those 400, it was felt that 133 would have benefitted from a home health program.

Joy I. Nash asked how the program would be funded. Ms. O'Brien states that it would be funded from the hospital general budget.

Jane Jelinski asked if the hospital was using the diagnostic related groups, which is a new payment schedule for Medicare. Ms. O'Brien states that the hospital started on the program May 1st.

Lyn Post, President of Diversified Employment Services, Inc., spoke in opposition to the endorsement of the hospital's application for a certificate of need. Ms. Post states that this would affect the portion of her business which is the medical staffing center which has been established for a year and a half.

Ms. Post states that her company objects to the endorsement of the hospital's application for a certificate of need. Ms. Post states that she came before the Commission requesting an endorsement for her company's own certificate of need. Ms. Post states that the response she received from the Commission is as follows: "It is our policy not to endorse agencies when we do not have the resources to thoroughly evaluate the quality of their services." Ms. Post states that if this holds true for her company, it must also hold true for the hospital.

Ms. Post states that her home health care program employs 31 people, the hospital has stated that it would use the staff it presently has. Ms. Post submitted fourteen letters of recommendation commenting on the quality of the service Ms. Post's company provides.

Ms. Post states that the hospital's proposed program duplicates not only the services of her company but the County Health Department and possibly the Gallatin Hospice as well.

Ms. Post states that her company provides care to the medically indigent. They have set aside a portion of their net profits to be used for the medically indigent.

Ms. Post states that should the Commission choose to endorse the application by the hospital, then she would request that Diversified also be given a letter of equal endorsement.

Jane Jelinski asked how many people were served by Diversified. Ms. Post states that it varies a lot, somewhere between 10 and 20 per month. Ms. Post states that her company does not duplicate the services of the County Health Department as far as live-in care and round-

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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the-clock care. She states that the average visit is 7 3/4 hours with the average cost per visit being \$42.89.

Dr. Edward King, Gallatin County Health Officer, spoke in opposition to the hospital's request for a certificate of need. Dr. King stated that the Health Department is able to provide reasonable expansion in the existing program. They have budgeted roughly \$50,000 for services during the next fiscal year.

Dr. King states that there is no urgent need for the Commission to respond to the hospital's request at this time. After their application is submitted, there will be a month or so before the hearing date is set. Dr. King urges that the Commission defer any decision until the County Board of Health can meet and discuss the issues.

Dr. King states that one of the reasons he is opposed to the hospital expanding their program is that the hospital has consistently escalated costs in what he believes is an unreasonable fashion. Dr. King submitted documentation to support this with regard to x-ray fees as an example.

Jane Jelinski made a motion to defer decision on the endorsement of a home health care program until after the Board of Health has had a chance to meet which will be within 30 days, seconded by Wilbur Visser, none voting nay. The motion carried.

There being no further business, the meeting adjourned at 2:25 P.M.

ATTEST:

Clerk

*Gary H. Dingle*

APPROVED:

Chairman

*Joy I. Nash*

PUBLIC MEETING TUESDAY, THE 17th DAY OF JULY, 1984 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to accept the minutes of June 19, June 26, and July 3, 1984 meetings, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

July 11, 1984

Joy I. Nash, Wilbur Visser and Emery Nelson, Sanitarian attended the West Yellowstone/Hebgen Basin Refuse District No. 2 meeting in West Yellowstone. Bob Anderson of the Greater Yellowstone Ecosystem discussed the possibility of a grant for bear-proof garbage cans with the Board.

July 12, 1984

Joy I. Nash on vacation July 12 and 13, 1984.

Routine business this date.

July 13, 1984

Commissioners Visser and Jelinski met as a Welfare Board this date.

July 16, 1984

Received the following A101's:

#5479 from West Yellowstone/Hebgen Basin Refuse District No. 2 in the amount of \$389.00 for garbage collection to the credit of West Yellowstone/Hebgen Basin Refuse District No. 2.

#5494 from the Montana Department of Revenue in the amount of \$59.40 for incentive payments for child support from other states to the credit of the General Fund.

Robert Sybrant, Director of the Gallatin County Welfare Department, will be out of state beginning July 13, 1984 and returning July 23, 1984.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages," and (2) "Maintenance and Support," may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed;

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That the sum of \$4.09 as appropriated under general class (2) Maintenance and Support for account 1000-201-410100-340 be transferred to account 1000-201-410100-345 under general class (2) Maintenance and Support.

That the sum of \$6.40 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410600-210 under general class (2) Maintenance and Support.

That the sum of \$92.92 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410600-210 under general class (2) Maintenance and Support.

That the sum of \$107.08 as appropriated under general Class (2) Maintenance and Support for account 1000-202-410600-360 be transferred to account 1000-202-410600-312 under general class (2) Maintenance and Support.

That the sum of \$46.03 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-210 be transferred to account 1000-202-410600-312 under general class (2) Maintenance and Support.

That the sum of \$33.94 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-340 be transferred to account 1000-202-410600-312 under general class (2) Maintenance and Support.

That the sum of \$58.44 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-340 be transferred to account 1000-202-410600-345 under general class (2) Maintenance and Support.

That the sum of \$15.07 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-340 be transferred to account 1000-202-410600-345 under general (2) Maintenance and Support.

That the sum of \$285.67 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-340 be transferred to account 1000-202-410900-312 under general class (2) Maintenance and Support.

That the sum of \$129.45 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-340 be transferred to account 1000-202-410900-345 under general class (2) Maintenance and Support.

That the sum of \$567.76 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-340 be transferred to account 1000-203-410540-312 under general class (2) Maintenance and Support.

That the sum of \$304.18 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-397 be transferred to account 1000-203-410540-312 under general class (2) Maintenance and Support.

That the sum of \$201.58 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-331 be transferred to account 1000-203-410540-312 under general class (2) Maintenance and Support.

That the sum of \$58.86 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-320 be transferred to account 1000-203-410540-312 under general class (2) Maintenance and Support.

That the sum of \$9.74 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-320 be transferred to account 1000-203-410540-363 under general class (2) Maintenance and Support.

That the sum of \$82.06 as appropriated under general class (2) Maintenance and Support for account 1000-204-410531-363 be transferred to account 1000-204-410531-210 under general class (2) Maintenance and Support.

That the sum of \$52.99 as appropriated under general class (2) Maintenance and Support for account 1000-204-410531-363 be transferred to account 1000-204-410531-345 under general class (2) Maintenance and Support.

That the sum of \$1,652.01 as appropriated under general class (2) Maintenance and Support for account 1000-207-411400-210 be transferred to account 1000-205-410580-210 under general class (2) Maintenance and Support.

That the sum of \$2.48 as appropriated under general class (2) Maintenance and Support for account 1000-207-411400-210 be transferred to account 1000-205-410580-320 under general class (2) Maintenance and Support.

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That the sum of \$32.97 as appropriated under general class (2) Maintenance and Support for account 1000-207-411400-210 be transferred to account 1000-205-410580-345 under general class (2) Maintenance and Support.

That the sum of \$89.78 as appropriated under general class (2) Maintenance and Support for account 1000-207-411400-210 be transferred to account 1000-207-411400-345 under general class (2) Maintenance and Support.

That the sum of \$12.54 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-363 be transferred to account 1000-209-420100-220 under general class (2) Maintenance and Support.

That the sum of \$3.40 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-366 be transferred to account 1000-209-420100-220 under general class (2) Maintenance and Support.

That the sum of \$102.08 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-210 be transferred to account 1000-209-420100-220 under general class (2) Maintenance and Support.

That the sum of \$73.68 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-210 be transferred to account 1000-209-420100-222 under general class (2) Maintenance and Support.

That the sum of \$43.98 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-210 be transferred to account 1000-209-420100-312 under general class (2) Maintenance and Support.

That the sum of \$40.28 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-312 under general class (2) Maintenance and Support.

That the sum of \$372.93 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-340 under general class (2) Maintenance and Support.

That the sum of \$1,155.11 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-345 under general class (2) Maintenance and Support.

That the sum of \$17.38 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-381 under general class (2) Maintenance and Support.

That the sum of \$25.18 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420230-220 under general class (2) Maintenance and Support.

That the sum of \$191.20 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-361 be transferred to account 1000-209-420230-220 under general class (2) Maintenance and Support.

That the sum of \$37.06 as appropriated under general class (2) Maintenance and support for account 1000-209-420100-361 be transferred to account 1000-209-420230-222 under general class (2) Maintenance and Support.

That the sum of \$499.19 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-361 be transferred to account 1000-209-420230-340 under general class (2) Maintenance and Support.

That the sum of \$1,479.10 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420230-340 under general class (2) Maintenance and Support.

That the sum of \$457.93 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420230-351 under general class (2) Maintenance and Support.

That the sum of \$147.50 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-732 be transferred to account 1000-209-420230-351 under general class (2) Maintenance and Support.

That the sum of \$592.15 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-732 be transferred to account 1000-209-420230-392 under general class (2) Maintenance and Support.

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That the sum of \$2,317.12 as appropriated under general class (2) Maintenance and Support for account 1000-207-411400-210 be transferred to account 1000-209-420230 392 under general class (2) Maintenance and Support.

That the sum of \$113.16 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-345 be transferred to account 1000-210-411100-340 under general class (2) Maintenance and Support.

That the sum of \$65.46 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-352 be transferred to account 1000-211-410340-340 under general class (2) Maintenance and Support.

That the sum of \$3.44 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-370 be transferred to account 1000-212-420820-200 under general class (2) Maintenance and Support.

That the sum of \$5.35 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-370 be transferred to account 1000-212-420810-310 under general class (2) Maintenance and Support.

That the sum of \$25.20 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-370 be transferred to account 1000-212-420810-340 under general class (2) Maintenance and Support.

That the sum of \$119.80 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-370 be transferred to account 1000-212-420810-35- under general class (2) Maintenance and Support.

That the sum of \$61.60 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-345 be transferred to account 1000-212-420810-350 under general class (2) Maintenance and Support.

That the sum of \$34.59 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-345 be transferred to account 1000-212-420810-366 under general class (2) Maintenance and Support.

That the sum of \$15.01 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-312 be transferred to account 1000-212-420810-366 under general class (2) Maintenance and Support.

That the sum of \$2.75 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-340 be transferred to account 1000-213-410340-210 under general class (2) Maintenance and Support.

That the sum of \$6.54 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-340 be transferred to account 1000-213-410340-312 under general class (2) Maintenance and Support.

That the sum of \$166.56 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-340 be transferred to account 1000-213-410340-397 under general class (2) Maintenance and Support.

That the sum of \$41.82 as appropriated under general class (2) Maintenance and Support for account 1000-232-411600-370 be transferred to account 1000-232-411600-312 under general class (2) Maintenance and Support.

That the sum of \$31.01 as appropriated under general class (2) Maintenance and Support for account 1000-232-411600-370 be transferred to account 1000-232-411600-345 under general class (2) Maintenance and Support.

That the sum of \$48.98 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-361 be transferred to account 1000-254-420600-340 under general class (2) Maintenance and Support.

That the sum of \$88.46 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-361 be transferred to account 1000-254-420600-345 under general class (2) Maintenance and Support.

That the sum of \$88.06 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-210 be transferred to account 1000-295-470260-312 under general class (2) Maintenance and Support.

That the sum of \$56.65 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-210 be transferred to account 1000-295-470260-320 under general class (2) Maintenance and Support.



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That the sum of \$4.67 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-210 be transferred to account 1000-295-470260-345 under general class (2) Maintenance and Support.

That the sum of \$87.18 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-340 be transferred to account 1000-295-470260-345 under general class (2) Maintenance and Support.

That the sum of \$634.82 as appropriated under general class (1) Maintenance and Support for account 2110-307-430230-110 be transferred to account 2110-307-430210-110 under general class (1) Maintenance and Support.

That the sum of \$14.90 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430210-210 under general class (2) Maintenance and Support.

That the sum of \$6.83 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430210-312 under general class (2) Maintenance and Support.

That the sum of \$195.00 as appropriated under general class (2) Maintenance and Support for account 2170-000-430300-360 be transferred to account 2170-000-430300-397 under general class (2) Maintenance and Support.

That the sum of \$147.59 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-320 be transferred to account 2180-208-410331-340 under general class (2) Maintenance and Support.

That the sum of \$344.89 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-320 be transferred to account 2180-208-410333-340 under general class (2) Maintenance and Support.

That the sum of \$103.60 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-320 be transferred to account 2180-208-410333-366 under general class (2) Maintenance and Support.

That the sum of \$252.14 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-310 be transferred to account 2190-216-440110-312 under general class (2) Maintenance and Support.

That the sum of \$28.83 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-210 be transferred to account 2190-216-440110-320 under general class (2) Maintenance and Support.

That the sum of \$15.17 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-366 be transferred to account 2190-216-440110-320 under general class (2) Maintenance and Support.

That the sum of \$323.69 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-210 be transferred to account 2190-216-440110-320 under general class (2) Maintenance and Support.

That the sum of 452.16 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-370 be transferred to account 2190-216-440110-320 under general class (2) Maintenance and Support.

That the sum of \$107.00 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-370 be transferred to account 2190-216-440110-363 under general class (2) Maintenance and Support.

That the sum of \$180.02 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-370 be transferred to account 2190-216-440110-397 under general class (2) Maintenance and Support.

That the sum of \$588.05 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-340 be transferred to account 2190-216-440110-397 under general class (2) Maintenance and Support.

That the sum of \$4.24 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-380 be transferred to account 2190-216-440110-397 under general class (2) Maintenance and Support.

That the sum of \$154.41 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-345 be transferred to account 2190-216-440110-397 under general class (2) Maintenance and Support.

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That the sum of \$52.81 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-345 be transferred to account 2190-216-440110-510 under general class (2) Maintenance and Support.

That the sum of \$19.19 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-399 be transferred to account 2190-216-440110-510 under general class (2) Maintenance and Support.

That the sum of \$600.58 as appropriated under general class (1) Maintenance and Support for account 2190-216-440110-110 be transferred to account 2190-217-440160-110 under general class (1) Maintenance and Support.

That the sum of \$.05 as appropriated under general class (2) Maintenance and Support for account 2230-000-420730-391 be transferred to account 2230-000-420730-822 under general class (2) Maintenance and Support.

That the sum of \$1.38 as appropriated under general class (2) Maintenance and Support for account 2270-000-440113-370 be transferred to account 2270-000-440113-320 under general class (2) Maintenance and Support.

That the sum of \$304.63 as appropriated under general class (1) Maintenance and Support for account 2270-000-440113-110 be transferred to account 2270-000-440180-110 under general class (1) Maintenance and Support.

That the sum of \$117.65 as appropriated under general class (2) Maintenance and Support for account 2270-000-440510-210 be transferred to account 2270-000-440510-397 under general class (2) Maintenance and Support.

That the sum of \$11.19 as appropriated under general class (2) Maintenance and Support for account 2270-810-440170-380 be transferred to account 2270-810-440170-210 under general class (2) Maintenance and Support.

That the sum of \$26.70 as appropriated under general class (2) Maintenance and Support for account 2270-810-440170-380 be transferred to account 2270-810-440170-312 under general class (2) Maintenance and Support.

That the sum of \$36.45 as appropriated under general class (2) Maintenance and Support for account 2270-810-440170-380 be transferred to account 2270-810-440170-345 under general class (2) Maintenance and Support.

That the sum of \$60.24 as appropriated under general class (2) Maintenance and Support for account 2270-850-440140-397 be transferred to account 2270-850-440140-370 under general class (2) Maintenance and Support.

That the sum of \$78.10 as appropriated under general class (1) Maintenance and Support for account 2290-245-450400-112 be transferred to account 2290-245-450400-110 under general class (1) Maintenance and Support.

That the sum of \$220.05 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-345 be transferred to account 2290-245-450400-320 under general class (2) Maintenance and Support.

That the sum of \$54.02 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-361 be transferred to account 2430-209-430800-340 under general class (2) Maintenance and Support.

That the sum of \$36.00 as appropriated under general class (2) Maintenance and Support for account 2440-000-411000-370 be transferred to account 2440-000-411000-359 under general class (2) Maintenance and Support.

That the sum of \$.10 as appropriated under general class (1) Maintenance and Support for account 2710-201-410100-110 be transferred to account 2710-000-460210-110 under general class (1) Maintenance and Support.

That the sum of \$888.66 as appropriated under general class (1) Maintenance and Support for account 2710-201-410100-110 be transferred to account 2710-201-410100-111 under general class (1) Maintenance and Support.

That the sum of \$73.90 as appropriated under general class (1) Maintenance and Support for account 2710-201-410100-110 be transferred to account 2710-900-411240-110 under general class (1) Maintenance and Support.

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That the sum of \$419.64 as appropriated under general class (2) Maintenance and Support for account 2759-000-480200-350 be transferred to account 2759-000-480200-370 under general class (2) Maintenance and Support.

That the sum of \$34.07 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-382 be transferred to account 5020-000-440310-345 under general class (2) Maintenance and Support.

That the sum of \$96.03 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-397 be transferred to account 5020-000-440310-345 under general class (2) Maintenance and Support.

That the sum of \$234.07 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-224 be transferred to account 5020-000-440310-345 under general class (2) Maintenance and Support.

That the sum of \$32.32 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-224 be transferred to account 5020-000-440320-360 under general class (2) Maintenance and Support.

That the sum of \$130.64 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-220 be transferred to account 5020-000-440320-360 under general class (2) Maintenance and Support.

That the sum of \$125.80 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-220 be transferred to account 5020-000-440330-220 under general class (2) Maintenance and Support.

That the sum of \$32.03 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-220 be transferred to account 5020-000-440330-381 under general class (2) Maintenance and Support.

That the sum of \$13.78 as appropriated under general class (2) Maintenance and Support for account 8211-000-440700-397 be transferred to account 8211-000-440700-210 under general class (2) Maintenance and Support.

That the sum of \$142.57 as appropriated under general class (2) Maintenance and Support for account 8211-000-440700-397 be transferred to account 8211-000-440700-360 under general class (2) Maintenance and Support.

That the sum of \$42.55 as appropriated under general class (2) Maintenance and Support for account 8041-000-430800-2-- be transferred to account 8041-000-430800-320 under general class (2) Maintenance and Support.

That the sum of 10.50 as appropriated under general class (2) Maintenance and Support for account 8041-000-430800-312 be transferred to account 8041-000-430800-320 under general class (2) Maintenance and Support.

That the sum of \$30.60 as appropriated under general class (2) Maintenance and Support for account 8041-000-430800-312 be transferred to account 8041-000-430800-397 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 8041-000-430800-323 be transferred to account 8041-000-430800-397 under general class (2) Maintenance and Support.

That the sum of \$102.69 as appropriated under general class (2) Maintenance and Support for account 8041-000-430800-345 be transferred to account 8041-000-430800-397 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 8041-000-430800-350 be transferred to account 8041-000-430800-397 under general class (2) Maintenance and Support.

That the sum of \$76.39 as appropriated under general class (2) Maintenance and Support for account 8041-000-430800-370 be transferred to account 8041-000-430800-397 under general class (2) Maintenance and Support.

That the sum of \$24,123.81 as appropriated under general class (2) Maintenance and Support for account 8209-000-510100-360 be transferred to account 8209-000-510100-340 under general class (2) Maintenance and Support.

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That the sum of \$602.61 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-470 be transferred to account 2110-307-430230-340 under general class (2) Maintenance and Support.

That the sum of \$132.62 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-470 be transferred to account 2110-307-430230-345 under general class (2) Maintenance and Support.

That the sum fo \$10,107.84 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-470 be transferred to account 2110-307-430230-364 under general class (2) Maintenance and Support.

That the sum of \$33.29 as appropriated under general class (1) Maintenance and Support for account 2180-208-410333-110 be transferred to account 2180-208-410331-110 under general class (1) Maintenance and Support.

That the sum of \$24.58 as appropriated under general class (2) Maintenance and Support for account 2270-830-440170-320 be transferred to account 2270-830-440170-210 under general class (2) Maintenance and Support.

That the sum of \$10.39 as appropriated under general class (2) Maintenance and Support for account 2270-840-440150-210 be transferred to account 2270-840-440150-320 under general class (2) Maintenance and Support.

That the sum of \$104.44 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-207-411400-140 under general class (1) Salaries and Wages.

That the sum of \$723.04 as appropriated under general class (1) Salaries and Wages for account 1000-209-420230-110 be transferred to account 1000-209-420230-140 under general class (1) Salaries and Wages.

That the sum of \$.05 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-210 be transferred to account 1000-209-420230-392 under general class (2) Maintenance and Support.

That the sum of \$.16 as appropriated under general class (1) Salaries and Wages for account 1000-212-420810-140 be transferred to account 1000-212-420810-110 under general class (1) Salaries and Wages.

That the sum of \$1,524.34 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-232-411600-140 under general class (1) Salaries and Wages.

That the sum of \$57.76 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-144 be transferred to account 5020-000-440330-143 under general class (1) Salaries and Wages.

That the sum of \$617.40 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-144 be transferred to account 5020-000-440330-146 under general class (1) Salaries and Wages.

That the sum of \$1.42 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-141 be transferred to account 5020-000-440350-140 under general class (1) Salaries and Wages.

That the sum of \$324.34 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-254-420600-140 under general class (1) Salaries and Wages.

That the sum of \$150.24 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-254-420600-110 under general class (1) Salaries and Wages.

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
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That the sum of \$85.78 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-202-410550-110 under general class (1) Salaries and Wages.

That the sum of \$67.66 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-202-410550-140 under general class (1) Salaries and Wages.

That the sum of \$1,204.73 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-202-410600-110 under general class (1) Salaries and Wages.

That the sum of \$79.69 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-202-410600-140 under general class (1) Salaries and Wages.

That the sum of \$15.07 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-397 be transferred to account 1000-202-410600-370 under general class (2) Maintenance and Support.

That the sum of \$26.83 as appropriated under general class (1) Salaries and Wages for account 2270-000-440113-140 be transferred to account 2270-000-440180-140 under general class (1) Salaries and Wages.

That the sum of \$216.76 as appropriated under general class (1) Salaries and Wages for account 2430-209-430800-110 be transferred to account 2430-209-430800-140 under general class (1) Salaries and Wages.

That the sum of \$17.22 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-231 be transferred to account 2430-209-430800-312 under general class (2) Maintenance and Support.

That the sum of \$137.56 as appropriated under general class (1) Salaries and Wages for account 2710-201-410100-110 be transferred to account 2710-201-410100-111 under general class (1) Salaries and Wages.

That the sum of \$3.70 as appropriated under general class (1) Salaries and Wages for account 5020-000-440310-142 be transferred to account 5020-000-440310-141 under general class (1) Salaries and Wages.

That the sum of \$1,078.32 as appropriated under general class (2) Maintenance and Support for account 2120-222-450110-370 be transferred to account 2120-222-450110-215 under general class (2) Maintenance and Support.

That the sum of \$682.16 as appropriated under general class (2) Maintenance and Support for account 2120-222-450110-345 be transferred to account 2120-222-450110-215 under general class (2) Maintenance and Support.

That the sum of \$13.99 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-231 be transferred to account 2140-000-431100-312 under general class (2) Maintenance and Support.

That the sum of \$65.31 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-231 be transferred to account 2140-000-431100-345 under general class (2) Maintenance and Support.

That the sum of \$792.79 as appropriated under general class (1) Salaries and Wages for account 2180-208-420300-110 be transferred to account 2180-208-410335-140 under general class (1) Salaries and Wages.

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That the sum of \$35.58 as appropriated under general class (1) Salaries and Wages for account 1050-209-420100-140 be transferred to account 1050-205-410580-140 under general class (1) Salaries and Wages.

That the sum of \$620.18 as appropriated under general class (1) Salaries and Wages for account 1050-209-420100-140 be transferred to account 1050-207-411400-140 under general class (1) Salaries and Wages.

That the sum of \$4.09 as appropriated under general class (1) Salaries and Wages for account 1050-209-420100-140 be transferred to account 1050-212-420810-140 under general class (1) Salaries and Wages.

That the sum of \$313.05 as appropriated under general class (1) Salaries and Wages for account 1050-209-420100-140 be transferred to account 1050-217-440160-140 under general class (1) Salaries and Wages.

That the sum of \$242.81 as appropriated under general class (1) Salaries and Wages for account 2110-307-430230-140 be transferred to account 2110-307-430210-140 under general class (1) Salaries and Wages.

That the sum of \$149.96 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-295-470260-110 under general class (1) Salaries and Wages.

That the sum of \$348.13 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-295-470260-140 under general class (1) Salaries and Wages.

That the sum of \$.79 as appropriated under general class (1) Salaries and Wages for account 1050-209-420100-140 be transferred to account 1050-200-411800-140 under general class (1) Salaries and Wages.

That the sum of \$9.32 as appropriated under general class (1) Salaries and Wages for account 1050-209-420100-140 be transferred to account 1050-202-410550-140 under general class (1) Salaries and Wages.

That the sum of \$27.10 as appropriated under general class (1) Salaries and Wages for account 1050-209-420100-140 be transferred to account 1050-202-410600-140 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 16th DAY OF JULY, 1984

BOARD OF COUNTY COMMISSIONERS  
 GALLATIN COUNTY, MONTANA

/s/ Joy I. Nash  
 /s/ Wilbur Visser  
 /s/ Jane Jelinski

July 17, 1984

All available Gallatin County Sheriff's personnel along with Madison County personnel, were dispatched to the Big Sky area in the manhunt for two men presumed to be from Alaska who allegedly shot and killed Alan Goldstein, an employee of Lone Mountain Guest Ranch and wounded Kari Swenson, an MSU student. She is reported in stable condition at Deaconess Hospital. At this time, they have not found the fugitives which are believed to be hiding in the rugged Madison Range.

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Fred A. and Pam S. Boettcher have claimed the exemption to realign a common boundary. Mr. and Mrs. Boettcher are enlarging a small parcel and transferring it. A warranty deed for the enlarged parcel has been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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FORM 12167-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
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Michael A. Wikstrom has claimed the occasional sale exemption. Mr. Wikstrom has not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Leslie W. Baguhn has also claimed the occasional sale exemption to transfer a five acre tract to Gerald Jacobson. Mr. Baguhn has previously used the occasional sale exemption. However, Mr. Jacobson presented documentation at the Commission's May 22, 1984 meeting to show that he and Mr. Baguhn had entered into their contract prior to the enactment of the exemption requirements. If the Commission feels that the information presented by Mr. Jacobson supports his claim, the exemption should be approved.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Mary Kay Peck reminded the Commission that they needed to take action on Tony Tuss' claimed exemption presented at last week's public meeting.

Jane Jelinski stated that the documentation presented to the Commission clearly showed that Mr. Tuss entered into the sale of this property prior to the adoption of the present subdivision regulations. Mrs. Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Bob Throssell, Deputy County Attorney, spoke regarding a public hearing to create an RID for Middle Creek Meadows Road Maintenance and Lighting. Mr. Throssell stated that the matter was to come before the Commission for hearing today; however, there is still time remaining for persons wishing to submit written protest. The public has until Friday, July 20, 1984 to submit written protest to the Clerk and Recorder. Mr. Throssell suggests that the Commission consider this at their next public meeting.

Joy I. Nash asked for public comment regarding the proposed RID. No one was present to speak.

Joy I. Nash announced that the public had until Friday, July 20, 1984 to submit written protest and the Commission will consider this at their public meeting on July 24, 1984.

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Randy Thoreson, Belgrade City-County Planning Director, spoke regarding a request for preliminary plat approval for Yukon Subdivision.

Mr. Thoreson presented his staff report. The proposed subdivision is a plat of 22.9 acres to be divided into 22 lots, located two and one-half miles southeast of Belgrade adjoining Alaska Road. Two phases are proposed. Phase I consists of twelve lots and cash-in-lieu of park. Phase II consists of ten lots with a 1.0 acre park. Lot sizes vary from 1.0 acres to .5 acres. Those lots less than one acre in size have individual wells. All lots have individual septic tanks and drainfields. Protective covenants have been submitted with the subdivision proposal. No unusual lot configurations are seen.

Road design includes two interior roads, Ketchikan Circle and Kodiak Place. After review by the Subdivision Review Officer and County Road Department, it was decided that one of these roads should be extended to the north to provide future access to adjoining property owner. McMillan Lane which runs along the southern boundary will provide primary access to the subdivision. The road is currently under construction.

The environmental and community impact material submitted were reviewed. No environmental impacts were noted. Mr. Thoreson expressed a concern with regard to community impact in relation to subdivision activity being in close proximity to the Rolling Rock Ranch to the north. Both the Belgrade Schools and the Gallatin County Sheriff voiced concerns of new subdivision activity and its impact on local services.

The eight public interest criteria are as follows:

1. Basis of need: Difficult to ascertain. Yukon Subdivision is not attached to an existing subdivision except the minor subdivision to the south.
2. Public Opinion: To be received at public hearing. Legal notices have been published and sent to adjoining land owners.
3. Effects on Agriculture: It appears land has little agricultural value except for current use as pasture.
4. Effects on Local Services: Community Impact Statement cited letters received from the Belgrade Schools and Gallatin County Sheriff.
5. Effects on Taxation: The tax revenue from the subdivision would be greater than current agricultural use.
6. Effects on Natural Environment: No adverse effects noted because of lack of vegetation and natural water courses.
7. Effect on Public Health and Safety: Effects should be minimal if protective covenants are adhered to.
8. Effect on Wildlife: No adverse effects noted.

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Mr. Thoreson spoke regarding the shared wells for the lots which are less than an acre in size. He states that it was discussed at great length at the Planning Board meeting and between Mr. Thoreson and Emery Nelson, County Sanitarian. The question was brought up of whether or not it would be possible to have the shared well with two lots instead of having the well off-site and bringing the well in. The Planning Board has requested the developer to submit written verification that he did talk to the State Department of Health regarding this to insure that this arrangement was proper. Mr. Thoreson stated that he has received a copy of a letter written to the developer's engineer from the State Department of Health stating that it is acceptable to have lots less than an acre in size and have a well between them.

Mr. Thoreson stated that public testimony at the public hearing was limited. The only person making comments was Tom McIsaac, Belgrade Fire Chief, who discussed the impact the subdivision would have on the Fire Department. He also discussed the need for a well should further development occur. No testimony was received from adjoining property owners either for or against the subdivision.

The Planning Board recommended approval of this subdivision with the following conditions:

1. That McMillan Lane be constructed to county standards and filed with minor subdivision to the south prior to Yukon final plat.
2. That plans for roads, drainage, culverts, and placement of street signs be approved by the County Engineers Office prior to final plat approval.
3. That lot 3 of Phase I will have access on McMillan Lane and not Alaska Road.
4. That necessary utility and drainage easements be shown on final plat.
5. That a \$35.00 per lot fee be paid by the developer to the Belgrade Fire Department, prior to final approval.
6. Lots be kept in a weed-free manner.
7. That cash-in-lieu and dedicated park conform to park dedication requirements.
8. That either Kodiak Place or Ketchikan Circle be extended to north adjoining property to provide future access.
9. Final plat conform to uniform standards and be accompanied by necessary certificates including a certificate of approval from the Department of Health and Environmental Sciences.
10. Covenants be reviewed by County Attorney's Office prior to final plat.

Paul Kinshella, an eningeer with Sanderson, Stewart, Gaston, stated that with regard to lot 13 in Phase II, it is possible to either share a common well with the lot to the north of it, or it is possible to put as many as nine homes on one well provided you have sufficient water. The other alternative would be to bring a water line from a well serving those other half acre lots in Phase I over to Phase II and serve it off of that well.

Mr. Kinshella stated that the drainfield between lots 14 and 15 would have to be reconstructed to keep it from intruding onto the other lots.

Wilbur Visser asked if there was any possibility of development to the north. Randy Thoreson stated that the property was owned by Rolling Rock Ranches and he did not foresee any development as it is a successful ranching operation. Wilbur Visser questioned the need for a road easement to the north should the property be developed in the future.

Wilbur Visser asked whether McMillan Lane was being graded down so it is not so much an uphill approach. Mr. Kinshella stated that the right-of-way was realigned and the road grade was cut down.

Jane Jelinski stated that with regard to lot 3 of Phase I, it would have access on McMillan Lane and not Alaska Road. She requested that this be stated on the final plat.

Jane Jelinski stated that she wished to postpone the decision regarding preliminary approval because she had not had a chance to review the staff report or the documents presented with it.

Jane Jelinski stated that she would like to see the covenants state that the homeowner's association would be responsible for maintaining the drainage system.

Jane Jelinski made a motion to defer the decision regarding the preliminary plat approval for Yukon Subdivision until next week's public meeting, seconded by Wilbur Visser, none voting nay. The motion carried.

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Hank Wruck, Civil Defense Director, requested that the Commission enter into a memorandum of understanding for emergency assistance between Gallatin and Park Counties. This agreement has been signed by the Park County Commissioners and they have requested that it be signed by the Gallatin County Commissioners. This is an agreement to render supplemental assistance in the event of flood, fire, earthquake, tornado or other local emergency.

Wilbur Visser made a motion to enter into the memorandum of understanding for emergency assistance between Gallatin and Park Counties, seconded by Jane Jelinski, none voting nay. The motion carried.

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Norm Stone, Gallatin County Floodplain Administrator, read into the record the first reading of the Gallatin County Floodplain Ordinance.



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Jane Jelinski asked whether there was anything about the ordinance the Commission needed to be concerned about passing. Mr. Stone stated that there was not.

Wilbur Visser made a motion to adopt the Gallatin County Floodplain Ordinance at its first reading, seconded by Jane Jelinski, none voting nay. The motion carried.

Joy I. Nash announced that the second reading of the ordinance would be heard at the Commission's meeting on July 31, 1984.

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Jane Jelinski made a motion to approve the appointment of Linda Mather as the new manager of the VFW Club, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:45 P.M.

- - - -

ATTEST:

*Gary H. Single*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

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PUBLIC MEETING TUESDAY, the 24th DAY OF JULY, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioner Wilbur Visser, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. Jane Jelinski was absent as she was on vacation.

The following proceedings were had to wit:

Wilbur Visser made a motion to accept the rough draft of the minutes of July 10 and July 17, 1984, seconded by Joy I. Nash, none voting nay. The motion carried.

ANNOUNCEMENTS

July 18, 1984

Commissioners met with Archie Alexander, De Forrest Rall, Sam Gianfrancisco, Norm Stone, and Mary Kay Peck to discuss a road easement in the Sypes Canyon Subdivision.

The Bridger Canyon Zoning Commission held a hearing to take testimony for and against changes to the Bridger Canyon Zoning Ordinance. The meeting was continued to August 9, 1984 at 1:30 P.M.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages. and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$104.01 as appropriated under general class (1) Salaries and Wages for account 8041-000-430800-140 be transferred to account 8041-000-430800-110 under general class (1) Salaries and Wages.

That the sum of \$45.91 as appropriated under general class (2) Maintenance and Support for account 2170-000-430300-370 be transferred to account 2170-000-430300-360 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 18th DAY OF JULY, 1984

/s/ Joy I. Nash  
 /s/ Wilbur Visser  
 /s/ Jane Jelinski

BOARD OF COUNTY COMMISSIONERS  
 GALLATIN COUNTY, MONTANA

Received A101 #5516 from Linda Mather in the amount of \$75.00 for investigative fees for gambling license.

July 19, 1984

Wilbur Visser attended the Infrastructure meeting in Helena.  
 Jane Jelinski attended a meeting regarding the Law Enforcement Academy with the City and Chamber of Commerce  
 Wilbur Visser and Jane Jelinski attended the Refuse District No. 1 meeting in Manhattan.

July 20, 1984

TUESDAY THE 24th DAY OF JULY 19 84  
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Jane Jelinski to be on vacation from July 20, 1984 through July 31, 1984.

Joy I. Nash went to Helena to deliver the final draft and amendments to the DUI program grant. She met with Al Goke, Administrator of the Highway Safety Division of the Montana Dept. of Justice.

Received A101 #5474 from First Bank Bozeman and Montana Bank of Bozeman in the amount of \$36,044.12 for interest earned on repurchase and savings accounts to the credit of interest on repurchase and savings accounts.

Sent the following letter to Loy Carroll, County Treasurer, authorizing transfers of funds:

Loy Carroll  
 County Treasurer

You are hereby authorized to make the following transfers:

1. The sum of \$45.10 from fund 1000 to fund 2180 for copies.
2. The sums of \$14.90 from fund 2110, \$37.60 from fund 2120, \$29.00 from fund 2180, \$59.59 from fund 2190, \$1.79 from fund 2270, and \$5.40 from fund 2290 to fund 1000 for supplies.
3. The sum of \$13.97 from fund 2440 to fund 1000 for travel.
4. The sum of \$954.79 from fund 2761 to fund 1000 for supplies.
5. The sums of \$36.43 to fund 8213, \$52.61 to fund 8214, \$111.30 to fund 8215, \$107.25 to fund 8217, \$317.71 to fund 8218, \$121.42 to fund 8221, \$18.21 to fund 8224, \$121.42 to fund 8226, \$20.17 to fund 8227, \$6.07 to fund 8228, \$58.68 to fund 8236, \$26.31 to fund 8228, from fund 8208 for clean-up of accounts.
6. The sum of \$48.00 from fund 2440 to fund 1000 for travel.
7. The sums of \$69.59 from fund 2160, \$121.02 from fund 2190, \$48.80 from fund 1000 and \$73.89 from fund 2140 to fund 2110 for gas.
8. The sums of \$117.87 from fund 2110, \$57.38 from fund 2190, and \$14.06 from fund 2140, to fund 1000 for gas.
9. The sums of \$95.10 from fund 1000, \$.15 from fund 2110, and \$9.40 from fund 2270 to fund 2190 for copies.
10. The sums of \$57.13 from fund 2120, \$64.50 from fund 2180, \$22.82 from fund 2190, \$234.76 from fund 2270, \$425.36 from fund 2290, \$17.87 from fund 5020, and \$8.85 from fund 2160 to fund 1000 for printing.
11. The sum of \$800.00 from fund 2180 to fund 2710 for library.
12. The sum of \$2.80 from fund 2710 to fund 1000 for copies.
13. The sum of \$40,000.00 from fund 1050 to fund 1000 to adjust error.
14. The sum of \$578.00 from fund 2710 to fund 1000 to correct A101-4321.

/s/ Joy I. Nash

July 23, 1984

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325 Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations may be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$1,574.81 as appropriated under general class (2) Maintenance and Support for account 2761-900-411200-200 be transferred to account 2761-900-411200-110 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 20th DAY OF JULY, 1984

/s/ Joy I. Nash  
 /s/ Wilbur Visser

BOARD OF COUNTY COMMISSIONERS  
 GALLATIN COUNTY, MONTANA

Received A101 #5536 from the Motor Vehicle Department in the amount of \$1,706.00 for title fees and fines collected to the credit of various funds.

Searchers have been unable to locate the "mountain men" presumed to be in the Spanish Peaks area.

Lorraine VanAusdol, Clerk of Court, to be out of state beginning July 20, 1984 and returning July 29, 1984.

Received the following list of new employees:

Jamie Peterson, Nurses Aide I, Rest Home, \$4.7174/hr., 6/28/84.  
 Cynthia Maynard, Kitchen Aide, Rest Home, \$3.8225/hr., 6/30/84.  
 Steven Terry, Draftsman, Clerk and Recorder's Office, \$1,105.29 per month, 7/2/84.  
 Debbie Daeley, LPN I, Rest Home, \$6.8965/hr., 7/4/84.  
 Ronald Arthun, Maintenance Helper, Rest Home, \$3.8225/hr., 6/27/84.  
 Stephen Willner, Cook, Sheriff's Dept., \$5.00/hr., 7/5/84.  
 Sandra Uffelmann, Accounting Clerk I, Treasurer's Office, \$817.67/mo., 7/9/84.  
 Della R. Smith, Temporary Clerk, Judge Olson's Office, \$7.00 per hour, 7/5/84.  
 Heidi Olson, Temporary Clerk, J.P.'s Office, \$4.7174/hr., 6/20/84.  
 Nancy Larson, LPN, Rest Home, \$6.8965/hr., 7/18/84.  
 Steven Villeburn, Kitchen Aide, Rest Home, \$3.8225/hr., 7/10/84.  
 Debra Arkell, Secretary, Subdivision Review Office, \$5.8935/hr., 7/1/84.

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Jayne Collins, Temporary Youth Supervisor, Youth Probation Office, 7/18/84, \$5.00/hr.  
Joyce Craft, RPN I, Health Dept., \$8.0964/hr., 7/1/84.  
Brenda Erickson, Nurses Aide I, Rest Home, \$4.7174/hr., 7/18/84.

Approved the following cancellation of taxes:

#529	Betty Ure	\$ 14.28	Not in Gallatin County in 1982
#530	Gary Allen	165.32	Moved to Townsend in 1982
#531	Lewis & Clark Beauty Salon	383.27	Not in business in 1983
#532	Dave Lockie Excavating	1,038.93	Overassessed, not in business
#533	Jewel Co., Inc. Buttrey's Store #34	10,265.56	34% Case
#534	Jewel Co., Inc. Buttrey's Store #34	10,435.11	34% Case

July 24, 1984

Held Public Meeting this date.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Helen A. Nash has claimed four family sale exemptions. Mrs. Nash is conveying tracts to Don Nash, her husband; Mike Nash, her son; Sarah Nash Zimmer, her daughter; and Nancy Holmquist, her daughter. Mrs. Nash has not previously conveyed land to any of these family members. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemptions claimed, seconded by Joy I. Nash, none voting nay. The motion carried.

Wesley E. Dingman has also claimed the family sale exemption. Mr. Dingman is conveying a 8.2375 acre tract to his son, Byron W. Dingman, and has not previously conveyed a tract to him. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Joy I. Nash, none voting nay. The motion carried.

Bill Umbaugh has claimed the occasional sale exemption. Mr. Umbaugh has not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Joy I. Nash, none voting nay. The motion carried.

Lewis and Linda Robinson and Robert H. Walker have claimed the exemption to realign a common boundary. The purpose of the relocation is to provide both property owners with access to a cove on Duck Creek. The appropriate quit claim deed has been submitted and from the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Joy I. Nash, none voting nay. The motion carried.

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Lynn Hageman, Manager of the Rae Sewer and Water District, spoke regarding a levy of taxes to meet bond obligations in the amount of \$20,000 for the district. He is requesting the Commissioners' approval for this levy to be assessed. Frank Trunk and Ken White are refusing to pay the assessment on their portion of property within the district. The amount of money needed is \$12,771.00, rather than the \$20,000 originally requested. By levying \$.50 per square feet of property in the district, \$12,900.00 would be collected to cover the shortage.

This matter came before the Commission on May 10, 1983 and the request for a special levy was approved at that time. The request today is a renewal of the original request for a special assessment.

Gary Oakland, Chairman of Oakland Holding Company, owners of King Arthur Mobile Home Park, stated that last year the special assessment that was made against the property his company now owns, was not paid. It was paid at the time his company purchased the property, along with any back taxes, which was required under the purchase arrangement. Mr. Oakland states that at the time he acquired the mobile home park, he was assured by the former owner that this would not be a repeat occurrence.

Mr. Oakland questioned what had been done in the way of attempts to collect this money from Mr. Trunk. Mr. Oakland stated that if his company did elect to pay the special assessment, they would do so under protest and the funds would not be available for the use of the district.

Bob Throssell, Deputy County Attorney, stated that the procedure for the sewer and water district to cover the outstanding indebtedness is set forth in statute. In a sense, it is a temporary loan. A tax lien has been placed against Mr. Trunk and Mr. White's property. This lien was placed in January of last year and also January of this year. The property can be auctioned at the end of a three year period, according to statute.

Mr. Oakland asked whether there would be a refund of the special assessment once the property was sold at public auction. Mr. Throssell stated that it would not be a direct refund, the money would come into the sewer and water district and would then be available to pay the bonds. Mr. Throssell states that any year the district falls short in the bonded indebtedness, interest and also their yearly maintenance, they can make this request for a special assessment.

Mr. Hageman states that if at any time Mr. Trunk and Mr. White choose to pay their portion of the assessment due, the district would have excess money and should be able to reimburse those people who paid the special assessment.

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Jim Johnstone, representing the Rae Sewer District, states that several years ago, liens were placed against Mr. Trunk's property, Mr. White was not a problem at that time. This year, additional liens for the amount they had not paid, were also placed. Mr. Johnstone states that at this time the district plans to assess the situation and see what action can be taken against Mr. Trunk.

Frances Shaw, a homeowner in the Rae Subdivision, questioned whether this special assesment is something that could come up every year, as long as she lived within the subdivision, not only with regard to Mr Trunk not paying, but any other property owner who chooses not to pay.

Bob Throssell replied that every taxpayer faces the question of whether or not to pay their taxes. Mr. Throssell states that it is possible for someone to refuse to pay their taxes and in effect live off their neighbor. Mr. Throssell states that this is a problem county-wide with a 10 to 15% delinquency rate.

Ray White, County Assessor, stated that his office would need to have the decision by the Commission on whether or not the special assessment would be levied by September 1, 1984. He states that it would not require much time to put it on the tax rolls.

Wilbur Visser moved that in view of the fact that only two Commissioners were present at today's meeting, the decision be dferred until August 7, 1984, when Mrs. Jelinski will be able to attend the public meeting. This motion was seconded by Joy I. Nash, none voting nay. The motion carried.

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Joy I. Nash read the affidavit of publication regarding the public hearing for a resolution to create an RID for Middle Creek Meadows Road Maintenance and Lighting.

Dave Penwell, attorney for the petitioners of the proposed district, states that by statute, the assessment for the RID be made by area, based upon the square footage of the parcels within the district. Mr. Penwell states that the RID calls for taking a portion of each lot, approximately 2,000 square feet, and that the 2,000 square feet be the parcels of land which comprise the district. Mr. Penwell states that he has furnished the County Attorney with a copy of an Attorney General's opinion dated February, 1982, where a similar procedure was proposed in Yellowstone County. Mr. Penwell states that the opinion states that the only way that a district can create an assessment where lots are of varying size, would be this procedure. Mr. Penwell requests adoption of the Resolution creating this RID.

M. A. Warner, a property owner in the proposed district, presented his letters of protest as follows, along with additional comments.

"July 18, 1984

Board of County Commissioners  
 GALLATIN COUNTY, MONTANA  
 Court House  
 Bozeman, Montana

Re: Petition & Resolution of Intention  
 to Create a Rural Improvement District  
 RID No. 337

Notice of Resolution of Intent to Create RID No. 337 was received by us July 5, 1984. This document noted the first day of required publication of it to be July 4, 1984. The Montana Code Annotated (1978), Title 7-12-2109 states 15 days shall be allowed after date of first publication, for the filing of protests. In accordance with this provision, we herewith file our protest of the creation of RID No. 337, Gallatin County, Montana, and for the following reasons:

1. The petition as originally signed does not support the "Resolution of Intent" as it is constituted. It therefore does not follow that all of the signers of the petition would also sign or endorse the resolution.
2. In the formation of RIDs, as per MCA 7-12-2101 et seq. and also those guidelines published by Gallatin County in support of MCA, certain elements must be present in the petition to create the RID. These consist of a clear statement that Gallatin County, by action of its board of commissioners, does not assume responsibility for the improvements, and that the RID is responsible for the continued support and maintenance of the improvements; a clear statement that the maintenance of property and improvements shall be borne by an additional yearly assessment in the district; and a cost estimate of the work to be done, and/or improvements made, as CERTIFIED BY THE ENGINEER. These items are clearly not a part of the petition as required.
3. The "Method of Assessment" of the owners in the district for the costs of the improvements, is very definitively stated in MCA 7-12-2151. It calls for the assessment of each owner of a lot or parcel, to be assessed with that part of the whole cost which the owner's lot's or parcel's area bears to the area of the entire district. The smallest lot in the proposed RID has an area of 38,594 sq. ft. while the largest lot has an area of 312,064 sq. ft. The signed petition presented calls for assessment on a straight lot basis regardless of size, and as such, is in great conflict with MCA 7-12-2151 and patently illegal. The resolution of intent, while appearing to agree with MCA 7-12-2151 is also in conflict therewith as it goes on to describe all lots in the proposed RID as consisting of only 2,000 sq. ft. each. This is a deceit, a fraud, and a sham designed very clumsily to make it look like the law is being complied with, while in truth, it is circumventing the law. Since no two lots are of the same size, it perpetrates a fraud upon the owners of property in the district, and certainly does not have their approval. Should this type of maneuver be approved and condoned by people sworn to uphold, abide by, and administer the law, then we have a very sorry state indeed, to say nothing of the precedent set for future petitioners of RIDs. We strongly urge the board of commissioners of Gallatin County to divorce themselves from being a party to such a sham and disapprove the resolution and petition as they are presently constituted.

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4. We would also protest on the basis of "conflict of interest". The attorney for the petitioners, one David Penwell, has proposed, endorsed, and argued for the illegal method of assessment discussed in paragraph number 2. above. It also happens his wife, Rose Ann Penwell, is a petition signer and lot owner in the proposed RID. Were the illegal method of assessment to be used, her portion of the total cost of \$4,600 would be \$100. Under the MCA method, her cost would amount to \$211.60. It can also be cited, that there is one owner in the district of three lots who correspondingly would pay \$300. and \$150.42 figured by the above two methods respectively. Another owner of two lots would look at figures of \$200. and \$86.48 respectively. These latter two examples further point up the conflict of interest involved inasmuch as the owner of three lots would be paying three times as much as Mrs. Penwell, yet having but 71% of the area of the Penwell property. Again, the owner of two lots has only 41% of the area of Penwell but still would pay twice as much. Some 55% of the districts owners would pay less than that proposed under the "Resolution", if instead the law were complied with under MCA. We clearly indicate here that we, as owners in this district, DO NOT FALL WITHIN THE 55% GROUP. Contrarily, only some 18 or so percent of the owners would be paying significantly more than the \$100. per lot basis, however, from a use standpoint, it can be said that they deserve the honor.

In summary we believe all of the above points and arguments to be, not only worthy of the Board's careful consideration, but should also merit their disapproval of the proposed resolution of intent to create Rural Improvement District No. 337.

Respectfully submitted,

/s/ M. A. Warner, Jr. and Marlene R. Warner  
Lots 2 & 3, Block 9  
Middle Creek Meadows Subdivision No. 3  
Arrowhead Trail #86, Bozeman  
Gallatin County, Montana"

"July 16, 1984

Board of County Commissioners  
GALLATIN COUNTY, MONTANA  
Court House  
Bozeman, Montana

Re: Resolution of Intention to Create  
a Rural Improvement District RID No. 337

In April of this year, a petition to create the captioned rural improvement district was submitted at one of your meetings for approval by one, David Penwell, the attorney for the North Middle Creek Meadows Homeowners Association. The undersigned appeared at that meeting and after some discussion, was assured, off the record, by one of your board that the petition would not be approved on two counts. In the first place, there was a lack of necessary signatures. Secondly, the petition did not conform with the law insofar as the method of assessment of the property owners. As the record will show, the petition was rejected.

At a subsequent meeting in May, the petition was resubmitted, presumably, this time, with a sufficient number of signatures. However, the petition ignored any changes in the method of assessment, but regardless of that fact, the board did pass a motion calling for a "Resolution of Intent" to create the RID. Notice of such "Resolution of Intent" and its hearing by the Gallatin County Board of Commissioners was received by the undersigned on July 5, 1984. Such notice stated its first date of publication to be July 4, 1984. Comes now the undersigned to protest the creation of the RID No. 337 in accordance with the provisions of Montana Code Annotated (1978) 7-12-2109. I do so as an owner of property within the proposed district.

As the "Resolution" states, the creation of the proposed RID is to be accomplished under the provisions of MCA 7-12-2101, et seq. To facilitate and clarify the following of these statutes, an entity of Gallatin County has published guidelines for petitioners for the creation of RIDs. Among other provisions, these documents state that a petition for creation of an RID must contain the following:

1. A clear statement that Gallatin County by action of its board of commissioners does not assume responsibility for the improvements and that the RID is responsible for the continued support and maintenance of the improvements.
2. A clear statement that the maintenance of property improvements shall be borne by an additional yearly assessment in the district.
3. A cost estimate of the work to be done and/or the improvements made AS CERTIFIED BY THE ENGINEER.

The significance and importance of these provisions is fairly obvious. It is just as obvious that they are missing in the petition. I would, therefore, suggest that the petition is faulty in these respects and should be disapproved on these counts alone.

However, it is also very apparent there are major differences between the petition and the "Resolution of Intent". In view of those differences, I think it is reasonable to assume that signatures on the petition do not necessarily endorse the "Resolution" or a revised petition. Consequently, the original petition has been abrogated by the changes, and an entirely new and revised petition, duly executed, should be submitted for the creation of an RID for the district.

As to the method of "Assessment of Costs", the MCA is quite explicit, and I accordingly quote from MCA 7-12-2151: "The Board shall assess the entire cost of such improvements against the entire district. Each lot or parcel of land assessed in such district shall be assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places."

While the Resolution of Intent did incorporate this language in its first paragraph, it completely negated its meaning and application in declaring in the second paragraph that all lots in the district are of the same size, namely, all having an area of 2,000 square feet. Purely and simply this is a clumsy attempt to circumvent MCA 7-12-2151 and revert

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the assessment back to that stated in the original petition which is on a lot basis and not acceptable the first time around. Further, it is a sham and a fraud and makes a mockery of the laws as constituted by MCA. I also consider it an insult to the intelligence of the Board of Commissioners, the lawmakers of the state of Montana, and every citizen therein.

The smallest lot in the proposed district consists of over 38,000 sq. ft. while the largest lot has over 312,000 sq. ft. Are we to believe that "2,000 sq. ft." has some significance OTHER than to circumvent and flaunt the law? There are other more equitable methods of figuring an assessment, but it is not the intent of the law to suggest any others. When the undersigned dared to do so, he was reminded quite pointedly by the attorney for the petitioners, and rightly so, that it was absolutely against the law.

In further support of this issue, some 55% of the owners in this district, and I do not count myself as one of that group, will be assessed less under MCA 7-12-2151's method than the method proposed in the "Resolution". If those signers of the petition knew this before signing, would they still have signed? I think not. Contrarily, if a signer were aware that he or she would pay more than that proposed, would he or she still be a signer? I think not.

I should also like to raise another point of protest in connection with the method of assessment proposed in the "Resolution". The attorney for the petitioners is one David Penwell. One of the signers of the petition and an owner in the district is the wife of the attorney, namely, Rose Ann Penwell. Mr. Penwell, if he did not come up with the idea of the 2,000, sq. ft., fully endorses it. Under that method of assessment, and based on a total assessment of \$4,600., Mrs. Penwell would be expected to pay \$100. Under the MCA method, Mrs. Penwell would be assessed \$211.60. I submit that this definite conflict of interest does not lend itself to an impartial situation. With all due respect to Mr. Penwell, I believe both he and the "Resolution" should be withdrawn. In further illustration, under the proposed method of assessment, one lot owner in the district of three lots would pay three times the amount Mrs. Penwell would pay, and yet the former has only 71% of the area of the latter. Yet again, another owner of two lots would pay twice the amount assessed Mrs. Penwell and yet has but 41% of the Penwell area.

I believe all of the foregoing are valid points and graphically illustrate the need for a petition drawn up to follow the laws and guidelines of the Montana Code Annotated. To not do so would be to flaunt the laws of the state and those very laws the county commissioners have sworn to uphold and administer. The solution of any problem that the North Middle Creek Meadows Homeowners Association has or may have should not be resolved with a petition and resolution of intent of the likes presented. To abrogate the law, set a bad precedent for future rural improvement districts, as well as scoff at previous legally constituted RIDs, is not the answer to any problem or situation. I urge the Gallatin County Board of Commissioners to withhold their endorsement and stamp of approval for the petition and resolution of intent for RID No. 337.

Respectfully submitted,

/s/ Maurice A. Warner, Jr.  
 Lot 1, Block 9  
 Middle Creek Meadows Subd. No. 3  
 Arrowhead Trail #86  
 Bozeman, Mt 59715"

Bob Throssell, Deputy County Attorney, stated that when he first reviewed the petition, it was somewhat out of the ordinary in that it did not include the entire area of the subdivision. In reviewing the opinion and reading the statute and the Attorney General's opinion, Mr. Throssell states that there is no requirement that the boundaries of an RID district follow any other boundaries, whether it be a school district boundary or subdivision boundary, etc. They are separate distinct boundaries. What has been proposed here to equalize the assessment for each lot owner was that the boundary was such that an equal area of each subdivision lot was included in the RID boundary description. Mr. Throssell states that there is nothing in the law that prevents this. There is nothing that says that the RID boundary must conform to the pre-existing land description. Mr. Throssell states that the petitioners in this matter are asking for a little different type of district boundary, but it is not a request that is out of line with the statute.

Wilbur Visser made a motion to pass a Resolution to Create an RID for Middle Creek Meadows Road Maintenance, deleting the words "and Lighting". This motion was seconded by Joy I. Nash, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, stated that the Commission had deferred their decision on a request for preliminary plat approval for Yukon Subdivision at last week's public meeting.

Joy I. Nash stated that she had spoken with Randy Thoreson, Belgrade City-County Planning Director, and questioned him regarding the statement in the Planning Board minutes which states, "Randy Thoreson stated there may be a water seepage problem at a later date."

Randy Thoreson was not present at the meeting. Paul Kinshella, the engineer for the project, stated that someone at the meeting had apparently questioned Randy or the Planning Board about the possibility of seepage in this area, pointing out that to the south and east of the area there was a known seepage problem. Mr. Kinshella states that ground water monitoring wells have been installed in the area to a depth of ten feet as part of their preliminary preparation for their Department of Health submittal. They have also installed a fourteen foot deep pit. Mr. Kinshella states that to this date, neither the ground water wells or the pit have shown ground water in them.

Joy I. Nash asked whether the access of Lot 3 onto McMillan Lane and not Alaska Road had been taken care of. Mr. Kinshella stated that this would be taken care of on the final plat, where either a no access strip or something showing access on the plat being limited to McMillan Lane for Lot 3.

Wilbur Visser made a motion to grant preliminary plat approval with the eight public interest criteria and the conditions set forth by the Belgrade Planning Board with the addition of the

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homeowner's agreement stating that the homeowners must maintain the roads, wells and drainage system, and that condition no. 3 be shown on the final plat. This motion was seconded by Joy I. Nash, with an abstention left by Mrs. Jelinski in writing, the motion carried.

There being no further business, the meeting adjourned at 3:00 P.M.

ATTEST,

*Gary H. Dring*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 31st DAY OF JULY, 1984 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Robert R. Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to accept the final draft of the minutes of July 10, 1984, July 17, 1984 and July 24, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

July 25, 1984

Received the following A101's:

#5551 from the Montana Department of Highways for fees and taxes collected by the Highway Department in the amount of \$8,205.07 to the credit of various funds.

#5552 from the State of Montana Department of Institutions in the amount of \$7,494.00 for earmarked alcohol tax funds to the credit of Alcohol Funds.

July 26, 1984

Routine business this date.

July 27, 1984

Commissioners Nash and Visser met as a Welfare Board this date.

July 30, 1984

Commissioners Nash and Visser, Doug Kosty, County Auditor, and Ken Mosby, Administrative Assistant met with John McCulley of Big Sky to discuss assessments for RID #305, Big Sky Sewer System.

July 31, 1984

Mike Salvagni, County Attorney, to be out of state from August 4, 1984 through August 18, 1984.

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

D. E. Daniels and M. R. Phillips have claimed the security for construction financing exemption. The property owners have submitted a signed, notarized statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Ronald F. and Rosemary Gohman have claimed the security for construction financing exemption. Mr. and Mrs. Gohman have submitted a signed, notarized statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. Empire Federal Savings has certified that creation of the mortgage parcel is necessary to secure the construction loan. From the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

William Alverson, Jackie Alverson and Gary Brenner have claimed the security for construction financing exemption. The Alversons and Mr. Brenner have submitted a signed, notarized statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. First Security Bank of Bozeman has certified that creation of the mortgage parcel is necessary to secure the construction loan. From the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joel R. and Toby Peterson have also claimed the security for construction financing exemption. The Peterson's have submitted a signed, notarized statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. First Security Bank of Bozeman has certified that creation of the mortgage parcel is necessary to secure the construction loan. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Howard T. and Martha D. Kelsey have claimed the agricultural exemption. Mr. and Mrs. Kelsey have stated that the parcel will be used exclusively for agricultural purposes and that no buildings or structures requiring water or sewer facilities will be utilized on the parcel. The parcel will be used for pasture. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

James B. Peters and J. William Malony have claimed the family sale exemption. Mr. Malony is conveying a 9.97 acre tract to his wife. Mr. Malony has not previously conveyed a tract to his wife. From the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Kirk Michels requested final approval of his minor subdivision. Mr. Michels stated that he had complied with all of the conditions of final approval.

Mary Kay Peck, Subdivision Review Officer, submitted a staff report. Ms. Peck states that Kirk Michels' Minor Subdivision was given preliminary approval by the Commission in October of 1983. Ms. Peck states that she has reviewed the conditions for final approval and has the following comments:

1. Plans for road, drainage and placement of street signs were approved prior to installation. The improvements have been installed, and payment has been received for the street sign.
2. Utility easements have been noted on the final plat.
3. The \$35.00 per lot fee has been paid to the Belgrade Fire Department.
4. The irrigation ditches on lot 3 have been moved and filled in.
5. The plat meets current dedication and certificate requirements,
6. The final plat conforms to the Uniform Standards for Final Subdivision Plats, has received State Department of Health approval, and includes a platting certificate and County Attorney's Certificate.
7. The developer has submitted a written estimate by an appraiser that the fair market value of the unsubdivided, unimproved property is \$1,000.00 per acre. The cash-in-lieu of parkland dedication is \$1,005.00, and a check for that amount has been submitted by the developer.

It appears that the conditions for final approval have been met.

Jane Jelinski made a motion to grant final approval for the Kirk Michels Minor Subdivision, seconded by Wilbur Visser, none voting nay. The motion carried.

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Hank Wruck, Civil Defense Director, spoke regarding an agreement and by-laws of the Gallatin County Communication Advisory Board. Mr. Wruck stated that there was a meeting of the Gallatin County Communication Advisory Board on July 5, 1984. The agreement and by-laws for the Communications system were discussed. It was decided that it was ready to be brought to the other users of the system. The Advisory Board requests the Commissions' endorsement of this agreement and by-laws.

Jane Jelinski asked whether everyone on the Council voted in favor of the by-laws. Hank Wruck stated that everyone voted in favor. Jane Jelinski asked if everyone had signed the agreement. Hank Wruck stated that it was presently at the Sheriff's Office and all of the entities have been asked to sign the agreement at that office by August 15, 1984.

Jane Jelinski stated that the agreement should not be signed by the Commission until it has been signed by all of the other entities involved. This was agreed upon by Commissioners Visser and Nash.

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Norm Stone, Gallatin County Floodplain Administrator, read the second reading of the Gallatin County Floodplain Ordinance.

Bob Throssell, Deputy County Attorney, stated that Mr. Stone had received communication from the federal people who oversee the program and they have suggested four changes. Mr. Throssell states that none of the changes involve any substantive additions or corrections to the ordinance as read at the first reading, they are simply housekeeping as far as referring to different sections.

Jane Jelinski made a motion to accept the Gallatin County Floodplain Ordinance with the revisions as described by the Federal Emergency Management Agency, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:30 P.M.

ATTEST:

Clerk



APPROVED:

Chairman



PUBLIC MEETING TUESDAY, THE 7th DAY OF AUGUST, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of July 31, 1984, seconded by Wilbur Visser, none voting nay. The motion carried.

## ANNOUNCEMENTS

August 1, 1984

Joy I. Nash, Jane Jelinski and Sam Gianfrancisco, Road Superintendent, toured the Summer Cutoff Road. There are spots along the road which need to be widened out at the base for safety. The developers of Ranch Subdivision are making these corrections to the road.

Wilbur Visser attended the Communications Board meeting.

Jane Jelinski and Wilbur Visser attended the City-County Cooperation Meeting.

The Commissioners met with Gael Harris of Mountain View Subdivision to discuss their proposal for a park in the subdivision and a request for cash-in-lieu of park monies. This matter will come before the Commission at a public meeting.

Jane Jelinski attended the Alcohol Advisory Board meeting.

August 2, 1984

The Hebgen Lake Planning and Zoning Commission held a hearing in West Yellowstone to consider an amendment to PUD plans for Ski Yellowstone.

The Grayling Amendment was denied by a vote of 2 to 1. The Lakeside Amendment was denied by a vote of 3 to 0.

The Zoning Commission also voted to grant a variance request to Fred and Carmela Perkins in Kirkwood Shores Subdivision.

The Commissioners also viewed the damage done to the Pump House in Yellowstone Village which was struck by lightning. Considerable damage was done to the roof. The Commission is accepting quotes for the repair work to be done.

The Commissioners talked with Bob Leithead of West Yellowstone regarding the deficiencies in the sewer and water system at Yellowstone Village. The Commissioners requested that Mr. Leithead provide them with a quote for his services in maintaining the sewer and water system.

August 3, 1984

Received the following A101's:

#5596 from First Bank Bozeman in the amount of \$1,803.28 for interest earned on CD 19329 to the credit of the 18th Judicial Court & County Land Plan.

#5597 from First Bank Bozeman in the amount of \$1,803.28 for interest earned on CD 19330 to the credit of Park and Gas Tax.

#5591 from First Bank Bozeman in the amount of \$1,778.69 for interest earned on CD 19324 to the credit of General Fund.

#5593 from First Bank Bozeman in the amount of \$1,786.89 for interest earned on CD 19326 to the credit of the Poor Fund.

Received report from the Clerk and Recorder showing the items of fees and other collections made for the month of July, 1984 in the amount of \$12,263.50.

Received A101 #5607 from Justice of the Peace Goan in the amount of \$19,373.55 for J. P. receipts for the month of July, 1984 to the credit of various funds.

The Commissioners held a proposed use hearing for Revenue Sharing items.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfers shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

TUESDAY

THE 7th

DAY OF AUGUST 1984  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

That the sum of \$304.63 as appropriated under general class (1) Salaries and Wages for account 2270-000-440190-110 be transferred to account 2270-000-440113-110 under general class (1) Salaries and Wages.

That the sum of \$26.83 as appropriated under general class (1) Salaries and Wages for account 2270-000-440190-140 be transferred to account 2270-000-440113-140 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 3RD DAY OF AUGUST, 1984

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

Board of County Commissioners  
Gallatin County, Montana

August 6, 1984

Joy I. Nash and Wilbur Visser attended the Special Board of Health meeting to discuss budget proposals and the Home Health Care Program.

Received the Sheriff's Prisoner Board Billing for the month of July, 1984 for a total of \$4,682.00.

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Gale Thompson of the County Road Department opened the bids for overlay material for Trident Road. Two bids were submitted as follows:

Long Construction Co. - \$192,800.00  
Big Sky Paving - \$194,990.00

Mr. Thompson stated that the project would begin around the first of September.

Wilbur Visser made a motion to award the bid to Long Construction Co., seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Harold G. Williams has claimed the security for construction financing exemption. Mr. Williams has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract and that he will retain title to and possession of the original tract. American Federal Savings certified that creation of the mortgage parcel is necessary to secure the construction loan. This appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

W. Kenneth Kraft has claimed the family sale exemption. Mr. Kraft is conveying a 1.007 acre tract to his son, Vaughn. Mr. Kraft has not previously conveyed a tract to his son. Based on the information submitted this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski stated that there was a serious concern regarding the access to this tract and that by granting this exemption, it does not imply any approval regarding the type of access problems which may be encountered in the future.

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Joy I. Nash stated that there had been discussion regarding the request for a levy of a special assessment to meet bond obligations of the Rae Sewer and Water District at the Commission's public meeting.

Jane Jelinski stated that there appear to be only two alternatives to pay these obligations. One would be to approve the special assessment and the other would be to raise the sewer and water rates. Mrs. Jelinski stated that the lesser of the two evils would be to meet the bond obligations by levying a special assessment.

Wilbur Visser made a motion to grant the request to levy a special assessment to meet the bond obligations of the Rae Sewer and Water District #313 in the amount of \$12,900.00, seconded by Jane Jelinski.

At this time, Vicki Hageman stated that since the figures were submitted to the Commission, several payments had been made and the \$12,900.00 amount was incorrect. She stated that they also needed to add into the figure the amount that Frank Trunk refuses to pay.

Bob Throssell, Deputy County Attorney, stated that the Sewer and Water District would have to make a specific request for the amount of money needed. He advised the Commission not to leave it open-ended. He stated that if the tax were to be levied, it would have to be a specific dollar amount.

Wilbur Visser withdrew his motion temporarily and the Commission went on to the next order of business.

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TUESDAY

THE 7th

DAY OF AUGUST 19 84

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Jane Jelinski spoke regarding a proposed policy for the use of the gymnasium at the Law and Justice Center, which the County maintains. The gym has recently had a floor renovation done, and because of the problems that have occurred in the past with regard to damage to the gym and lack of supervision, Mrs. Jelinski proposes the following:

1. The gym must be reserved one week in advance. A letter must be obtained from the County Commissioners granting permission to use the gym for a specified time.
2. Users must sign a Hold Harmless Agreement, releasing the County of any liability that may occur as the result of accident or injury while using the gym.
3. Users shall pay a \$10.00 per event fee for cleaning costs. Private groups that will use the gym regularly shall pay a \$6.00 per hour fee. These fees shall be payable in advance.
4. The gym cannot be used for profit-making events.
5. Users must show their letter to the Sheriff's Dispatcher before using the gym. The Dispatcher shall be notified by the user upon leaving the gym.
6. Street shoes shall not be worn in the gym. Showers are not available for users of the gym.
7. Upon leaving the gym, windows must be closed and lights must be turned off. Users must leave the gym by 10:00 P.M.
8. Because the gym is a polling place, it cannot be used on election days.
9. Unruly conduct will jeopardize use of the gym in the future. Users may be asked to leave the gym at the discretion of the Sheriff's Dispatcher.
10. Schools, City, County and Federal Agencies may pay a \$50.00 annual fee in lieu of the \$10.00 per event fee to help pay for maintenance costs.
11. Children's groups must be accompanied by two adult supervisors.
12. These regulations must be signed and agreed upon by the user upon reserving the gym.

Wilbur Visser made a motion to adopt the policy, seconded by Jane Jelinski, none voting nay. The motion carried.

The Commission was provided with the figure needed for the special assessment for the Rae Sewer and Water District. Wilbur Visser made a motion to grant the request for a special levy for assessment of taxes to meet bond obligations for the Rae Sewer and Water District in the amount of \$17,195.70, seconded by Jane Jelinski, none voting nay. The motion carried. The Commission will adopt a resolution to this effect.

There being no further business, the meeting adjourned at 2:00 P.M.

ATTEST:

*Gary H. Pingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

SPECIAL MEETING MONDAY, AUGUST 13, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

A special meeting was called by Chairman Joy I. Nash at 1:30 P.M. for adoption of the final budget.

Wilbur Visser made a motion to adopt the budget as follows by Resolution:

WHEREAS, the Board of County Commissioners by statute, Section 7-6-2320, MCA 1981, is to determine budgets and set out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid; and,

WHEREAS, by the same statute the Board of County Commissioners shall by resolution approve and adopt the budget as finally determined and enter the budget at length in the official minutes of the Board:

THEREFORE BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby approves and adopts the budgets attached hereto and incorporated by reference as Exhibit "A", for the fiscal year 1984-85 for the County of Gallatin, State of Montana;
2. That the text of this resolution the budget sheets attached hereto as Exhibit "A" shall be entered as approved and adopted on the official minutes of the Board of County Commissioners of Gallatin County.

Fund Name	Appropriation	Cash Reserves	Total Reqmnts	Cash Available	Non-Tax Revenues	Total Non-Tax Resources	Prop. Tax Revenues	Total Resources	Mill Levy
General	2,562,566	588,504	3,151,070	678,642	1,044,849	1,723,491	1,427,579	3,151,070	23.77
Emp. Contrib.	281,480	89,074	370,554	110,681	34,500	145,181	225,373	370,554	3.75
Dis. Emergency	1,679	-0-	1,679	1,679	-0-	1,679	-0-	1,679	-0-
Poor	624,804	160,000	784,804	425,376	93,000	518,376	266,428	784,804	4.44
Bridge	317,402	91,993	409,395	163,402	46,000	209,402	199,993	409,395	3.33
Nox. Weed	163,276	20,265	183,541	78,391	44,400	122,791	60,750	183,541	1.01
Fair	158,336	15,720	174,056	44,212	45,763	89,975	84,081	174,056	1.40

COMMISSIONERS' JOURNAL NO. 41 SPECIAL MEETING

MONDAY THE 13th DAY OF AUGUST 1984
OFFICE OF COUNTY COMMISSIONERS
BOZEMAN, MONTANA

Table with 10 columns: Fund Name, Appropriation, Cash Reserves, Total Reqmnts, Cash Available, Non-Tax Revenues, Total Non-Tax Resources, Prop. Tax Revenues, Total Resources, Mill Levy. Lists various departments like Airport Bd, Health Dept, etc.

Table with 8 columns: Fund Name, Appropriation, Cash Reserves, Total Requirements, Cash Available, Non-Tax Revenues, Total Non-Tax Resources. Lists various services like Parks, Mental Health, Water Inspection, etc.

SPECIAL ASSESSMENT DISTRICTS

Table with 10 columns: Fund Name, Appropriation, Cash Reserves, Total Reqmnts, Cash Available, Non-Tax Revenues, Total Non-Tax Resources, Prop. Tax Revenues, Total Resources, Mill Levy. Lists various districts like Belg. Fire, Sedan Fire, etc.

MONDAY

THE 13th

DAY OF AUGUST

1984

FORM 12167-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Fund Name	Appropriation	Cash Reserves	Total Reqrmts	Cash Available	Non-Tax Revenues	Total Non-Tax Resources	Prop. Tax Revenues	Total Resources	Mill Levy
Hebgen Lake	25,480	-0-	25,480	-0-	-0-	-0-	26,231	26,231	
Glacier Con	5,750	-0-	5,750	1,684	-0-	1,684	5,325	7,009	
Sour Crk Rds	20,048	-0-	20,048	-0-	-0-	-0-	26,784	26,784	
Silver Bow#1	3,350	-0-	3,350	1,932	-0-	1,932	3,851	5,783	
Silver Bow#2	1,720	-0-	1,720	943	-0-	943	1,980	2,923	
Mid Crk Mdw	11,746	-0-	11,746	-0-	-0-	-0-	11,759	11,759	
Rae Roads	7,564	-0-	7,564	-0-	-0-	-0-	5,514	5,514	
Riverside Manor	8,850	-0-	8,850	3,588	-0-	3,588	8,662	12,250	
Sunset Hghts	24,778	-0-	24,778	498	-0-	498	20,946	21,444	
Sun Hght Con	6,811	-0-	6,811	6,811	-0-	6,811	-0-	6,811	

Wilbur Visser made a motion to approve the Resolution, seconded by Jane Jelinski, none voting nay. The motion carried.

Wilbur Visser read the following Resolution to adopt the following budgets:

WHEREAS, the Board of County Commissioners of Gallatin County is directed by Section 7-12-2161, MCA 1981, to estimate as near as practical the cost of maintaining, preserving and repairing improvements in each rural improvement district; and,

WHEREAS, the same statute further directs the Board of County Commissioners of Gallatin County to accomplish this task yearly and pass and finally adopt a resolution levying and assessing on all property within a rural improvement district an amount equal to the whole cost of maintaining, preserving or repairing the improvements in the district prior to the first Monday in September; and

WHEREAS, such resolution levying the assessments to defray the cost of maintenance, preservation or repair of the improvements shall be prepared and certified to in the manner as near as may be to the resolution levying the assessments for making, constructing or installing the improvements in said rural improvement district;

THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby adopts by this resolution the cost estimates for maintaining, preserving or repairing the rural improvement districts within Gallatin County listed in Exhibit "A" which by this reference is incorporated in its entirety.

2. That further the Board of County Commissioners of Gallatin County hereby levies and assesses on all property within the respective districts an amount equal to the whole cost of maintaining, preserving or repairing said improvement districts in the same manner as was done to levy the assessments for the making, constructing and installing the improvements in said rural improvement districts as set forth in Exhibit "A".

3. That the Board of County Commissioners of Gallatin County hereby approves and levies the entire cost of maintenance of such rural improvement district improvements such that each lot or parcel of land in such district shall be assessed with that part of the whole cost which it bears to the area of the entire district exclusive of streets, avenues, alleys and public places unless said maintenance district boundaries have been altered pursuant to 7-12-2161(4), MCA 1981.

4. That the assessment to defray costs of the maintenance of each of the rural improvement districts shall be due and payable with the first half 1984 property taxes and the Board of County Commissioners of Gallatin County hereby directs the Gallatin County Assessor and the Gallatin County Treasurer to take the steps necessary to collect these assessments.

5. That there shall be maintained by the Gallatin County Treasurer a fund for each rural improvement district which will be denominated by the rural improvement district number and entitled "Maintenance Fund". The money in such fund shall be drawn only to defray the expenses of maintaining, preserving and repairing such improvements and for no other purposes but may include the charging of administrative costs including legal services against the maintenance fund.

Fund Name	Appropriation	Cash Reserves	Total Reqrmts	Cash Available	Non-Tax Revenues	Total Non-Tax Revenues	Prop. Tax Revenues	Total Resources	Mill Levy
NW. Dr Main	5,612	250	5,862	2,738	50	2,788	3,074	5,862	.0020/sq. ft.
WY S&W #304	-0-	-0-	-0-	(2,620)	-0-	(2,620)	-0-	(2,620)	-0-
Big Sky #305	37,610	-0-	37,610	3,405	-0-	3,405	34,205	37,610	/hook up
Wil Crk #306	3,541	-0-	3,541	3,541	-0-	3,541	-0-	3,541	-0-
Rivsd #308	7,584	400	7,984	3,090	50	3,140	4,844	7,984	.0040/sq ft
Htch Pst #309	3,097	190	3,287	1,724	50	1,774	1,513	3,287	.0006/sq ft
Rivsd #310	-0-	-0-	-0-	(11,888)	-0-	(11,888)	11,888	-0-	.0097/sq ft
Mid Crk #314	3,938	350	4,288	1,036	-0-	1,036	3,252	4,288	.0025/sq ft
Hylt #315	11,119	600	11,719	6,648	100	6,748	4,971	11,719	.0010/sq ft
Heb #316&322	9,594	1,300	10,894	(5,914)	50	(5,864)	16,758	10,894	.0066/sq ft
Gard Pk #317	10,796	550	11,346	5,561	100	5,661	5,685	11,346	.0014/sq ft
Mdw Vlg Rds	16,613	1,100	17,713	11,938	200	12,138	5,575	17,713	.0010/sq ft
El Dor #321	9,760	500	10,260	4,410	50	4,460	5,800	10,260	.0015/sq ft
Heb #316&322	21,599	1,100	22,699	(13,627)	-0-	(13,627)	36,326	22,699	.0143/sq ft
Mdl Crk #323	2,982	100	3,082	466	50	516	2,566	3,082	.0024/sq ft
Glac Con #324	1,843	-0-	1,843	884	25	909	934	1,843	.0049/sq ft
Sour #326	8,351	450	8,801	4,977	100	5,077	3,724	8,801	.0013/sq ft
Silvbw #327	1,306	-0-	1,306	684	25	709	597	1,306	.0028/sq ft
Silvbw #328	1,306	-0-	1,306	601	20	621	685	1,306	.0079/sq ft
Sour #330	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Rae #332	3,318	200	3,518	1,034	50	1,084	2,434	3,518	.0056/sq ft
Mdl Crk #337	4,700	-0-	4,700	-0-	-0-	-0-	4,700	4,700	.0511/sq ft
Sun Hghts 336	2,333	-0-	2,333	1,168	25	1,193	1,140	2,333	.0016/sq ft

Wilbur Visser made a motion to approve the Resolution, seconded by Jane Jelinski, none voting nay. The motion carried.

ATTEST:

Gary W. Pringle  
Clerk

by Nancy L Brown  
deputy

APPROVED:

Joy L. Nash  
Chairman

TUESDAY THE 14th DAY OF AUGUST 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of August 7, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

#### ANNOUNCEMENTS

August 8, 1984

Joy I. Nash and Wilbur Visser went to West Yellowstone to attend the Refuse District No. 2 meeting. They viewed the bear-proof garbage containers now being used at the U.S. Forest Service headquarters in West Yellowstone. This particular dumpster is manufactured in Canada. The Commissioners have applied for a grant to purchase bear-proof dumpsters such as this for the West Yellowstone area.

Received A101 #5645 from West Yellowstone/Hebgen Basin Refuse District No. 2 for the collection of garbage fees in the amount of \$12,643.00 to the credit of West Yellowstone/Hebgen Basin Refuse District.

August 9, 1984

Joy I. Nash and Jane Jelinski visited the site of the proposed Mountain View Subdivision Park.

Joy I. Nash and Jane Jelinski visited the 4H Fair at the Fairgrounds. Jane Jelinski participated in the awarding of prizes to the contestants at the Fair.

The Bridger Canyon Zoning Commission held a hearing to take public comments on proposed zone changes. Zoning Commission member Ray White was absent. Another hearing will be scheduled to take further testimony in the near future.

August 10, 1984

Received A101 #5654 from the State Dept. of Institutions in the amount of \$7,494.00 to the credit of Alcohol Fund.

August 13, 1984

Received A101 #5669 from the State Dept. of Revenue in the amount of \$12.00 for child support incentive payments to the credit of the General Fund.

Held a public hearing and approved the final adoption of the budget for FY 1984-85.

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Paul Kinshella of Sanderson, Stewart, Gaston spoke regarding a request for preliminary plat approval for Scottish Acres Subdivision. This item was to be heard by the Commission at today's meeting. Mr. Kinshella stated that since the public hearing held by the Belgrade Planning Board regarding this subdivision some additional information had been filed with the Clerk and Recorder's Office pertaining to a thirty foot easement that traverses the west boundary of the proposed Scottish Acres Subdivision. Mr. Kinshella requests that at this time, the Commission table the consideration of this request for a period up to 60 days to give the developer the opportunity to approach the persons who have filed this easement to see if it can be moved to coincide with the location of the proposed road that traverses north-south in the subdivision about 150 to 200 feet further east.

Wilbur Visser made a motion to grant the extension of preliminary plat approval for Scottish Acres Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Joy I. Nash read the affidavit of publication for two proposed road abandonments.

Wilbur Visser read the letter from the viewing board as follows:

Board of County Commissioners

On June 28, 1984, the undersigned being appointed as viewing committee viewed the alley in Rainbow Subdivision which has been petitioned for abandonment. The viewing committee finds that this alley will not benefit anyone and this particular block of the subdivision as there is a canal and highway 191 on the west side which consequently has made this a narrow block. The viewing committee recommends abandonment of this alley.

/s/ Wilbur Visser  
 /s/ Earl Best

Charles Page, from the Bozeman Hot Springs, owner of lot 17 which is affected by this, stated that the other owners of lot 16 and 18 do not have any objection of abandonment on the south boundary of lot 15 and lot 55. Last January the Highway Dept. purchased easement right along that area, making it impossible to drive off the highway to use these three lots. Mr. Page states that the only access to these three lots would be from this alley. Mr. Page states that he would have no objection to abandonment up to the north boundary of lot 16.

Jane Jelinski made a motion to deny the petition for a request for road abandonment for an alley in Rainbow Subdivision, seconded by Wilbur Visser, none voting nay. The motion carried.

Wilbur Visser read the following letter regarding road abandonment of Bozeman Street in Gallatin Gateway:

TUESDAY THE 14th

DAY OF AUGUST 19 84

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Board of County Commissioners

The undersigned being appointed as viewing committee viewed the portion of Bozeman Street in Gallatin Gateway, Montana which has been petitioned for abandonment. The viewing committee finds that this portion of the street travels down a steep incline and then through a swamp area. The lots that would be served by this street cannot be built upon and sewer permits cannot be obtained. The viewing committee does not see any benefit to the town of Gallatin Gateway and hereby recommends that this portion of Bozeman Street be abandoned.

/s/ Wilbur Visser  
/s/ Earl Best

Joy I. Nash asked for public comment regarding this abandonment. There was no one present to speak either for or against.

Wilbur Visser made a motion to grant the abandonment of Bozeman Street in Gallatin Gateway, seconded by Jane Jelinski, none voting nay. The motion carried.

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Steve Lere, City-County Planning Director, spoke regarding a request by Mike Nash for a 90 day extension of the preliminary plat of the amended plat of Elk Subdivision. Mr. Lere stated that preliminary approval expires August 29, 1984 and they are requesting an extension to November 29, 1984. Mr. Lere states that they are ready to construct the roads; however, they are waiting for final approval from the State Department of Health. Mr. Lere stated that he has advised Mr. Nash that he should possibly request a longer extension in case the approval does not come in from the State in time.

Mike Nash stated that he would like to request a one-year extension in case the approval does not come until the winter season, he would need to be able to build the roads next summer.

Wilbur Visser made a motion to grant a one-year extension for the preliminary plat for Elk Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Gael Harris, representing Mountain View Homeowner's Association No. 4 and 5, requested funds in the amount of \$15,233.80 to develop a park in the subdivision. The park is a little over five acres in size. These monies would be used for the well, pump, the irrigation system, leveling, seeding, fertilization, weed elimination, removal and replanting of three trees that are now crowded by other larger trees. Mrs. Harris states that they have received commitments from the homeowners in the area for donation of time, labor and materials.

Wilbur Visser asked whether the property had been deeded over to the use of the public. Mrs. Harris stated that the document would be recorded on Thursday.

Wilbur Visser made a motion to grant \$16,000.00 of cash-in-lieu-of-park funds for Mountain View Park with the stipulation that the certificate of dedication be filed in the Clerk and Recorder's Office, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:00 P.M.

ATTEST:

*Gary W. Pringle,*  
Clerk  
*by Nancy L. Brown, deputy*

APPROVED:

*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 21st DAY OF AUGUST, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of the special budget hearing on August 13, 1984 as well as the public meeting minutes of August 14, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

August 15, 1984

Joy I. Nash and Wilbur Visser attended the Yellowstone County Fair as guests of the Yellowstone County Commissioners.

August 16, 1984

Wilbur Visser to be out of state beginning August 31, 1984 and returning September 11, 1984.

Doug Kosty, County Auditor, to be out of state beginning August 19, 1984 and returning August 27, 1984.

Hazardous Waste meeting was held in the Community Room with City and County officials present.

Joy I. Nash and Jane Jelinski attended a luncheon given by the Helena Branch of the Federal Reserve Bank of Minneapolis. Mr. E. Gerald Corrigan and Mr. Paul Volcker were the principle speakers.

TUESDAY THE 21st DAY OF AUGUST 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Wilbur Visser attended the Audit Committee meeting.

Jane Jelinski and Wilbur Visser attended the Refuse District No. 1 meeting in Manhattan.

August 17, 1984

Joy I. Nash and Jane Jelinski served as a Welfare Board this date.

Gary Pringle, Clerk and Recorder, will be attending a Clerk and Recorder's convention in Lewiston from August 20 to August 24, 1984. He will then be out of state for the period August 27, 1984 to September 6, 1984.

August 20, 1984

The Ad Hoc Dog Control Committee met this date to work on the feasibility of developing a county dog control ordinance. Several interested county residents will serve on this committee. The next meeting will be held September 5, 1984 at 1:30 P.M.

Signed a memorandum of understanding to employ work-study students from MSU at the County Sheriff's Dept.

Joy I. Nash and Wilbur Visser attended the DUI meeting at 7:00 P.M. to discuss the position of Research-Records Technician to be funded by the State for Gallatin County's DUI Program. This position will be advertised through the Job Service.

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Joy I. Nash announced that this was the time for the public hearing regarding tax jurisdictions exceeding their certified millage. There being no public comment for or against, Wilbur Visser read the following resolution:

WHEREAS, budgets have been approved in the amounts in excess of the certified mill levies and a public hearing has been held as required by statute for the following budgets: Manhattan Fire, Story Mill Fire, Bridger Canyon Fire, Mount Green Cemetery, Riverside Lighting, and Three Forks Dyke; and

WHEREAS, no public testimony was received opposing the certified mill levies;

THEREFORE, BE IT RESOLVED THAT:

The mill levies established in the revised final budget shall be those required to provide adequate resources for the budgets set though in excess of the certified mill levies permitted for application for operation of the above named budgets.

Wilbur Visser made a motion to adopt the resolution, seconded by Jane Jelinski, none voting nay. The motion carried.

Wilbur Visser stated that there were two corrections to the budget as adopted by the Commission at their meeting on August 13, 1984. Mr. Visser stated that South Gallatin Zoning was incorrectly recorded on the budget. The resources were shown as \$7.00 rather than \$59.00. Zoning District No. 2 was shown as \$186.00 rather than \$825.00. Refuse District No. 1, the unit charge should be shown as \$66.55 for the City and \$18.30 for the rural.

Jane Jelinski made a motion to accept the corrections, seconded by Wilbur Visser, none voting nay. The motion carried.

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Jack Atkins, Attorney for Halls Emergency, Inc., stated that there were minor corrections to the contract as typed by the County Attorney's Office. Mr. Atkins stated that Mr. Halls does business under the name of Halls Emergency Inc. and his company is spelled Halls, with no apostrophe. On the signature page of the contract as well as on Exhibit A he is identified as being the President of Halls Emergency Medical Services, which is his former business name. It should be listed as Halls Emergency, Inc. Mr. Atkins states that he and his client have no objections or additions to make to the contract as proposed by the Commissioners and the County Attorney's Office.

Jane Jelinski asked Mr. Atkins to clarify item no. 5, which deals with indigent patients. The paragraph states that Halls will when necessary provide ambulance or other appropriate transportation with no charge being made against the county for such services to indigent patients.

Mr. Atkins states that Mr. Halls responds to all calls he receives. Oftentimes, the person requiring the service is indigent and although Mr. Halls would send them a bill, they are unable to pay. Mr. Atkins states that is why the county offers him this subsidy so that he is able to provide this service regardless of the person's financial status.

Jane Jelinski read the attached Exhibit "A" to the contract with regard to the cost for the service as follows:

1. Subsidy. The County agrees to pay the sum of FOUR THOUSAND EIGHT HUNDRED NINETEEN DOLLARS (\$4,819.00) per month to Halls Emergency as subsidy for the operation of the ambulance service provided herein.

2. Charges. Halls Emergency shall have the right to charge patients to whom ambulance service is rendered at the following rates:

(a) For emergency calls, ONE HUNDRED THIRTY DOLLARS (\$130.00) per trip plus THREE and 50/100 DOLLARS (\$3.50) per mile beyond five (5) miles from Bozeman city limits;

(b) For other calls, including transportation from medical facilities, a base charge of ONE HUNDRED FIFTEEN DOLLARS (\$115.00) per trip plus THREE and 50/100 DOLLARS (\$3.50) per mile beyond five (5) miles from the Bozeman city limits.



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3. Effective Term. The subsidy and charges set forth herein shall be effective beginning July 1, 1984, through June 30, 1985. As set forth in the contract which this exhibit is an addendum to, the compensation may be adjusted annually.

The contract itself is for a term of four years, the Exhibit "A" is for a one-year period, to be negotiated yearly.

Bob Throssell stated that there was a question that arose regarding whether or not the contract would have to go out for bid. Mr. Throssell states that the law requires that when purchasing supplies or equipment, the Commissioners are required to go through the bid process. There is no bidding requirement on a service contract such as this. The Commission is under no legal obligation to ask for bids.

Jane Jelinski made a motion to enter into the contract for the period July 1, 1984 to June 30, 1988, with Exhibit "A" subject to change annually, seconded by Wilbur Visser, none voting nay. The motion carried.

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Jane Jelinski spoke regarding a request by Bozeman Deaconess Hospital and Diversified Employment Services for endorsement by the County Commission for a Certificate of Need for Home Health Care Services. Mrs. Jelinski stated that the Board of Health has recommended that the Commission endorse both agencies. The County Health Department has requested that the Commission endorse neither.

Mrs. Jelinski states that she has spoken with at least 12 doctors and they were unanimous in expressing a need for more home health care. Mrs. Jelinski states that the appropriate thing to do would be for the Commission to send a letter to the State Department of Health endorsing a need for additional home health care services; however, she does not feel that the Commission is in a position to evaluate the quality of any Home Health Care.

Mrs. Jelinski stated that the issue that has emerged from this entire discussion is that perhaps this is a time to re-examine the whole licensing and certificate of need procedure. She states that perhaps competition could take care of this. Mrs. Jelinski feels that this issue needs addressing during the next state legislature.

Jane Jelinski made a motion to send a letter to the State Board of Health indicating a need for additional Home Health Care facilities in Gallatin County, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski made a motion to send an additional letter to the State Board of Health indicating the Commissions' desire to see the process of certificate of need changed or re-examined.

Wilbur Visser stated that he felt that a copy of the letter could go to the State Board of Health but that the letter itself should be addressed to the legislators.

Jane Jelinski amended her motion to send the letter to the legislators with a copy to the State, seconded by Wilbur Visser, none voting nay. The motion carried.

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Marvin Pretz, owner of Star Mobile Home Park in Belgrade, presented a petition to the Commission requesting county participation for repair of Frank Road. The property owners are requesting a two-shot paving of 1,420 feet of the road, Mr. Pretz states that the present condition of the road is worn down to pit run rock, four to six inches in diameter.

Wilbur Visser stated that the total cost of the project would be \$11,000 and the property owners' share would be \$7,150.

Jane Jelinski asked Mr. Pretz whether the signatures on the petition represented 100% of the property owners fronting Frank Road. Mr. Pretz stated that it did.

Jane Jelinski expressed a concern with the petition due to the fact that there was no dollar amount on the petition. Mr. Pretz stated that the cost of the project was not available to him prior to getting the petition signed. Wilbur Visser stated that the county would provide the total cost of the project to Mr. Pretz so that he could present a revised petition to the Commission.

Sam Gianfrancisco, Road Superintendent, stated that he had spoken to Mr. Pretz regarding this project. Mr. Gianfrancisco stated that the double-shot penetration had been used in other county projects and the results were marginal. Mr. Gianfrancisco has figured the cost for a two-inch hot mix overlay which would total \$13,500. Mr. Gianfrancisco states that he would like to see if it would be feasible to do the entire mile of Frank Road, rather than just 1,420 feet. Mr. Gianfrancisco states that it would be \$40,000 to do the whole mile in a double-shot penetration.

Jane Jelinski asked which method would be the most economical in the long run. Mr. Gianfrancisco stated that he felt the two-inch overlay would be the best way to go cost-wise.

Mr. Pretz stated that he would present the revised petition with the cost figures at next week's public meeting.

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Jane Jelinski spoke regarding county contribution to city recreation. Mrs. Jelinski stated that the county allocated \$6,300 toward the recreation department; however, this does not mean that the county is re-entering the interlocal agreement. This is merely an acknowledgement that city recreation facilities are being used by county residents. This payment will insure that county residents are able to use city recreational facilities at no extra cost.

Wilbur Visser also agreed that the \$6,300 should be paid to the city.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 21st DAY OF AUGUST 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
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There being no further business, the meeting adjourned at 2:15 P.M.

ATTEST:

*Gary St. Pungle*  
 Clerk

APPROVED:

*Joy I Nash*  
 Chairman

The following are the quarterly securities submitted by the County Treasurer for the quarter ended June 30, 1984:

\$13,922,256.91 is on deposit in various banks in bonds and interest money:

FIRST BANK OF BOZEMAN

CREDIT BALANCE

Pass Book			\$1,234,229.87
First Natl #1			2,611,865.18
Checking			204,656.89
Gall Cnty 1974	5.90	1/1/87	40,000.00
Gall MT 1976	8.00	1/1/88	80,000.00
Gall MT 1974	6.00	1/1/89	40,000.00
Arundel	6.25	12/1/89	100,000.00
Novi MI	6.60	8/1/90	100,000.00
Brighton MI	5.75	5/1/91	100,000.00
Saline MI	5.40	5/1/91	100,000.00
Dawson Cnty	5.00	1/1/92	50,000.00
Co of Cook	5.60	11/1/92	100,000.00
WA Ser A	5.50	4/1/93	50,000.00
Fairfax Cnty	5.20	5/1/93	250,000.00
IL Ser A	5.25	5/1/93	200,000.00
King Cnty WA	5.50	6/1/93	150,000.00
Park Cnty	5.90	6/15/93	30,000.00
NJ Ser E	5.60	7/1/93	200,000.00
MD 2nd Ser	5.50	7/15/93	200,000.00
Florida St Bd	5.20	1/1/92	100,000.00
New Jersey St	5.10	6/1/92	175,000.00

FIRST SECURITY BANK OF BOZEMAN

CREDIT BALANCE

\$ 10,200.21

2861	4.09	6/10/87	2,000.00
2862	4.09	6/10/85	2,000.00
2873	4.09	6/10/86	2,000.00
5545	7.875	5/15/86	75,000.00
6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
6722	6.70	6/1/85	110,000.00
6725	4.80	6/1/86	200,000.00
6730	6.75	11/1/84	100,000.00
20962	5.20	4/1/87	25,000.00
3370		7/1/87	10,788.75
3371		7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3377		7/1/85	10,788.75
3378		7/1/86	10,788.75
3379	5.00	9/1/92	25,000.00
4012	5.35	7/1/86	9,000.00
4013	4.75	12/1/88	10,000.00
4015	5.50	9/1/85	25,000.00
6000	7.25	9/1/88	120,000.00
PL2389	5.25	6/1/86	9,000.00

MONTANA BANK OF BOZEMAN

CREDIT BALANCE

712388			\$1,831,226.51
577529			2,500,000.00
Checking			9,388.15
683	4.34	8/1/84	1,500.00
821	3.70	7/1/84 & 85	6,400.00
1011	5.75	7/1/84 - 89	48,000.00
1012	4.50	7/1/86 & 87	8,000.00
1013	4.10	7/1/84 & 85	1,500.00
27262	4.25	7/1/86	10,000.00
28149	4.30	7/1/84	1,000.00
28150	4.30	7/1/84	500.00
28151	4.30	7/1/84	2,000.00
28681	4.70	7/1/88	25,000.00
28682	4.50	7/1/86	15,000.00
29376	4.30	7/1/84	1,000.00
30987	5.20	7/15/88	50,000.00
1014	5.75	7/1/84 - 86	3,000.00
300013	5.20	3/1/88	10,000.00
300014	5.00	1/1/89	10,000.00
300015	4.00	7/1/85	15,000.00
300016	4.70	12/15/86	16,000.00
300017		12/15/85	14,000.00
300021	4.75	12/15/86 & 87	14,000.00
300026	4.75	12/15/86 & 87	8,000.00
300031	5.00	1/1/86 - 88	45,500.00

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WESTERN BANK OF BOZEMAN

CREDIT BALANCE

\$ 2,473.57

VALLEY BANK OF BELGRADE

CREDIT BALANCE

\$ 4,552.17

MANHATTAN STATE BANK

CREDIT BALANCE

\$ 3,299.99

4910	5.15	9/1/84	25,000.00
4911	4.75	2/1/85	25,000.00
4912	4.80	2/1/86	25,000.00

SECURITY BANK OF THREE FORKS

CREDIT BALANCE

\$ 783.25

333662	10.95	11/10/86	200,000.00
333657	8.00	2/15/85	300,000.00

FIRST SECURITY BANK OF WEST YELLOWSTONE

CREDIT BALANCE

\$ 1,039.32

FIRST CITIZENS BANK OF BOZEMAN

9465	11.75	4/30/86	100,000.00
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EMPIRE FEDERAL SAVINGS & LOAN OF LIVINGSTON

8340	13.00	5/26/87	100,000.00
9847	11.95	3/4/85	105,000.00

OTHER BANKS

Commerce Trust	5,839.28
Norwest	5,297.32
First Trust Bozeman	119,460.90
First Trust Helena	178,159.19
First Security Bozeman	2,035.00

Cash in Office	133,454.52
School Investments	53,358.51
County Investments	5,010,937.08

\$13,922,256.91

PUBLIC MEETING TUESDAY, THE 28th DAY OF AUGUST, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of August 21, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

August 21, 1984

Received the following A101's:

#5708 from State Department of Highways in the amount of \$15,202.98 for aid for public transportation and fuel tax to the credit of gas tax and roads.

#5707 from State Department of Revenue in the amount of \$373.29 for distribution of wine tax revenue for July 1984 to the credit of the General Fund.

Commissioner Wilbur Visser and Personnel Officer Kathy Nowierski attended the Fair Board meeting.

August 22, 1984

Jane Jelinski attended the Rural Fire Council meeting at the Sourdough Rural Fire Hall.

Joy I. Nash and Wilbur Visser attended the Good Sam International Jamboree at the MSU Fieldhouse.

August 23, 1984

The Commissioners; Sanitarian Emery Nelson; Charles French, an MSU student studying the landfill; and Duane Robertson of the Department of Health and Environmental Sciences visited the landfill site at Logan.

Received A101 #5638 from First Bank Bozeman and Montana Bank of Bozeman in the amount of \$56,529.42 for interest earned on repurchase, checking and savings accounts to the credit

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various funds.

August 24, 1984

Received the following list of new employees:

Keira Spilman, Account Clerk I, Treasurer's Office, \$817.67 per month, 8/1/84.  
 Ruth Schmidt, Staff Nurse, Rest Home, \$8.0964 per hour, 7/21/84.  
 Calvin McLean, Plant Operation Supervisor, Rest Home, \$6.3768 per hour, 8/3/84.  
 Donald Ruguleiski, Temporary Youth Probation Supervisor, \$5.00 per hour, 8/8/84.  
 Iverna Hunstman, Temporary Staff Nurse, Rest Home, \$8.0964 per hour, 8/8/84.  
 Barbara Elgen, Account Clerk I, Treasurer's Office, \$817.67 per month, 8/27/84.

Jane Jelinski attended the Weed Board meeting at the Weed Board office.

The County is advertising for a new position through the Job Service for a DUI Research/Records Technician.

August 27, 1984

Received the following cancellation of taxes:

Gallatin Prosthetics, LTD	\$925.17	overassessment on taxes
Mills Repair Center	38.31	double assessed
Montana River Tours	28.04	double assessed

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Don Heath requested a lifting of an agricultural exemption on a certificate of survey.

Mary Kay Peck, Subdivision Review Officer, stated that at one time there were four lots which were the rearrangement of Buhlen Subdivision. At the time the sanitary restrictions were lifted for the other lots, they were not lifted on this lot because of the high water table. Since then, the owners have recently reapplied to have the sanitary restrictions lifted. They have also done additional monitoring of the water table. Ms. Peck states that she has spoken with the County Sanitarian and he feels that there would not be a problem with getting a septic system in the area now. The character of the area is developed, it is in the Gardner Park area. It is not a productive agricultural plot, it is only five acres. Ms. Peck states that she has spoken with the City-County Planning Office and they have no objection to lifting the agricultural exemption.

Wilbur Visser made a motion to defer the decision regarding this for two weeks until the Commission has received information from the State Department of Health and Environmental Sciences regarding the lifting of the sanitary restrictions, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser stated that there were two districts which had exceeded their certified millage. Gallatin Canyon Rural Fire District and the West Yellowstone TV District. There being no public comment, Mr. Visser read the following Resolution:

WHEREAS, budgets have been approved in the amounts in excess of the certified mill levies and a public hearing has been held as required by statute for the following budgets: Gallatin Canyon Rural Fire District and West Yellowstone TV District; and

WHEREAS, no public testimony was received opposing the certified mill levies;

THEREFORE, BE IT RESOLVED THAT:

The mill levies established in the revised final budget shall be those required to provide adequate resources for the budgets set though in excess of the certified mill levies permitted for application for operation of the above named budgets.

Wilbur Visser made a motion to pass the Resolution, seconded by Jane Jelinski, none voting nay. The motion carried.

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Bruce Cunningham of Sohio Oil Company made a request for mineral rights under Kelly Canyon Road. Mr. Cunningham stated that his company is doing oil and gas leasing in Kelly Canyon and they are interested in leasing 2.02 acres underneath Kelly Canyon Road for oil and gas exploration. Mr. Cunningham submitted a letter to the Commission. Joy I. Nash read an excerpt from the letter as follows:

"Bonus consideration of \$15.00 per net mineral acre or a total of \$38.38 will be paid for your execution of the lease.

Primary term of five years.

Royalty of 1/8 will be paid in the event of production according to the terms of the lease. Rentals of \$1.00 per net mineral acre per year are being paid in advance as we are using a paid-up lease form. This amount is included in the total draft amount. A thirty day draft in the amount of \$38.38 is also presented representing payment of the bonus consideration and all rentals."

Gale Thompson of the County Road Office stated that in 1905 there was a 30 foot strip of road that the county received a deed from Mr. Kruse. Mr. Thompson states that it was

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originally believed to be a road by petition and it was not realized that it was a deed for this ground. Mr. Thompson states that in 1973 the old road was abandoned and the new road was changed at the top. Mr. Thompson states that the deed was overlooked in the records and it was not realized that the county had these two acres until the other day.

Wilbur Visser stated that the deed stated as follows:

The strip of land lies wholly within the SW $\frac{1}{4}$  of Section 6, Township 2 South, Range 7 East in Gallatin County, Montana, and is intended for use by the County as a public highway; should said road be abandoned to public use at any time, said lands shall thereupon revert to grantors, their heirs or assigns.

Mr. Thompson stated that at the time the road was abandoned, they did not realize the deed existed.

Mike Salvagni asked whether the road that existed from 1905 to 1973 existed now. Mr. Thompson stated that it is an old abandoned roadway, there may be some signs of the road; however, it is not used for county road purposes any longer. Mike Salvagni asked how the present road came into existence. Mr. Thompson stated that the road actually came into existence in 1905, it was a 30 foot strip. In 1973, the road department received a petition from the people in Kelly Canyon requesting that the road be widened. At that time, Mr. Wolcott and two or three other parties donated a 60 foot right of way and the road change was made. The old road would ordinarily have automatically reverted back to the land owners because it was a road by petition. However, the Road Department overlooked the fact that there was a deed on the one section.

Mike Salvagni clarified that the road described in the deed is not the road today. Mr. Thompson stated that it was not Kelly Canyon Road as it is today.

Wilbur Visser stated that this raises the question of whether the county is actually the deeded owner of the county road or whether the land should have gone back to the grantors or heirs.

Mr. Salvagni states that it is his opinion that the purpose of the deed was to grant the property to the county and it specifically states that it is intended for use by the county as a public highway and should said road be abandoned for public use at any time, said land shall thereupon revert to grantors, their heirs or assigns. Mr. Salvagni states that if the specific description contained in the deed is not being used as a road as was intended by the deed that the condition stated within the deed would become effective and the property would revert back to the assignees of Mr. and Mrs. Kruse. Mr. Salvagni states that the county may not own this piece of property, and if the county does not own the property, it cannot enter into a lease.

Jane Jelinski asked whether Kelly Canyon Road is actually the road Sohio Oil Company is asking the county to lease. Gale Thompson stated that the portion Sohio is requesting to lease was called the old Murry Road and he believes that this is the portion that was abandoned. Mr. Thompson states that there is a description of the old road and the present road on file in the Road Office.

Jane Jelinski noted that on the map Mr. Cunningham provided, there are four property owners whose property abuts the road. She asked whether they had leased their mineral rights. Mr. Cunningham stated that he was presently in the process of contacting these property owners with regard to leasing their mineral rights.

Jane Jelinski asked whether they would be drilling for gas or oil. Mr. Cunningham stated that he had no idea what the company's plans were. He states that his job merely entails acquiring the leases.

Jane Jelinski stated that according to the zoning of the area, a conditional use permit would have to be acquired before any drilling could take place in the area. Mrs. Jelinski asked whether the county would be placing itself in a conflict of interest situation since the Commissioners serve as the Bridger Canyon Zoning Commission and the zoning commission would be the body to grant permission of a conditional use permit.

Mr. Salvagni states that he has discussed this question and he does not have an answer to it at this time. If the county owns the road per the description in the lease and if the County Commissioners are inclined to enter into the lease, because of the nature of the deed, there would have to be a prohibition from any kind of drilling or anything on the road, assuming that the county owns the road. The legality of whether or not there is a conflict would have to be considered. The Commissioners have the legal authority to enter into leases of this nature; however, the Commissioners also have the responsibility to serve on the zoning commission. Mr. Salvagni advises that this be studied before the Commission would take any action with regard to this lease.

Mr. Cunningham states that he was not aware of the zoning in the area.

Jane Jelinski asked a question with regard to item 3 of Sohio's proposed lease agreement, the payment of 1/8 royalty. She asked whether 1/8 of the production would go to the county. Mr. Cunningham stated that 1/8 of the gross production of oil and gas would go to the county.

Mr. Salvagni stated that it would be calculated by taking 1/8 of the total production, totaling the amount of all the property, and it is proportionate to the amount of surface owned.

Philip Davis asked whether this was the road that Dale Morley owns a good portion of at least one side of the road? Mr. Davis states that it would appear to him that part of the road is still in use and part of it may or may not have been abandoned. Gale Thompson stated that they would have to look at the description and have it mapped out.

Mr. Davis submitted a letter to the Commission expressing his concern with oil exploration in this area. Mr. Davis lives approximately two miles from the proposed site. Mr. Davis also represents Wendy Visscher who has a sizable amount of property in the Kelly Canyon area.

Mr. Davis points out that by leasing the ground, the County Commission gets a financial stake in the outcome of the subsequent conditional use permitting process. Mr. Davis does

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not feel that it would be proper for the zoning commission to make an impartial judgment on a matter in which they had a financial stake in the outcome.

Mr. Davis states that if gas is found in the area, there will be substantial impacts. The amount of traffic on the road would destroy it. Mr. Davis feels that the Commission should consult with the Road Department regarding the impact the additional traffic would have on the road. Mr. Davis feels that it is ludicrous that the company would offer \$38.00 this year and \$4.00 for each succeeding year in order to have the use of the road. The county taxpayer should not have to pay the cost for damage to the road.

Mr. Davis states that Mr. Cunningham has stated that he is in negotiations with property owners in the area. Mr. Davis states that there are quite a number of property owners in the area who are refusing to lease.

Mr. Davis requests that the Commission not consider leasing the property until after they have heard the question of the conditional use permit.

Emily Stonington-Swanson stated that she owned 35 acres practically adjoining the road. Ms. Stonington-Swanson states that a five acre well site would totally destroy the value of her land. She states that through the zoning regulations the quality of life in Bridger Canyon is attempted to be preserved. Ms. Stonington-Swanson states that it is her understanding that in order to build a well in the area, there must be a certain amount of acreage leased, she believes it is at least a quarter section.

Mary Ann Kelly, a property owner on Kelly Canyon Road, stated that she and her husband had chosen not to enter into a lease agreement with Sohio. Ms. Kelly states that they have purchased land in the area because of the zoning restrictions. Ms. Kelly stated that none of the oil companies using that road follow the speed limit, making it dusty and noisy.

Jim Tuplin, a Bozeman resident, stated that a matter of importance would be to have an accurate figure of the amount of use this road receives and how much the proposed operation will interfere with the normal use of the road.

Gary Gullickson, a resident of Bridger Canyon, stated that his chief concern should this be approved would be the social impact, with regard to the Sheriff's Department, City Police, Welfare Department, housing and roads. Mr. Gullickson states that one drill rig usually involves about 100 people. Mr. Gullickson wanted to remind the Commission that even though the site is out of town, it is a residential area.

Bruce Cunningham stated that there are a lot of people in the area that have leased. Enough acreage has been obtained for the company to come in and drill; however, it is not the "red hot" area of Montana. Mr. Cunningham states that he is unsure of whether or not the company will actually drill a well.

L. John Onstad, Gallatin County Sheriff, stated that the problem he has is that no one is willing to tell him what is going to happen. He is very concerned for some of the same reasons that have been pointed out today. Sheriff Onstad states that the county does have the right to find out ahead of time what the impact will be. Sheriff Onstad cites the problem of thousands of men in tents with the problem of homicides, drugs and prostitution.

Mike Salvagni reiterated again that it needs to be determined first whether or not the county does own the road.

Gale Thompson stated that the draftsman would do some overlay work to see where exactly the road is with relation to the new portion.

Philip Davis requested that once the question of the road ownership has been resolved and it is such that the Commission would consider entering into the lease, that there be an opportunity for a public hearing to comment on the lease provisions.

Wilbur Visser made a motion to defer any decision regarding the proposed lease until it has been determined who is the owner of the road, this being a period of six weeks, seconded by Jane Jelinski, none voting nay. The motion carried.

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Marvin Pretz presented a revised petition to the Commission requesting the county's participation in the repair of Frank Road. Mr. Pretz also submitted a letter to the Commission from the bank certifying that money has been deposited to an account for the property owner's share of the repair of the road. The cost calculated by the County Road Department to do a double shot penetration for 1,420 feet of road is \$11,000. The property owner's share is \$7,150.

Jane Jelinski asked whether Mr. Pretz had attempted to contact property owners on the other portion of the road so that more of the road could be improved. Mr. Pretz stated that he had been informed by Sam Gianfrancisco, Road Superintendent, that there is a bridge on the creek that needs to be repaired. Mr. Pretz states that letters were sent to the property owners on the south side, the north side is all state land.

Wilbur Visser asked whether there was a problem with the time aspect of doing the road. Sam Gianfrancisco, Road Superintendent, stated that at this time his department has two other committals, one in West Yellowstone and Goldenstein Lane. He stated that if the weather were to cooperate for a period of time, they would be able to do the Frank Road project. The weather is a pertinent factor when doing the double shot penetration. Mr. Gianfrancisco states that some work will be done on Frank Road prior to the actual improvement of the road.

Mr. Gianfrancisco stated that with regard to the letters sent to the other property owners on the road, twelve responses were received. Mr. Bill Rash came in and spoke with Mr. Gianfrancisco and stated that he represented an additional 15 people. Mr. Rash stated that most of them are interested in seeing something done to the road; however, they do not feel that they can come up with the money on such short notice. Of the twelve responses received, six were for improving the road, and six were against improving the road. Mr. Gianfrancisco

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also discussed the possibility of using a dust retardant.

Jerry Swenson the other property owner who signed the petition stated that the road was a definite hazard, due to the dust.

Sam Gianfrancisco stated that one thing that has been overlooked is that he has also recommended a two-inch overlay of asphalt for \$13,000 for that portion of Frank Road. Mr. Gianfrancisco states that this can be done up to the first of November. The weather is not as critical. Mr. Gianfrancisco states that over a long period of time the two-inch overlay holds up much better than the double shot.

Mr. Pretz states that he and Mr. Swenson would be willing to have the two-inch overlay done for the additional amount of money. Mr. Swenson requests that the work be done 300 feet beyond his property line for a total of 1,720 feet. Mr. Gianfrancisco states that adding the additional footage would not amount to any more money, just the cost of the material. He stated that he would like to see a policy set whereby the county would not do less than a mile of road when doing improvements such as this, due to the maintenance problems created by doing this.

Wilbur Visser made a motion to grant the petition requesting county participation to repair Frank Road with a two-inch overlay with the owner's participation being 65% of the total cost of the project for 1,520 feet of the road, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser made a motion to renew the contract of Randy Thoreson, Belgrade City-County Planning Director for the period July 1, 1984 through June 30, 1985 at the rate of \$25.00 per hour for preparing the Findings of Fact for signature by the County Commission for each request for Preliminary Plat Approval or other appropriate action within the Belgrade City-County Planning Jurisdictional Area, outside the city limits of Belgrade. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser made a motion to appoint Don Ward to a three year term on the West Yellowstone TV District, Howard Micklewright to a two year term on the West Yellowstone TV District, and Gary Evje to a one year term on the West Yellowstone TV District. This being a newly formed board, the terms must be staggered. Jane Jelinski seconded the motion, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:00 P.M.

ATTEST:

*Joy I. Nash*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 4th DAY OF SEPTEMBER, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioner Jane Jelinski, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to accept the rough draft of the minutes of August 28, 1984, seconded by Joy I. Nash, none voting nay. The motion carried.

ANNOUNCEMENTS

August 28, 1984

Received A101 #5749 from the State Department of Commerce in the amount of \$2,576.41 for Land Use Planning for FY 1985 to the credit of County Land Planning Funds.

August 29, 1984

Jim Cavanaugh, Safety Consultant for the Worker's Compensation Division of the Department of Labor and Industry inspected all county buildings to check safety codes. No major problems were found.

Joy I. Nash and Jane Jelinski went to Virginia City to meet with the Madison County Commissioners to discuss the expenses for the manhunt in the Big Sky area. Sheriff L. John Onstad was also in attendance as well as Sheriff Johnny France.

Wilbur Visser attended the Governor's Infrastructure Committee meeting held in the Courthouse.

Received the following list of delinquent taxes:

Tax No.	Name	Address	Amount
180	Baer, Adrian D.	1504 S. 5th, Bozeman, MT	\$ 29.20
229	Duletich, Sandra	513 N. Black, Bozeman, MT	12.17
1264	Richards, John	201 S. 19th, Bozeman, MT	29.20
1820	Baggio, Phillip	23 Madison Ct., Bozeman, MT	24.34
1873	Bendixon, Gerald	602 S. Tracy, Bozeman, MT	9.73
1913	Casey, David L.	6 Faculty Ct., Bozeman, MT	2.43
1951	Elliott, Ernest	213 E. Cleveland, Bozeman, MT	48.67

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<u>Tax No.</u>	<u>Name</u>	<u>Address</u>	<u>Amount</u>
2250	Hauseman, Roger	1423C 3rd, Bozeman, MT	\$ 4.87
2338	Miller, Dick	206 E. Olive, Bozeman, MT	3.65
2451	Roberts, Dan	15 W. Cottonwood, Bozeman, MT	7.30
2514	Stanturf, John	13 Madison Ct., Bozeman, MT	12.17
2630	D & L Furniture	34 N. Bozeman, Bozeman, MT	537.36
2659	Walker, Curt	218 S. Willson, Bozeman, MT	19.47
3029	Nelson, Mr. & Mrs. Robert	Box 321, Manhattan, MT	22.98
3157	Pierce, Clifford	Rt. 3, Box 277, Bozeman, MT	16.05
3246	Fennning, Clyde	Box 361, Three Forks, MT	15.58
3550	Lovegren, Glen	220 N. Broadway, Bozeman, MT	2.43
3650	Russell, Clark	Clyde Park, MT	10.72
3927	Factory Sound Center	121 E. Mendenhall, Bozeman, MT	405.70
4349	McReynolds, Clyde	c/o Yellowstone Pine, Belgrade, MT	25.28
4426	Johnson, Dale	Rt. 4, Bozeman, MT	13.29
4656	Gardner, Bruce B.	c/o Macks Inn, Idaho	37.28
4673	Harmer, Norine	West Yellowstone, MT	13.95
4732	Brevik, Art	West Yellowstone, MT	47.81
4762	Neille, Dan	West Yellowstone, MT	73.31
4916	Anderson, Gene	121 N. Broadway, Belgrade, MT	2.56
4974	Stosich, David J.	Box 545, West Yellowstone, MT	31.08
5407	Kelley, Mr. and Mrs. James	1010 S. 6th Bozeman, MT	24.34
5497	Tribble, William R.	Rural Route, Three Forks, MT	17.81
5658	Cornelius, Charles	Rt. 4, Flying W #28, Bozeman, MT	33.68
5796	Norris, C. L.	415½ S. Church, Bozeman, MT	7.30
5856	Country Bookshelf	1528 W. Main, Bozeman, MT	486.74
6037	Geigor, Robert and Jo Anne	416 S. Tracy, Bozeman, MT	14.60
6208	Hermanson, Herman	West Yellowstone, MT	2.50
6317	Holiday Lounge	Rural Route, West Yellowstone, MT	74.43
6328	Broyles, Wayne	1207 E. Main #15, Bozeman, MT	57.44
6335	McGhee, Sherry	2220 W. Main #22, Bozeman, MT	148.46
6408	Kaiser, Ed	Lodge Grass, MT	57.05
6485	Cardinal Distributing Co.	805 N. Ida, Bozeman, MT	1,110.98
6486	Rudy's Distributing Co.	707 E. Peach, Bozeman, MT	1,170.85
4645A	McElroy, Charles	c/o Glen Hargrove, Rte 1 Box 205 Bozeman, MT	93.78
4814A	Lay, William	#4 Faculty Ct., Bozeman, MT	7.30
4817A	LaFountain, Susan	906 S. Tracy, Bozeman, MT	4.87
4844A	Nixon, Alan	714 S. 15th, Bozeman, MT	7.30
4925A	Knapp, Dick	Star Rt, Box 573, Bozeman, MT	7.73
4939A	Morris, Donna	Rt. 1, Box 255, Bozeman, MT	1.93
Total			\$4,787.67

These taxes were for the year 1973 and have been cancelled by the Commission pursuant to MCA 15-16-702.

The following delinquent taxes are for the year 1974:

<u>Tax No.</u>	<u>Name</u>	<u>Address</u>	<u>Amount</u>
73498	Kennedy, Sam	Rt. 1 Box 90, Bozeman, MT	\$ 36.35
74279	Kipp, Ralph	Tee Pee, Belgrade, MT	29.49
75138	Hammond, Larry Dr.	Box 114, Bozeman, MT	111.14
75384	Better Builders	6015 Feban St., Arvada, CO	22.64
75480	Fidelity Union Life Ins Co	712 S. 11th, Bozeman, MT	50.31
75535	Munson Volkswagen	25 S. Church, Bozeman, MT	930.66
75551	Old Mexico	40 W. Main, Bozeman, MT	180.35
76114	Johnson, Martin R. & Marj.	Box 662, West Yellowstone, MT	56.03
76359	Neille, Dan (Kent Wilhelm)	West Yellowstone, MT	44.96
76492	Roth, Frank	Maudlow, MT	9.19
76493	Roth, Frank	Maudlow, MT	16.32
77301	Davis, Floyd	West Yellowstone, MT	3.45
77428	Roberson, Leo	West Yellowstone, MT	3.45
77605	Ketcham, Alma	#29 Highland Ct., Bozeman, MT	73.70
72694	Mathis, Theodore E.	Box 306, West Yellowstone, MT	27.39
77752	Jack's Plumbing & Heating	1314 N. Bozeman, Bozeman, MT	518.78
Total			\$2,114.21

These delinquent taxes were cancelled by the Commission pursuant to MCA 15-16-702.

#### August 30, 1984

Joy I. Nash and Jane Jelinski attended a meeting and reception at Willson School to welcome the teachers back for the school year 1984-85.

Jane Jelinski attended a meeting at the Sheriff's Office with concerned citizens regarding the traffic problem in the Gallatin Canyon.

Received A101 #5764 from the Motor Vehicle Department in the amount of \$1,450.00 for title fees and fines collected to the credit of various funds.

Signed a Statement of Assurance to the Office of the Secretary of the U.S. Treasury to receive Revenue Sharing Funds.

#### August 31, 1984

Jane Jelinski and Joy I. Nash met as a Welfare Board this date.

#### September 3, 1984

LEGAL HOLIDAY - LABOR DAY



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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

September 4, 1984

Department Head Staff Meeting was held.

- - - -

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Leroy Swier has claimed the occasional sale exemption. Mr. Swier has not taken a prior occasional sale, the tract was not created through the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Joy I. Nash, none voting nay. The motion carried.

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Norm Stone, of the County Road Department, stated that due to an error in the budgeting process, an account was closed in which the Road Department was going to pay for a snow plow. The Road Department is requesting a transfer of funds from the closed account to another account to facilitate payment of this snow plow.

Jane Jelinski made a motion to grant the transfer of funds, seconded by Joy I. Nash, none voting nay. The motion carried.

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Steve Custer, of Montana State University, requested support for a grant to study groundwater availability in the Gallatin Valley. Mr. Custer has submitted a copy of his grant proposal to the Commission. The proposal was developed as a two-phase program. The first year would be to investigate the Bozeman Fan to try and identify where the channels are, using geophysics. The second year would be to develop one or two well test systems that show what the potential of these channels are.

Mr. Custer submitted his grant proposal to the Department of Natural Resources in June and last week received a phone call from them asking whether there was any financial support from the community for this project. The budget for this project is over \$100,000 and \$100,000 would be the limit the Department of Natural Resources would be willing to contribute. Mr. Custer estimates that he would need an additional \$14,000 for this project. Mr. Custer also requests a letter of support from the Commission for this project as well as any financial support they would be willing to contribute. Mr. Custer states that the project could not be completed for only \$100,000 in funding.

Jane Jelinski stated that she had a problem in spending money in a budget within a few weeks of adopting the final budget that was not allocated within the budget. She stated that she would be in favor of sending a letter supporting the project.

There was no public comment regarding this proposed project.

Jane Jelinski made a motion to send a letter to the Department of Natural Resources, Water Development Bureau, indicating the Commission's support for the study but that no funds be committed toward the project for this fiscal year, seconded by Joy I. Nash, none voting nay. The motion carried.

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Mike Money, of the Bozeman City-County Planning Staff, spoke regarding a request for preliminary plat approval of a minor subdivision of lot 22 of Hyalite Foothills Subdivision. This application, if approved, would create two lots, approximately 1.18 and 1.16 acres in size. The Planning Staff has reviewed the request and found that it is in compliance with the Master Plan as a rural development node. Three conditions have been recommended by the Planning Staff as follows:

1. The final plat contain all the certificates and information required in chapter 16 40 of the Subdivision Regulations.
2. The utility easements be drawn on the final plat.
3. The initiation fees for the extra lot be paid to the Rae Volunteer Fire Department prior to final approval.

The Planning Staff recommends the approval of the subdivision.

Jane Jelinski made a motion to grant preliminary plat approval for a minor subdivision of lot 22 of Hyalite Foothills Subdivision, with the three conditions recommended by the Planning Staff and with the understanding that the State Department of Health will approve it, seconded by Joy I. Nash, none voting nay. The motion carried.

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Joy I. Nash stated that the Commission had received a petition requesting an annexation of property into the Bridger Canyon Rural Fire District. The petition has been certified by the Clerk and Recorder. A public hearing will be held regarding this request for annexation. The petitioners are Jane Newhall and Kenneth and Eunice Lundberg.

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Joy I. Nash and Jane Jelinski read a proposed agreement between the State Highway Department, Burlington Northern Railroad and Gallatin County regarding the installation and maintenance of grade crossings at Griffin Drive.

Mike Salvagni clarified that the railroad and the State would be responsible for the costs of installation and that the county would be responsible for any maintenance costs such as

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repair that might be incurred.

Jane Jelinski made a motion to enter into the agreement, seconded by Joy I. Nash, none voting nay. The motion carried.

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Quarterly securities were checked with the County Treasurer and found to be in order as entered into the minutes on August 28, 1984.

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There being no further business, the meeting adjourned at 2:15 P.M.

ATTEST:

*Gary H. Pringle*  
 Clerk

APPROVED:  
*Joy I. Nash*  
 Chairman

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PUBLIC MEETING TUESDAY, THE 11th DAY OF SEPTEMBER, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of August 28, 1984 and September 4, 1984, seconded by Wilbur Visser, none voting nay. The motion carried.

ANNOUNCEMENTS

September 5, 1984

Received A101 #5794 from Security Bank of Three Forks in the amount of \$11,763.92 for interest earned on CDs 10082-10085 to the credit of various funds.

Jane Jelinski and Mike Salvagni, County Attorney, attended the Dog Control Committee meeting.

Received Board of Prisoners Report at the Detention Center. A total of 124 prisoners were held for the month of August for a total of \$4,724.00.

Jane Jelinski attended the Alcohol Advisory Board meeting this date.

September 6, 1984

Received A101's #5796-5801 from First Bank Bozeman in the amount of \$36,202.53 for interest earned on CDs 19332-19337 to the credit of various funds.

Jane Jelinski attended the TAC meeting.

Received A101 #5813 from Doug McWilliams in the amount of \$15.00 for Law and Justice Gym Rental to the credit of the General Fund.

September 7, 1984

Received the following cancellation of taxes:

#539	Kept Swept	\$340.33	out of business in 1983
#538	Don Ferron	\$ 52.88	double assessed

Received the following A101's:

#5817 from Harvest Hills Park Passbook Account in the amount of \$3,462.93 for interest on passbook to the credit of Park Funds.

#5819 from Godfrey Canyon Estates Passbook Account in the amount of \$2,201.26 for interest earned on passbook to the credit of Godfrey Canyon Estates Investments.

September 10, 1984

Jane Jelinski attended the Board of Health meeting this date.

Received A101 #5829 from the State Department of Revenue in the amount of \$5,794.22 for fees and taxes collected by the Highway Department to the credit of various funds.

September 11, 1984

Received the report from the Clerk and Recorder showing the items of fees and collections made during the month of August, 1984 in the amount of \$12,219.55.

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Joy I. Nash stated that this was the time for the bid opening for two motor graders for the Road Department. She read the affidavit of publication, the bid notice was published three consecutive weeks commencing August 22, 1984. Mrs. Nash stated that four bids had been received at this time.

Gale Thompson of the Road Office read the bids as follows:

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Tractor and Equipment Co., Billings, MT -

One new 140 G Motor Grader meeting all specifications, with trade: \$79,429.00  
Upon purchase of the second motor grader, with trade: \$77,929.00

Tri-State Equipment Co., Billings, MT -

One new Champion Model 720A, with trade: \$82,150.00  
Second grader, with trade: \$76,250.00

Hall-Perry Machinery Co., Billings, MT -

One new 1984 John Deere 770A, with trade: \$90,138.00  
Second grader, with trade: \$98,165.60

West Star Tractor and Equipment Co., Billings, MT -

Two new Galion A-500E Motor Graders, with trade: \$78,520.00  
Second grader with trade: \$77,520.00

Joy I. Nash stated that the Commission would have the Road Department review the bids and make their recommendation at next week's public meeting.

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Mary Kay Peck, Subdivision Review Officer, was not present to speak regarding a review of exemptions claimed on certificates of survey. The Commissioners had received a staff report from Ms. Peck regarding two claimed exemptions as follows:

John McCrossen has claimed the security for construction financing exemption. Mr. McCrossen has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract and that he will retain title to and possession of the original tract. First Citizens Bank of Bozeman certified that creation of the mortgage parcel is necessary to secure the construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Charles J. Farina and David M. Jones have claimed the occasional sale exemption. Mr. Farina and Mr. Jones have not taken a prior occasional sale, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. This appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Michael Sand spoke regarding a request for final plat approval for Michael Sand Minor Subdivision. Mr. Sand stated that there were six conditions set forth for final approval when preliminary approval was granted. Mr. Sand states that the six conditions have been met.

Mr. Sand states that with regard to condition no. 2, regarding the drainage plans, the county subdivision regulations require that the drive-way approaches be submitted to the county engineer's office and installed prior to final plat approval. Mr. Sand states that he met with Norm Stone two weeks ago and Mr. Stone required that a fifteen inch diameter culvert, twenty-four feet long be placed under each drive-way access. Mr. Sand states that he purchased the culverts and had someone put them in. Mr. Sand states that Norm Stone has looked at them and has determined that they were done improperly. Mr. Sand stated that he has contacted another contractor to reinstall the culvert; however, this will take another couple of weeks.

Mr. Sand suggests that he is willing to post security to insure that the culverts are done properly within a maximum thirty day period.

Mr. Sand submitted a copy of the covenants.

Joy I. Nash asked when the final approval date would expire. Mike Salvagni stated that the County Commission must approve or disapprove the final plat within 30 days of the date it was submitted to the Subdivision Review Office. Mr. Salvagni states that Mr. Sand is requesting final plat approval and he is offering to enter into an agreement with the Commission to post a security to guarantee that the culverts would be installed properly. The culverts are not discussed as a condition of final plat approval. Mr. Salvagni states that the Commission could approve the final plat and accept the agreement or the Commission could wait and let the 30 day time period run before taking any action.

Mr. Sand stated that he would like to get final approval today because he has someone that would like to buy a lot from him on Friday and he cannot do that without final plat approval.

Mr. Sand estimates that it would cost \$500 to \$800 to reinstall the culverts. Mr. Sand proposes \$1,000 as security to insure that the culverts will be installed within 30 days.

Norm Stone stated that \$1,000 would definitely cover the cost of reinstalling the culvert. Mr. Stone stated that Mr. Sand has been very cooperative throughout the project.

Jane Jelinski made a motion to enter into the improvements agreement with Michael Sand to assure that the culverts and drive-way approaches are constructed properly, seconded by Wilbur Visser, none voting nay. The motion carried.

Wilbur Visser made a motion to grant final plat approval for the Michael Sand Minor Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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Joy I. Nash stated that the Commission had received a letter from Robert Donovan, Chairman of the Trustees of the Gallatin Canyon Rural Fire District requesting that they appoint Scott Bowen to replace Lynn Schumacher to the Board of Trustees.

Wilbur Visser made a motion to appoint Scott Bowen to replace Lynn Schumacher on the Gallatin Canyon Rural Fire District Board of Trustees until the next election is held for trustees, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:10 P.M.

ATTEST:

*Gary J. Puring*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

PUBLIC MEETING TUESDAY, THE 18th DAY OF SEPTEMBER, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of September 11, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

September 12, 1984

Joy I. Nash and Emery Nelson attended the meeting with Department of Natural Resources personnel in West Yellowstone to discuss bear proof garbage containers.

Joy I. Nash and Emery Nelson attended the Refuse District #2 meeting in West Yellowstone.

Jane Jelinski and Wilbur Visser attended the City-County Cooperative meeting.

Received A101 #5848 from the State Department of Institutions in the amount of \$7,494.00 to the credit of Alcohol Funds.

September 13, 1984

The Commissioners, Sam Gianfrancisco, Road Superintendent and Forest Service personnel, John Dolan and Ken Galik visited land exchange area near the Trinity Ranch in the Bridgers.

Jane Jelinski attended a meeting at the Bridger Canyon Fire Station regarding the proposed leasing of land by Sohio Oil Company in the Kelly Canyon area.

Received the following A101's:

#5864 from West Yellowstone/Hebgen Basin Refuse District No. 2 for garbage fees collected in the amount of \$618.00 to the credit of the Refuse District.

#5853 from Montana State University in the amount of \$90.00 for rental of the Law and Justice gym to the credit of the General Fund.

September 14, 1984

Authorized the following transfers of funds:

1. The sums of \$78.15 from fund 1000, \$11.44 from fund 2180, \$97.16 from fund 2160, \$94.59 from fund 2190, \$3.86 from fund 5020, and \$1,023.14 from fund 2140 to fund 2110 for gas.
2. The sums of \$87.14 from fund 2190, and \$149.23 from fund 2110 to fund 1000 for gas.
3. The sum of \$4,480.00 from fund 8152 to fund 8152 to fund 8211 to correct miscoding.
4. The sum of \$106.85 from fund 8222 to fund 8231 to correct miscoding.
5. The sums of \$3.15 from fund 2110, \$94.87 from fund 2120, \$45.50 from fund 2180, \$63.89 from fund 2190, \$212.70 from fund 2290, \$38.59 from fund 5020, \$59.36 from fund 2273, and \$7.30 from fund 2270 to fund 1000 for printing.
6. The sum of \$5.55 from fund 4040 to fund 1000 to zero out fund 4040.
7. The sum of \$27.05 from fund 7850 to fund 7860 to correct miscoding.
8. The sum of \$4.55 from fund 8222 to fund 8231 to correct miscoding.
9. The sums of \$93.10 from fund 1000, \$.50 from fund 2110, and \$7.50 from fund 2270 to fund 2190 for copies.
10. The sum of \$21.30 from fund 1000 to fund 2180 for copies.
11. The sums of \$27.12 from fund 2120, \$10.90 from fund 2180, \$19.40 from fund 2190, \$44.31 from fund 2290, \$30.01 from fund 5020, to fund 1000 for supplies.

Received A101 #5874 from Monforton School in the amount of \$50.00 for annual fees for the rental of the Law and Justice gym to the credit of the General Fund.

September 17, 1984

The Penwell Bridge was damaged and collapsed this date. Bridge crews have barricaded the road. Alternative routes are available.

Met with Bill Ogden, owner and developer of Eagle Rock Ranch, and Dick Pahl, landscape architect to hear a proposal regarding this planned unit development. It will be designed to preserve rural quality in Gallatin County. This is 1,370 acres south of Bozeman at the base of Mount Ellis.

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The Road Department has completed work on the Parade Rest Ranch and Denny Creek Road, county roads in the West Yellowstone area. They have also completed a small, gravel portion of the county road in the Big Sky area.

September 18, 1984

Routine business this date.

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Joy I. Nash read the affidavit of publication for the bid opening for five four-door sedans for the Sheriff's Department. Captain Carl Smith read the bids as follows:

Danhof Chevrolet, Manhattan, MT - Two exceptions to the specifications are noted as such:

Police Special Transmission only available in the four speed automatic overdrive, not in the three speed.

The radial tires 225 70R x 15 tires are not able to be certified as steel radials for pursuit purposes and therefore the steel radials available on the request are not certified.

Total bid for five units: \$56,799.00

Rolfe & Wood, Bozeman, MT - Bid submitted in accordance with specifications: One unit: \$11,247.00  
Five units: \$56,235.00

Bozeman Ford, Bozeman, MT - One unit: \$11,799.50  
Five units: \$58,997.50

Captain Smith will consider the bids and make his recommendation to the Commission at next week's public meeting.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Richard A. Ramler has claimed the security for construction financing exemption. Mr. Ramler has submitted a signed, notarized statement certifying that only one parcel is being created within the original tract and that he will retain title to and possession of the original tract. Montana Bank of Bozeman has certified that creation of the mortgage parcel is necessary to secure the construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for summary review approval for Akers Minor Subdivision. This subdivision is located approximately nine miles north of West Yellowstone along Duck Creek. Ms. Peck displayed a plat of the subdivision. The tract is a 7.5 acre tract to be divided into two lots. Tract A2, the westerly lot, would be 4.5782 acres, and tract A3, which is the easterly lot, would be 3.0285 acres.

Ms. Peck states that the minor subdivision appears to meet the criteria for summary review and for waiving of the environmental assessment and public hearing as specified in section 5 of the subdivision regulations.

The property is located in the Hebgen Lake Zoning District and is zoned COS X, residential. The allowable density is one unit per three acres, which the proposed subdivision complies with. Public access to the subdivision is provided by a forest service road, Duck Creek No. 2523. The Forest Service District Ranger submitted a letter stating that it is the intent of the Forest Service to keep this road open for the use of the public.

Ms. Peck stated that the lots are irregularly shaped; however, this appears to be the best design available because of the existing structure, well, road and Duck Creek.

With regard to the public interest criteria, Ms. Peck states that the land is surrounded by land that has been divided through the use of subdivision exemptions. There appears to be a demand for this type of lot in the Hebgen Lake area. Because the land is located on Duck Creek, there would be a slight impact on the natural environment by creating this additional lot. It is very close to Yellowstone Park which is prime wildlife habitat; however, the area has already been established and is not in itself prime wildlife habitat. No agricultural lands would be removed from production. The public health and safety should be protected as long as the septic system is located 100 feet from the high water mark of Duck Creek. There will be additional tax revenues accruing as a result of this subdivision. Any additional students would attend school in West Yellowstone, where it has been indicated in the past that there would be plenty of classroom capacity. Local services should not be greatly impacted by one additional lot. There has been no expressed public opinion as the public hearing process has been waived.

Ms. Peck recommends the following conditions should summary review be granted:

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
2. That plans for roads, drainage, placement of street signs, and lot access be approved by the County Engineers Office prior to installation of improvements.
3. That all improvements be installed prior to final approval.
4. That the owner of Koelzer Road be a party to the road dedication.
5. That utility easements be shown and noted on the final plat.

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6. That the final plat conform to the Uniform Standards for Final Subdivision Plats, and be accompanied by a certificate of approval from the State Department of Health, a platting certificate, a County Attorney's certificate, and a County Treasurer's Certificate.

7. That cash-in-lieu of parkland dedication be donated prior to final approval, and that the developer provide an appraisal of the fair market value of the unsubdivided, unimproved property to determine the amount of payment.

8. That the septic system be located at least 100 feet from the highwater mark of Duck Creek.

9. That a maintenance agreement for Koelzer Road be obtained.

Wilbur Visser asked if with regard to the community well, whether there would be covenants written up as to the maintenance of the well.

Ms. Peck stated that she had not seen any covenants and that it should be written into the covenants as such.

Wilbur Visser made a motion to grant preliminary plat approval for Akers Minor Subdivision with the conditions set forth by Mary Kay Peck and adding that there be a maintenance clause in the covenants for the well, seconded by Jane Jelinski, none voting nay. The motion carried.

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John Schunke of Morrison-Maierle, representing Paul Boylan, spoke regarding a request for lifting of an agricultural exemption on a certificate of survey. This is a ten acre parcel on the corner of Stuckey and 19th. Mr. Schunke states that they have gone through the review by the Sanitarian's Office and the Health Department to lift the sanitary restrictions. This paper work is all in order. No ground water has been found to a depth of ten feet and the test hole has been monitored for a year. This test has also recently been done and no ground water has been found.

The reason Mr. Boylan is requesting that this exemption be lifted, is that the Grace Baptist Church is in the process of purchasing the property and would like to be able to build on the property.

Jane Jelinski asked what type of exemption would be claimed in order to transfer the parcel. Mr. Schunke states that since the plat has already been filed, they are merely requesting the lifting of the agricultural exemption and he believes that there is a way to do this.

Mr. Schunke will provide a copy of the document from the Department of Health indicating that all of the tests were satisfactory and that the sanitary restrictions could be lifted.

Bob Throssell stated that in order to make the division outside of a minor subdivision, the person requesting the transfer of the parcel would need to qualify for one of the exemptions. They have qualified for the agricultural exemption because they have agreed to use the land for agricultural purposes. If they wish to have this exemption lifted, in order for the property to be divided, they would have to choose one of the other exemptions and qualify under the regulations. If the restriction is merely lifted, the parcel will go through without any review under the subdivision regulations. If it is required that they file the transfer under another exemption, the parcel would be reviewed under the exemption criteria as intended by the subdivision regulations. The claimed exemption would have to be reviewed by the Subdivision Review Officer and the County Commission.

Jane Jelinski made a motion to lift the agricultural exemption, Joy I, Nash called for a second to the motion. There being no second, the motion died.

Wilbur Visser made a motion to lift the agricultural exemption on the condition that the plat be filed with the occasional sale exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Randy Thoreson, Belgrade City-County Planning Director, spoke regarding a request for summary review for Applas Minor Subdivision. Mr. Thoreson has submitted a plat of the subdivision, his staff report, a letter from the developer's representative Ray Center, and a recommendation from the Belgrade Planning Board along with a copy of the minutes of the Planning Board meeting.

The minor subdivision is located 1½ miles west of Belgrade, at the Thorpe and Royal Arabian Roads intersection. This parcel is approximately four acres divided into two tracts of 2.0029 acres each. Both parcels are served by Royal Arabian Road. Park dedication can be waived but cash-in-lieu of park is still applicable. Materials submitted do not show a certificate showing such cash-in-lieu monies.

No unusual lot configurations are noted.

On August 28, 1984, the Belgrade Planning Board met regarding this subdivision and recommend approval as follows:

1. Necessary utility easements be shown along lots lines and noted on final plat.
2. That provision be made to insure that all lots be kept weed free and treated in a husbandry-like manner and that all areas disturbed by construction be reseeded with preferred vegetation types.
3. That a \$35.00 fee be paid to the Belgrade Rural Fire Department as cash-in-lieu payment to cover the cost of fire protection until construction can be picked up on the tax roles for Tract B.
4. That the final plat meet current dedication and certification requirements including a County Treasurer's certificate, Cash-in-Lieu of Park Certificate and other necessary certificates.

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5. That the final plat conform to Uniform Standards for Final Subdivision Plats and be accompanied by an approval from the State Department of Health and Environmental Sciences, a platting certificate and a County Attorney's Certificate.

6. That no access from Tract A be allowed on Thorpe Road and be stated on the Final Plat.

Mr. Thoreson also recommends a seventh condition as follows:

That 30 feet of Thorpe Road be dedicated to the use of the public.

The eight public interest criteria were evaluated with no major impacts noted.

Ray Center, the developer's representative, stated that with regard to condition no. 7, this has already been shown on the plat with their submittal to the Department of Health.

Jane Jelinski made a motion to approve the preliminary plat for Applas Minor Subdivision with the seven conditions as outlined by Randy Thoreson, seconded by Wilbur Visser, none voting nay. The motion carried.

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Sam Gianfrancisco, Road Superintendent, spoke regarding the award of the bid for two road graders.

Mr. Gianfrancisco recapped the bids as follows:

Tractor and Equipment: \$157,358.00  
West Star: \$156,040.00  
Tri-State Equipment: \$158,400.00  
Hall-Perry Machinery: \$178,476.00

Mr. Gianfrancisco recommends that the Commission not accept the low bid of West Star which was a Gallion motor grader. He would recommend the Commission accept the bid of Tractor and Equipment which is \$1,318.00 higher, due to the warranty offered by Tractor and Equipment. West Star offers one year on parts and labor and Tractor and Equipment offers one year on parts and labor and an additional two years on parts.

Wilbur Visser made a motion to award the bid for two road graders to Tractor and Equipment Company of Billings, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski read the following Proclamation:

WHEREAS, it is important Gallatin County provide needed services for many of its inhabitants to express its care and concern for its residents; and

WHEREAS, such services can best be provided by agencies that save lives, train, provide health care, guide and assist youth, the elderly and the needy; and

WHEREAS, a combined campaign of 19 member agencies of United Way has proven to be effective and efficient as well as successful in past years using volunteers to visit their neighbors and businesses for the purpose of assisting in the funding of such services; and

WHEREAS, the United Way has set a goal of \$200,000 for distribution in 1985 to such agencies and shall begin the campaign on September 25th, 1984.

NOW THEREFORE, we, Joy I. Nash, Wilbur Visser and Jane Jelinski, Commissioners for the County of Gallatin, do hereby proclaim the period from September 25th, 1984 to October 31st, 1984 as "UNITE DWAY DAYS" in Gallatin County and urge all our citizens and businesses to cooperate in this campaign as their hearts dictate, to welcome the volunteers and to give freely in an attitude of love and concern.

Wilbur Visser made a motion to proclaim the week of September 25, 1984 as United Way Days, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:20 P.M.

ATTEST:

Clerk

*Gary St. Pungle*  
Clerk

APPROVED:

Chairman

*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 25th DAY OF SEPTEMBER, 1984, OFFICE OF THE COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 p.m. Also present were Commissioners Wilbur Visser and Jane Jelinski, County Attorney Bob Throssell, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of September 18, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

TUESDAY THE 25th DAY OF SEPTEMBER 1984  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

## ANNOUNCEMENTS

September 19, 1984

The Commissioners and the Zoning Commission members met in West Yellowstone to discuss the variance for Gerald Yetter. A public meeting was held in the afternoon. The agenda was a discussion of PILT moneys, discussion of radio system and dispatching, Wally Schoer discussed garbage assessment and the J.P., B. J. Hultz, requested that we rent the new quarters for the J.P. Court. No decision has been made on this request. Signed Montana Arts Council Grant for the Gallatin County Historical Society and Pioneer Museum.

September 20, 1984

Wilbur Visser attended an Infrastructure meeting in Helena with Lt. Governor Turman.

Received transfer of funds.

Received the following A101's #5908 from the State Department of Revenue in the amount of \$317.56 for wine tax to the credit of General Fund, A101 #5914 from the T&W Distributing Company in the amount of \$12.00 for commission for the vending machine, to the machine and equipment rental fund. A101 #5915 from John Depuydt, for Law and Justice Gym rental to the credit of general fund, \$12. A101 #5921 from the Bozeman Trail Association in the amount of \$25,826.89 for the owners portion of paving expenses. The original cost was \$24,006.24. The extra \$1,820.65 was interest earned on the money which the Bozeman Trail Association has given to the County to the credit of the Road Department.

Jane Jelinski attended a Refuse District #1 meeting in Manhattan.

September 21, 1984

Wilbur Visser in Helena at the Infrastructure meeting.

Joy Nash and Jane Jelinski attended the Weed Board Meeting.

Joy Nash attended the meeting with the Amtrak Train Committee in the City Library.

Received A101 #5940 from the Heritage Christian School for \$50.00 for the rental of the Law and Justice Gym to the credit of the Law and Justice fund.

Received A101 #5833 from the First Bank of Bozeman and the Montana Bank of Bozeman for interest on repurchase agreement from First Bank of Bozeman, the Montana Bank repurchase agreement #2 in the amount of \$44,637.75.

New Employees in the County: Catherine Riter, Sheriff's Dispatcher, \$870.65 per month; Sherry Ryan, nurses aide at the Rest Home, \$4.71 per hour; Debra Merrich, nurses aide at the Rest Home, \$4.71 per hour; Vernetta Long, registered charge nurse, at the Rest Home, \$8,096 per hour; Kristi Ketterling, nurses aide at the Rest Home, \$4.71 per hour; Barbara Nielson, kitchen aide at the Rest Home, \$3.82 per hour; Della Smith, Judge Olson's Law Clerk, \$1000.00 per month; Cherie Lienhart, licensed practical nurse at the Rest Home, \$6.89 per month; Lorinda Heiser, accounting clerk #1 at the Treasures Office, \$817.67 per month; Joy Bente, temporary clerk in the JP's Office, \$4.71 per hour; Trudy Ost, Dispatcher, Sheriff's Department, \$870.65 per hour; Margaret Reynolds, nurses aide at the Rest Home, \$4.71 per hour; Peggy Harmony, nurses aide at the Rest Home, \$4.71 per hour; Norene Corne, temporary secretarial help in the Probation Office, \$7.94 per hour; Arty Parac temporary Election Clerk, Clerk and Recorder's Office, \$5.47 per hour.

September 24, 1984

Joy Nash went to Townsend for the Advisory Board meeting on the Council on Aging.

Jane Jelinski and Wilbur Visser sat as a Welfare Board this date.

Jane Jelinski attended Fair Board meeting at the Fairgournds.

Received the following A101's:

#5954 State of Montana Highways fees and taxes collected in the amount of \$4,444.70 to the credit of various funds.

#5958 from the Dept. of Revenue, incentive payments for Child Support from another State, \$98.25, to the credit of various general funds.

#5959 Depart. of Revenue, tax from sales of state liquor stores, out of county adjustments, in the amount of \$17,047.48 to the credit of various general funds.

September 25, 1984

Received A101 #5964 from Anderson School for the rental of the Law and Justice Gym in the amount of \$50.00, to the credit of the Law and Justice Fund.

Met with Sam Gianfrancisco, Garth Sime, Dennis Switzer, Ray Center, and Ron Allen to discuss the acceptance of Ranch Subdivision Roads.

The Commissioners will be going to Three Forks the evening of September 26, 1984, for their quarterly public meeting there. The agenda consists of Gene Townsend mayor, to discuss creation of cemetery district, Gene Townsend, mayor, and Ray Tocci to discuss Three Forks Airport development. Lloyd Pyfer to discuss the Dyke District and Flood Plain.



TUESDAY

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DAY OF SEPTEMBER 19 84

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Office of County Commissioners  
Bozeman, Montana

Mary Kay Peck, Subdivision Review Officer spoke regarding a review of exemptions claimed on certificates of survey.

Wilbur Visser made a motion to grant the exemption for Roger Cruwys with the condition that the sanitary restrictions be lifted and filed with it, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski made a motion to grant the exemption for John Sherwood, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski made a motion to grant the exemption for James Plum, seconded by Wilbur Visser, none voting nay. The motion carried.

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Awarding of bid for five four-door sedans for the Sheriff's Department. Joy I. Nash read a letter from John Onstad, Sheriff, with recommendations that the awarding of the bid be given to Rolfe and Wood as lowest bidder. Wilbur Visser made a motion to accept the bid of Rolfe and Wood, Jane Jelinski seconded the motion, none voting nay. The motion carried.

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Discussion of increased activity at the county fairgrounds. Al Lien requested the hiring of an Administrative Assistant for the Fairgrounds, would serve part-time at this time, but the position would need to be full-time as growth continues. The duties would include public relations, scheduling of events, scheduling of employees and their work. Al Lien stated this position could be filled part-time later in the year within their budget. This is in the planning stages. Jane Jelinski made a motion to grant permission to study the possibility of hiring an Administrative Assistant for the fairgrounds, within the confines of the budget. Wilbur Visser seconded the motion, none voting nay. The motion carried.

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Mariha Johnstone read a letter from concerned citizens who live along the Summer Cutoff Road and presented petitions to the Commission requesting changes of Summer Cutoff Road.

Marge Goehring who lives on Saddle Mountain Road stated she thought the old road should be restored in a straight line from the top of the hill down to the bottom of the canyon.

Jim Van Ness, a resident of Harvest Hills, which is served by Summer Cutoff Road, stated his main concern is that school busses refuse to use the road. The school bus did not use the old road either, but picked children up at the bottom of the road. With the new road, the intersection is dangerous to children.

Bill Roller, lives on Jordan Spur Road, stated there was no improvement when Summer Cutoff Road was improved.

Myron Huntsman, a resident of Harvest Hills, asked what the grade of the road is.

Sam Gianfrancisco, road superintendent, stated the grade is now 8%; the old road was 11%. This does meet state highway and county standards,

Marge Goehring stated they never had trouble getting up the old road but they do now.

Sam Gianfrancisco stated that was because they took a "run" at the old grade. That intersection was the most hazardous intersection in Gallatin County before the new construction work. Three public hearings were held in 1979. The road was built to standards at that time. The road office is looking into the possibility of paving the road, which will help the roughness, but could be more slick coming down in the wintertime. They are pricing guard rails but have had complaints from ranchers concerning guard rails because of the size of the equipment they need to move. The road is posted at 20 MPH.

Sam Gianfrancisco mentioned a right-of-way could possibly be obtained from the Subdivisions to allow a path for the children to walk on. The Road Office will monitor the road every morning to sand and plow when necessary.

Garth Sime, contractor that put road in, states this Board of Commissioners was not the Commission who approved the road. Stated he and Ron Allen have plans that show how they proposed to put the road in which was not acceptable by the County Engineer, and invited anyone interested to look at the plans after the meeting.

Garth Sime stated he tried to get Montana Power to replace the power pole that is along the road, and they refused. Sam Gianfrancisco stated he has been in contact with Montana Power and the pole will be moved.

Dennis Schwitzer, one of the developers of Ranch Subdivision, stated the road cost was doubled from what it would have been had the County or the City-County Planning Board accepted the first road proposal. This current county commission was not involved in that decision.

Garth Sime mentioned the earth piled by the intersection will be moved before winter.

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Bud Vance made a request for a speed limit on Bozeman Trail Road, of 35 MPH from Haggerty Lane to Taybeyshockup Road. A traffic count has been taken by the Road Office which shows this road warrants a 35 MPH limit. There is occasional patrolling by the Sheriff's Dept.

Wilbur Visser made a motion to grant the request by Mr. Bud Vance to post a 35 MPH speed limit on Bozeman Trail Road from the end of Haggerty Lane to Taybeyshockup Road. Jane Jelinski seconded the motion, none voting nay. The motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 25th DAY OF SEPTEMBER 1984  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

There being no further business, the meeting adjourned at 2:20 p.m.

ATTEST:

Clerk

*Gary St. Pungle*

APPROVED:

Chairman

*Joy I. Nash*

TRANSFER OF FUNDS FROM SEPTEMBER 20, 1984

That the sum of \$190,000.00 as appropriated under general class (1) Wages and Salaries for account 2120-222-450110-100 be transferred to account 2120-222-450110-190 under general class (1) Wages and Salaries.

That the sum of \$4,000.00 as appropriated under general class (1) Wages and Salaries for account 8152-000-440700-100 be transferred to account 8152-000-440700-190 under general class (1) Wages and Salaries.

That the sum of \$3,920.00 as appropriated under general class (3) Capital Outlay for account 2110-307-430230-901 be transferred to account 2110-307-430230-940 under general class (3) Capital Outlay.

That the sum of \$3,544.09 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430230-470 under general class (2) Maintenance and Support,

That the sum of \$281.40 as appropriated under general class (2) Maintenance and Salaries for account 2761-900-411200-360 be transferred to account 2761-000-460400-720 under general class (2) Maintenance and Support.

That the sum of \$30.00 as appropriated under general class (1) Wages and Salaries for account 2140-000-431100-110 be transferred to account 2140-000-431100-190 under general class (1) Wages and Salaries.

PUBLIC MEETING TUESDAY, THE 2nd DAY OF OCTOBER, 1984, OFFICE OF THE COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash, at 1:30 p.m. Also present were Commissioners Wilbur Visser and Jane Jelinski, County Attorney Robert Throssell, and Debbie Arkell, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of September 25, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

September 26, 1984

Joy I. Nash to West Yellowstone/Hebgen Basin Refuse Board Special Meeting. They awarded bid to D & W Wood for digging Class III pit larger, \$8,580.00.

Jane Jelinski and Wilbur Visser to Three Forks Public Meeting this date.

September 27, 1984

Wilbur Visser and Ken Mosby attended meeting of Urban Coalition in Great Falls.

Joy I. Nash testified in Sedivy hearing in Judge Gary's Court re: median cut in Kagy Boulevard.

Received A101 #5987 from Tate Gensemer in the amount of \$30.00 for Law and Justice Gym Rental to credit of Law and Justice Fund.

September 28, 1984

Received A101 #6003 from Doug McWilliams in the amount of \$15.00 for Law and Justice Gym Rental to credit of Law and Justice Fund.

October 1, 1984

Received report of County Clerk and Recorder showing items of fees and other collections made in County of Gallatin for the month ending September 30, 1984, in the amount of \$12,373.35.

Received A101 #6018 from First Security Bank of Bozeman for interest earned on Certificate of Deposit #56201 in the amount of \$2,046.72 to the credit of Park Fund.

October 2, 1984

Department Head Staff meeting was held.

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Received the following cancellation of taxes:

No. 541 from W. D. Construction in amount of \$1,445.78, for reason that this equipment was not in Gallatin County in 1983.

No. 540 from Carl Weissman in amount of \$65.65 for reason that this equipment was not in Gallatin County in 1983.

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Received the following A101's:

#6028 from First Bank of Bozeman in the amount of \$2,055.74 for interest earned on CD #19693 to the credit of various accounts.

#6029 from First Bank of Bozeman in the amount of \$2,055.74 for interest earned on CD #19694 to the credit of various accounts.

#6027 from First Bank of Bozeman in the amount of \$2,055.74 for interest earned on CD #19692 to the credit of various accounts.

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Joy I. Nash announced that Monday, October 8, 1984, is Columbus Day, a legal holiday, and the courthouse will be closed. All items for the agenda for the October 9, 1984, public meeting must be in by noon, Friday, October 5, 1984.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey. The first exemption was for John and James Wallace and the Fisherman's Village Homeowner's Association who claimed the exemption to realign a common boundary. Wilbur Visser made a motion to grant the exemption for the realignment of the common boundary, seconded by Jane Jelinski, none voting nay. The motion carried.

The second exemption was for Bettye White who claimed the security for construction financing exemption. Jane Jelinski made a motion to grant the exemption for Bettye White for mortgage purposes, seconded by Wilbur Visser, none voting nay. The motion carried.

The last exemption was for Gary Carlson who claimed the occasional sale exemption. Wilbur Visser made a motion to grant the exemption for Gary Carlson, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, gave staff report for summary review of Warburton Minor Subdivision. This subdivision is located in the Four Corners area, on U.S. Highway 191, and consists of a 3.127 acre tract which is proposed to be divided into three tracts, each about one acre in size. There are two existing structures on one lot, one being the Cartwheel Supper Club and the other a mobile home.

Ms. Peck states that the minor subdivision appears to meet the criteria for summary review and for waiving the requirements for a public hearing and preparing an environmental assessment, as specified in Section 5 of the Subdivision Regulations.

Access on Highway 191 is controlled by the State Department of Highways and only one access is shown for the three lots. Internal access is proposed to be a forty foot wide common access easement. The subdivision regulations stipulate that subdivision roads must have a 60 foot right-of-way, dedicated to the public use, and built to county standards.

Ms. Peck stated that two of the lots are flag shaped; however, because of the existing structures and the one acre lot minimum standard imposed by the State Department of Health, it appears that this design is the most suitable. Because neighboring land use is commercial, these parcels will most likely develop as commercial properties.

With regard to the public interest criteria, Ms. Peck states that the Four Corners area is one of the developing rural nodes in the County and there appears to be a need for additional commercial lots. Because of the developed nature of the area, there should be little or no impact on the natural environment, wildlife or wildlife habitat, agriculture, and public health and safety. Commercial development would increase tax revenues, while putting less demand on local services than residential development. There has been no expressed public opinion as the public hearing process has been waived.

Ms. Peck recommends the following conditions should summary review be granted:

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
2. That interior access for the Subdivision be provided by a road which is dedicated to the use of the public and built to county standards.
3. That the interior Subdivision road be named, and that a maintenance agreement for the road be obtained. That the agreement be submitted for approval to the Subdivision Review Office and filed with the Clerk and Recorder prior to final approval.
4. That plans for roads, drainage, placement of street signs, and lot access be approved by the County Engineers Office prior to installation of improvements.
5. That all improvements be installed prior to final approval.
6. That utility easements be shown or noted on the final plat.

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7. That the final plat conform to the Uniform Standards for Final Subdivision Plats, and be accompanied by a certificate of approval from the State Department of Health, a platting certificate, a County Attorney's Certificate and a County Treasurer's Certificate.
8. That cash-in-lieu of parkland dedication be donated prior to final approval, and that the developer provide an appraisal of the fair market value of the unsubdivided, unimproved property to determine the amount of payment.
9. That a statement limiting access to Highway 191 to the one existing access be noted on the final plat.
10. That a \$35.00 per lot fee be paid to the appropriate fire district.

Jane Jelinski asked if the 40 foot easement for the road would allow for the highway expansion. Mary Kay Peck stated the highway department stated they did not need right-of-way on that side of the road.

Jane Jelinski stated if the right-of-way was increased to 60 feet, only two wells for the three lots would be allowed because of the State Department of Health Regulations.

Mike Foley, representing Mr. Warburton, made the following comments. The reason for the 40 foot road easement is to make enough room on each lot for their own well and own drainfield. Financial institutions generally will not loan on a lot unless it has it's own well and drainfield. A road built to county standards can be put on the 40 foot right-of-way on this side of Highway 191.

Mr. Foley suggested the internal road not be named because it would cause confusion. He suggested it be called Highway 191 or Gallatin Road, the same as it is now.

Mr. Foley requested that the cash-in-lieu be waived because this would be a commercial subdivision, not a residential subdivision.

Wilbur Visser asked if this property is developed commercially, would the 40 foot access be large enough so big trucks could make the turn, to reach the southern lot. Mike Foley said it would. Joy Nash stated this access is the one presently used for the Cartwheel Supper Club.

Joy Nash stated that if the commission required a 60 foot road easement either a common well or common darinfield would be needed for two lots. Mike Foley said a common well would probably be used.

Wilbur Visser stated he had no problem with not naming the road or with waiving the cash-in-lieu.

Jane Jelinski stated she stands firm on the 60 foot right-of-way easement, as the county standards are for long range use of roads.

Wilbur Visser asked if the 60 foot easement were asked for, is there anything in the county road regulations that would require the access to be in the center of the property. There is not.

Mary Kay Peck suggested if the commission waives the cash-in-lieu of park land on the basis this is a commercial subdivision, then the covenants should state that this subdivision is to be used as commercial and not residential.

Wilbur Visser stated if the 60 foot right-of-way is required, it will be up to the developer to have the sanitary restrictions lifted.

Jane Jelinski made a motion to grant approval of the Warburton Minor Subdivision with the following conditions:

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
2. That interior access for the Subdivision be provided by a road which is dedicated to the use of the public and built to County Standards, including a 60 foot right-of-way.
3. That a maintenance agreement for the road be obtained. That the agreement be submitted for approval to the Subdivision Review Office and filed with the Clerk and Recorder prior to final approval.
4. That plans for roads, drainage, placement of street signs, and lot access be approved by the County Engineers Office prior to installation of improvements.
5. That all improvements be installed prior to final approval.
6. That utility easements be shown or noted on the final plat.
7. That the final plat conform to the Uniform Standards for Final Subdivision Plats, and be accompanied by a certificate of approval from the State Department of Health, a platting certificate, a County Attorney's Certificate and a County Treasurer's Certificate.
8. That a covenant be placed on the land requireing that the land be used for commercial purposes only.
9. That a statement limiting access to Highway 191 to the one existing access be noted on the final plat.
10. That a \$35.00 per lot fee be paid to the appropriate fire district.
11. That the lots be kept in a weed free manner.

Wilbur Visser seconded the motion.

Mike Foley asked how the covenant would affect the present mobile home. Mary Kay Peck suggested the covenant be worded to require new uses. Mike Foley stated the Cartwheel has been sold and the new owner is living in the mobile home.

TUESDAY THE 2nd DAY OF OCTOBER 19 84

FORM 12187-TRIBUNE PRINTING

Jane Jelinski withdrew her previous motion; Wilbur Visser withdrew his second. Jane Jelinski amended her motion to read as stated with the exception of condition (8) which will read:

8. That cash-in-lieu of parkland dedication be donated prior to final approval, and that the developer provide an appraisal of the fair market value of the unsubdivided, unimproved property to determine the amount of payment.

Wilbur Visser seconded the motion, none voting nay. The motion carried.

Mike Salvagni, County Attorney, asked the Commission for \$995.00 from the capital improvement fund to purchase a printer that will adapt to their new computer system.

Jane Jelinski made a motion to grant the request for \$995.00 to come out of the capital improvement fund, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:10 p.m.

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ATTEST:

*Sally H. Ringle*  
Clerk

APPROVED:  
*Joy I. Nash*  
Chairman

PUBLIC MEETING TUESDAY, THE 9th DAY OF OCTOBER, 1984, OFFICE OF THE COUNTY COMMISSION, BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash, at 1:30 p.m. Also present were Commissioners Wilbur Visser and Jane Jelinski, County Attorney Robert Throssell, and Debbie Arkell, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of October 2, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

October 3, 1984

Commissioners attended District #9 Meeting in Livingston with Park and Meagher County Commissioners to discuss Legislative proposals to 1985 Legislature.

Katy Hayes reported to work for D.U.I. program. She is part-time employee under supervision of Wilbur Visser, program director.

October 4, 1984

Granted two county raffle gaming licenses for Cozzens for Senate Campaign and Bozeman Swim Center.

Wilbur Visser and Jane Jelinski helped to judge 4-H scholarship finals.

October 5, 1984

Received the following A101's:

#6059 from Motor Vehicle Department for title fees and fines collected by the Motor Vehicle Department to credit of various accounts.

#6061 from U.S. Treasury, U.S. Check #65,538,398 in amount of \$457,076.00 to the credit of PILT (BLM) funds for year 1984.

#6065 from State Department of Revenue for distribution of wine tax in the amount of \$415.70 to credit of County General Fund.

October 8, 1984

LEGAL HOLIDAY - COLUMBUS DAY

October 9, 1984

Routine business this day.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey. The first exemption was for Dennis and Christine Derham who claimed the security for construction financing exemption. Wilbur Visser made a motion to grant the exemption for the security for construction financing, seconded by Jane Jelinski, none voting nay. The motion carried.

The second exemption was for Mr. and Mrs. Waler Savage and Robert Savage who claimed the exemption to realign common boundaries. Jane Jelinski made a motion to grant the exemption to realign common boundaries for the Savage's, seconded by Wilbur Visser, none voting nay. The motion carried.

The last exemption was for Neal and Jan Nixon and Ted and Cree Hannah who claimed the exemption to relocate the common boundaries, seconded by Wilbur Visser, none voting nay. The motion carried.

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TUESDAY THE 9th DAY OF October 19 84

Mary Kay Peck, Subdivision Review Officer, gave a report on the final approval for Belgrade Industrial Subdivision. Preliminary approval was granted for this subdivision in July of 1983, with ten conditions of approval attached. It appears that all conditions have been met. Jane Jelinski made a motion to grant final approval for Belgrade Industrial Park, seconded by Wilbur Visser, none voting nay. The motion carried.

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Randy Thorson, Belgrade Planning Director, spoke regarding summary review of Potts Minor Subdivision, which is an amended plat of existing Minor Subdivision #39. The developer, Alan Potts, is proposing to split Lot 2 into two parcels. There is an existing house on Lot 2. The Belgrade City/County Planning Board recommended the following conditions:

1. That necessary utility and drainage easements be shown on the final plat.
2. That provisions be made to insure that lots be kept weed-free and treated in a husbandry-like manner and that all areas disturbed by construction be reseeded with preferred vegetation type.
3. That a \$35.00 fee be paid to Belgrade Fire Department to cover the cost of fire protection on Lot 2-B until construction takes place.
4. That the Final Plat conform to uniform standards and be accompanied by necessary certificates.

Jane Jelinski asked if this area was covered by the Belgrade Rural Fire Department. Randy Thorson said it was, and the reason only lot 2-B needs to be paid is because the existing house is on lot 2-A and is currently covered.

Randy Thorson stated the Environmental Impact Statement has been waived because it was done when the minor subdivision was reviewed. The cash-in-lieu of park land was also paid at that time.

Wilbur Visser made a motion to grant summary approval of Potts Minor Subdivision with the four conditions listed by the Belgrade City/County Planning Board, seconded by Jane Jelinski, none voting nay. The motion carried.

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Gary Pringle, Gallatin County Clerk and Recorder, requested permission to borrow \$3,000 from the Capital Outlay Fund to be reimbursed at the beginning of Fiscal Year 1985. This money is needed for two and one-half part-time workers for the election department; needed because of an increase in registered voters and Court Initiative #23.

Wilbur Visser made a motion to loan the Clerk and Recorder's Office \$3,000.00 from the Capital Outlay Fund, on the condition it be reimbursed July 1, 1985, seconded by Jane Jelinski, none voting nay. The motion carried.

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Karen Barclay, Don Kennedy and Mike Richey, representing NICOR Industries, made a presentation concerning a talc mine and mill project in Gallatin and Madison Counties. The talc mine will be located in Madison County, about 20 miles south of Ennis and the mill will be located on property owned by Fay Parker, near Sappington in Gallatin County.

Information was given to the Commissioners showing the location of the project, along with a draft copy of the Statement of Disqualification, which will be submitted to the State Department of Lands as part of the license procedure.

Don Kennedy, project manager, stated the talc will be mined in Madison County and hauled to Sappington to be sorted and dried. He estimated 20,000 tons of talc to be produced the first year, with an increase of 20,000 tons per year for the next four years, when the project would reach its peak of 100,000 tons per year. Most of the labor will be hired from the Willow Creek, Three Forks, Harrison area, with 11 people hired for the mine and 28 people hired for the mill the first year. When the mine reaches its maximum production in five years, three shifts would be run which would employ a total of 9 more people at the mine and the mill. NICOR will be competing with Cyprus, they are not in business with them.

The mine is adjacent to the Cyprus Mine, so the area is already disturbed. A 12 year life of the mine has been projected, which could be increased if more talc is found. Mike Richey stated Montana talc is of high quality and has no detrimental characteristics that some talc has. Talc is used in paint, paper making, ceramics, plastics, and is used to polish M & M's and is used in citrus flavored gums.

NICOR doesn't believe their mining will hurt the Cyprus project. Jane Jelinski asked if the project is successful, does NICOR envision adding a local research and technology center. Mike Richey stated it is NICOR's intention to have each project stand alone and not depend on a main office, located in another town.

Wilbur Visser asked Don Kennedy if the existing county road shown on the map would be used. Mr. Kennedy said yes. Wilbur Visser asked Mr. Kennedy if he envisioned that the county should bring that road up to an oil road standard, or would his company do that. Mr. Richey stated the road was adequate and they would maintain it, and also maintain it for dust control.

Karen Barclay stated no public meetings have been held but they will be held. Joy Nash asked if the Commissioners could meet with Mr. Kennedy to take a tour of the project location. Mr. Kennedy said it could be arranged at any time.

Karen Barclay stated the final copies of the Statement of Disqualification will be distributed to the Commission when it is completed, and they will keep the Commission advised of the progress. NICOR was not requesting any action from the Commission, but wanted to inform them of their project.

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TUESDAY THE 9th DAY OF OCTOBER 1984

FORM 12187-TRIBUNE PRINTING

Jane Jelinski read the following proclamation:

WHEREAS, October 16, 1981, was observed as World Food Day by members of the United Nations' Food and Agriculture Organization to raise awareness of the gravity of the world food situation, particularly in the developing countries, and to stimulate greater national and international efforts to overcome hunger,

WHEREAS, it is the goal of the Gallatin Valley Food Bank to show that Americans and the citizens of Gallatin County care deeply about hunger and malnutrition wherever they occur in the world. We can do that by building networks of people sharing our anti-hunger commitment, by developing continuing programs to meet community and world food and/or nutrition needs and by using Hunger Awareness Week as an annual benchmark in our struggle for a better planet and a better way of life for all people.

NOW, THEREFORE, WE the Board of Commissioners of Gallatin County do hereby proclaim the week of October 9th through October 16th, 1984, as

HUNGER AWARENESS WEEK

and do urge all Gallatin County residents to join in the efforts to overcome hunger.

Wilbur Visser made a motion to proclaim the week of October 9 - 16, 1984, as Hunger Awareness Week, seconded by Jane Jelinski, none voting nay. The motion carried.

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Joy Nash announced that Karen Datko, reporter for the Bozeman Daily Chronicle, who has been covering governmental proceedings, is moving to Florida and Dennis Swibold will be reporting the proceedings for the Chronicle now.

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There being no further business, the meeting adjourned at 2:30 P.M.

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ATTEST:

*Jane Jelinski*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

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PUBLIC MEETING TUESDAY, THE 16th DAY OF OCTOBER, 1984. OFFICE OF THE COUNTY COMMISSION. BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash, at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, County Attorney Robert Throssell, and Shelley M. Cheney, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of October 9, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

October 10, 1984

Joy Nash and Wilbur Visser and Emery Nelson, County Sanitarian, attended the West Yellowstone/Hebgen Basin Refuse District #2 meeting in West Yellowstone.

Dog Control Ordinance Meeting. Jane Jelinski attended. Meeting was to finalize the draft of the Ordinance. It has been sent to the County Attorney, Mike Salvagni.

Received A101 #6081 in the amount of \$12 from New Life, to credit of Law & Justice Gym Fund.

October 11, 1984

Met with Personnel Director, Management Associates of Helena, re: Rest Home Personnel Audit and Classification.

Received report on Care of Prisoners Board Billing - for September 1984 - 165 prisoners, \$5,358.00.

Received the following A101s:

#6092 from State Dept. of Institutions - alcohol tax - in amount of \$7,494.00 to credit of alcohol fund.

#6098 from Montana Bank of Bozeman for interest earned on Money Market Account #806072 in amount of \$346.38 to credit of various funds.

#6096 from Jim Bos in the amount of \$10.00 to credit of Law & Justice Gym Rental(Bozeman Faith Fellowship).

#6100 from West Yellowstone/Hebgen Lake Solid Waste in amount of \$513.00 for fees and collections to credit of Hebgen Lake Waste.

Authorized the following transfers:

1. The sums of \$6.55 from fund 2710 and \$15.20 from fund 5020 to fund 1000 for copies.
2. The sums of \$109.49 from fund 1000, \$121.46 from fund 2160, \$119.95 from fund 2190, \$3.86 from fund 5020, \$873.16 from fund 2140, to fund 2110 for gas.
3. The sums of \$189.72 from fund 2110 and \$41.29 from fund 2190 to fund 1000 for gas.

TUESDAY THE 16th DAY OF OCTOBER 19 84

4. The sum of \$37.50 from 2276 to fund 2270 to correct miscoding.
5. The sum of \$59.19 from fund 2761 to fund 2710 to correct miscoding.
6. The sum of \$165.00 from fund 2273 to fund 2270 to correct purchase orders 08056 and 23520.
7. The sum of \$34.90 from fund 1000 to fund 2180 for copies.
8. The sums of \$40.84 from fund 2110, \$18.60 from fund 2120, \$97.41 from fund 2180, \$18.46 from fund 2190, \$6.82 from fund 2278, \$22.45 from fund 2282, \$302.88 from fund 2290, \$205.55 from fund 2430, \$158.86 from fund 5020, \$8.85 from fund 2273, to fund 1000 for printing.
9. The sums of \$8.07 from fund 2110, \$122.39 from fund 2180, \$56.17 from fund 2190, \$9.75 from fund 2276, \$125.77 from fund 2290, \$2.50 from fund 5020, and \$3.71 from fund 2710, to fund 1000 for supplies.
10. The sums of \$215.25 from fund 1000, \$.35 from fund 2110, and \$4.70 from fund 2276 to fund 2190 for copies.
11. The sum of \$3.25 from fund 2710 to fund 1000 for copies.

October 12, 1984

Wilbur Visser attended Refuse District #1 meeting in Manhattan.

Jane Jelinski and Sam Gianfrancisco attended a meeting with Sypes Canyon Road Users to discuss future plans for this road.

Cindy Brown, F.A.A. in Seattle called to say Billings Logan International Airport will be the site of an automated flight service station serving all of Montana. Bozeman had submitted a bid to the F.A.A. in Seattle.

Joy Nash, Wilbur Visser, Katy Hayes, D.U.I. Records Technician and Al Goke, State Dept. of Justice, Highway Traffic Safety Dept., Helena, Sheriff John Onstad and Captain Carl Smith met to discuss D.U.I Program procedures for the agreement entered into with State and Gallatin County.

Received A101 #6116 from State Dept. of Revenue for Child Support incentive for September 1984 in the amount of \$38.55 to the credit of general fund.

October 15, 1984

Jane Jelinski and Wilbur Visser attended the 4-H Junior Achievement Awards Dinner at Fairgrounds Friday night.

Routine business this date.

Absentee ballot voting now set up in lobby of the Main Courthouse, for voter information.

October 16, 1984

Received A101 #6087 from First Bank of Bozeman for interest on Repurchase I & II and Money Market Account in amount of \$47,988.87 to credit of General Fund.

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Received telephone call from Dan Sinawski, Denver-Dynamic Enterprise who will conduct a training seminar for Law Enforcement and interested legal personnel, judges, etc. re DUI implied consent forms etc. This will be a two day session in the old courtroom, 3rd floor of Main Courthouse from 8 to 5 each day, on November 5 and 6, 1984.

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Joy I. Nash read the affidavit of publication for one flat bed truck for the Bridge Department. Gale Thompson, Road Office Supervisor, read the following bids for one 1985 Flat Bed Truck:

J.C. Billion Inc.	\$21,582.00	gas engine, Weldco box
	\$20,973.00	gas engine, Johnson box
	\$21,731.00	gas engine, H-C-L box
Bozeman Ford:	\$19,499.85	gas engine, H-C-L box
	\$19,350.00	gas engine, Weldco box
	\$18,741.00	gas engine, Johnson box
	\$22,949.85	diesel engine, H-C-L box
	\$22,800.00	diesel engine, Weldco box
	\$22,191.00	diesel engine, Johnson box
Kamp Implement Co.	\$21,325.00	diesel engine, H-C-L box
	\$21,175.00	diesel engine, Weldco box
	\$20,566.00	diesel engine, Johnson box
Yellowstone Ford	\$22,093.26	gas engine
	\$25,964.31	diesel engine
	\$19,223.22	gas engine

The Road Department and Bridge Department will notify the County Commissioners of their decision before the public meeting next week.

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Mary Kay Peck, Subdivision Review Officer, reported that Don Kuiper's exemption of occasional sale on certificate of survey was a proper use of the exemption. Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 16th DAY OF OCTOBER 19 84

FORM 12187-TRIBUNE PRINTING

Bob Throssell, Deputy County Attorney, explained the Boie and Kindt Industrial Revenue Note and reported the need to adopt the resolution. Motion made by Jane Jelinski to adopt Resolution #577, Resolution Authorizing A Project Under Montana Code Annotated, Title 90, Chapter 5, Part 1, and the Issuance and Sale of a \$500,000 Industrial Development Revenue Note (Boie & Kindt Partnership) of the County to Finance the Same; Approving the Form of Documentation in Connection Therewith and Authorizing the Execution and Delivery of the Note and Documentation, seconded by Wilbur Visser, none voting nay. The motion carried.

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Larry Benfit, Mayor of West Yellowstone, and Gus Turman, Fire Chief of West Yellowstone, requested \$4213.00 from PILT funds for re-crystaling of fire department radios, adjustment to the base station, and a portable hand set for the police department. Wilbur Visser stated concern that this would open the doors to other fire districts and stated other cities and towns have not requested money from the PILT funds. Jane Jelinski stated five (5) reasons why the County should award West Yellowstone the requested PILT monies, as follows:

1. Because the county commission failed to consider request at revenue PILT sharing hearings last spring.
2. Because the changes in the county communications system caused the need for changes in the West Yellowstone system.
3. Because of economic necessity for West Yellowstone.
4. Because there is adequate money available.
5. Because this is a matter of public health and safety and is a relatively low cost.

Motion by Jane Jelinski to award West Yellowstone \$4213.00 for re-crystaling radios, adjusting the base station, and a portable hand set for the police department. Their being no second the motion died. Motion by Wilbur Visser to put the request from West Yellowstone into the PILT file to be considered in 1985-1986. Jane Jelinski seconded the motion, none voting nay. The motion carried.

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Joy I. Nash read the affidavit of publication for the hearing of the Bridger Canyon Rural Fire District Annexation. Rusty VanderVos, chairman of the trustees reported on the petition. Wilbur Visser read the certification of petition for annexation from Gary W. Pringle, Clerk and Recorder. The land included in the annexation is as follows: All of the NW $\frac{1}{4}$ , Sec. 21, T1S, R7E, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, T1S, R7E, All of the SW $\frac{1}{4}$  Sec. 16, T1S, R7E, E $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 17, T1S, R7E. Motion by Wilbur Visser to annex the land into the Bridger Canyon Rural Fire District, Jane Jelinski seconded, none voting nay. The motion carried.

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John McCrossen, Chairman of the Communications Counsel, discussed the approval of the agreement and bylaws of the counsel. Motion by Wilbur Visser to approve the Communications Counsel By-Laws. Seconded by Jane Jelinski. Joy I. Nash opposed. The motion carried.

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Reeves Petroff, Weed Control Supervisor, read the Proclamation of Agriculture Appreciation Week. Motion by Jane Jelinski to proclaim Agriculture Appreciation Week, November 3-10, 1984, seconded by Wilbur Visser, none voting nay. The motion carried.

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Jane Jelinski read the Proclamation of National Business Women's Week. Motion by Jane Jelinski to proclaim National Business Women's Week, October 21-27, 1984. Seconded by Wilbur Visser. None Voting nay. Motion carried.

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There being no further business the meeting was adjourned at 2:30 P.M.

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ATTEST:

*Gary W. Pringle*  
Clerk and Recorder

APPROVED:

*Joy I. Nash*  
Chairman

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PUBLIC MEETING TUESDAY, THE 23rd DAY OF OCTOBER, 1984, COUNTY COMMISSIONERS, BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash, at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, County Attorney Mike Salvagni, Deputy County Attorney Tom Anacker, and Debbie Arkell, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of October 16, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

October 17, 1984

Commissioners met with Mae Nan Ellingson of the Great Falls Law Firm of Dorsey & Whitney to sign Boie & Kindt Partnership papers for issuance of \$500,000.00 Industrial Revenue Bonds. Gary Pringle, County Clerk and Recorder also signed the notes.

TUESDAY THE 24rd DAY OF OCTOBER 1984

October 17, 1984

Kathy Norweiski, Personnel Director, and Wilbur Visser, Commissioner, met with Management Associates of Helena to work with Rest Home Administrator William Cainan, on job-descriptions for the Rest Home Employees.

October 18, 1984

Received a certified letter from U.S. Dept. of Transportation, Mr. William Ingbridtsen, Realty Contracting Office, Seattle, WA, as follows:

Subject: Automated Flight Service Station (AFSS), Montana SFO DTFAll-83-L-00095

This letter is to confirm the telephone notification regarding site selection for the Montana Flight Plan AFSS.

As we discussed in our visit to your community, the site selection was based on the lowest 20 year life cycle cost to the Government. The least expensive option for the Government proved to be Government construction at Billings, Montana.

On behalf of the Federal Aviation Administration, I would like to express sincere appreciation for your interest in offering space for the AFSS.

The pride and enthusiasm shown by your community were surpassed only by the friendliness, cooperation, and professionalism expressed to the evaluation team during our site visit.

Received Economic Development Board, Dept. of Commerce, letter, stating the Board met and determined that using tax-exempt industrial development revenue bonds for the construction of a sporting goods manufacturing facility by the Butler Creek Corporation, to be located in Bruce Industrial Park was in the public interest.

October 19, 1984

Met with Hank Wruck re revised plan for Civil Defense.

Received the following cancellation of taxes:

No. 542 from Matt Schaeffer, not in business in 1983, \$233.87.

No. 543 from Flanigan & Stephens Entr., not in business in 1983, \$9.26.

No. 544 from Roger Pearson, RE for 837, \$73.02.

No. 545 from Skatecastle, 1982 overassessed, adjustment made and rebuilt on another parcel, \$1,277.84.

October 22, 1984

Commissioners met with Don Fallang and Ray Grant, State Highway Dept., Butte; Bob Jordan, Bridge Supt. for Gallatin Co. and Leonard Heintz of INA Insurance Co. re: Penwell Bridge plans.

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October 23, 1984

A M.S.U. student intern, Scott Weischedel, studying Criminal and Social Justice, will be observing Commissioners meetings and proceedings today.

Katy Hayes, Records Technician talked with Capt. Tate re: DUI procedures.

Received A101 #6193 from State Dept. of Highways, for fees and taxes collected by Highway Dept. in amount of \$2,528.35, to credit of various funds.

Signed as vendor invoice for Junk Vehicle Dept. and Dept. of Health and Environmental Sciences, Solid Waste Management Bureau for \$32,997.00 for the Junk Vehicle Budget.

Granted Raffle permit to Dale Ferguson for Committee to elect Ray Whittaker House Dist. #79 campaign.

Public meeting this day.

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Bob Jordan, Bridge Department Foreman, announced they would like to accept the low bid on a diesel flat bed truck with a Johnson Box from Kamp Implement for \$20,566.00. The diesel engine is more economical to run and the trade in value is about 20% more than a gas engine. Jane Jelinski made a motion to grant the bid to Kamp Implement for \$20,566.00, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Director, spoke regarding the review of exemptions claimed on certificates of survey. The first exemption was for Bruce and Nancy Colton who claimed the security for construction financing exemption, and from the information submitted, this appeared to be a proper use of the exemption. Wilbur Visser made a motion to grant the exemption for mortgage financing for the Coltons, seconded by Jane Jelinski, none voting nay. The motion carried.

The second exemption was for Donald Dykstra who also claimed the security for construction financing exemption. Based on the information submitted, this appeared to be a proper use of the exemption. Wilbur Visser made a motion to grant the mortgage financing exemption for Donald Dykstra, seconded by Jane Jelinski, none voting nay. The motion carried.

TUESDAY

THE

23rd

DAY OF OCTOBER

19 84

FORM 12187-TRIBUNE PRINTING

The last exemption was for Riverside Development Company who claimed the exemption to relocate common boundaries. Ms. Peck stated no additional lots are being created and the purpose of the survey is to align the property lines with townhouse building sites to take advantage of solar heat. Jane Jelinski made a motion to grant the exemption to relocate common boundaries to Riverside Development Company, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Director, reported that Mr. James Houdashelt has applied for a one year extension of preliminary plat approval for the amended plat of Lot 23 of Bruce Industrial Park. On October 25, 1983, the Commission, upon recommendation of the Belgrade City-County Planning Board, voted to grant preliminary approval to amend the plat of Bruce Industrial Park, subject to conditions. Extension of the approval is allowable under the Belgrade Subdivision Regulations. Randy Thorson, Belgrade Planning Director, feels that Mr. Houdashelt is making an effort to comply with the conditions for approval, and has no objections to granting the extension.

Jane Jelinski asked why the extension was being requested. Randy Thorson stated the developer is having a problem getting the certificate from the State Department of Health for lifting of sanitary restrictions. Jane Jelinski asked Randy Thorson if he felt there was a problem with the lifting of the sanitary restrictions. Randy Thorson said no, there is just a problem with getting the information to and from the State for approval. Mrs. Jelinski asked if the developer was asking for a whole year extension. Mr. Thorson replied yes, but he estimated it would only take 60 to 90 days to get the approval from the State. Wilbur Visser made a motion to grant a one year extension to James Houdashelt for the preliminary approval of the amended Plat of Lot 23 of Bruce Industrial Park, seconded by Jane Jelinski, none voting nay. The motion carried.

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Norman Stone, Chairman of the Pedestrian/Traffic Safety Committee, requested \$40.00 for postage for the Committee. Mr. Stone stated that two years ago the county awarded money to the committee for a part time secretary and postage. The school district, city and county have representatives on the Committee, and the school district provides the stationary.

Jane Jelinski asked Norman Stone to state what the Pedestrian/Traffic Safety Committee does. Mr. Stone stated there are 11 people on the Committee and they act as an advisory board regarding pedestrian/traffic safety. The group covers the whole county and can field problems from government agencies or citizens and give recommendations on how to solve problems. The Committee oversees the crosswalk guards for school crosswalks and are in the midst of putting together a bike route for the city. He stated the Committee would like to hear more from the citizens as to how the group could help with problems.

Joy Nash asked if the Committee helped the small cities of the county such as Three Forks and Belgrade. Mr. Stone said they did not. Mrs. Nash stated these cities should be contacted to see if they could use help. Joy Nash stated it was her understanding the city recreation department was working on bike paths for the city. Mr. Stone said that was for South Bozeman only.

Jane Jelinski made a motion to grant the request for \$40 for postage to the Pedestrian/Traffic Safety Committee with the condition that this Committee contact the schools in the other municipalities of the county to let them know of their service, seconded by Wilbur Visser, none voting nay. The motion carried.

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Bill Ransom asked the Commission to grant a resolution for a 35 MPH speed limit on Sypes Canyon Road. He stated that a meeting was held by the users of the road to discuss the condition and upkeep of the road and was impressed that the county graded the road so quickly. Sam Gianfrancisco, road superintendent, stated a traffic count was done on the road for five days, which showed an average of 450-500 cars per day. Looking at this aspect and the condition of the road, the 35 MPH speed limit is appropriate.

Jane Jelinski stated that from the information she received at the meeting she and Mr. Gianfrancisco attended with the users of the road, the lower speed limit would help the condition of the road.

Sam Gianfrancisco stated that people are driving at an excessive speed, which is creating a safety hazard and is tearing up the road. The current speed limit is 55 MPH.

Joy Nash asked about enforcing the speed limit. Sam Gianfrancisco said this was discussed at the meeting and enforcement is a problem, but the residents using the road felt a speed limit would give them a chance to personally talk to speeders and request that they slow down.

Jane Jelinski thanked Sam Gianfrancisco for the Road Department's prompt responses to the complaints. Mrs. Jelinski made a motion to adopt the following resolution:

RESOLUTION NO. 579:

THIS RESOLUTION was introduced by Joy Nash, Commissioner, moved by Jane Jelinski, Commissioner, and seconded by Wilbur Visser, Commissioner. Said resolution was passed unanimously and adopted.

WHEREAS, it is necessary in the County of Gallatin, State of Montana, to designate a 35 M.P.H. speed limit on a county road in Gallatin County,

THEREFORE, BE IT RESOLVED THAT: Sypes Canyon Road is hereby designated with a 35 M.P.H. speed limit.

The motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Sam Gianfrancisco, Road Superintendent, asked the Commission to adopt a resolution placing a 25 MPH speed limit on Sourdough Road from Bozeman City Limits to the intersection of Sourdough Road and Sourdough Ridge Road. This is needed because of a 1550 car-per-day use, a large number of trees, hedges and sharp corners, and the road is in an urban area. There are a number of erroneous signs on the road now, stating that it is a 25 MPH zone.

Ray Myers talked to the commissioners today about the speed limit and stated there already was a 25 MPH zone there and that the police and sheriff do enforce it when possible, but people still speed. The speed limit is posted as 35 MPH from his home to Goldenstein Lane.

Sam Gianfrancisco stated a 25 MPH speed limit couldn't be put on Goldenstein because there aren't enough residences.

Wilbur Visser made a motion to adopt the following resolution:

RESOLUTION NO. 578:

THIS RESOLUTION was introduced by Joy Nash, Commissioner, moved by Wilbur Visser, Commissioner, and seconded by Jane Jelinski, Commissioner. Said resolution was passed unanimously and adopted.

WHEREAS, it is necessary in the County of Gallatin, State of Montana, to designate a 25 M.P.H. speed limit on Sourdough Road from the city limits to the intersection of Sourdough and Sourdough Ridge Trail Roads.

THEREFORE, BE IT RESOLVED THAT: Since in this area the houses are fairly close together and traffic is congested a 25 M.P.H. speed limit is considered reasonable.

The motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Glenda Mitchell, Sefel Geophysical, Denver, requested a permit to do seismic testing in Gallatin County. Permits must be signed by individual landowners to do testing on private land, and \$500.00 per mile is paid to the landowner. The vibrating machine which is used in the testing is safe to use within 200 feet of residences and wells. If it is used on oil roads, boards need to be placed under the unit. The testing should be completed in one week, if the weather holds.

Jane Jelinski asked Mrs. Mitchell to show precisely where the testing will take place. Mrs. Mitchell showed a map with blue and green lines, stating the green lines were the first choice for the testing and the blue lines would be used if permission was not granted by landowners in the green line areas.

Jane Jelinski asked if a State Permit has been obtained. Mrs. Mitchell said she was working on the permit and would send it in soon.

The roads which would be tested on are Cottonwood Canyon Roads from Highway 191 to Cottonwood Canyon. Testing on Cottonwood Canyon Road will be limited to cable testing only which sends electric current into the ground. Other roads shown on the map were Johnson Road, South 19th, Blackwood Road and Fowler Lane. Blackwood Road would be a last choice and South 19th a 2nd choice because they are highly populated areas.

Jane Jelinski asked what effect this type of testing will have on paved roads. Mrs. Mitchell said the vibrator can't be used on blacktop without boards and the testing will be done in the ditches when possible. Jane Jelinski asked what effect it would have on gravel roads, and Mrs. Mitchell said there would be no effect on gravel roads. No water is used.

Glenda Mitchell stated testing cannot be done without a landowners permission and she will bring in the signed permits to the Commissioners before testing. Jane Jelinski asked if the County was paid for permission to test on county owned roads like the landowner is paid. Mrs. Mitchell said usually not.

Glenda Mitchell showed the commission a copy of a landowner permit and read the responsibilities of the company. The company has posted a \$25,000 surety bond. The conditions of the permit are:

1. Existing roads and trails will be utilized whenever possible.
2. All gates, fences, crops, livestock, lands, will be treated with respect. Gates will be left as they are found.
3. State and county regulations designed to protect wells, springs, buildings and other structures will be strictly observed.
4. State requirements for proper plugging of seismic drill holes will be complied with. (This condition is not applicable, as no drilling will take place.)
5. Surface damages and tracks will be minimized.
6. At the close of the operations, all debris will be removed promptly.
7. Sefel will assume responsibility for any damage which is the direct result of operations on the lands covered by this permit.
8. Sefel will indemnify and hold harmless the owner or lessee of the lands covered by this permit from and against all claims, loss or damage to property arising out of operations under this permit, unless such claims, loss or damage result from the negligence of leese, owner or their agents, and employees of their agents.

Jane Jelinski asked if the testing would interrupt traffic. Mrs. Mitchell stated when a road was being tested all safety precautions will be used such as flashing lights and flagmen, and the only time a road will be obstructed will be when the vibrator is used on the road. The vibrators will not be used during school bus hours, and all cables will be taped down. No roads will be closed for testing.

Joy Nash asked if a permit was received from the State for Highway 191 testing. Mrs. Mitchell said she has not applied, but feel permission will be granted.

Jane Jelinski asked for legal advise. Tom Anacker, Deputy County Attorney, said the representative from Sefel Geophysical was asking the Commissioners permission to explore on the surface of the land which are county roads and right-of-ways. They have obtained the exploration permit, they cannot commence their work until they get permission of the surface user, and if the surface user does not own the underlying property, they must also get the permission of the

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of the underlying property owner. Sefel is now asking the Commissioners permission to use the county roads and county right-of-way in their exploration.

Jane Jelinski asked Tom Anacker if he thought it would be premature for the Commission to grant the permit before Sefel had the property owners permission. Mr. Anacker stated if Sefel doesn't get the property owners permission, they cannot explore on private land. If the Commission gives permission they can explore those areas, but that would not include the whole area indicated, just county roads and county rights-of-way along those lines where they are requesting.

Joy Nash asked if the machines used for testing are licensed. Glenda Mitchell said they are licensed by the State.

Reeves Petroff, weed supervisor, stated his concern about the spreading of weeds, especially spotted knapweed and Yellowstar thistle. The seeds from these weeds could be trapped on the machinery and spread across the county. Mrs. Mitchell said they would be happy to wash their vehicles when they come off a particular line.

Jane Jelinski asked Mr. Petroff to spell out what he wanted more clearly. Mr. Petroff said everytime they come off some land any seeds picked up would be shaken off on a county road, so as a condition he would like the undercarriage washed before proceeding to another location.

Sam Gianfrancisco, Road Superintendent, stated a similar crew was in the county this summer and he observed their work and could see no visible signs of damage. Cottonwood Road has no borrow pits and wood planks will have to be used.

Jane Jelinski suggested that in granting a permit, the Commission be very specific and give permission only where the green lines are shown on the map, and exclude the blue lines because of the population. Wilbur Visser agreed. Joy Nash said the green lines can be designated by name and distances shown.

Wilbur Visser made a motion to grant Sefel Geophysical of Denver, Colorado a permit to do seismic work on Cottonwood Roads, which are oil roads, with the stipulation that they use boards.

Jane Jelinski asked Mr. Visser if he would include the condition that no vibrators be used during school bus hours and that they have to clean out the undercarriage of their machinery before proceeding to the next location. Wilbur Visser agreed to include this condition. Jane Jelinski seconded the motion, none voting nay. The motion carried.

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Randy Thorson, Belgrade Planning Director, gave his report on Scottish Acres Subdivision located one and one-half miles west of Belgrade, adjoining Thorpe Road. This subdivision is within the four and one-half mile radius of the Belgrade City-County Planning Board. Randy Thorson gave a brief background of the subdivision and submitted minutes from the July 31, 1984, preliminary plat approval hearing before the Belgrade City-County Planning Board, his staff report, environmental and community impact statements and corresponding maps. The subdivision is 35.6 acres divided into 24 lots, with a 3.2 acre park, and is set forth as a residential subdivision, allowing both mobile homes and on-site constructed homes. It is suggested that the covenants reflect "for single-family residences only". Issues brought out during the public hearing held before the Belgrade Planning Board on July 31, 1984, were:

1. Design. The planning board looked at the design of the subdivision, the roads in relation to the lots, access to Thorpe Road, and the overall road design.
2. Access. Access to the east and west was discussed. Mr. Thorson pointed out that at that time, there was no access shown to the east, and there is access shown now. There was discussion whether there was an easement going north-south on the western edge of the subdivision. There was nothing shown at that time that an easement had been filed.
3. Ditch relocation. An agreement from the owner of the ditch agreeing to relocate the ditch was submitted.
4. There were a number of people that attended the public hearing. Impact on the school district and sheriff's department were noted.

The planning board discussed at great length the eight criteria and the effects on the school and sheriff. On August 14, 1984, this matter was brought before the County Commission with a recommendation from the planning board that 9 conditions be met before approval. It was also discovered that an easement had been filed in this area, but it had been filed after the planning board meeting. The Commission tabled this matter to find out the status of the easement and the possibility of getting the easement vacated.

The 9 conditions recommended by the Planning Board are:

1. That no direct access be allowed onto Thorpe Road from Lot 1 Block 1, Lots 1-4 Block 2, Lot 1 Block 3. This shall be noted on the final plat.
2. That the relocation and consolidation of ditch(s) which transverse the property be thoroughly researched and designed by developer with approval from respective ditch authority and owner.
3. That plans for roads, drainage, culverts, and placement of street signs be approved by the County Engineers Office prior to installation of improvements and be accomplished prior to final plat approval.
4. That necessary utility and drainage easements be shown on the final plat.
5. That a \$35.00 per lot fee be paid by the developer to the Belgrade Fire Department prior to final approval.
6. That a provision be made to insure that all lots be kept weed-free and treated in a husbandry-like manner and that all areas disturbed by construction be reseeded with preferred vegetation types.

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7. That "for single-family residences only" be included in the covenants and covenants be reviewed by County Attorney's Office prior to final plat.
8. That Final Plat conform to Uniform Standards and be accompanied by necessary certificates and attachments, including a certificate of approval from the Department of Health and Environmental Sciences.
9. That the developer meet with the County Road Office prior to the County Commission meeting concerning a solution to access to adjoining East and West properties.

Because of new information and research since the Belgrade Planning Board reviewed the preliminary plat, Mary Kay Peck, Subdivision Review Director, recommended the following conditions:

1. That the 30 foot road easement located on the east side of the west boundary line of the subdivision be terminated. That documents terminating the easement be in a legal form and reviewed and approved by the county attorney's office prior to final approval.
2. That a temporary cul-de-sac be shown on the final plat and constructed on the east end of Mac Tavish Lane prior to final approval.
3. That the words "except as 4-H projects" be deleted from Page 2, Section C of the covenants.
4. That the covenants contain a provision that all dwelling units manufactured substantially off-site shall meet current Department of Housing and Urban Development (HUD) codes.
5. That the covenants contain a provision that all dwelling units shall be built on motored block or concrete foundations.
6. That the covenants specifically state that the Homeowner's Association shall be responsible for maintenance and weed control of all subdivision roads and park area.
7. That the thirty (30) foot right-of-way for Thorpe Road be dedicated to the public.

Paul Kinshella, Sanderson, Stewart & Gaston Engineering Firm, spoke as a representative of the developer. They have no problems with the conditions listed but asked if the condition relating to dwelling units being built on motored block or concrete foundations pertained to the outside foundation or the foundation under a mobile home.

Jane Jelinski stated that her personal opinion is that the mobile homes ought to be on permanent foundations, and this is what Mary Kay Peck's condition was trying to do.

Paul Kinshella stated the HUD rules stated that mobile homes be placed on permanent foundations, and these rules will be incorporated in the covenants. In addition to the HUD requirements, the covenants will also require tying the mobile home down to protect it from wind.

Paul Kinshella stated a design was presented to the Planning Board regarding the relocation of the ditch which had been reviewed by the owners of the ditch. The approval for this relocation was after the Planning Board's review of the ditch plans. Mike Nash owns the ditch.

Jane Jelinski asked Mr. Kinshella if they have reached a solution to the access to the east/west property, the #9 condition of the Belgrade City-County Planning Board. Mr. Kinshella said he understood from his discussions with the Road Office that with the present development on the west side, there is no need to provide an access from this property to the property immediately to the west. The property to the east is owned by Mr. Mike Nash, and at a meeting with Mr. Nash and the County Road Dept. reached the proposal of the extension of MacTavish to the east.

Jane Jelinski asked if it was correct that Estel Harrison was the owner of the property. Mr. Kinshella said it was correct and there were either one or two other agreements transferring the land before it gets to the Kelley's. As the final plat is filed, all of the owners who have an interest in the land will have to sign the final plat. The developer is Joe Kelley.

Mr. Kinshella stated he is an engineer and drew the change for the ditch, which Mr. Nash reviewed.

Larry Jent, attorney representing a group of homeowners in Belgrade who oppose the subdivision, presented a petition to the Commissioners. He then addressed the eight criteria used in approving a subdivision.

Basis of Need: Do we really need another mobile home park in Belgrade, with a maximum square footage in the original covenants of 920 square feet. Total mobile home parcels after Mayfair Expansion is 173. The number of frame home parcels available after Mayfair Expansion is 236. The number of parcels available not specified for frame or mobile which could be used for either in Royal Village Subdivision is 900 parcels approved, 278 in the first phase. The total parcels of mobile homes and frame home lots available in the Belgrade area is 1,006, with 1,309 including the Mayfair Expansion. Mr. Jent asked how many more parcels are needed.

Public Opinion: The petition given to the Commissioners against this subdivision has 64 signatures on it, and there were a great number of people at the public hearing.

Effects on Agriculture: The only agriculture in the area is on Mike Nash's property, but this should be considered.

Effect on Local Services: The county will receive more tax benefits from this subdivision but the cost is 1.5 teachers; 1.5 classrooms; 6/10 of a school bus; a police officer; a police car; fire protection; road maintenance and improvements. The following figures were taken from the Michael Swift Evaluation Manual (1982), Appraisal Office, Bozeman. The tax base on an average size mobile home is \$333 per year and the tax base on a stick dwelling of the same size is \$579 per year with a difference of 42% less on a mobile home. Mobile homes also depreciate and stick dwellings appreciate.

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Effect on Natural Environment: His clients are concerned about the minimal restrictive covenants in this area, the main restriction being the 920 square foot restriction.

Effects on Public Health and Safety: Expressed concern about sewage and effects on water table and groundwater supply and suggested a study be done on this. Mr. Jent also wanted to know what restrictions would be placed on sewage disposal.

The interchange by Bair's is very dangerous, and of August 14, 1984, there had been 11 accidents at that interchange, and this should be considered in the public interest in determining whether this subdivision is needed.

Mr. Jent quoted that "the governing bodies shall disapprove any subdivision which it finds not to be in the public interest." and stated he felt it was not in the public interest and was not needed.

Larry Jent asked how eliminating the 30 foot road easement on the west would effect the neighboring property owners.

Jill Stevens, adjoining landowner, showed the property on the map which would not be accessible if the easement were eliminated. She has a buy-sell agreement that states the 30 foot easement is there.

Mr. Jent stated he understood a release of an easement needs to be signed by Delbert and Ethel Barnes, which hasn't been done at this time.

Mr. Jent concluded that as this proposal is constituted, not only may the commission disapprove it, but the way the statues are written, it's possible that the county commission should disapprove it.

Jane Jelinski asked Mr. Jent if the people he represents would be favorable to this subdivision if there were some restrictive covenants placed on mobile homes that would put them on permanent foundations that would require HUD standards, and so there would be aesthetic standards. Mr. Jent stated he believed there would be no objection to a subdivision with those standards, but there is still a problem with the easement.

Jane Jelinski explained that the #3 condition from Mary Kay Peck, Subdivision Review Director, "that except for 4-H projects" be deleted from the covenants, was aimed at excluding the possibility of raising livestock.

Jane Jelinski stated the Commission was faced with a dilemma of a need for mobile home lots that is very real and they have to balance that against the concerns of the adjacent owners. Mobile homes can be attractive, and those kinds of conditions can be put on final approval.

Larry Jent said his clients would not concede that there is a need for more mobile home lots in Belgrade.

Wilbur Visser stated that this is not being proposed as a mobile home park but as a residential area.

Mike Salvagni, County Attorney, asked Larry Jent if all these facts and statistics he presented today were presented to the Belgrade City-County Planning Board. Mr. Jent said he was not retained at that time, so this information was not presented. At that hearing, the homeowners came in mass and it was suggested to them that they have one person as a spokesman, possibly an attorney, represent them when the subdivision came before the County Commission.

Jill Stevens stated that when the landowners were notified of the hearing before the Belgrade City-County Planning Board, only two of the approximately 8 or 9 landowners received a certified letter, and that was two days before the meeting. They had no idea what was going on at the meeting, and were practically "laughed out of the meeting" when they stood up and gave their opinions. After the meeting was closed, she noticed Mr. Kelley going in to talk to the planning board in another room.

Jill Stevens read part of an article written September 26, 1984, published in the Bozeman Chronicle in which Randy Thorson, Belgrade Planning Director, was quoted as saying Belgrade has experienced development and subdivision activity at a rate far exceeding many of the larger cities in the State. These issues in conjunction with limited local revenues and budget constraints have put the Council and Planning Board on a "hot seat" in terms of coming up with conscientious, justifiable solutions while preserving the community spirit and living environment that has attracted so many to the Belgrade Area. Ms. Stevens stated that with comments like this from the City-County Planning Director, it is not very positive to keep on putting in subdivisions.

Jill Stevens stated she was concerned about the status of the 30 foot right-of-way easement on the west side of the property. She stated that Delbert and Ethel Barnes were not notified or contacted about this proposal and they have an easement on the land.

Paul Kinshella, Sanderson, Stewart & Gaston, asked Jill Stevens which lots she owned, which are COS 1026 and Tract 3. Ms. Stevens said if the lots are divided acreage wise, the back acres would not have access. Jane Jelinski stated that if there were no access, that would prohibit dividing the land.

Paul Kinshella stated agreements are on file with the property owners who own the 15 acres immediately north of the west half of 556 and tract 8 stating they are willing to give up their rights to the 30 foot easement on the west line of the proposed subdivision, for the proposed construction of Royal Road. Mr. Kinshella said Barnes sold his land on contract which stipulates the 30 foot access goes to the property owners to the north.

Mary Kay Peck, Subdivision Review Director, stated that if the 30 foot easement is terminated, all people who have legal right to use that access must agree to have it terminated. It is not a public access, it never was a public access and was never a public dedicated road. This document would be reviewed by the County Attorney's office to make sure it is in order. If a condition of preliminary approval is to have the 30 foot easement terminated, then the developer must have an agreement filed and approved that says all who have a right to use that access easement agree that it shall be terminated before final approval of the subdivision.

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Larry Jent said an easement is an interest in the land, and he understands the statutes as saying that before land is subdivided you have to get a release from anyone who is a legal owner. To the best of his knowledge and research, this is not being done by the developer. Until this is done the developer cannot sell any lots because he would be in violation of the statute. Therefore, he doesn't believe the commission should approve this subdivision until this is done.

Tom Anacker, Deputy County Attorney, stated that releases from all owners must be indicated on the final plat before it is filed. Conditional approval is being requested today, and if the conditions can not be met, there would be no final approval. Larry Jent added that if the conditions are not met, the final plat will not be approved.

Jill Stevens stated this easement was conveyed on a buy-sell agreement. In order for Mr. Scott to buy the land, he signed a buy-sell agreement which allowed a 30 foot easement on his western boundary.

Tom Anacker, Deputy County Attorney, stated the conveyance by Mr. Barnes and his wife to Mr. Scott reserved a 30 foot easement along the east side of the west boundary of this property. This easement is reserved to the sellers which are Delbert and Ethel Barnes, and doesn't apply to anyone else. The option that has been proposed for conditional approval of this preliminary plat has the stipulation that this easement be terminated with the agreement of owners of the easement. All people who have an interest in the land to be subdivided have to sign the final plat. This 30 foot easement on the west boundary has nothing to do with other easements on the land.

Randy Thorson, Belgrade Planning Director, stated he was hired by the Planning Board of Belgrade on a retainer as a consulting planner. Some of the information given today was not seen by the Belgrade Planning Board. What also bothers him is the comment made that the Board laughed or snickered during decision making, and there was not a decision made in a back, smoke filled room with a bunch of snickering and laughing going on. He stated the figures given stating the number of available lots is misleading because Mayfair is in the conceptual plan stage. No preliminary plats are filed. He has made strict effort not to call this a mobile home park, even though mobile homes are allowed; there is a difference. This plat and any plat will be reviewed before the State Department of Health and Environmental Sciences, which will look at sewage disposal and groundwater.

Randy Thorson stated regarding access, that none of the Certificates of Survey in the area were reviewed professionally. This is a prime example of how Certificates of Survey add up creating access problems. The 30 foot access in question would probably never be approved as a county road because it is bad design.

Mr. Thorson stated he was sensing, not just with this subdivision but also with others, that people want to live here but not allow others to live here. The comments he gave in the article which Jill Stevens read are true; he feels there is a growth problem and that we cannot restrict other people from coming into the area.

Wilbur Visser asked Randy Thorson if he was required to let all adjoining property owners know, by registered mail, of the hearing. Randy Thorson stated this was part of state statutes and showed approximately 7-10 certified letter receipts that were returned.

Marjorie Ayres, adjoining landowner, stated some in the area feel there should be more restrictions on the size and type of buildings permitted, the type of skirting under trailers, and feel it will add stress to the area, by adding substantially to the tax base.

Wilbur Visser stated he would like the front setback in the covenants changed to be consistent. Page 3 states there shall be a 50 foot setback on all buildings and on page 6 it states any stables, corrals, or dog houses only need a 30 foot setback. He would like this to be 50 foot also.

Tom Anacker, Deputy County Attorney, stated the options the commission has are to approve, conditionally approve, or disapprove the preliminary plat. Because of the 30 foot easement, the Commission cannot unconditionally approve the plat, and the commission must review the 8 criteria to determine if the subdivision is in the public interest. Concerning the comment made that the Barnes' were not notified of the proceedings, the County Attorney's Office received a letter from McKinley Anderson who represents the Barnes' in reference to their easement, and he was notified by the Attorney's Office of this proceeding today.

Jane Jelinski stated the time for approval has run out and asked Tom Anacker for his comment. Tom Anacker stated the statute requires that the governing body approve, conditionally approve, or disapprove of the preliminary plat within 60 days. This period expired, a 60 day extension was granted with an additional week granted also by the subdivider, and this extension has expired. The proposal is right for a decision at this point.

Jane Jelinski stated the Commission needs to weigh the public interest, the need for mobile home housing; there are people who cannot afford other types of housing and there is a great demand for these lots. The commission can make enough conditions so mobile homes will not depreciate the value of the land.

Jane Jelinski made a motion to grant preliminary approval for Scottish Acres Subdivision with the following conditions:

1. That the thirty (30) foot road easement located on the east side of the west boundary line of the subdivision be terminated. That documents terminating the easement be in a legal form and reviewed and approved by the County Attorney's Office prior to final approval.
2. That a temporary cul-de-sac be shown on the final plat and constructed at the east end of Mac Tavish Lane prior to final approval.
3. That the words "except as 4-H projects" be deleted from Page 2, Section C of the covenants.
4. That the covenants contain a provision that all dwelling units manufactured substantially off-site shall meet current Department of Housing and Urban Development (HUD) codes.
5. That the covenants contain a provision that all dwelling units shall be built on motored block or concrete foundations.



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6. That the covenants specifically state that the Homeowner's Association shall be responsible for maintenance and weed control of all subdivision roads and park area.
7. That the thirty (30) foot right-of-way for Thorpe Road be dedicated to the public.
8. That no direct access be allowed onto Thorpe Road from Lot 1 Block 1, Lots 1-4 Block 2, Lot 1 Block 3. This shall be noted on final plat.
9. That the relocation and consolidation of ditch (s) which transverse the property be thoroughly researched and designed by developer with approval from respective ditch authority and owner.
10. That plans for roads, drainage, culverts, and placement of street signs be approved by the County Engineers Office prior to installation of improvements and be accomplished prior to final plat approval.
11. That necessary utility and drainage easements be shown on the final plat.
12. That a \$35.00 per lot fee be paid by the developer to the Belgrade Fire Department prior to final plat approval.
13. That a provision be made to insure that all lots be kept weed-free and treated in a husbandry-like manner and that all areas disturbed by construction be reseeded with preferred vegetation types.
14. That "for single-family residences only" be included in the covenants and covenants be reviewed by the County Attorney's Office prior to final plat approval.
15. That Final Plat conform to Uniform Standards and be accompanied by necessary certificates and attachments including a certificate of approval from the Department of Health and Environmental Sciences.
16. That the developer meet with the County Road Office prior to the County Commission meeting concerning a solution to access to adjoining East and West properties.

Wilbur Visser asked Jane Jelinski if she would include in her motion that the 50 foot front setback be consistent in the covenants.

Jane Jelinski added the following condition:

17. That all front setbacks be consistently set at 50 feet in the restrictive covenants.

Wilbur Visser seconded the motion, Joy I. Nash voting nay. The motion carried.

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There being no further business the meeting was adjourned at 3:50 p.m.

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ATTEST:

*Gary B. Dingle*  
Clerk and Recorder

APPROVED:

*Joy I. Nash*  
Chairman

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Minute correction from page 196, October 23, 1984, minutes, paragraph 9, changed to read: The roads which would be tested on are Cottonwood Road from Highway 191 to Cottonwood Canyon. Testing on Cottonwood Road will be .....

Correction on page 197, paragraph 7, changed to read: Wilbur Visser made a motion to grant Sefel Geophysical of Denver, Colorado a permit to do seismic work on Cottonwood Road, which is an oil road, with the stipulation that they use boards, and Zachariah Lane, and Johnson Road to Fowler.

These corrections were made in a motion by Wilbur Visser and seconded by Jane Jelinski, none voting nay, at the October 30, 1984 public meeting.

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ATTEST:

*Gary B. Dingle*  
Clerk and Recorder

APPROVED:

*Joy I. Nash*  
Chairman

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PUBLIC MEETING TUESDAY, THE 30th DAY OF OCTOBER, 1984, COUNTY COMMISSIONERS, BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash, at 1:30 P.M. Also present were commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Bob Throssell, and Debbie Arkell, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski stated she would like the minutes of the October 23, 1984, public meeting corrected on page 196 paragraph 9, and page 197 paragraph 7. The minutes state a permit was issued to Sefel Geophysical for seismic testing on Cottonwood Canyon Roads, and it should read Cottonwood Road on page 196, and again reads Cottonwood Canyon Roads on Page 197 and eliminates Zachariah, Johnson and Fowler Roads. She suggested that these be added to the minutes.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 30th DAY OF OCTOBER 1984

Wilbur Visser made a motion to approve the minutes with the corrections suggested by Jane Jelinski, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTSOctober 24, 1984

Received A101 #6197 from John Depuydt for Law and Justice Gym Rental in the amount of \$24.00 to the credit of General Fund.

Wilbur Visser and Jane Jelinski, Commissioners, and Ken Mosby attended City/County Coop Meeting at City Hall.

Wilbur Visser attended Audit Committee meeting.

Joy Nash attended luncheon and meeting of University Presidents in Montana. Subject: Legislative proposals for the coming legislative session.

Received a list of new County Employees as follows:

1. Theresa J. Cole, PHN I, Health Dept., \$1403.35/mo. 9/26/84.
2. Elmer L. Oakes, Light Maintenance, \$6.3768/hr, 9/24/84.
3. Angela F. Vance, Nurse Aide I, Rest Home, \$4.7174/hr, 9/28/84.
4. Lori A. Casper, Staff Nurse, Rest Home, \$8.0964/hr, 10/4/84.
5. Kathryn B. Hayes, DUI, \$5.4726/hr, 10/3/84.
6. Bonnie J. Lischer, Nurse Aide I, Rest Home, \$4.7174/hr, 10/11/84.
7. Donna L. Engraf, Elections, \$5.47/hr, 10/8/84.
8. Steven M. Atherbon, Truck Driver, Road, \$1546.10/mo, 10/17/84.
9. Philip R. Coax, Maintenance Helper, Rest Home, \$3.8225/hr, 10/16/84 (Temporary PT)
10. Barbara B. Jensen, Elections, \$5.47/hr, 10/6/84.
11. Marcia K. Bonner, Rest Home, Nurse Aide I, \$4.7174/hr.

Received the following list of account transfers:

That the sum of \$11,680.00 as appropriated under general class (3) Capital Outlay for account 2710-205-410580-947 be transferred to account 2710-205-400580-940 under general class (3) Capital Outlay.

That the sum of \$1,308.36 as appropriated under general class (1) Salaries and Wages for account 2140-000-431100-110 be transferred to account 2140-000-431100-190 under general class (1) Salaries and Wages.

That the sum of \$3,676.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-140 be transferred to account 5020-000-330230-141 under general class (1) Salaries and Wages.

That the sum of \$5,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-124 be transferred to account 5020-000-440340-125 under general class (1) Salaries and Wages.

That the sum of \$16,840.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-130 be transferred to account 5020-000-440340-121 under general class (1) Salaries and Wages.

That the sum of \$4,000.00 as appropriated under general class (1) Salaries and Wages for account 1000-232-411600-112 be transferred to account 1000-232-411600-190 under general class (1) Salaries and Wages.

That the sum of \$15.00 as appropriated under general class (2) Maintenance and Support for account 2276-810-440170-210 be transferred to account 2276-810-440170-360 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2170-000-430300-220 be transferred to account 2170-000-430300-510 under general class (2) Maintenance and Support.

October 25, 1984

Routine Business.

Katy Hayes and Wilbur Visser are seeking quotes re: equipment to be used in DUI Program.

Wilbur Visser and Jane Jelinski attended CARE - Citizens for Agriculture Research Extension - meeting at Gallatin Equipment meeting room in Belgrade.

October 26, 1984

Received the following cancellation of taxes:

No. 546, Kevin Grover, \$305.74, Mobile home was moved out of state in 1983.

No. 547, Fun House, \$26.97, out of business in fall of 1983.

No. 548, Hafner Auction House, \$8.41, not in business in 1983.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 30th DAY OF OCTOBER 1984

FORM 12187-TRIBUNE PRINTING

Received notice of annual meeting of Stockholders of Middle Creek Water Users Association, November 7, 1984, to be held in Montana Farm Bureau Building. Have asked Mrs. Bert Dusenberry, Jr. to serve as proxy for Gallatin County.

Granted raffle permit to Clark Finch, President Manhattan Booster Club, to sponsor Melissa Waldron, Basketball Tour Team to Australia and New Zealand. 1/2 beef is prize and is valued at \$350.00, to be raffled off January 18, 1985, at Manhattan High School Gym.

Received A101 #6221, Montana Bank Bozeman, interest earned on CD #20397, \$2,867.12, to credit of County General Fund.

Received A101 #6168, Montana Bank Bozeman, interest earned on Money Market Checking Account #806072, closing account on October 18, 1984, amount \$234.76 to credit of Godfrey Canyon Estates.

Jane Jelinski attended Weed Board Meeting this date.

Received A101 #6224 from Mike Bruce for Law & Justice Gym rental, in amount of \$22.00 to credit of general fund.

October 29, 1984

Received A101 #6243 from First Nat'l Bank of Bozeman for interest earned on CD #19696 in amount of \$7,253.89 to credit of Protest Fund.

Received A101 #6244 from First Nat'l Bank of Bozeman, interest earned on CD #19690 in amount of \$2,896.58 to credit of Revenue Sharing Fund.

Received A101 #6245 from First Nat'l Bank of Bozeman, interest earned on CD #19691 in amount of \$2,889.13 to credit of Park and Law & Justice B & I.

October 30, 1984

No public meeting Tuesday, November 6, 1984, Election Day.

Bob Throssell, Deputy County Attorney, will be leaving to work with the Department of Natural Resources in Helena.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding final approval of Mountain View #7 Subdivision. This subdivision was given preliminary approval in May 1984 with 10 conditions. These conditions have all been met. Wilbur Visser made a motion to grant Final Plat approval for Mountain View #7 Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser spoke regarding the City/County agreement for use of the county surveyor. The city has asked that our surveyor review all city plats and subdivision plats. Mr. Visser suggested that since elections are being held next week and it is possible a write-in surveyor could be elected, that this agreement be postponed until after elections. Jane Jelinski agreed. Joy Nash announced this will be postponed until the November 13, 1984 public meeting.

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The Nelson Road Petition agenda item has been cancelled.

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Dave Penwell, attorney, spoke regarding the Lower Rainbow Road located West of 191 by Bozeman Hot Springs and in the Rainbow Subdivision. This was one of the first subdivisions created in Gallatin County, being final on November 24, 1913. At that time, the plat stated all roads were dedicated to the use of the public and this was accepted by the Chairman of the Board of County Commissioners.

In 1952, the County Commissioners, at the request of landowners in Rainbow Subdivision, commenced maintenance of the road. The County Road Department at that time received permission to widen the road by 10 feet and proceeded to build the road known as Upper Rainbow and Lower Rainbow Roads. Mr. Penwell drew a map of these roads for the Commission's information. The county also built two bridges on Azure Road and Magenta Road. The maintenance of the road continued until 1981.

On March 16, 1979, a letter was signed by George Sager, then Chairman of the Board of County Commissioners, stating that the Lower Rainbow Road was a county road and was maintained by the County. This letter was written for a would be landowner in order to secure FHA financing to buy property in Rainbow Subdivision.

There is a short portion of Upper Rainbow Road on the Southern edge of the subdivision which intersects with Highway 191 that the county still maintains. The Road Department has stated this road is a portion of the original road to Gallatin Gateway.

Mr. Penwell stated several legal cases which stated that once the county starts to maintain a road, it cannot discontinue that maintenance without a public hearing and proper proceedings. These proceedings have not been held regarding Lower Rainbow Road. The Commission, in 1981, decided, because of budget cuts, to stop maintaining Lower Rainbow Road and a road in Longacres Subdivision.

Mr. Penwell will give the cases he referred to to the County Attorney's Office for review.

He asked that the Commissioners review the situation and determine that this is a public road and is entitled to county maintenance. The people who live on the road need this road for their access. The landowners could request an RID for the maintenance of the road, but since the road was dedicated to the public in 1913 and it has been maintained by the county, they are requesting that the maintenance be continued.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 30th DAY OF OCTOBER 1984

Mr. Penwell also asked that the county resume maintenance of the two bridges in the Subdivision, one on Azure Road and one of Magenta Road. If these bridges were damaged, people would not be able to get to or from their property. Mr. Penwell stated he would be happy to give a brief to the County Attorney's Office.

Jane Jelinski asked Mr. Penwell to state exactly what roads he was talking about. Mr. Penwell showed the road on the map, as starting on Highway 191, being called Lower Rainbow Road, going west from 191 to intersection of Indigo Road, then south to intersection of Lower Rainbow Road and Upper Rainbow Road, then East on Upper Rainbow Road to intersection of Highway 191. He also pointed out the two bridges on Azure Road and Magenta Road.

Leonard Kruger, landowner, stated Indigo Road is also known as Lower Rainbow Road, and this has been maintained by the County also.

Dave Penwell stated the bridges in question were maintained by the county until 1979 when the county stopped the maintenance.

Joy Nash asked about the letter Mr. Penwell mentioned from George Sager. This letter was dated March 16, 1979, and was signed only by Mr. Sager.

Mr. Penwell stated there was a lawsuit brought by Mr. Sager and others with the County when the county discontinued maintenance on a bridge in Meadowlark Subdivision. Judge Lessley ruled that the county had to resume the maintenance on the bridge.

Jane Jelinski asked Mr. Penwell if the County is doing maintenance work on the road now. Mr. Penwell said no, they have done no work on the road since 1981.

Gale Thompson, Road Department, stated the county has done work on Lower Rainbow Road. Until 1979, all public bridges were the responsibility of the county by state statute. Referring to the lawsuit about the bridge in Meadowlark Subdivision, the Road Department advised the Commission that there was no use in going to court over the suit, because the state statute at that time stated public bridge maintenance was the county's responsibility. In 1979, a law was passed that eliminated that responsibility, and that is why the county quit maintaining the two bridges in the Rainbow Subdivision. The Upper Rainbow Road Mr. Penwell referred to is a portion of the original road to Gallatin Gateway, which is a public road and part of that road was properly abandoned. Approximately 600 feet of the road is still maintained by the County.

Bob Throssell, Deputy County Attorney, stated he would like to review the brief offered by Mr. Penwell. From his understanding, it is a possibility that this could be a public road but he will need to check the plat and the language on the plat. He should have a preliminary response by the next public meeting, which is November 13, 1984.

Joy Nash stated this matter will be continued to the November 13, 1984, public meeting.

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There being no further business, the meeting adjourned at 2:20 p.m.

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ATTEST:

*Gary H. Pingle*  
Clerk and Recorder

APPROVED:

*and Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, NOVEMBER 13, 1984, COUNTY COMMISSIONERS, BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash, at 1:30 p.m. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Tom Anacker, and Debbie Arkell, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski requested that approval of the October 30, 1984, minutes be deferred until next week to give the Board members time to review them. All members agreed.

ANNOUNCEMENTS

October 31, 1984

Received A101 #6260 from State Dept. of Revenue - Computer Service for Assessor - State Checks #180148 - 399470, in the amount of \$50,000.00 to the credit of General Fund.

Received a letter from State Highway Dept. regarding the reconstruction of Springhill Road, beginning at U.S. Highway 10 and running northerly to a point just north of Penwell Bridge Road.

Received A101 #6275 from the Motor Vehicle Dept. for title fees and fines collected to the credit of various cities and general funds in the amount of \$1,170.00

Received A101 #6270 from Security Bank of Three Forks, for interest earned on CD #148 in the amount of \$2,871.72 to the credit of Poor Fund.

Received A101 #6269 from Security Bank of Three Forks for interest earned on CD #147 to the credit of the Protest Fund in the amount of \$7,278.76.

Received A101 #6265 from Security Bank of Three Forks, for interest earned on CD #146 in the amount of \$4,344.88 to the credit of Rural Revolving Fund.

TUESDAY THE 13th DAY OF NOVEMBER 1984

FORM 12187-TRIBUNE PRINTING

Received A101 #6264 from Security Bank of Three Forks for interest earned on CD #145 in the amount of \$2,859.29 to the credit of County General Fund.

Received INA Insurance check #KF6110422 for removal of damaged and destroyed Penwell Bridge in the amount of \$3,766.80 to the credit of Bridge Fund.

Received A101 #6278 from City of Bozeman for rent of Law and Justice Gym in the amount of \$168.00 for City Coed Volleyball League to the credit of General Fund.

Joy Nash and Wilbur Visser opened quotes for new Health Dept. Vehicle. They were as follows:

Don Norem Chevrolet	
1984 Skyhawk 4-door wagon -----	\$7,683.10
1984 Skyhawk custom 4-door Sedan -----	\$7,291.00
1985 Citation II 4-door Hatchback -----	\$7,261.02
Rolf & Wood	
1985 Dodge Omni 4-door Hatchback -----	\$6,093.67
1984 Plymouth Reliant 4-door -----	\$7,335.65
J.C. Billion, Inc.	
1984 Pontiac Sunbird Sedan -----	\$6,388.00
Bozeman Ford	
1984 Tempo 4-door -----	\$6,138.39
1985 Escort 4-door -----	\$5,133.43
Roger Young Motors	
1984 Renault Fuego 4-door -----	\$8,090.00
1984 Renault Alliance 4-door -----	\$5,900.00
1984 Renault Encore 4-door -----	\$6,269.00

The quote was awarded to Rolf and Wood for the 1985 Dodge Omni.

November 1, 1984

Routine business this date.

November 2, 1984

Received report of County Clerk and Recorder showing items of fees and other collections made in the County of Gallatin, State of Montana, for the month ending October 31, 1984 - \$13,622.00.

Signed Right-of-Way Agreement Easement with Mountain States Telephone & Telegraph Company to lay cable on County land. Ground to be restored to satisfaction of grantors.

Signed agreement for MSU clinical nursing students to work at Gallatin County Rest Home. This is a routine agreement for nursing education.

Received A101 #6297 from Al Matheson for rent of Poor Farm Grounds per lease agreement in the amount of \$500.00 to credit of Poor Fund.

Received A101 #6296 from New Life for rental of Law & Justice Gym in the amount of \$9.00 to credit of general fund.

November 5, 1984

Held DUI Seminar in Community Room this date. Daniel Sinowski of Denver was the speaker. Many out of town police and sheriffs officers were present; approximately 35 attended.

November 6, 1984

LEGAL HOLIDAY - ELECTION DAY

Wilbur Visser and Joy Nash attended the continued DUI Seminar.

November 7, 1984

Received notice to release pledge receipts #6730 in amount of \$100,000 Douglas County, Nevada, SD.C.O. Bonds due 11/1/84 at 6.76% interest, to United Bank of Denver

Middle Creek Dam proposal meeting held in Community Room regarding rehabilitation feasibility study. Wilbur Visser attended.

November 8, 1984

Received A101 #6340 from Gary Vanderpan for investigation fee for a dealer's license at the Friendly Tavern in the amount of \$75.00 to credit of general fund.

Received A101 #6339 from D&R Coffee Service for Law and Justice Gym Rental in the amount of \$22.00 to credit of General Fund.

Wilbur Visser and Kathy Nowierski attended a personnel meeting in Billings with Management Assoc.

Wilbur Visser spoke at Belgrade Lions Club regarding Infrastructure Program.

November 9, 1984

Received Board Billing from Sheriff Onstad, 151 prisoners, \$5,652.00, for the month of October, 1984.

Received A101 #6342 from State of Montana Department of Revenue, Distribution of Wine Tax for October 1984, in amount of \$301.70 to credit of general fund.

Joy Nash, Wilbur Visser, Gary Pringle, Ken Mosby, Alice Brennan and Barbara Clawson canvassed votes.

TUESDAY THE 13th DAY OF NOVEMBER 1984

November 12, 1984

LEGAL HOLIDAY - VETERANS DAY

NOVEMBER 13, 1984

Held Staff Meeting to discuss work day for Auction to be held at Fairgrounds November 17, 1984. Dr. King introduced Rolf Sohlberg, Missoula, a MSU WAMI student to intern with the County Health Dept.

Canvass Committee completed canvassing votes.

Outcome of Commissioners race is as follows:

Jane Jelinski, 2 year term to fill out Ruthmary Tonn's term.

Ray White, 6 year term to fill Joy Nash's commission seat. Mrs. Nash retires 12/31/84.

Received A101 #6355 from Dr. Stephen Forte for rental of Law & Justice Gym in amount of \$6.00 to credit of general fund.

Received the following cancellation of taxes:

No. 549 - Associated Builders, out of Business in 1984, \$19.87.

No. 550 - Micro Systems Sales & Service, out of business in 1983, \$130.33.

No. 551 - Verne's Siding, Windows & Doors, double assessed, see Brownell Insulation, \$27.55.

No. 552 - Mountain Man Nut & Fruit, out of business, \$22.04.

No. 553 - Engine Exchange, out of business, \$91.35.

No. 554 - Professional Marketing, double assessed, see McWalter Ins. \$34.02.

No. 555 - Buck Buckingham, sold horses in 1981, \$40.27.

No. 556 - Buck Buckingham, sold horses in 1981, \$39.52.

No. 557 - Skip Halmes, not in county in 1983, \$17.87.

No. 558 - Sherry's Hair Studio, out of business in 1983, \$178.99.

No. 559 - Thors Auto Repair, out of business in 1983, \$83.53.

No. 560 - School District #69, c/o Claude Duncan, sold to SD, \$6.00.

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Jim McLean spoke as a representative of Ft. Ellis Firecrackers 4-H club, requesting money or materials for renovation of roof of the Ft. Ellis School. The club would like to use the school as a meeting place but the roof is in need of repair. The Seventh Day Adventists have offered labor services. The 4-H club would like to take the renovation project on as a community service project as the school is county property.

Irma Kirk stated the school was deeded to School District #7 in 1936 or 1937 and has been used by the community since that time. In 1978 or 1979, an officer group was formed for maintenance and responsibility of building. In 1978 or 1979 the building was deeded to the county from the school district. Audrey Airhart has a copy of the deed. Several groups use the school. Joy Nash stated she will check with the clerk and recorder to see if the deed has been filed.

Wilbur Visser asked if they planned to use asphalt or cedar shingles. Irma Kirk stated they would like to use cedar shingles, as they last twice as long as asphalt.

Jane Jelinski asked who has liability insurance on the building, in case someone were injured while shingling the roof. Irma Kirk replied she assumed the county would have insurance on it, as it is the property of the county.

Jane Jelinski asked if the officer group was still active. Mrs. Kirk replied that it was, and she is president of the group.

Joy Nash stated there is a problem with using park fund monies for the maintenance of county property as park fund money can only be used to purchase park land or develop a park.

Tom Anacker, Deputy County Attorney, agreed with Mrs. Nash and added that the county is empowered to maintain county buildings, which this would resemble.

Irma Kirk stated there is a county park adjoining the school to the south.

Joy Nash asked if anything has been done to establish this as a national historical site. Mrs. Kirk replied that this was checked out, but it could not be done because the building had been added on to; but if the addition was removed, then it would be acceptable.

Joy Nash asked if fees are collected for the use of the school. Mrs. Kirk said just enough to pay for electricity and wood for the heat. There is a natural gas line running to the school, but they don't have natural gas heat.

Jane Jelinski asked if hold harmless agreements were signed by users of the school. Mrs. Kirk said there is a sign on the wall stating they are not liable for accidents, but a hold harmless agreement is not signed. Mrs. Jelinski suggested they consider having this agreement drawn up.

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FORM 12187-TRIBUNE PRINTING

Wilbur Visser asked if liability insurance covers the 4-H meetings and other functions at the school. Mrs. Kirk said 4-H members are covered through their 4-H insurance. Jane Jelinski asked if other groups use the school regularly. Mrs. Kirk said it is used by others, and would be used more if the roof were fixed.

Joy Nash stated she would like to defer this decision to give the county time to check on the deed and insurance. The request is for \$2,698, and the county was not aware that they owned this school until this request was brought up. The action on this request will be deferred for one to two weeks.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding the preliminary plat approval of the DeJong Subdivision. This subdivision consists of 2.68 acres to be divided into six residential lots that average 15,900 square feet. One of the proposed lots was created through certificate of survey and has an existing home on it. All lots will be for single family dwellings and will be served by central water and sewer systems.

The subdivision is located in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirteen (13), Township One (1) South, Range Three (3) East, P.M.M., Gallatin County, Montana, and is further described as being in the Churchill Community approximately 16 miles northwest of Bozeman. The Churchill Community has been developed largely through the unreviewed use of subdivision exemptions. Access easements meander throughout the community and many roads fall below County standard. Because a central sewer system is available, Churchill is developing at an urban density and has the look and feeling of a small community.

Sewage treatment will be provided by the Amsterdam-Churchill Sewer District. Cash-in-lieu of parkland has been requested by the developer. There are no dedicated parklands in the immediate area, but there is a playground area at the Manhattan Christian School. If the park requirements were met, parkland dedication would be for less than one-third of an acre, which would not be particularly well suited for development as a recreational site.

Because this subdivision contains less than ten lots, the environmental impact assessment and community impact statements have been waived, as provided for in the Subdivision Regulations.

The Homeowner's Association Articles contain the following language:

Inasmuch as the roads are designated and donated as public roads and the same should be maintained by the County of Gallatin, the primary obligation of the maintenance of said road shall be that of the County of Gallatin. However, recognizing the fact that in certain instances the County of Gallatin refuses to maintain and plow said roads, then the Homeowner's Association, upon approval from the County of Gallatin, shall have the right to improve, maintain or plow said roads as the need may arise.

Ms. Peck stated this language is not acceptable and should be changed so that the homeowner's association assumes responsibility for the road maintenance.

The County Weed Control Officer has offered two suggestions. First, a language change in the covenants and homeowner's articles to require that "county declared noxious weeds" be controlled. Second, that the homeowner's association be responsible for maintaining the road right-of-way and controlling weeds.

There is an existing well on the property that is proposed to be developed as the community water system. The well would be located in the road right-of-way, on the backslope of the drainage ditch. The County and State Departments of Health have expressed concern that adequate safeguards be provided to insure the well will be safe from contamination. Because the well is proposed to be located in the public right-of-way, it appears necessary for the Commission to give permission for the location of the well.

Ms. Peck stated that of major concern is the lack of adequate access proposed for this subdivision. The preliminary plat shows a 40 foot easement for ingress, egress and underground utilities. The access is not consistent with County policies and subdivision regulations, and the county has consistently required that access to subdivisions be through a road which has been publicly dedicated, and the subdivision regulations require that a 60 foot right-of-way be provided. The developer claims that a 26 foot wide road can be built within the 40 foot easement.

While this is true, it presents two problems, first the narrow right-of-way creates maintenance problems with machinery access and snow removal. Second, it may cause long range problems if the residents of Churchill decide to pave the streets, and add sidewalks and curbs and gutters. It would be impossible to provide those facilities within a forty foot area.

The use of the easement itself also presents problems. Although "public access" may be granted, the land is not dedicated to the public and remains in private ownership, and there is no indication how or if the easement would be maintained.

Concerning the eight public interest criteria, Ms. Peck stated there appears to be a need for additional subdivided lots. Notice of the hearing was published and sent to adjoining landowners. Two concerns have been identified concerning public health and safety. First, that adequate measures be taken to prevent contamination of the community well system, and second, that the location of the existing parking lot on the subdivision access will pose a safety problem.

If after considering all information submitted and all testimony given, the Commission finds this Subdivision to be in the public interest, Ms. Peck offered the following conditions to be attached to preliminary plat approval.

1. That utility easements be shown on the final plat.
2. That cash-in-lieu of parkland dedication be approved.

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3. That the Homeowner's Association Articles be changed to remove the unacceptable wording and to allocate responsibility for road maintenance to the Homeowner's Association.
4. That the Homeowner's Association Articles be changed to specifically require control of county declared noxious weeds on individual lots. That the Association assume responsibility for controlling noxious weeds in the public right-of-way. That areas disturbed by construction be reseeded with preferred vegetation.
5. That permission be granted to locate the community well in the public right-of-way. That an easement with a radius of 100 feet from the well be obtained to prohibit uses which may contaminate the well.
6. That approval be obtained from the Amsterdam-Churchill Sewer District and the State Department of Health and Environmental Sciences prior to final approval.
7. That the uniform standards for subdivision plats and certifications be met.
8. That access to the subdivision be dedicated to the public and meet all county standards, including the sixty foot right-of-way width. That a maintenance agreement be obtained for the access road.
9. That road, drainage, and street sign plans be submitted for approval to the County Surveyor's Office. That all improvements be installed prior to final approval.
10. That a common access be developed on Churchill Road and any necessary encroachment permits be obtained.
11. That the existing electrical box be removed from the road right-of-way.
12. That a \$35.00 per lot fee be paid to the fire department.

Ray Center, Rocky Mountain Engineers, spoke representing the developer, stating he didn't see any problems with the comments from the staff. He would prefer to state in the covenants that a radius of 100 feet from the well be obtained to prohibit contamination instead of having it as a condition of approval.

Ray Center stated the big question is the road access width and what can be done. The easement proposed is an existing easement which was granted at the time of Certificate of Survey and are proposing to make that easement public. Regarding the comments made about maintenance problems on the access, Ray Center stated that most maintenance equipment would use the cul-de-sac to turn around and not try to turn around in the middle of the road, and where the Homeowner's Association will be doing the maintenance, small equipment would be used. Snow conditions should not be a major problem considering the amount of snow the area receives.

As far as future improvements on the road, city standards from gutter to gutter require 37', which wouldn't leave room for a sidewalk but if the residents wanted sidewalks, they could dedicate 5 feet or so for them. Maintenance of the 40 foot easement section would not be a problem if added to the Homeowners Association requirements. It could be maintained at the same time the subdivision road is maintained.

Ray Center stated there is a small drainage ditch to collect runoff, which is minimal.

Wilbur Visser asked Ray Center if he considered moving the parking lot which adjoins the access to give more room for the road. Ray Center replied the developer doesn't own that land.

Jane Jelinski asked Ray Center why he wanted to add the condition concerning the 100 foot easement for the well to the Covenants instead of having it a condition of approval. Mr. Center replied he thought it would be an easier way to take care of the problem, and a line can be shown on the plat showing the easement. Mrs. Jelinski stated this would be harder for the county to enforce.

Jane Jelinski asked if there would be any exterior structures near the well in the right-of-way, making maintenance difficult. Ray Center said there would be a well house, but this would be on a lot with an easement. Jane Jelinski asked what kind of maintenance would be necessary to protect the well when the road is being constructed. Ray Center replied he didn't expect there to be a problem as they will just be moving earth and adding gravel. They could put a fence around the well for added protection. Another option would be to shift the road to give more land between the well and the road right-of-way or they could shift the lot lines and have the well on a lot instead of in the right-of-way.

The well is five years old and the well casing will be brought up to standards.

Jane Jelinski asked if this project has been discussed with the Amsterdam-Churchill Sewer District and asked if Mr. Center saw any problems with the sewer. Ray Center replied he sees no problems and that Mr. DeJong had the lines put in five to six years ago in anticipation of subdividing.

Wilbur Visser asked if there would be a problem with the existing house if a 100 foot easement were required around the well. Ray Center said no because the easement would just restrict uses that may contaminate the well.

Bob Courthouse who owns the property adjacent to the proposed subdivision and is in the process of buying Lot 1 of the subdivision, and who also owns the apartments which adjoin the access road, stated he was a member of the Amsterdam Sewer District and was principal of Manhattan Christian School. The sewer is more than adequate to handle the project and would be welcome. He has not had a problem with snow removal in the 15 years he has lived in the area. The school board has not been solicited to grant an additional 20 foot for the easement of the access road. He stated he could not speak for the board but felt they would consider the request.



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Joy Nash asked if the school granted the 20 feet to the developer, would there be enough room for the parking lot elsewhere near the apartment. Mr. Courthouse said there is enough room.

Wilbur Visser asked Henry Flikkema, who is a member of the school board, if the school board would object to moving the parking lot. Mr. Flikkema replied he couldn't speak for the board, either, but is sure they would consider it. Mr. Flikkema stated the Manhattan Christian playground is private property and there is no rights outside of school use for anyone to use the playgrounds. Mr. Flikkema asked if the homeowners would agree to take care of the access would the commission approve this subdivision with the 40 foot right-of-way, if the school board decided not to grant the needed 20 feet. He stated this is a short stretch of road, approximately 200-250 feet.

Jane Jelinski stated she appreciated the reminder that the school and playground are private and asked Mr. Flikkema if he was suggesting that the developer grant park land instead of cash-in-lieu. Mr. Flikkema had no comment.

Jim Veltkamp, who owns the existing home in the proposed subdivision stated he would like to see the subdivision developed. He stated his access road was only plowed one time in the five years he has lived there and that was because a neighbor had his plow out. He's never had a problem with snow, or problems with the parking lot adjacent to the access road. He stated everyone who lives there is aware of the access road and are very cautious, but thinks the concern is relevant, and thinks it would be good to look into moving the lot. The well is excellent and was put in the location where it is so it could service other homes.

Wilbur Visser stated the county subdivision regulations require a 60 foot easement and if this is approved with a 40 foot easement the Commission would be opening the door to other people for the same request.

Jane Jelinski added there may be a problem with the parking lot in it's current location because there will be more traffic and it is the commissioner's job to consider potential future problems.

Emery Nelson, County Sanitarian, stated he would like the Board to consider asking the developer to realign the boundary in the subdivision to allow the well to be in the subdivision or even the possibility of a different well. This is a public water supply and with the well being in the public right-of-way anyone could be malicious and contaminate the well. If the pro easement clause was put in the covenants, it would be to the homeowners advantage to have the well on their own property.

Joy Nash asked Mr. Nelson if he was suggesting the developer move the well or the lot line. Mr. Nelson stated he didn't know what it would entail to move the lot lines and if it's a good well it would be to their benefit to keep it.

Ray Center stated there is adequate room to shift the lot lines so the well would be in a lot.

Jane Jelinski asked Ray Center if the Commission requires the 60 foot easement would he still be able to design the well out of the road right-of-way. Mr. Center replied yes.

Commissioners Wilbur Visser and Joy Nash asked if it would be possible to obtain access to the subdivision from the West. Ray Center said that would require that the property be purchased.

Jane Jelinski stated she would like to see the developer be able to develop this but to go with the 40 foot easement would be asking for trouble.

Tom Anacker stated the Commission could ask the developer to withdraw the proposal if they wanted to change the entrance which would make this a different proposal. If they want to consider this proposal with conditions they would not have to withdraw.

Wilbur Visser asked if the lots have to be realigned would a new plat have to be drawn. Ray Center stated these changes would be reflected on the final plat.

Jane Jelinski asked if it would be easier to withdraw or make the changes. Ray Center said if approval was made on the conditions then the developer could go to the school board and request additional land, so it would be better to conditionally approve the request now.

Tom Anacker stated if the well is not to be kept in the public right-of-way, permission would not need to be given to keep the well in the right-of-way and to maintain it.

Mary Kay Peck, Subdivision Review Officer, stated if the commission goes with Emery Nelson's suggestion the first sentence of condition #5 would have to be changed to "That the boundaries be realigned to locate the well within a subdivision lot. That an easement with a radius of 100 feet from the well be obtained to prohibit uses which may contaminate the well, and that the easement be shown on the final plat."

Jane Jelinski made a motion to grant preliminary plat approval for the DeJong Subdivision with the following conditions:

1. That utility easements be shown on the final plat.
2. That cash-in-lieu of parkland dedication be approved.
3. That the Homeowner's Association Articles be changed to remove the unacceptable wording and to allocate responsibility for road maintenance to the Homeowners Association.
4. That the Homeowner's Association Articles be changed to specifically require control of county declared noxious weeds on individual lots. That the Association assume responsibility for controlling noxious weeds in the public right-of-way. That areas disturbed by construction be reseeded with preferred vegetation.
5. That the boundaries be realigned to locate the well within a subdivision lot. That an easement with a radius of 100 feet from the well be obtained to prohibit uses which may contaminate the well, and that the easement be shown on the final plat.
6. That approval be obtained from the Amsterdam-Churchill Sewer District and the State Department of Health and Environmental Sciences prior to final approval.

TUESDAY THE 13th DAY OF NOVEMBER 1984

7. That the uniform standards for subdivision plats and certifications be met.
8. That access to the subdivision be dedicated to the public and meet all County standards, including the sixty foot right-of-way width. That a maintenance agreement be obtained for the access road.
9. That road, drainage, and street sign plans be submitted for approval to the County Surveyor's Office. That all improvements be installed prior to final approval.
10. That a common access be developed on Churchill Road and any necessary encroachment permits be obtained.
11. That the existing electrical box be removed from the road right-of-way.
12. That a \$35.00 per lot fee be paid to the fire department.

Wilbur Visser seconded the motion, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, stated there were two exemptions to the Subdivision Regulations that need to be certified by the County Commission. The first is for Neil Jermunson who has claimed the occasional sale exemption. Mr. Jermunson has not taken a prior occasional sale from this tract or contiguous tracts, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appeared to be a proper use of the exemption. Wilbur Visser made a motion to grant the exemption for occasional sale to Neil Jermunson, seconded by Jane Jelinski, none voting nay. The motion carried.

The second exemption was for Bert Dusenberry who claimed the family sale exemption. Mr. Dusenberry is conveying a 1.000 acre tract to his son, Jerry. Mr. Dusenberry has not previously conveyed a tract to his son. Based on the information submitted, this appeared to be a proper use of the exemption. Wilbur Visser made a motion to grant the exemption for family sale to Bert Dusenberry, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, stated the request for final approval of Feddes Minor Subdivision was requested by the developer, but preliminary approval has not yet been granted for this subdivision, so final approval is premature. This item was removed from the agenda.

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Mary Kay Peck, Subdivision Review Officer, gave a report on final approval of Applas Minor Subdivision. This subdivision is in the Belgrade jurisdiction and Randy Thorson, Belgrade City/County Planning Director, has reviewed the conditions for preliminary approval and feels they have been met.

Wilbur Visser made a motion to grant final approval for Applas Minor Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Marsha Elkins, Assistant Planner for the Bozeman City-County Planning Board, gave a staff report on the application for Master Plan amendments to establish fees for Master Plan amendments. Currently there are no fees for an amendment to the Master Plan and the cost is being absorbed by the City-County Planning budget. The fee schedule being requested would recover approximately 30 percent of the cost. The requested Amendment would be added to the final paragraph of the Master Plan (page 5-3) and would read as follows:

"Individuals may initiate the Master Plan Amendment process by submitting the application, all appropriate maps and data and the application fee to the Bozeman City-County Planning Board. The application fees for Master Plan Amendments are:

- |                              |   |
|------------------------------|---|
| (A) Text Amendments          | \$220.00  |
| (B) Land-Use Plan Amendments | \$220.00 plus \$3.00 per acre up to 80 acres and \$2.00 per acre for 80 acres and greater." |

Ms. Elkins stated most amendment requests are for annexation amendments. Wilbur Visser asked if the City Commission approved this amendment. Ms. Elkins said they meet next Monday and will review it then.

Jane Jelinski made a motion to agree to the amendment as outlined, seconded by Wilbur Visser, none voting nay. The motion carried.

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Agenda item number 7, Agreement City/County Contract for Surveying Services with the County has been cancelled until next week.

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Jane Jelinski then read portions of the Food Bank lease which needed to be renewed for 1984. This lease is between Gallatin County and the Human Resources Development Council Food Bank and is for the premises known as 314 West Mendenhall. The lease is \$15.00 per month. Joy Nash stated this was a regular lease with the Food Bank.

Mary Martin, Director of the Food Bank, gave the Commission a copy of the insurance which they are required to carry on the premises.

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FORM 12187-TRIBUNE PRINTING

Joy Nash asked who the Food Bank sub-leases to. Mary Martin stated they currently rent to the Bozeman Day Care Association and have a room vacant that was rented by the Girl Scout Council which they hope to sub-lease soon. All sub-leases must be approved by the Commission. They charge \$25.00 per month for the sub-lease which helps pay for utilities.

Jane Jelinski made a motion to grant the renewal of the lease with the Food Bank for the coming year, seconded by Wilbur Visser, none voting nay. The motion carried.

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Agenda item number 9, Lower Rainbow Road, was deferred to next week by request of the petitioners.

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There being no further business, the meeting was adjourned at 3:20 p.m.

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ATTEST:

*Gary St. Ringle*

Clerk and Recorder

APPROVED:

*act Wilbur Visser*

Chairman

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PUBLIC MEETING TUESDAY, NOVEMBER 20, 1984 COUNTY COMMISSIONERS, BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Wilbur Visser, at 1:30 p.m. Also present were Jane Jelinski, Commissioner, Tom Anacker, Deputy County Attorney, and Shelley M. Cheney, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes from the October 30, 1984, and the November 13, 1984 meetings, seconded by Wilbur Visser. None voting nay. The motion carried.

ANNOUNCEMENTS

November 14, 1984

Held meeting with State Solid Waste and BLM people, re: landfill. Those present were:

- Joy Nash, Wilbur Visser, Jane Jelinski, County Commissioners
- Jim Leiter, Solid Waste Management Bureau, Helena
- Tom Anacker, Deputy County Attorney, Gallatin County
- Reed Lemmen, Dept. State Lands, Helena
- Harry Ellis
- Jack Atkins
- John Nicoletti, Three Rivers Disposal, Bozeman
- Craig Johnson, Bozeman Daily Chronicle
- Dick Kountz, Three Rivers Disposal, Bozeman
- Dick Holmes, City of Bozeman
- Kelly Blake, Dept. of State Lands, Helena
- Bob Brownell, Dist. #1 President
- Emery Nelson, Gallatin County Sanitarian

Received A101 #6380 from U.S. Treasury for lease of space in Radio Transmitter Building, in the amount of \$16.68 to credit of General Fund.

Received the following transfer of funds:

1. The sum of #38.84 from fund 1000 to fund 2710 to correct posting errors.
2. The sum of \$4.69 from fund 2276 to fund 2270 to correct posting errors.
3. The sums of \$177.79 from fund 1000, \$106.43 from fund 2160, \$108.10 from fund 2190, and \$41.37 from fund 2140 to fund 2110 for gas.
4. The sums of \$56.26 from fund 2190 and \$139.68 from fund 2110, to fund 1000 for gas.
5. The sums of \$69.85 from fund 1000, \$.20 from fund 2110, and \$2.30 from fund 2276, to fund 2190 for copies.
6. The sums of \$35.72 from fund 2120, \$64.44 from fund 2190, \$3.65 from fund 2276, and \$30.80 from fund 2290, to fund 1000 for supplies.
7. The sum of \$24.60 from fund 1000 to fund 2180 for copies.
8. The sums of \$48.60 from fund 2120, \$45.50 from fund 2180, \$305.12 from fund 2290, \$11.32 from fund 5020, \$53.32 from fund 2190, \$4.85 from fund 2281, \$5.40 from fund 2276, and \$8.00 from fund 2415 to fund 1000 for printing.
9. The sum of \$7.00 from fund 2290 to fund 1000 for film.
10. The sum of \$22,364.00 from fund 2130 to fund 2110 for wages.
11. The sum of \$4,058.00 from fund 2130 to fund 1000 for wages.
12. The sum of \$411.00 from fund 2130 to fund 1050 for wages.
13. The sum of \$4,593.00 from fund 2110 to fund 1000 for wages.
14. The sum of \$361.00 from fund 2110 to fund 1050 for wages.
15. The sum of \$8.20 from fund 2240 to fund 1000 for copies.

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16. The sum of \$16,036.86 from fund 1050 to fund 1000 to correct coding errors.

17. The sum of \$527.08 from fund 1050 to fund 1000 to correct coding errors.

Received A101 #6380 from State Dept. of Institutions. Earmarked alcohol tax funds payment for November 1984, \$7,494.00 to credit of alcohol fund.

Joy Nash and Emery Nelson, County Sanitarian attended West Yellowstone/Hebgen Basin Refuse District #2 meeting in West Yellowstone.

Jane Jelinski and Ken Mosby, Administrative Assistant, were in Helena this date, for Urban Coalition meeting. Jane Jelinski will attend Urban Coalition meeting also on November 15, 1984.

Wilbur Visser attended Refuse District #1 meeting in Manhattan.

November 15, 1984

Received A101 #6396 from West Yellowstone/Hebgen Basin Refuse District #2 for fees collected \$18,241.48 to credit of West Yellowstone/Hebgen Solid Waste District #2.

Public Service Commission of Helena conducted garbage hauler meeting in Community Room. Wilbur Visser was witness and presented the following letter to the P.S.C.:

We, the Board of County Commissioners, have to protect the taxpayers of Gallatin County and see that they receive the most and the best for their tax dollar. We believe it to be in the best interest of the public that there be competition in private enterprise.

We, therefore, endorse two refuse collector permits for the Gallatin County area, excluding the West Yellowstone/Hebgen Basin Refuse District #2.

Thank you for your time and consideration.

Approved a dealer's license for Gary Vanderpan to deal at the Friendly Tavern.

County work force set up materials ready for County Auction.

Received A101 #6391 from Bozeman Christian Church in amount of \$50.00 for Law & Justice Gym Rental.

Bob Sybrant, County Welfare Director, will be out of state from November 18, 1984 to November 26, 1984.

Joy Nash, Commission, to be out of state from November 18, 1984 and returning December 3, 1984.

November 16, 1984

Commissioners met as Welfare Board this date.

Received A101 #6399 from First Bank of Bozeman for Government Revenue Sharing payment #2710 in amount of \$135,118.00 to credit of Revenue Sharing fund.

Received the following transfer of funds:

\$3,000.00 to be transferred from Capital Outlay to fund number 1000-202-4104106-000000-112. This is a loan to the Clerk and Recorder and shall be repaid next fiscal year.

Held bank auction for \$4,400,000.00 for C.D.'s to various banks.

Received A101 #6401 from the State of Montana, Dept. of Revenue for October Incentive payments for Child Support, collected from other states in the amount of \$594.28 to credit of General Fund.

November 19, 1984

Met with Road Superintendent Sam Gianfrancisco and Norman Stone and Personnel Dept. to discuss Norm Stone's Job Description.

Met with Personnel Dept. to discuss various problems.

Received A101 #6427 from Steven Forte in amount of \$9.00 for gym rental to the credit of General Fund.

Met with the Rest Home Director, Mr. William Cainan to discuss the operation of the Facility.

November 20, 1984

Mary Kay Peck, Subdivision Review Officer, reported the proper use of the occasional sale exemption for the Certificate of Survey for Nathan Lee. Jane Jelinski made a motion to grant approval for the occasional sale exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Mike Money, City/County Planning officer, reported that all conditions have been satisfied that were required in the preliminary approval of Lot 22, Hyalite Foothills Subdivision #1 and recommended that the final plat be approved. Jane Jelinski made a motion to grant final approval of Lot 22, Hyalite Foothills Subdivision #1, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski read the City/County Contract for Surveying Services with the County. Jane Jelinski made a motion to approve the agreement with a rate change of \$45.00 for Subdivisions and \$35.00 for Certificates for Survey, seconded by Wilbur Visser, none voting nay. The motion carried.

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FORM 12187-TRIBUNE PRINTING

Sam Gianfrancisco, County Road Superintendent, opened discussion of the Rainbow Subdivision Roads. Being mainly concerned with the Right-of-way being only 20 feet in width south of Ice Blue Road to the intersection of Upper Rainbow Road, he reports a problem of maintaining the roads with the size of machinery the county now owns. He also stated a problem of private parties applying a number of applications of road oil in the past few years, which is against state statutes.

J. David Penwell, representing the owners of Rainbow Subdivision, stated the property owners who adjoin Lower Rainbow Road would grant a 10 foot easement on each side of the road to the County, giving the County a total of 40 feet of easement. Sam Gianfrancisco questioned the lot on the intersection of Lower and Upper Rainbow Roads (Lot #412) because of the size of machinery, as to whether they would grant 10 feet on Upper Rainbow Road, too. This lot is owned by Atchisons, and Marjorie Atchison stated she would need to discuss it before making a decision.

Tom Anacker, Deputy County Attorney, advised the County Commissioners, because of conflicting opinions from the County Attorney's Office, that an Attorney General's Opinion be requested as to whether the County has a responsibility or obligation to maintain the roads in question.

J. David Penwell requested an interim written agreement with the County to go ahead and at least grade the roads. Jane Jelinski questioned Mr. Penwell, if the County would do maintenance on the roads prior to any legal decision, would it be interpreted as an agreement that the County would indeed take over the roads. Mr. Penwell responded, "I prefaced that comment by a suggestion on my statement that we would render into a written stipulation with the County through the County Attorney's Office that the respective legal position of either side not be changed." This would be an agreed interim solution that respects the position of either side but addresses the possibility that the County will be resuming responsibility of the roads and admits the realities of life that needs to be addressed now and can not wait for the machinery of Government to move for another 90 day period of time.

Jane Jelinski questioned the Road Superintendent's budget and whether the road crew could work on the roads. Sam Gianfrancisco stated that with some moisture on the roads, the road crew could work on the area, estimated time being three to four hours to grade the roads. J. David Penwell reported the bridges on Magenta and Asure roads, which Middle Creek Supply Ditch runs under, were installed, constructed, and maintained by the County. Mr. Penwell reported the Magenta bridge, which is wood, has a hole in it and will be impassable soon. Tom Anacker reported State Statute 7-14-2201 sub-sections 1 and 4 covers the County to maintain the bridges in question. He advised the County Commissioners to have an agreement in writing so there is no question as to the terms before entering the agreement. Charles Page, Bozeman Hot Springs, stated he has a water truck available if needed, for moisture on the roads. Jane Jelinski made a motion to request an opinion from the Attorney General regarding the obligation of the County concerning maintenance of Upper and Lower Rainbow Roads, seconded by Wilbur Visser, none voting nay. The motion carried.

A decision was made between the County Commissioners and J. David Penwell to draw up an interim agreement for the grading of Lower and Upper Rainbow Roads. Mr. Penwell will meet with Tom Anacker, Deputy County Attorney, to prepare the agreement which will be under consideration at the public meeting November 27, 1984.

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There being no further business, the meeting was adjourned at 2:15 p.m.

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ATTEST:

*Gary H. Dingle*  
Clerk and Recorder

APPROVED:

*Wilbur Visser*  
Acting Chairman

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PUBLIC MEETING NOVEMBER 27, 1984 TUESDAY COUNTY COMMISSIONERS, BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Wilbur Visser, at 1:30 p.m. Also present were Jane Jelinski, Commissioner, Mike Salvagni, County Attorney, and Debbie Arkell, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes from the November 20, 1984, meeting, seconded by Wilbur Visser, none voting nay. The motion carried.

ANNOUNCEMENTS

November 21, 1984

Received the following transfer of funds:

That the sum of \$37.64 as appropriated under general class (1) Wages and Salaries for account 1050-204-510531-140 be transferred to account 1050-214-410565-140 under general class (1) Wages and Salaries.

That the sum of \$1,544.93 as appropriated under general class (1) Wages and Salaries for account 5020-000-440340-124 be transferred to account 5020-000-440340-130 under general class (1) Wages and Salaries.

That the sum of \$21.03 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-360 be transferred to account 5020-000-440340-360 under general class (2) Maintenance and Support.

That the sum of \$227.36 as appropriated under general class (1) Wages and Salaries for account 5020-000-440350-142 be transferred to account 5020-000-440350-130 under general class (1) Wages and Salaries.

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That the sum of \$300.00 as appropriated under general class (1) Wages and Salaries for account 5020-000-440330-130 be transferred to account 5020-000-440360-130 under general class (1) Wages and Salaries.

That the sum of \$81.25 as appropriated under general class (2) Maintenance and Support for account 5020-000-440370-370 be transferred to account 5020-000-440370-381 under general class (2) Maintenance and Support.

That the sum of \$34.05 as appropriated under general class (2) Maintenance and Support for account 2415-000-420100-210 be transferred to account 2415-000-420100-320 under general class (2) Maintenance and Support.

That the sum of \$350.00 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430210-345 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-370 be transferred to account 1000-202-410550-380 under general class (2) Maintenance and Support.

That the sum of \$278.72 as appropriated under general class (1) Wages and Salaries for account 1000-202-410600-110 be transferred to account 1000-202-410600-112 under general class (1) Wages and Salaries.

That the sum of \$87.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-370 be transferred to account 1000-212-420810-513 under general class (2) Maintenance and Support.

That the sum of \$1,749.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-513 under general class (2) Maintenance and Support.

That the sum of \$290.54 as appropriated under general class (1) Wages and Salaries for account 1000-209-420230-110 be transferred to account 1000-209-420230-190 under general class (1) Wages and Salaries.

Received A101 #6442 in the amount of \$10.00 from Fred Schivertzer for rental of Law and Justice Gym to credit of general fund.

November 22, 1984 - LEGAL HOLIDAY - THANKSGIVING

November 23, 1984

Received A101 #6447 from William J. Dorgan in the amount of \$10.00 for Gym Rental to credit of general fund.

November 26, 1984

Received A101 #6449 from Tew Distributing for Candy Machine Rental in the amount of \$12.10 to the credit of general fund.

Wilbur Visser and Ray White went to White Sulfur Springs to attend Rocky Mountain Dev. Council meeting. Jane Jelinski attended Weed Board Meeting.

November 27, 1984

Routine business this day.

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Mary Kay Peck, Subdivision Review Officer, stated there is one claimed exemption to the Subdivision Regulations that needs to be certified by the Commission. Bradley and Gretchen Biggerstaff have claimed the security for construction financing exemption. The Biggerstaff's have submitted a statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. First Security Bank of Bozeman has certified that creation of the mortgage parcel is necessary to secure the construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Jane Jelinski made a motion to grant the exemption for mortgage survey to the Biggerstaff's, seconded by Wilbur Visser, none voting nay. The motion carried.

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The decision for a request for money to repair the roof of the Ft. Ellis School was deferred because a representative from the 4-H club was not present.

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County Attorney, Mike Salvagni, read an Agreement which was presented to him this morning by David Penwell, attorney for the property owners in Rainbow Subdivision requesting that Lower Rainbow Road be graded. The commissioners stated at last week's meeting that they would consider grading the road one time while they waited for the Attorney General's opinion on whether the county is responsible for the maintenance of the road or not. This agreement is on file in the Lower Rainbow Road file in the County Commissioners Office.

Mr. Salvagni stated he reviewed the agreement and it was his understanding the county would consider grading the road in Rainbow Subdivision. He has some objections to some of the wording in the Agreement, and is not sure the Agreement limits the county to just a one-time grading of the road. He objects to the language in the Agreement that states the Board is unwilling or unable to make a decision and to the language that the Board has refused to acknowledge whether it has or does not have such an obligation to maintain the road. In 1981 the Board said that it does not have the obligation to maintain the road, and that is presently the position of the Board.

Mr. Penwell has raised some legal questions concerning that opinion and that is why the Attorney General will be asked for his opinion. The position of the Board until there is some contrary legal opinion is that as it existed in 1981.

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FORM 12187-TRIBUNE PRINTING

Mike Salvagni stated the Commissioners have to agree specifically what they are willing to do, and this isn't clear in the Agreement that was presented by Mr. Penwell.

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Mr. Salvagni stated that/it is the Board's position that the position the Board took in 1981 is correct, then there should be something in the agreement that the Association would agree, that if the county does some maintenance work, that they will reimburse the county for the cost of that work if the County is shown not to be liable for the road. If the Attorney General says the county is responsible for maintaining the road then the county would be responsible for the interim maintenance.

David Penwell, attorney for the Association, stated the wording of the Agreement can be changed to suit the County Attorney's Office. The Agreement does state it is only for grading the road, but if the County Attorney wants to state that specifically, that is no problem. Mr. Penwell stated he has no authority to authorize any expenditure of funds by the Association in the event the Attorney General states the County has no responsibility to maintain the road. This is an "ad-hoc" Association of property owners who are interested in getting the roads maintained, and he can't state whether they will reimburse the County or not. Mr. Penwell stated it was still his conclusion that once the County maintained the road they are obligated to continue it's maintenance. He would be willing to work with the County Attorney to work out acceptable wording of the Agreement for the one-time grading.

Mr. Penwell stated it was his understanding that the papers have not yet been prepared for the Attorney General's opinion and that this is urgent. The road condition is getting worse and as soon as the opinion request is turned in, the clock starts running on the response time. Mr. Penwell stated he wanted to go on record that it was his position that the county has a legal responsibility. If it turns out subsequently that they are correct and the county has refused to accept that responsibility or do anything inspite of repeated requests, and a submission in writing for that to be done, he is suggesting the County is "skirting" with liability. There is no question about the issue of that liability being raised. Mr. Penwell urged the County Commission that they are not assuming any liability that does not already exist, or if none exists, they are not assuming any by and through this Agreement by virtue of the stipulation. Common sense says if you can, you should, from a budgetary standpoint, put a grader on those roads and put them back in a position where they can be used.

As a final note, Mr. Penwell stated that he was disturbed and distressed that the Commission was talking to the Press outside of the public meeting about their thought that they are incurring liability for all of the roads in the county. He asked Mr. Salvagni if he had any objection to Mr. Penwell giving the Brief that was provided to the County Attorney's Office to the County Commission. It is firmly set forth in the Brief that the County is incurring no further responsibility for other subdivisions in the county except, perhaps, for Longacres Subdivision.

Mr. Penwell stated that at last week's meeting, the County Road Dept. stated the cost of grading the road would be between \$300 and \$400 and he thought this sum of money should be something the County can undertake.

Wilbur Visser stated the roads can not be graded now because of the weather. Mr. Penwell replied it may not remain frozen between now and the time the Attorney General's Opinion is received.

Sam Gianfrancisco, Road Superintendent, stated they can't grade the roads now, but there is usually a thaw in Februray when it might be possible.

Monty Cooper, Rainbow Subdivision resident, asked how many times the road would be graded per year for the \$400. Sam Gianfrancisco said the cost is for one time only, for grading only, no gravel.

Jane Jelinski stated the Agreement was received late, so the Commissioners had to go over it quickly and there is language in the agreement that addresses the condition of the road which she doesn't feel is necessary. These are evaluations and assumptions. The Agreement also implies this to be a continued maintenance and not a one time grading. The Agreement may be moot because grading is not realistic now, but she would like to settle this issue. All the Agreement needs to say is that this is a one-time grading and the county doesn't acknowledge liability for the road and this doesn't change the county commission's standing.

Wilbur Visser stated he didn't like the wording of the Agreement and would like the County Attorney and Mr. Penwell to get together to draw up a new agreement that is acceptable, and then he would have no problem signing it. He would also like the Agreement to state that if the Attorney General's opinion is in the county's favor, the county will be reimbursed for the work done.

Jane Jelinski stated that since the county commission in 1981 took the position that it was not legally responsible to maintain the road, and that grading the road this one time is done as a courtesy while waiting for the Attorney General's Opinion, that if the Attorney General upholds the County's position, and if the property owners are agreeing that this grading needs to be done, then the County should be reimbursed for the work and this should be stated in the agreement.

Mike Salvagni stated that it has been the position of the County Commission since 1981 that it is not obligated to maintain the road and for three years have not maintained the road. This position will stand until an Opinion is received otherwise. If the County doesn't have an obligation to maintain the road, the County Commission is doing something which doesn't have to be done (the one-time grading). By stating in the Agreement that payment is required by the Association if the Attorney General rules the county is not responsible for maintenance, then this wouldn't set a precedent for the county to maintain subdivision roads.

Jane Jelinski made a motion not to enter into this Agreement. If the Attorneys want to draft another agreement together that would be acceptable to both parties, then it could be placed on the agenda again.

Mike Salvagni said what is proposed is an agreement that says that the County is asking for an Attorney General's Opinion; the county agrees to grade the road when possible, once; because the county does grade the road once, the county is not giving up any of their legal rights as far as the position that was taken in 1981; and that the county does not assume any

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future liability if the Attorney General's Opinion is in the County's favor; and that if the Attorney General's Opinion is in the County's favor, that the Homeowners agree to reimburse the County for the cost of the one-time grading.

Wilbur Visser stated he would like to have included in the Agreement that snow removal is not the burden of the county. Jane Jelinski stated this Agreement would be for one grading only, nothing else.

Wilbur Visser seconded the motion made by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski stated a new agreement may be drawn up if the association wishes. Wilbur Visser added that as soon as the attorneys get this ironed out the issue will be put back on the agenda.

Dave Penwell asked when the Attorney General's Opinion will be requested. Mike Salvagni stated he doesn't agree with everything in the Brief submitted to the County Attorney's Office by Mr. Penwell. The County has to prepare a memorandum and submit the memo to the Attorney General, along with the information submitted to them by Mr. Penwell. The County Attorney's Office is in the process of doing this, and are researching the facts. He can't put a time limit on it, but they are working on it.

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There being no further business, the meeting was adjourned at 2:05 p.m.

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ATTEST:

*Jay St. Pringle*  
Clerk and Recorder

APPROVED:

*Wilbur Visser*  
Acting Chairman

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PUBLIC MEETING TUESDAY, THE 4th DAY OF DECEMBER, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Jane Jelinski and Wilbur Visser, Deputy County Attorney Tom Anacker and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of November 27, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

## ANNOUNCEMENTS

Joy I. Nash announced that there are several boards that will have terms expiring on December 31, 1984. They are as follows:

Weed Board, South and West areas of Bozeman  
Belgrade City-County Planning Board, two positions  
Manhattan City-County Planning Board, two positions  
Fair Board, one position  
Tax Appeal Board, one position  
Mount Green Cemetery Board, one position  
Meadow View Cemetery Board, one position  
Pedestrian Traffic Safety Committee, one position  
Mosquito Control District, two positions

Should there be anyone interested in serving on these boards, they may obtain an application form from the Commissioners' Office and submit it to the Board for their consideration. The Commissioners have written to the persons whose terms are expiring asking them if they wish to be reappointed.

Joy I. Nash announced that the Bridger Canyon Zoning Commission has been invited by the Sohio Oil Company to view a drilling operation being conducted by Phillips Petroleum Company near Maudlow. The Zoning Commission announces that it will leave for a visit of the Maudlow site at 8:00 A.M. on December 5, 1984. A tour will be conducted for the Commission by a representative of the Phillips Petroleum Company to view the drilling site and to explain the procedures utilized in the exploration and drilling of oil and gas wells.

November 28, 1984

Received A101 #6465 from New Life, First Lutheran Church in the amount of \$50.00 for Law and Justice Gym Rental to the credit of the General Fund.

Commissioners Visser and Jelinski met with Steve Shaneyfelt in regards to tax billing procedures.

Wilbur Visser attended the Audit Committee meeting.

Jane Jelinski met with the Dog Owners and Handlers Club regarding dog control and the proposed dog control ordinance.

November 29, 1984

Received A101 #6472 from the State of Montana Highway Traffic Safety Division in the amount of \$2,025.02 to the credit of the DUI Program.

Received A101 #6467 from the Motor Vehicle Dept. in the amount of \$1,442.00 for title fees and fines collected to the credit of various funds.



TUESDAY

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Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$1,749.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-513 be transferred to account 1000-209-420100-370 under general class (2) Maintenance and Support.

That the sum of \$483.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-320 be transferred to account 2180-208-420300-513 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 4th DAY OF DECEMBER, 1984

BOARD OF COUNTY COMMISSIONERS  
GALLATIN COUNTY, MONTANA

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

Received a list of new employees as follows:

Merrilee Sullivan, PHN I, Health Dept., 8.0964/hr., 9/18/84.  
Duke Wolf, Deputy County Attorney I, 1,668.27/mo., 11/13/84  
Deborah Brown, Cook, Sheriff's Office, 5.0231/hr., 10/18/84.  
John Neal, Cook, Sheriff's Office, 5.0231/hr., 10/19/84.  
Jack Joyner, Detention Officer, Sheriff's Office, 870.65/mo., 11/12/84.  
Cathy Harris, NA I, Rest Home, 4.7174/hr., 11/8/84.

Received A101 #6495 from Bob Sybrant in the amount of \$6.00 for Law and Justice Gym Rental to the credit of the General Fund.

Commissioners Visser and Jelinski met as a Welfare Board this date.

Wilbur Visser, Emery Nelson, Sanitarian and Dave Jones and Ron Nadwornick of the Soil Conservation Service toured the proposed landfill site at Logan.

Commissioners Visser and Jelinski and County Assessor Ray White met with Alton and Helen Thompson regarding assessments on land exchanged with the Airport Authority at Gallatin Field.

Commissioners Visser and Jelinski attended the 4H Leaders Banquet.

November 30, 1984

Jane Jelinski attended the State Advocacy Board meeting in Helena.

Commissioner Wilbur Visser as Acting County Commission Chairman, swore in County Study Commission members Barbara Paugh, James Storey, Elsie Townsend, Mike Ward and Vernon Westlake and presented them with a certificate of election.

Received A101 #6491 from Action Auction Agency in the amount of \$22,824.50 for proceeds from the county auction to the credit of various funds.

Jane Jelinski attended a meeting regarding the expenditure of special funds received from the federal government for emergency food and shelter.

December 3, 1984

Met with Justice of the Peace Goan and Sue Ann Tack regarding request for additional staff and remodeling for the Justice of the Peace Office.

Jane Jelinski attended a meeting regarding emergency food and shelter.

Received a report from the Clerk and Recorder showing items of fees and other collections made during the month of November in the amount of \$14,537.30.

Wilbur Visser, Chairman of the Bridger Canyon Zoning Commission, called a meeting to order to discuss a request from Vernon Smith for a special temporary mobile home permit. Jane Jelinski made a motion to grant the request with the following conditions:

1. A building permit for a permanent dwelling has been issued.
2. The mobile home does not violate any valid existing deed restrictions.

This motion was seconded by Ray White, none voting nay. The motion carried.

December 4, 1984

Held Department Head Staff Meeting this date.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

R. A. Allsop has claimed the agricultural exemption. Mr. Allsop wants to convey a 15.906 acre parcel to his neighbor, so the neighbor can enlarge his farm. The parcel would be used exclusively for agricultural purposes. From the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for preliminary approval for Feddes Minor Subdivision. Ms. Peck displayed a plat of the subdivision. This minor subdivision is one acre in size and consists of one lot. It is located south of Manhattan at the intersection of Churchill and Meadow View Cemetery Roads.

Mr. Feddes had previously claimed the family sale exemption to transfer this parcel; however, because the ranch holdings are incorporated, the County Commission found that this was not a proper use of the exemption. Therefore, the parcel must be approved through the minor subdivision review procedure. There is presently an existing home on the site, with an approved septic system. The Feddes wish to have title to this site, so they are requesting the minor subdivision so that it can be separate from the family's corporate holdings. Access to the parcel is located on Meadow View Cemetery Road. Park dedication and cash in lieu do not apply to this subdivision as they are only creating one additional parcel.

Ms. Peck made the following comments regarding the public interest criteria:

The subdivision will have minimal impact. The need for the subdivision is to allow the Feddes to have title to the parcel. No public opinion has been expressed. No lands will be removed from agricultural production. Effects on local services, taxation, the natural environment and wildlife will not be affected because no additional dwellings will be built. An approved septic system has been installed.

Ms. Peck recommends approval with the following conditions:

1. That utility easements be shown and noted on the final plat.
2. That a \$35.00 fee be paid to the rural fire department to cover the initial cost of fire protection.
3. That the final plat conform to the Uniform Standards for final subdivision plats, and be accompanied by a platting certificate, a County Attorney's certificate, and a County Treasurer's certificate.
4. That county declared noxious weeds be controlled.
5. That a 30 foot right of way for Meadow View Cemetery Road be dedicated to the public.

Wilbur Visser asked with regard to condition no. 2 whether this was not an existing home and whether it would not be on the Manhattan Fire District tax levy.

Mr. Feddes stated that the taxes had been paid for fire protection, along with the assessment for the ranch property.

Stewart Nash, on behalf of Mr. Feddes, requested that the utility easement be waived. He states that the present utility power line runs on the north side of the county road. Mr. Nash states that it would serve no purpose to have the utility easement on the lot. The utilities terminate at this lot, they go no further into the property.

Tom Anacker, Deputy County Attorney, stated that the Subdivision Regulations with regard to easements read as follows: "Where determined to be necessary, the governing body shall require that such easements be provided as for utilities, drainages, vehicular or pedestrian access." If the Commission determines that there is a necessity for an easement for utilities, one should be attached as part of the conditions.

Ms. Peck states that generally when easements are put along the edges of the plat, they are put there so that in the future when development occurs there is a wide enough strip for the utility companies to work with. In this case, Ms. Peck does not feel that development is imminent.

Wilbur Visser made a motion to grant preliminary approval for the Feddes Minor Subdivision with conditions no. 3, 4, and 5, deleting conditions nos. 1 and 2, seconded by Jane Jelinski, none voting nay. The motion carried.

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Randy Thoreson, Belgrade City-County Planning Director, spoke regarding a request by Big Sky Insulation for preliminary approval of a lot split in Bruce Industrial Park. Mr. Thoreson displayed a plat of the lot. Mr. Thoreson presented his staff report.

Big Sky Insulation is an existing business located on a five acre certificate of survey parcel. As proposed, the developer is splitting the five acre parcel into two lots. Lot 1 of 3.811 acres and lot 2 of 1.189 acres.

Mr. Thoreson presented the following zoning and subdivision analysis:

A review of Belgrade's M2 zoning requirements finds that rear and side yard setbacks are not required. By using the common party wall as a lot line it would be similar to two industrial business buildings located side by side. Therefore, dividing the building and lots down a party wall does not appear to be a problem if not involved in an extensive industrial PUD project. An agreement between the two lots sharing the common party wall

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is appropriate and is recommended. Any future construction of new buildings will require zoning and department of health adherence. No new septic tank or well are proposed at this time for Lot 1.

Lot areas and widths comply with Belgrade Regulations. Lot 1 can be viewed as somewhat of a "flag lot". Flag lots are discouraged and are viewed as allowable if further subdivision of that lot is not anticipated. Such a condition on lot 1 is recommended. A short cul de sac road servicing interior lots would not be good design because of the relationship of the parcel to the rest of Bruce Industrial Park lots and road network. Fire protection could also be a problem.

The Belgrade Planning Board recommends approval of the lot split with the following conditions:

1. That an agreement be formulated between lot 1 and lot 2 as it relates to the common party wall. Said agreement shall cover utilities, fire protection and future construction.
2. That because of potential design problems and relationship to Bruce Industrial Park, no further subdivision of lot 1 be undertaken.
3. Any necessary utility easements on lot 1 and lot 2 be shown on final plat.
4. Final plat conform to Uniform Standards and be accompanied by necessary Certificates.

Jane Jelinski asked why a short road with a cul de sac would be a fire protection problem. Mr. Thoreson stated that if the road is blocked there would not be access to the rear lots. Mrs. Jelinski asked where the access to lot 1 was, there is no road at the present time.

Mike Huempfer, the developer, stated that at present there was a crushed gravel surface providing access to the lot.

Mike Foley, representing the developer, stated that what Mr. Thoreson was referring to was that if there were multiple lots with a cul-de-sac and one of the first lots blocked access to the rear, that would create a safety hazard. Mr. Foley states that in this case, there is only the one lot which has a crushed gravel surface built nearly to county standards. Mr. Foley states that since there will only be one lot there, no other lot is going to block access.

Mrs. Jelinski asked what the reasoning behind condition no. 2 was, requiring no further subdivision of the lot. Mr. Thoreson stated that it was to avoid any bad design in terms of cul de sac roads serving lots as was just discussed. Mr. Thoreson stated that Mr. Huempfer has indicated that he has no interest in subdividing further.

There was some discussion regarding the concern over access to the lot. Commissioners Jelinski and Visser felt that the road should be built to county standards.

Mike Foley stated that the Belgrade City Commission has stated that no further subdivision would be allowed in the area; therefore, there should be no cause for concern with additional lots not having access. Mr. Foley states that if no further subdivision will be done, he does not see a need for a county road. Mr. Foley states that the present graveled surface is adequate for access. Semi-trucks use it all the time.

Jane Jelinski made a motion to defer the decision one week so that the Commission may have an opportunity to view the lot, seconded by Wilbur Visser, none voting nay. The motion carried.

Mary Kay Peck, Subdivision Review Officer, suggested that one of the conditions for approval should be that county declared noxious weeds be controlled. The County Weed Supervisor has requested that this be a condition for every subdivision.

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There being no further business, the meeting adjourned at 2:15 P.M.

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ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

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PUBLIC MEETING TUESDAY, THE 11th DAY OF DECEMBER, 1984 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of December 4, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

December 5, 1984

Joy I. Nash and Wilbur Visser served at the Big Brothers and Sisters Annual Christmas Banquet at the Elks Club.

Commissioners Visser and Jelinski, County Assessor Ray White, Arletta Derleth, Deputy County Attorney Tom Anacker, Subdivision Review Officer Mary Kay Peck, Joel Shouse, Jim Moore and Sandy Pugh toured the drilling site of the Phillips Petroleum Company at Maudlow.

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

December 6, 1984

Received the following A101's:

#6549 from Lamotte School District in the amount of \$50.00 for the annual fee for the use of the Law and Justice Gym to the credit of the General Fund.

#6550 from Bob Sybrant, Jr. in the amount of \$6.00 for Law and Justice Gym Rental to the credit of the General Fund.

#6541 from the State Dept. of Administration in the amount of \$778.88 for Taylor Grazing Payment 10/1/83 to 9/30/84 to the credit of the General and General School Funds.

December 7, 1984

Commissioners met as a Welfare Board this date.

The Commissioners met with the following people to discuss the ground water problems on Kagy Blvd. Ray Johnson, R. J. Foulcal, Norm Stone and Sam Gianfrancisco of the County Road Dept., Neil Mann and Dick Holmes of the City of Bozeman, Bob Jordan, County Bridge Foreman, Douglas Daniels of Thomas, Dean and Hoskins, Tom Anacker, Deputy County Attorney, Ole Olson and Stephen Herzog of the Montana Dept. of Highways.

Received the following A101's:

#6551 from Dept. of Revenue in the amount of \$349.79 for distribution of wine tax to the credit of General Fund.

#6553 from State Dept. of Highways in the amount of \$2,346.14 for fees and taxes collected by the Highway Dept. to the credit of various funds.

A farewell tea was held for Judy Dickerson who resigned from the Extension Office.

Commissioners went to Belgrade to view the proposed lot split requested by Big Sky Insulation at last week's public meeting. This item will come before the Commission at today's meeting.

December 10, 1984

Received A101 #6564 from Jay Bruner in the amount of \$12.00 for Law and Justice Gym Rental to the credit of the General Fund.

Wilbur Visser and Joy I. Nash attended portions of the DUI Seminar conducted by Al Goke and Candace Compton of the Montana State Highway Traffic Safety Division. Also in attendance were DUI directors and law enforcement people from around the State.

Commissioners met to discuss pending litigation regarding the Detention Center.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Mel and Sandra Hillman have claimed the occasional sale exemption. Mr. and Mrs. Hillman have not taken a prior occasional sale from this tract or contiguous tracts, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Margaret Townsend, Frank Smith, Joyce Dick, Albert Smith, Lyman Smith, Alice Perry, and Elizabeth Emery have claimed the occasional sale exemption. The above mentioned parties are all brothers and sisters, and want to convey a 2.066 acre parcel to one of the brothers. They have not taken a prior occasional sale from this tract or contiguous tracts, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for a lot split in Bruce Industrial Park by Big Sky Insulation. Randy Thoreson, Belgrade City-County Planning Director, could not attend the meeting due to illness.

Ms. Peck cited problems with the flag-shaped lot. In terms of long-range development this property will result in a lot that is well over an acre being located on the northernmost portion. It seems likely that at some point it will develop. The property owner has stated that he has no intention of developing it; however, he may not own the property forever. This is also a likely area to receive sewer sometime in the foreseeable future. At that point, the lot sizes in the industrial park will be reduced greatly because they will no longer have to be one acre. Summary review approval also requires that there be proper access to all lots. Ms. Peck states that a flag pole, as shown on the plat, to provide access is generally not regarded as proper access. The proper type of access would be in providing a road that is dedicated to the public.

Ms. Peck recommends approval with the following conditions:

1. That a maintenance agreement be formulated for the common party wall. That the

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agreement cover utilities, fire protection and future construction.

2. That a county standard publicly dedicated road be built to provide access to Lot 1.
3. That a property owners association assume maintenance of the road.
4. That any necessary utility easements on Lot 1 and Lot 2 be shown on the final plat.
5. That the final plat conform to Uniform Standards and be accompanied by necessary certificates.
6. That county declared noxious weeds be controlled.
7. That all improvements be installed prior to final approval.

Jane Jelinski asked with regard to condition no. 3, since there is only a single property owner for both lots, must they form an association? She questioned whether the condition could read that the property owners assume maintenance.

Ms. Peck stated that they would not need to form an association.

Wilbur Visser stated that with regard to condition no. 1, the same would apply, since it is two corporations, owned by the same person.

Jane Jelinski made a motion to grant preliminary approval for a lot split by Big Sky Insulation with the conditions set forth by the staff with a change to condition no. 2 as follows:

2. That a county standard publicly dedicated road be built to eliminate the flag shaped lot and to provide access to lot 1 and that road plans be submitted to the county road office for review and approval.

This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

This matter must come before the Belgrade City Council again since the conditions for approval were changed by the County Commission.

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Gary Pringle, Clerk and Recorder, spoke regarding a request by Theodore Tiegen for redemption of his property taken for tax deed. Mr. Tiegen is out of state and could not attend today's meeting. Mr. Pringle understands that Mr. Tiegen had sold the property to Dan Henderson. American Land Title is handling the transfer of the property. Mr. Tiegen requests that the county accept a check from American Land Title for delinquent taxes, penalty and interest, to redeem the parcel. They also request that the county waive any additional taxes, penalty and interest from January 31, 1984, which is the date on which the tax deed was taken. Mr. Pringle states that this is allowable by statute.

Tom Anacker stated that the property owner has an opportunity to redeem his property prior to it being auctioned. He may repurchase the property by paying the full amount of taxes, penalty and interest due at the time the tax deed was taken.

Mr. Pringle states that the taxes owing are for the years 1979 through 1983.

Wilbur Visser made a motion to allow American Land Title Company to pay the total amount of taxes due on Mr. Tiegen's property through January 31, 1984, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser made a motion to renew the lease with the Worthy Cause Store, seconded by Jane Jelinski, none voting nay. The motion carried.

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Joy I. Nash read a proclamation as follows:

Gallatin County drivers may notice more patrol cars on the highways during the coming months. December 1st kicks off a new stepped-up enforcement of the DUI laws, with extra "DUI Dedicated Personnel" working overtime shifts.

WHEREAS, the Gallatin County DUI Program is funding this overtime, scheduled for high-risk driving periods of late night weekends and holidays. A major objective is to increase public awareness that it is ILLEGAL TO DRINK AND DRIVE. The main goal is to remove drinking drivers from our highways, making travel in our county safer, and reducing the number of personal injury and fatal accidents.

WHEREAS, local law enforcement agencies are participating in this program which will run through 1985, probably longer.

WHEREAS, President Reagan has proclaimed the week of December 9 - 15, 1984 as "NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK." Through the overtime counterattack, timed to coincide with Reagan's resolution, the DUI program hopes that Gallatin County residents will become more aware of the DUI problems and the laws regarding DUI enforcement.

NOW, THEREFORE, WE, the Board of County Commissioners of Gallatin County do hereby proclaim the week of December 9 - 15, 1984 as "DRUNK AND DRUGGED DRIVING AWARENESS WEEK" in Gallatin County.

Jane Jelinski made a motion to adopt the proclamation, seconded by Wilbur Visser, none voting nay. The motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 11th DAY OF DECEMBER 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The last item on the agenda, signing of the union contract for the Road and Bridge Department has been deferred until the contract can be signed by the Teamsters Union representative in Butte.

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There being no further business, the meeting adjourned at 2:00 P.M.

ATTEST:

*Gary H. Dingle*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

PUBLIC MEETING TUESDAY, THE 18th DAY OF DECEMBER, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, Deputy County Attorney Tom Anacker and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the minutes of December 11, 1984 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

ANNOUNCEMENTS

Joy I. Nash introduced Rosalee Schilling who is visiting from Wisconsin. Mrs. Schilling is Jane Jelinski's mother.

December 12, 1984

Jane Jelinski will be representing Gallatin, Park and Meagher Counties as a member of the Local Government Job Training Advisory Council. She was appointed by Governor Schwinden.

The Commissioners granted permission to Judge Goan to install a dutch door in his office. The contractor will be John Miller and the cost will be \$360.00.

Commissioners Visser and Nash, incoming Commissioner Ray White, and County Attorney Mike Salvagni attended the West Yellowstone/Hebgen Basin Refuse District No. 2 meeting in West Yellowstone.

Received the board billing for the Sheriff's Department. 166 prisoners at a cost of \$5,442.00.

Received a letter from Bob Jordan, Bridge Foreman, stating that the bid for the steamer and washer was awarded to Wind Power Corp. for the amount of \$2,890.00.

The Commissioners met with Leonard Heintz and Steve Hammond, of Midland Claims Company, regarding the damage to the Penwell Bridge.

Received the following A101's:

#6593 from the City of Bozeman in the amount of \$168.00 for Law and Justice Gym Rental to the credit of the General Fund.

#6583 from State Department of Institutions in the amount of \$7,494.00 for earmarked alcohol funds to the credit of the Alcohol Fund.

December 13, 1984

Jane Jelinski attended the Gallatin County Fire Council meeting.

Joy I. Nash and Jane Jelinski attended the HRDC Board meeting.

Received the following A101's:

#6598 from West Yellowstone/Hebgen Basin Refuse District No. 2 in the amount of \$700.00 for garbage fees collected to the credit of the West Yellowstone/Hebgen Basin Refuse District No. 2.

#6603 from Russ and Lucinda Schauer in the amount of \$650.00 for purchase of two county junked vehicles to the credit of the General Fund.

#6600 from Fred Skogen in the amount of \$9.00 for Law and Justice Gym Rental to the credit of the General Fund.

Commissioners attended an Urban Coalition meeting in the Community Room. Greg Jackson, the lobbyist for the Urban Coalition, explained resolutions to be proposed to the legislature by the Urban Coalition during the next legislative session. Also present at the meeting were local legislators, representatives from the City of Bozeman and West Yellowstone.

On a tip from a rancher in the Bear Trap area 35 miles from Bozeman, Sheriff Johnny France of Madison County apprehended Don and Dan Nichols, the mountain men who had been hunted for the past five months. Sheriff France radioed for assistance from Gallatin County Sheriff John Onstad. The Nichols' are being held in the Gallatin County Detention Center awaiting trial in Madison County.

December 14, 1984

Jane Jelinski attended the advisory council meeting of the Extension Office.

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Received A101 #6606 from Jay Bruner in the amount of \$12.00 for rental of the Law and Justice Gym to the credit of the general fund.

Joy I. Nash and Wilbur Visser attended the National Guard luncheon.

December 17, 1984

Jane Jelinski attended the Job Training and Partnership Act Committee meeting in Helena.

Received A101 #6627 from Bob Sybrant, Jr. in the amount of \$6.00 for rental of the Law and Justice gym to the credit of the General Fund.

December 18, 1984

Routine business this date.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

William Rash has claimed the security for construction financing exemption. Mr. Rash has submitted a statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. Executive West Mortgage has certified that creation of the mortgage parcel is necessary to secure the construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Wilbur Visser made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Maurice Klabunde has claimed the exemption to realign a common boundary. The purpose of the survey is to align the property boundaries with an existing fence. A copy of the appropriate quit claim deed has been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Joy I. Nash read the notice of public hearing for proposed amendments to the subdivision regulations.

Mary Kay Peck spoke regarding the proposed amendments. Copies of the proposed amendments were furnished for those wishing to review them. The proposed amendments were also sent to all the surveying and engineering firms in the area. Ms. Peck stated that no written comment had been received.

Three major changes have been suggested.

In Appendix D, Uniform Standards for Monumentation, a new section entitled Filing Requirements has been added.

The second major change was that a \$50.00 fee for reviewing exemptions be adopted. This appears in Appendix E, Subdivision Exemptions, paragraph 1b.

The third change proposed is that references to the County Surveyor and County Engineer be changed to read County Road Office. This change is suggested to make the regulations consistent. These are in a number of places as follows:

page 26, Section 7B2b and Section 7B5  
page 27, Section 7D1 and Section 7D1a  
page 28, Section 7D3 and Section 7D5  
page 35, Section 7D7  
page 62, Section 11D10

There is also a change on page 65, Section 12D3. This section currently reads that there will be no fee for correction plats and mortgage surveys. This would be changed to clarify that plats and surveys to be filed for the purpose of correction discrepancies in previously filed plats or certificates of survey, no fee.

Tom Anacker, Deputy County Attorney, stated that he had reviewed the proposed amendment regarding the \$50.00 fee for reviewing exemptions on certificates of survey. Mr. Anacker states that it is his opinion that this would not be an appropriate amendment. Mr. Anacker stated that the Montana Supreme Court has construed that the fee statute contained in the local subdivision regulations of the Montana Code pertained only to reviewing subdivision plats and did not pertain to review of certificates of survey. They further held that where the statutes do not provide for any means to assess fees that the county could not assess them. Mr. Anacker states that it is his opinion that this amendment to the subdivision regulations not be made.

Mike Foley stated that he felt the 30 day requirement for filing is excessive and that a 15 day requirement would be much easier to work with, particularly on certificates of survey, twenty acre tracts, etc.

Mr. Foley stated that if the Commission voted to delete the fee section, that paragraph d3 as shown on page 65 be deleted in its entirety. Mr. Foley states that if in the future the Commission is able to charge a fee similar to this, this section states that only correction plats are exempt, it does not specify whether twenty acre tracts or existing tracts would be exempt. He believes that this section should be amended to reflect that there are tracts such as this which are not subject to review and which should not be subject to any fees.

TUESDAY THE 18th DAY OF DECEMBER 1984  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Mike Ward asked whether Mr. Anacker's opinion rests on the Dillon rule prohibiting general powers governments from taking any action not specifically authorized by the legislature. Mr. Ward is a member of the County Study Commission.

Mr. Anacker states that his opinion is based on the language in the case State vs. Stucky, which is a 1975 Montana Supreme Court case. In that case, they cite the language that where there is no authority to charge an additional fee, which is not prescribed by statute or otherwise, that the county is prohibited from doing that.

There being no further public comment, Jane Jelinski stated that she would like to keep the 30 day limit because there may be cases where it would be required.

Wilbur Visser stated that he had a problem with correction plats and mortgage surveys. He feels that if they are being filed for correction purposes there was something wrong in the beginning and that's why they are being refiled. He feels they should be looked at at that time.

Joy I. Nash asked Mary Kay Peck if there were any way to include the twenty acre tracts in this section as suggested by Mike Foley.

Ms. Peck suggested adding a sentence stating that no fee shall be charged for the review of certificates of survey. However, certificates of survey are not actually reviewed. Ms. Peck does not see a problem with deleting the section as suggested by Mr. Foley.

Jane Jelinski made a motion to adopt the amendments to the subdivision regulations as proposed by the staff with the following exceptions: that the \$50.00 fee be deleted for the review of exemptions on certificates of survey, and that section d3 be deleted on page 65. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Sam Gianfrancisco, Road Superintendent, requested a transfer of funds from the Trident Road Oil project in the amount of \$25,000 to the capital outlay account. This money will be used to purchase a shop pick-up and a tractor-trailer for the Road Department, along with the existing funds in capital outlay.

Jane Jelinski made a motion to transfer \$25,000 from the Road Department maintenance fund that was designated for Trident Oil to the capital outlay account for the purpose of buying a shop pick-up and tractor-trailer, seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

Joy I. Nash made the following announcements:

Public meetings will be held on December 26, 1984 and January 2, 1985, due to the Christmas and New Year Holiday.

The Administrator of the Gallatin County Rest Home has been suspended for 30 days based upon allegations of unprofessional conduct made against him by an employee of the Rest Home. A thorough investigation will be made. Upon the request of the Administrator, he will be taking sick and annual leave benefits.

- - - -

There being no further business, the meeting adjourned at 2:15 P.M.

- - - -

ATTEST:

*Gary H. Pringle*  
 Clerk

APPROVED:

*Joy I. Nash*  
 Chairman

- - - -

PUBLIC MEETING WEDNESDAY, THE 26th DAY OF DECEMBER, 1984 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Joy I. Nash at 1:30 P.M. Also present were Commissioners Wilbur Visser and Jane Jelinski, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser made a motion to approve the rough draft of the minutes of December 18, 1984 and to take action on the final draft at next week's public meeting, seconded by Jane Jelinski, none voting nay. The motion carried.

- - - -

#### ANNOUNCEMENTS

December 19, 1984

Jane Jelinski attended the Animal Control Committee meeting.

Gary Pringle, Clerk and Recorder, to be out of state beginning December 20, 1984 and returning December 27, 1984.

Approved the following transfers of funds:



## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

WEDNESDAY

THE 26th

DAY OF DECEMBER

19 84

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sum of \$207.00 from fund 2761 to fund 1000 to correct miscoding.
2. The sum of \$2,243.45 from fund 2710 to fund 2140 to correct miscoding.
3. The sum of \$35.18 from fund 2276 to fund 2270 to correct miscoding.
4. The sum of \$109.20 from fund 2273 to fund 2278 to correct miscoding.
5. The sum of \$100.00 from fund 2273 to fund 2270 to correct miscoding.
6. The sum of \$17.13 from fund 2761 to fund 2710 to correct miscoding.
7. The sums of \$117.32 from fund 1000, \$13.34 from fund 2180, \$81.99 from fund 2160, \$192.39 from fund 2190, and \$25.76 from fund 2140, to fund 2110 for gas.
8. The sums of \$85.36 from fund 2190 and \$171.69 from fund 2110, to fund 1000 for gas.
9. The sum of \$2,213.39 from fund 2282 to fund 2274 to correct miscoding.
10. The sums of \$87.70 from fund 1000, \$.95 from fund 2110, and \$4.85 from fund 2276, to fund 2190 for copies.
11. The sums of \$5.85 from fund 2110, \$138.22 from fund 2120, \$248.00 from fund 2180, \$54.65 from fund 2190, \$2.40 from fund 2276, \$338.15 from fund 2290, \$62.00 from fund 2430, and \$4.49 from fund 2415, to fund 1000 for supplies.
12. The sum of \$26.60 from fund 1000 to fund 2180 for copies.
13. The sums of \$152.18 from fund 2120, \$36.98 from fund 2180, \$331.44 from fund 2290, \$42.39 from fund 5020, \$56.75 from fund 2190, \$25.05 from fund 2275, \$36.00 from fund 2273, and \$21.80 from fund 2415, to fund 1000 for printing.
14. The sums of \$1.95 from fund 2190 and \$1.65 from fund 5020 to fund 1000 for copies.
15. The sum of \$715.20 from fund 2273 to fund 2190 to correct miscoding.
16. The sum of \$1.82 from fund 2273 to fund 2274 to correct miscoding.

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$150.00 as appropriated under general class (1) Salaries and Wages for account 1050-204-410531-140 be transferred to account 1050-214-410565-140 under general class (1) Salaries and Wages.

That the sum of \$17.57 as appropriated under general class (1) Salaries and Wages for account 1000-209-420230-110 be transferred to account 1000-209-420230-190 under general class (1) Salaries and Wages.

That the sum of \$127.05 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-231 be transferred to account 2430-209-430800-210 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 19th DAY OF DECEMBER, 1984

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

Received the following A101's:

#6624 from the State Department of Revenue in the amount of \$20,532.62 for liquor license tax distribution for the quarter ended 9/30/84 to the credit of various accounts.

#6623 from State Department of Revenue in the amount of \$30.75 for November, 1984 incentive payment for child support collected from other states to the credit of the General Fund.

The Commissioners have received applications from the following people for board appointments:

Jeff Ball, Pedestrian Traffic Safety Committee  
Doug Black, Weed Board  
Kay Moore, Weed Board  
Stephen Fudali, Pedestrian Traffic Safety Committee  
Sandy Lee, Belgrade City-County Planning Board  
Bill Davis, Belgrade City-County Planning Board

The Commissioners will be interviewing the applicants and will be make the appointments by the end of next week.

December 20, 1984

The annual Christmas luncheon was held in the Community Room for employees. There was also a surprise retirement party for Joy Nash who will be retiring on December 31, 1984.

Received A101 #6672 from Bob Sybrant, Jr. in the amount of \$12.00 for Law and Justice Gym Rental to the credit of the General Fund.

Received the following list of new employees:

Janis Woods, Dispatcher, Sheriff's Department, \$870.65 per month, 11/26/84.  
Wanda McBeath, Nurses Aide, Rest Home, \$4.7174 per hour, 11/21/84.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

WEDNESDAY

THE 26th

DAY OF DECEMBER 19 84

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Theresa Dysart, Nurses Aide, Rest Home, \$4.7174 per hour, 11/20/84.  
 Brenda Greenfield, PHN I, Health Department, \$1,403.35 per month, 12/5/84.  
 Deborah Brents, Nurses Aide, Rest Home, \$4.7174 per hour, 12/4/84.  
 Laurie Booth, Temporary Help, Assessor's Office, \$4.25 per hour, 11/16/84.  
 Kathryn Neff, Nurses Aide, Rest Home, \$4.7174 per hour, 11/30/84.  
 Leah Cockrum, Nurses Aide, Rest Home, \$4.7174 per hour, 11/20/84.

December 21, 1984

Routine business this date.

December 24, 1984

Received token payment from Town of West Yellowstone in the amount of \$10.00 for sale of the sewer district to the Town of West Yellowstone. This was received on A101 #6681.

Jane Jelinski made a motion to accept \$10.00 for the sale of the West Yellowstone Sewer District to the Town of West Yellowstone and to sign the special use permit for the Forest Service, seconded by Wilbur Visser, none voting nay. The motion carried.

December 25, 1984

CHRISTMAS DAY - LEGAL HOLIDAY

December 26, 1984

Received A101 #6671 from First Bank Bozeman and Montana Bank of Bozeman in the amount of \$32,529.98 for interest earned on various accounts to the credit of various funds.

Joy I. Nash announced that the next public meeting will be held on January 2, 1985 due to the New Year Holiday on January 1, 1985.

Newly elected officials will be sworn into office by Judge Thomas Olson on January 2, 1985 at 9:00 A.M.

- - - -

The annual meeting of all zoning commissions to elect a new Chairman will be held on January 16, 1985 at 10:00 A.M. The January 10, 1985 meeting for this purpose has been cancelled.

- - - -

Justice of the Peace H. P. "Butch" Goan requested permission to purchase three new typewriters for his office. Judge Goan had requested these in a meeting with the Commissioners on December 3, 1984. Judge Goan states that he has two permanent clerical personnel in his office and a third who works on a temporary basis. Judge Goan states that he has no serviceable typewriters in his office. Judge Goan has submitted a bid from Terrell's to the Commission. The cost of the typewriters is \$840.50 each, for two IBM Wheelwriter 5, and \$715.50 for a Wheelwriter 3. This includes a 12 month maintenance contract and trade-in on the typewriters his office is currently using.

Jane Jelinski made a motion to authorize the Justice of the Peace to purchase three typewriters, not to exceed \$2,400.00, seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

The Commissioners received the following memo from Mary Kay Peck, Subdivision Review Officer, regarding a request for extension of preliminary plat approval for Krushensky Minor Subdivision.

On behalf of Shelley Krushensky, Sanderson, Stewart and Gaston has applied for a one year extension of preliminary approval of Krushensky Minor Subdivision.

The Commission, upon the recommendation of the Belgrade Planning Commission, voted January 4, 1984, to grant preliminary approval for the minor subdivisions. Extension of the approval is allowable under the Belgrade Subdivision Regulations.

Improvements have been installed as set forth in the approval conditions; paperwork only needs to be completed. It thus appears that the developer is making a sincere effort to make the approval conditions.

Wilbur Visser made a motion to extend preliminary plat approval for one year for the Krushensky Minor Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser read the following letter with regard to Paul Boylan's certificate of survey, from Mary Kay Peck, Subdivision Review Officer.

At their September 18, 1984 meeting, the County Commission heard a request from Paul Boylan to lift an agricultural exemption on a 10 acre parcel of ground. The Commission agreed to remove the agricultural exemption on the condition that the survey be filed claiming an occasional sale exemption.

Mr. Boylan has resubmitted the Certificate of Survey and has claimed the occasional sale exemption. He has also submitted a signed, notarized statement certifying that he has not taken a prior occasional sale from this tract or from contiguous tracts, that the tract was not created by the use of the occasional sale exemption, and that only one parcel is being created. From the information submitted this appears

WEDNESDAY

THE 26th

DAY OF DECEMBER 19 84

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

to be in compliance with the condition the Commission imposed on September 18, 1984.

Wilbur Visser made a motion to grant the filing of the certificate of survey with the occasional sale exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Joy I. Nash stated that the Commission has received the signed union contract from the Teamsters Union Local union representative in Butte for the County Road and Bridge Department.

Wilbur Visser made a motion to sign the union contract, seconded by Jane Jelinski, none voting nay. The motion carried.

- - - -

Jane Jelinski made a motion to reappoint Paul Peterson to a three year term on the County Fair Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Wilbur Visser made a motion to reappoint Allen Hargrove to a three year term on the Tax Appeal Board, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski made a motion to reappoint Martin Douma to a three year term on the Meadow View Cemetery Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski made a motion to reappoint Doug Jewett to a three year term on the Mount Green Cemetery Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Wilbur Visser made a motion to reappoint Joe Parks to a three year term on the Mosquito Control District Board, seconded by Jane Jelinski, none voting nay. The motion carried.

Wilbur Visser mentioned that there was an additional vacancy on this Board that would have to be filled.

Wilbur Visser made a motion to appoint Russell Williams to the Story Mill Rural Fire District Board, seconded by Jane Jelinski, none voting nay. The motion carried.

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It was noted that this was Joy I. Nash's last public meeting as County Commissioner. Mrs. Nash is retiring December 31, 1984 after seven years as County Commissioner.

- - - -

There being no further business, the meeting adjourned at 1:55 P.M.

- - - -

ATTEST:

*Gary St. Dingle*  
Clerk

APPROVED:

*Joy I. Nash*  
Chairman

- - - -

The following are the quarterly securities submitted by the County Treasurer for the quarter ended September 30, 1984:

\$10,865,180.69 is on deposit in various banks in bonds and interest money:

FIRST BANK OF BOZEMAN

CREDIT BALANCE

Pass Book			\$ 902,345.37
First National #1			2,525,009.68
Checking			280,491.02
Gall Cnty 1974	5.90	1/1/87	40,000.00
Gall MT 1976	8.00	1/1/88	80,000.00
Gall MT 1974	6.00	1/1/89	40,000.00
Arundel	6.25	12/1/89	100,000.00
Novi MI	6.60	8/1/90	100,000.00
Brighton MI	5.75	5/1/91	100,000.00
Saline MI	5.40	5/1/91	100,000.00
Dawson Cnty	5.00	1/1/92	50,000.00
Co of Cook	5.60	11/1/92	100,000.00
WA Ser A	5.50	4/1/93	50,000.00
Fairfax Cnty	5.20	5/1/93	250,000.00
IL Ser A	5.25	5/1/93	200,000.00
King Cnty WA	5.50	6/1/93	150,000.00
Park Cnty	5.90	6/15/93	30,000.00
NJ Ser E	5.60	7/1/93	200,000.00
MD 2nd Ser	5.50	7/15/93	200,000.00
Florida St. Bd.	5.20	1/1/92	100,000.00
New Jersey St	5.10	6/1 /92	175,000.00
Montgomery Cnty	5.90	6/15/85	100,000.00
Cmnwlth of MA	6.20	8/1/93	300,000.00

FIRST SECURITY BANK OF BOZEMAN

CREDIT BALANCE

			\$ 12,108.00
2861	4.09	6/10/87	2,000.00
2862	4.09	6/10/85	2,000.00
2873	4.09	6/10/86	2,000.00
5545	7.875	5/15/86	75,000.00

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

WEDNESDAY THE 26th DAY OF DECEMBER 19 84  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
6722	6.70	6/1/85	110,000.00
6725	4.80	6/1/86	200,000.00
6730	6.75	11/1/84	100,000.00
20962	5.20	4/1/87	25,000.00
3370		7/1/87	10,788.75
3371		7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3377		7/1/85	10,788.75
3378		7/1/86	10,788.75
3379	5.00	9/1/92	25,000.00
4012	5.35	7/1/86	9,000.00
4013	4.75	12/1/88	10,000.00
4015	5.50	9/1/85	25,000.00
6000	7.25	9/1/88	120,000.00
PL2389	5.25	6/1/86	9,000.00

MONTANA BANK OF BOZEMANCREDIT BALANCE

712388  
577529  
Checking

\$ 734,329.53  
2,500,000.00  
7,244.44

19276	5.75	7/1/85	1,000.00
16710	4.00	7/1/85	15,000.00
19863	4.10	7/1/85	750.00
19265	5.75	7/1/85	8,000.00
19343	3.70	7/1/85	3,200.00
15609	4.70	12/15/85	14,000.00
19008	5.00	1/1/86	3,500.00
19008	5.00	1/1/86	5,000.00
18911	4.50	7/1/86	4,000.00
19265	5.75	7/1/86	8,000.00
19256	4.50	7/1/86	15,000.00
19276	5.75	7/1/86	1,000.00
19346	4.25	7/1/86	10,000.00
15612	4.75	12/15/86	7,000.00
23343	4.75	12/15/86	4,000.00
15609	4.70	12/15/86	16,000.00
19008	5.00	1/1/87	3,500.00
19008	5.00	1/1/87	15,000.00
18911	4.50	7/1/87	4,000.00
19265	5.75	7/1/87	8,000.00
23343	4.75	12/15/87	4,000.00
15612	4.75	12/15/87	7,000.00
19008	5.00	1/1/88	3,500.00
19008	5.00	1/1/88	15,000.00
5078	5.20	3/1/88	10,000.00
19253	4.70	7/1/88	25,000.00
19265	5.75	7/1/88	8,000.00
21351	5.20	7/15/88	50,000.00
28104	5.00	1/1/89	10,000.00
19265	5.75	7/1/89	8,000.00

WESTERN BANK OF BOZEMANCREDIT BALANCE

\$ 2,162.00

VALLEY BANK OF BELGRADECREDIT BALANCE

\$ 4,382.80

MANHATTAN STATE BANKCREDIT BALANCE

\$ 3,183.25

4911	4.75	2/1/85	25,000.00
4912	4.80	2/1/86	25,000.00

SECURITY BANK OF THREE FORKSCREDIT BALANCE

\$ 866.00

333662	10.95	11/10/86	200,000.00
333657	8.00	2/15/85	300,000.00

FIRST SECURITY BANK OF WEST YELLOWSTONECREDIT BALANCE

2,588.85

FIRST CITIZENS BANK OF BOZEMAN

9465	11.75	4/30/86	100,000.00
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EMPIRE FEDERAL SAVINGS & LOAN OF LIVINGSTON

8340	13.00	5/26/87	100,000.00
9847	11.95	3/4/85	105,000.00

OTHER BANKS

Commerce Trust			5,839.28
Norwest			6,150.94

WEDNESDAY THE 26th DAY OF DECEMBER 19 84  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Southgate State	2,161.25
First Trust Bozeman	184,507.15
First Trust Helena	123,169.39
Cash in Office	415,542.51
School Investments	250,688.36
County Investments	2,902,410.87
	<u>\$10,865,180.69</u>

PUBLIC MEETING WEDNESDAY, THE 2nd DAY OF JANUARY, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of December 18, 1984 and December 26, 1984 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

December 27, 1984

Received and signed a request by E. W. Webster, Trust Officer of First Bank Bozeman, for an authorization to destroy various Gallatin County Pollution Control Revenue Bonds, 1973 Series, for Ideal Basic Industries.

Received a letter from Sheriff Johnny France of Madison County citing his appreciation of Gallatin County's assistance in the apprehension of Dan and Don Nichols.

Inteviewed the following people for board vacancies:

- Jeffrey Ball, Pedestrian Traffic Safety Committee
- Stephen Fudali, Pedestrian Traffic Safety Committee
- Doug Black, Weed Board
- Kay Moore, Weed Board
- Sandy Lee, Belgrade City-County Planning Board
- Bill Davis, Belgrade City-County Planning Board

December 28, 1984

The Commissioners met in a special session to appoint the following board members:

Jane Jelinski made a motion to appoint Clint Kallestad and Allen Saunders to the Manhattan City-County Planning Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski made a motion to appoint Sandy Lee and Bill Davis to the Belgrade City-County Planning Board, seconded by Wilbur Visser, none voting nay. The motion carried.

Wilbur Visser made a motion to appoint Jeffrey Ball to the Pedestrian Traffic Safety Committee, seconded by Jane Jelinski, none voting nay. The motion carried.

The Commissioners investigated the statutes with regard to appointment to the County Weed Board. It is required by statute that the Weed Board have a member from an incorporated city or town. At the present time, the Weed Board does not fulfill this requirement and the Commissioners have not interviewed anyone who fulfills this requirement. At this time, they will not make any appointment to the Weed Board until they have had an opportunity to interview an applicant within the limits of a city or town.

Received A101 #6698 in the amount of \$12.00 from Fred Schweitzer for Law and Justice gym rental to the credit of the General Fund.

December 31, 1984

Joy I. Nash's last day as County Commissioner.

Received A101 #6721 from the State Dept. of Highways in the amount of \$2,795.13 to the credit of various funds.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$1,700.00 as appropriated under general class (1) Salaries and Wages for account 1000-201-411100-112 be transferred to account 1000-210-411100-110 under general class (1) Salaries and Wages.

That the sum of \$4.94 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-340 be transferred to account 1000-213-410340-345 under general class (2) Maintenance and Support.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

WEDNESDAY

THE 2nd

DAY OF JANUARY 19 85

OFFICE OF COUNTY COMMISSIONERS

BOZEMAN, MONTANA

That the sum of \$104.30 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-340 be transferred to account 1000-213-410340-370 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 28th DAY OF DECEMBER, 1984

/s/ Joy I. Nash  
/s/ Wilbur Visser  
/s/ Jane Jelinski

January 1, 1985

LEGAL HOLIDAY - NEW YEARS DAY

January 2, 1985

The newly elected officials were sworn in in the Courthouse Community Room. Those sworn in were Commissioners Jane Jelinski and Ramon White, and Clerk of the District Court, Lorraine Van Ausdol.

The Commissioners held a special meeting to elect a chairman. Wilbur Visser was elected the Chairman of the Board of County Commissioners. Arletta Derleth was appointed as County Assessor to fulfill the term of Ramon White. The Commissioners were appointed to the various boards as follows:

Board of Health: Wilbur Visser  
Refuse District #1: Wilbur Visser and Jane Jelinski  
Refuse District #2: Wilbur Visser and Ramon White  
TAC Committee: To be shared by Wilbur Visser, Jane Jelinski and Ramon White  
Area IV Rocky Mountain Development Council: Ramon White  
Audit Committee: Wilbur Visser  
Alcohol Advisory Board: Jane Jelinski  
HRDC: Jane Jelinski  
Advisory Members were appointed to the following boards:

Fair Board: Wilbur Visser  
Weed Board: Jane Jelinski  
Central Communications: Ramon White

Received A101 #6720 from the Motor Vehicle Dept. in the amount of \$1,476.00 for title fees and fines collected to the credit of various funds.

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Justice of the Peace H. P. "Butch" Goan spoke regarding his request for an additional staff person. This was noticed as a public hearing.

This position would be a grade 5, step 1 in the county's payroll classification system. The salary is calculated at \$9,812.00 plus benefits. During the last budget session, Mr. Goan brought to the Commission's attention the need for an additional staff person, due to the increased case load.

In 1982, approximately 6,700 cases were filed in the Justice Court. Last year 1983-84 fiscal year, there were over 9,400 cases filed. The case load has continued to grow at a rapid rate. In addition to an increase in civil and criminal cases filed, the amount of telephone calls to the office have also increased. Mr. Goan states that they took an average of the phone calls received in a three week period and found that the average was approximately 70 phone calls a day. Mr. Goan states that in addition to that, there are approximately 70 people a day that come to the Justice Court office. This is a considerable amount of work for two people to do in addition to their clerical responsibilities. Mr. Goan states that according to a survey done in 1983, Gallatin County's Justice Court #1 is the busiest single court in the State of Montana.

Mr. Goan states that his two clerks are overloaded and overworked. They are not able to keep up with the work load and are therefore sometimes unable to complete things in a timely manner.

Mr. Goan requests that the Commission appropriate funds to hire an additional person for his office for the remainder of this fiscal year.

Wilbur Visser asked whether Mr. Goan had available desks and chairs for this additional person. Mr. Goan states that he has office equipment available.

Wilbur Visser asked Mr. Goan what he anticipated his revenue to be in comparison to what he had anticipated previously?

Mr. Goan states that the revenue increased from 1982 to 1983 by 27%. From 1983 to 1984 it increased 40%. Mr. Goan states that as the filings continue to increase, so too will the revenue.

Ramon White asked what type of phone calls Mr. Goan's office receives. Mr. Goan states that the phone calls range from people calling to find out about the current status of a criminal case, people who have an arrest warrant out for them wondering what they need to do, to people calling for directions on how to file a civil action. Mr. Goan states that they only have one incoming phone line and there is a constant complaint that their phone line is always busy.

Wilbur Visser stated that according to statute, the Commission cannot vote on this until the 15th of January. Tom Anacker states that the public hearing must be held at least seven days prior to a vote on the resolution amending the budget.

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OFFICE OF COUNTY COMMISSIONERS  
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Wilbur Visser asked for public comment regarding this. There was none.

- - - -

Wilbur Visser introduced Ramon White as the new County Commissioner.

- - - -

Jane Jelinski made a motion to endorse Ravalli County's request to endorse a proclamation of Search and Rescue Week in April, which will be presented to the Governor, seconded by Ramon White, none voting nay. The motion carried.

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Gary W. Pringle, Clerk and Recorder, swore in Arletta Derleth as County Assessor.

- - - -

Wilbur Visser announced that there are two vacancies on the Three Forks Rural Fire District Board.

- - - -

Quarterly securities were checked with the County Treasurer and found to be in order as entered into the minutes on December 26, 1984.

Jane Jelinski also requested that the Press announce that there is a Weed Board vacancy and that the person to fill that vacancy must live within an incorporated city or town's limits and that any interested person apply to the County Commission.

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There being no further business, the meeting adjourned at 2:00 P.M.

- - - -

ATTEST:

*Gary W. Pringle*  
Clerk

APPROVED:

Chairman  
*Wilbur Visser*

PUBLIC MEETING TUESDAY, THE 8th DAY OF JANUARY, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of January 2, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

January 3, 1985

Jane Jelinski attended the Alcohol Advisory Board meeting last evening.

Received A101 #6738 from the State of Montana in the amount of \$7,060.78 for reimbursement of the DUI program to the credit of DUI program.

Commissioners met with the Winter Fair Board, County Fair Board, and the County Audit Committee to discuss methods of operations.

January 4, 1985

Received the following A101's:

#6735 from Jay Bruner in the amount of \$24.00 for gym rental to the credit of the General Fund.

#6764 from Bozeman Youth Soccer Club in the amount of \$50.00 for gym rental to the credit of the General Fund.

#6752 from Clerk of the District Court in the amount of \$12.00 for jury duty reimbursement of a county employee to the credit of the Rest Home.

Received a report from the Clerk and Recorder showing the items of fees and collections made for the month of December, 1984 in the amount of \$7,028.75.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

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That the sum of \$40.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-380 be transferred to account 1000-202-410550-335 under general class (2) Maintenance and Support.

That the sum of \$1,792.27 as appropriated under general class (1) Salaries and Wages for account 1000-202-410600-110 be transferred to account 1000-202-410600-112 under general class (1) Salaries and Wages.

That the sum of \$207.78 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-397 be transferred to account 1000-211-410340-370 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 4th DAY OF JANUARY, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon White

The Commissioners met with Pat McCrossen regarding the Communications Advisory Board Bylaws.

The Commissioners met with Art Isley and Bill Schreiber concerning the tax exemption status of Peace Lutheran Church in Belgrade.

Jane Jelinski met with the Department of Revenue and Montana ethynol producers.

January 7, 1985

The Commissioners met with Sam Gianfrancisco, Road Superintendent, to discuss problem areas of county roads.

Received the following A101's:

#6730 from First National Bank in the amount of \$1,113.11 for interest earned on CD #20525 to the credit of various funds.

#6740 from First National Bank in the amount of \$1,113.11 for interest earned on CD #20526 to the credit of various funds.

#6741 from First National Bank in the amount of \$1,115.41 for interest earned on CD #20528 to the credit of various funds.

#6742 from First National Bank in the amount of \$1,115.41 for interest earned on CD #20529 to the credit of protest funds.

#6769 from Valley Bank of Belgrade in the amount of \$1,121.91 for interest earned on CD #3567 to the credit of various funds.

#6770 from Valley Bank of Belgrade in the amount of \$1,116.16 for interest earned on CD #3668 to the credit of General Fund.

#6771 from Montana Dept. of Revenue in the amount of \$384.39 for distribution of wine tax for December, 1984 to the credit of the General Fund.

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Wilbur Visser made the following announcement:

There is a vacancy on the Manhattan City-County Planning Board. This person must reside within the city limits of the Town of Manhattan. This is for a one year term to fulfill the term of Carl Hanson who has resigned.

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Art Isley, Counsel Chairman of the Peace Lutheran Church in Belgrade, requested a refund of taxes for the first half of 1984. Mr. Isley had filed for an exemption of taxes for the Church and due to paperwork problems within the State Department of Revenue and the County Assessor's office, the exemption was not granted until December of 1984. Mr. Isley also requests a cancellation of the last half of 1984 taxes.

Mr. Isley furnished the Commission with a copy of the exemption form from the State of Montana, and a copy of his tax receipt showing that the first half had been paid. The total amount of the refund would be \$431.52.

Ramon White made a motion to grant the refund in the amount of \$431.52 for the first half taxes and that a cancellation of the second half taxes in their entirety be made, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Kenneth Lee and Leota M. Jones have claimed the exemption to realign a common boundary. Mr. and Mrs. Jones built their home and driveway over the property line and are acquiring additional land so that the home and driveway will be on one lot. Copies of the appropriate quit claim deeds have been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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TUESDAY  
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Wilbur Visser stated that he had the affidavit of publication of the public hearing regarding the abandonment of a street in Gallatin Gateway. This was presented to the Commission as Road Petition #709. Mr. Visser stated that certified letters had been sent to the adjoining property owners. The Commission has received a viewers report as follows:

Dear Commissioners:

We, the duly appointed viewing board, viewed the portion of Bozeman Street between block 4 and block 8, and a portion of Tracy Street between block 3 and block 4 in the town of Gallatin Gateway, Montana on December 6, 1984.

We find that the portions of these two streets lie to the west of Lynde Street and are bordered on the west end by the Gallatin River. These streets serve no lots and are in a non-buildable area. We hereby recommend that the portions of these two streets be abandoned, as per road petition no. 709.

/s/ Wilbur Visser  
/s/ Earl Best

Claire Faller stated that she owned one lot. She states that her parents had bought the lot in 1939 and had come to the County Commissioners to see if they could purchase the roadway because it ends in the river. Her parents were told that they could not purchase the lot because county property could not be sold. Mrs. Faller states that her father had built sheds on the property with the approval of the county commissioners at that time. Mrs. Faller states that they have moved her sister's trailer home onto the property.

Tom Anacker stated that it was his understanding that Gallatin Gateway is an unincorporated town or townsite. The requirements for filing a petition to abandon a street or an alley in an unincorporated town or townsite, all of the owners of lots on the street or alley must sign the petition. The statute requires that all of the land owners with property on the street to be discontinued petition. By doing so, they signify their consent. When a road is abandoned, the property underneath the road goes to the adjoining property owners, divided down the center of the road.

George DeHaan stated that the trailer house was moved onto the property after the petition was served.

Jane Jelinski made a motion to deny the petition, in view of the fact that it was improperly submitted with regard to the signatures, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that he had the affidavit of publication of the public hearing regarding the abandonment of an alley in Rainbow Subdivision. This was presented to the Commission as Road Petition #710. Mr. Visser states that the certified letters have been sent to the adjoining property owners. The Commission has received a viewers report as follows:

Dear Commissioners:

We, the duly appointed viewing board, viewed the alley in Rainbow Subdivision, Section 14, Township 2 South, Range 4 East between lots 60, 10, 59, 11, 58, 12, 57, 13, 56, 14, 55 and 15.

We find that this portion of the alley serves no purpose at this time and can see no use to the public in the future. We hereby recommend that this portion of the alley be abandoned per road petition no. 710.

/s/ Wilbur Visser  
/s/ Earl Best

Tom Anacker stated that the requirements for filing a petition to abandon a county road, which is what this is, there must be a majority of the freeholders or any ten freeholders of a road district petitioning the board in writing to abandon any county road.

Margaret Devous stated that the alley runs right in between her property. She owns property on either side of it.

Jane Jelinski made a motion to grant the abandonment of the alley in Rainbow Subdivision, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request by Delbert Hostetter for a one year extension of preliminary approval for the Hostetter Minor Subdivision. The Commission voted last January to grant preliminary approval for the minor subdivision. Extension of the approval is allowable under the Gallatin County Subdivision Regulations. Mr. Hostetter has been working to meet the conditions. However, he was not able to have the road installed before the fall freeze. It does appear that Mr. Hostetter is making a sincere effort to meet the approval conditions.

Jane Jelinski made a motion to grant a one year extension of preliminary approval for the Hostetter Minor Subdivision, seconded by Ramon White, none voting nay. The motion carried.

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The Commission will be conducting a closed hearing at 4:00 P.M. this afternoon to conduct an investigation into the incident that occurred at the Rest Home on December 14, 1984 involving Rest Home Administrator William Cainan and Office Manager Mary Frey,

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Mr. Cainan, his attorney, and the Chairman of the County Commission have requested that this meeting be closed.

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There being no further business, the meeting was recessed at 2:10 P.M.

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Chairman Wilbur Visser called the meeting to order at 3:30 P.M. The Commission had received a court order restraining them from holding a closed meeting to investigate the December 14, 1984 incident at the Rest Home. The Commission agreed that the hearing should be postponed until it had been determined by the Judge whether it would be open or closed. There being no further business the meeting adjourned at 3:45 P.M.

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ATTEST:

Clerk

*Gary St. Pingle*

APPROVED:

Chairman

*Wilbur Visser*

PUBLIC MEETING TUESDAY, THE 15th DAY OF JANUARY, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser called for bids for a tractor truck for the Road Department.

Jane Jelinski made a motion to approve the minutes of January 8, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

##### January 8, 1985

Held Public Meeting this date.

##### January 9, 1985

Received a report from the Sheriff's Department for prisoner board billing for the month of December, 1984 in the amount of \$6,378.00.

Received a letter from Loy Carroll, County Treasurer, as follows:

At the request of the above named bank, we hereby release pledge receipts as follows: 6898 Anne Arundel County Maryland for \$100,000.00 @ 6.25% due 12-1-89, Brighton Michigan School District for \$100,000.00 @ 5.75% due 5-1-91, Dawson County Montana for \$50,000.00 @ 5.00% due 1-1-92.

Received A101 #6795 from Robert Sybrant in the amount of \$12.00 for gym rental to the credit of the General Fund.

Wilbur Visser and Jane Jelinski attended the Interagency breakfast.

Commissioners met with Ken Mosby, Administrative Assistant, to discuss financial management of the county.

Wilbur Visser attended a meeting at the County Rest Home with Kathy Nowierski, Personnel Officer and Paula Stoll of Management Associates to review proposed job descriptions of Rest Home employees.

Commissioners attended the Central Communications meeting last evening.

##### January 10, 1985

Commissioners attended Weed Information Day at the Law and Justice Center.

Jane Jelinski and Sam Gianfrancisco, Road Superintendent, met with property owners in Sypes Canyon to discuss upgrading of the road system.

##### January 11, 1985

The Commissioners met with the County Fair Board to discuss Fairgrounds operations.

The Commissioners sat as a Welfare Board this date.

The Commissioners met with Evan Barrett, a representative of Senator Melcher's office to discuss present and upcoming legislation regarding revenue and PILT funds.

The Commissioners awarded the bid for construction of a new bench in the Community Room to Gallatin Construction.

The Commissioners toured roads in the central part of the valley.

Received A101 #6808 from Montana Bank of Bozeman in the amount of \$434.06 for interest earned on passbook account for July through December to the credit of Park Fund.

##### January 14, 1985

The Commissioners met with Sam Gianfrancisco, Road Superintendent, to discuss roads and

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

safety in the county road system.

Received A101 #6836 from the Worthy Cause Store in the amount of \$180.00 for annual lease to the credit of the General Fund.

Received the following list of transfers of funds:

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$167.43 from fund 1000, \$27.64 from fund 2140, \$120.13 from fund 2160, \$11.44 from fund 2180, and \$97.21 from fund 2190, to fund 2110 for gas.
2. The sums of \$123.19 from fund 2110, \$9.70 from fund 2180, and \$80.51 from fund 2190, to fund 1000 for gas.
3. The sums of \$6.59 from fund 2415, \$52.69 from fund 2120, \$142.97 from fund 2180, \$196.55 from fund 2290, \$7.62 from fund 5020, \$149.28 from fund 2190, \$26.83 from fund 2281, and \$26.98 from fund 2273, to fund 1000 for printing.
4. The sums of \$65.85 from fund 1000, \$.30 from fund 2110, and \$7.40 from fund 2270, to fund 2190 for copies.
5. The sums of \$2.69 from fund 2110, \$4.35 from fund 2140, \$95.32 from fund 2180, and \$111.84 from fund 2190, to fund 1000 for supplies.
6. The sum of \$24.60 from fund 1000 to fund 2180 for copies.
7. The sum of \$1.60 from fund 2190 to fund 1000 for copies.
8. The sums of \$66.06 from fund 2190 and \$208.05 from fund 2110, to fund 1000 for gas.
9. The sums of \$13.08 from fund 1000, \$26.15 from fund 2180, \$115.97 from fund 2160, and \$56.97 from fund 2190, to fund 2110 for gas.

/s/ Wilbur Visser  
Chairman, Board of County Commissioners

Commissioners granted permission to John Mandeville, Public Administrator, to be out of state more than 30 days, but less than 60.

The Commissioners met with Bill Weber of the Fire Council to discuss areas of improvement with the fire districts in the county.

Wilbur Visser and Ray White attended the Area IV Rocky Mountain Development Council in White Sulphur Springs.

The Commissioners sent a letter to Mary Krum at the Rest Home informing her of her appointment as Acting Administrator of the Rest Home for thirty days.

January 15, 1985

The Commissioners attended a meeting with the Clerk and Recorder to view new paper balloting machines.

Received the following A101's:

#6845 from State Dept. of Institutions in the amount of \$7,494.00 to the credit of Alcohol Fund.

#6842 from State Dept. of Revenue in the amount of \$30.75 for incentive payments for child support collected from other states to the credit of the General Fund.

Received and approved the following cancellations of taxes:

#561	Bruce Sorenson	\$64.96	Same as Arrowhead Vet. Clinic
#562	Fred Bell	136.42	No personal property
#563	Don Scoffield	329.08	Double assessed
#564	American West Art Collection	\$119.25	out of business
#565	Auto repair	64.22	Double assessed

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Wilbur Visser stated that he had several bids for a truck tractor for the Road Department.

Gale Thompson of the Road Department read them as follows:

Hanson's Construction, Ekalaka, Montana:	One 1979 GMC General Five Star, 193,000 miles -	\$35,850.00
GMC, Three Forks, Montana:	One 1980 GMC General, 97,000 miles -	34,500.00
DeMario's, Missoula, Montana:	One 1982 Ford LT 9000, under 100,000 miles -	31,993.00
Alternate:	One 1980 International 4300 Conventional, 150,000 miles -	31,987.00
Alternate:	One 1979 GMC Astro, 230,000 miles -	29,873.00
Town & Country GMC, Billings, Montana:	One 1977 GMC General Conventional, 35,000 miles -	32,500.00
Yellowstone Ford Truck Sales, Billings, Montana:	One 1984 LTL 9000 -	59,462.91
Big Sky International, Billings, Montana:	One new 1984 NTC 400 -	58,500.00
Kamp Implement, Belgrade, Montana:	One used 1978 GMC General, 243,000 miles -	27,500.00

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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DAY OF JANUARY 19 85

OFFICE OF COUNTY COMMISSIONERS  
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Kamp Implement

Alternate: One new International F4370, \$56,492.00

Alternate: One new International F4370, 58,479.00

Billings Mack, Inc., Billings, Montana: 1978 Freightliner Conventional - \$32,000.00  
1978 Diamond Reel, 160,000 miles - 29,875.00

The Road Superintendent will give his recommendation to the Commission at next week's meeting.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Steve McKelvy and Bruce Furman have claimed the occasional sale exemption. Mr. McKelvy and Mr. Furman have not taken a prior occasional sale from this tract or contiguous tracts, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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Jane Jelinski stated that she felt that the Justice of the Peace had documented the need for an additional staff person.

Ramon White stated that he had a problem with deviating from an established budget that was approved last summer. He feels that any additional staff should have been addressed at that time. Mrs. Jelinski states that she was in favor of that when it was requested during the budgeting process; however, she was outvoted.

Jane Jelinski introduced the following Resolution:

WHEREAS, by section 7-6-2320, MCA 1983, a board of county commissioners may amend the final budget by resolution when savings result from unanticipated adjustments in projected expenditures; and,

WHEREAS, H. P. Goan, Justice of the Peace, has requested an additional appropriation to his budget for fiscal year 1984-85 for the purpose of adding one clerical staff member to handle the increased volume of work in his office; and,

WHEREAS, notice was given, at least once, in a newspaper of general circulation in the county at least six but not more than sixteen days prior to the hearing on the budget amendment which was held on January 3, 1985, and all those wishing to comment were given an opportunity to do so;

NOW THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County do hereby amend the final 1984-85 county budget and make an amended appropriation in the amount of Five thousand three hundred and sixty-four dollars and fifty-nine cents (\$5,364.59), classified as Salaries and Wages, to the Justice of the Peace budget, Department No. 1, for the purpose of hiring an additional clerical staff member.

2. That pursuant to section 7-6-2320(3)(ii), MCA 1983, the County Commissioners of Gallatin County find that savings have resulted from unanticipated adjustments in projected expenditures for the Payment in Lieu of Taxes budget and there are funds available in excess of projected expenditures which may be used for the amended appropriation.

Jane Jelinski made a motion to pass the Resolution. Wilbur Visser asked for a second to the motion. There being no second, the motion died.

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Ramon White made a motion to reappoint Jack Jorgenson to the Three Forks Rural Fire District Board for a three year term, seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White made a motion to reappoint Don Scoffield to the Three Forks Rural Fire District Board for a three year term, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski made a motion to appoint William Kober to the Gallatin County Weed Board, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:55 P.M.

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ATTEST:

Clerk

*Sandy G. Dingle*

APPROVED:

Chairman

*William Visser*

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 22nd

DAY OF JANUARY

19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

## ANNOUNCEMENTS

January 16, 1985

Commissioners met with Marion Hollenback, Secretary to the County Study Commission to discuss needs of the Study Commission and future interview appointments with various county offices.

Received the following A101's:

#6870 from Bernard Schaff in the amount of \$18.00 for gym rental to the credit of the General Fund.

#6865 from the Motor Vehicle Dept. in the amount of \$1,216.00 for title fees and fines collected to the credit of various funds.

#6862 from Robert Foster in the amount of \$988.56 for payment in lieu of park monies to the credit of the Park Fund.

At 10:00 A.M. Chairman Wilbur Visser called the meeting of the Gallatin County Zoning Board to order. By unanimous vote, Ramon White was elected Chairman of the Zoning Board and Mary Kay Peck was elected secretary.

Commissioners met with Park County Commissioners Ken Spalding, Cliff Olsen, and Carlos Cier to discuss the new format for the Jobs Training Partnership Act. Jane Jelinski is the district representative.

January 17, 1985

Commissioners met with John Stocksdale of D & R Vending to discuss vending machines in the lobby of the Courthouse. The machines will be left as they are.

Wilbur Visser met with National Audobon Society representative Pauline Plaza from Boulder, Colorado to discuss the bear-proof garbage containers proposed in the West Yellowstone area.

Jane Jelinski attended the Chamber of Commerce dinner.

Jane Jelinski attended the Refuse District No. 1 meeting in Manhattan.

January 18, 1985

Commissioners met with developers Tom Haggerty and Bob Simpkins to discuss the Bridger Bowl base area sewer problems and possible alternatives.

January 21, 1985

Commissioners met with the Road and Bridge Department. They presented the Commissioners with their 1985 Road and Bridge priority list.

Commissioners testified in Judge Gary's court regarding the open meeting law.

Received and approved the following list of transfers:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Repair for account 1000-202-410600-320 be transferred to account 1000-202-410600-312 under general class (2) Maintenance and Repair.

That the sum of \$400.00 as appropriated under general class (2) Maintenance and Repair for account 1000-202-410600-320 be transferred to account 1000-202-410900-370 under general class (2) Maintenance and Repair.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Repair for account 1000-202-410600-320 be transferred to account 1000-202-410900-320 under general class (2) Maintenance and Repair.

That the sum of \$10,000.00 as appropriated under general class (1) Salaries and Wages for account 2710-000-460210-110 be transferred to account 2710-000-460210-190 under general class (1) Salaries and Wages.

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That the sum of \$200.00 as appropriated under general class (2) Maintenance and Repair for account 1000-204-410531-210 be transferred to account 1000-204-410531-363 under general class (2) Maintenance and Repair.

That the sum of \$155.81 as appropriated under general class (2) Maintenance and Repair for account 5020-000-440330-397 be transferred to account 5020-000-440310-359 under general class (2) Maintenance and Repair.

That the sum of \$646.87 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-130 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$139.85 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-130 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

That the sum of \$121.90 as appropriated under general class (2) Maintenance and Repair for account 5020-000-440320-360 be transferred to account 5020-000-440350-364 under general class (2) Maintenance and Repair.

That the sum of \$519.43 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-130 be transferred to account 5020-000-440360-130 under general class (1) Salaries and Wages.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Repair for account 2180-208-420300-320 be transferred to account 2180-208-410333-363 under general class (2) Maintenance and Repair.

That the sum of \$75.00 as appropriated under general class (2) Maintenance and Repair for account 1000-232-411600-320 be transferred to account 1000-232-411600-360 under general class (2) Maintenance and Repair.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon White

Commissioners will help man the weed booth at the Winter Fair at selected times.

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Jane Jelinski made a motion to approve the minutes of January 15, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

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Sam Gianfrancisco, Road Superintendent, stated that the recommendation of the Road Department would be to accept the bid of Kamp Implement of Belgrade for a 1978 GMC General Tractor Truck in the amount of \$27,500. This was the low bid and it exceeds the specifications.

Jane Jelinski made a motion to accept the bid of Kamp Implement as recommended by the Road Department, seconded by Ramon White, none voting nay. The motion carried.

- - - -

Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for summary review approval for Moe/Spraggins Minor Subdivision. She presented a staff report as follows:

The proposed subdivision is located in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-nine (29), Township Four (4) South, Range Four (4) East, M.P.M., Gallatin County, Montana. The location is more generally described as being in the Castle Rock area of Gallatin Canyon, on the west side of Highway 191. The minor subdivision consists of a 5.92 acre tract, which would be divided into five (5) lots, which average slightly more than one (1) acre in size.

Ms. Peck stated that the subdivision appears to meet the criteria for summary review and for waiving the requirements for a public hearing and preparing an environmental assessment.

Ms. Peck displayed a plat of the subdivision. Access is proposed to be provided by two

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existing encroachments on Highway 191. Approval of the access points is the responsibility of the State Highway Department.

There is an existing house on lot 5 and a house under construction on lot 1. The well for the house on lot 1 is on the road right-of-way. This has brought about concern regarding future maintenance of the well and snow removal equipment possibly knocking the cap off the well.

The information submitted generally appears to meet the Subdivision Design Standards.

There is a utility pole that is right in the middle of the proposed cul-de-sac. It would have to be relocated as it cannot be in the road surface.

A power distribution box is located on site and is not shown on the preliminary plat. So that future maintenance work can be easily accomplished, a utility easement to the power box is suggested.

The Subdivision Regulations provide that when a new subdivision adjoins unsubdivided land, streets and right-of-way shall be provided to allow reasonable access to the unsubdivided land. The proposed interior road stops short of adjacent unsubdivided land, Tract A of COS 825. Tract A would have no public access and would be effectively "landlocked" and thus precluded from any subdivision.

The public interest criteria apply to the approval of minor subdivisions. Following are Ms. Peck's comments on the criteria.

The proposed subdivision is in an area that has been divided through approved subdivisions and through the use of subdivision exemptions. The Gallatin Canyon is a prime recreational area and there appears to be a need for additional subdivided lots.

Effects on the natural environment would be slight. Effects on wildlife would not be significant. Agricultural lands will not be removed from production. The public health and safety may be adversely affected by the location of the well in the road right-of-way, as discussed earlier.

Additional tax revenues would accrue as a result of this subdivision. There should be no effects on local services, since it is likely that this will be an area of largely second homes.

Because a public hearing is waived with summary review, no public comment has been received.

Mary Kay Peck suggested the following conditions should the Commissioners find the subdivision to be in the public interest:

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
2. That copies of encroachment permits for the two proposed access points be submitted to the Subdivision Review Office prior to final approval.
3. That the right-of-way be shifted so that the well is on private property.

Sam Gianfrancisco, Road Superintendent, stated that only 4 or 5 feet of right-of-way would be lost. Mr. Gianfrancisco would request that some type of barricade would be built so that when there is a great deal of snow it would be protected from snow removal equipment.

The remainder of condition no. 3 reads: That the road be designed to be as far as possible from the well. That a barricade be constructed to protect the well from road equipment. That the barricade design be reviewed and approved by the County Road Office.

4. That the location of the power distribution box be shown on the final plat. That utility easements be shown or noted on the final plat.

5. That the utility pole be relocated from the proposed road surface.

6. That the access to Tract A of COS 825 be a 30 foot wide easement.

7. That plans for roads, drainage and placement of street signs be approved by the County Engineers Office prior to installation of improvements.

8. That all improvements be installed prior to final approval.

9. That the subdivision road be named.

10. That a maintenance agreement for the road be obtained, and that a copy of the agreement be submitted for review and approval to the Subdivision Review Office prior to final approval.

11. That the final plat conform to the Uniform Standards for Final Subdivision Plats, and be accompanied by a certificate of approval from the State Department of Health, a platting certificate, a County Attorney's Certificate, and a County Treasurer's Certificate.

12. That cash-in-lieu of parkland dedication be donated prior to final approval, and that the developer provide an appraisal of the fair market value of the unsubdivided, unimproved property to determine the amount of payment.

13. That county declared noxious weeds be controlled.

Jane Jelinski asked what the distances between the two accesses on the highway were and whether the State Dept. of Highways had to approve the accesses. Ms. Peck stated that it was about 600 feet and that the Highway Dept. would check the sight distance and how the access is designed.

Jane Jelinski asked if the property owner would be advised of the fire protection in the

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area. Ramon White stated that they would be protected by the State Forester because they are in a forested area. The property owners would pay a tax to the State for protection.

Ramon White asked what type of an easement the adjoining property owners have. Ms. Peck stated that it was for ingress and egress. They have a full easement onto highway 191.

Ramon White stated that conditions 1 and 11 were repetitious with regard to approval of the sanitary conditions.

Ramon White asked how condition no. 13 would be enforced.

Ms. Peck stated that Reeves Petroff the County Weed Supervisor, has requested that this be made a condition of all subdivisions. Ramon White stated that he would not want it to be on the plat, it should be a part of the covenants of the homeowner's association.

Mike Foley, representing the developer, stated that they are in agreement with the conditions. Mr. Foley stated that with regard to the well, they are prepared to protect it. They will also shift the center line of the road, which will give the greatest amount of clearance around the well.

Emery Nelson, Sanitarian, asked whether the lot size would be increased by building the barricade around the well, would it become part of the property?

Mike Foley stated that by building the barricade, it would be included in the lot. It would be a semi-circle, to take the least amount of right-of-way.

Emery Nelson questioned with regard to the lot with the road easement on it, if a 30 foot easement were on the property, it would reduce the size of useable area to less than one acre which would not be acceptable for State Dept. of Health standards.

Mr. Foley stated that the lots would be changed to accomodate whatever acreage was necessary. All the lots will meet minimum sanitary size.

Ramon White stated that with regard to condition no. 13, there are weed laws now. The weed law states that if the weeds are not controlled, the county will spray them and assess the property owner on his tax bill. Mr. White states that it belongs in the covenants because the property owners themselves will be the ones to enforce it.

Jane Jelinski made a motion to grant preliminary plat approval to Moe/Spraggins Minor Subdivision with the conditions as set forth by the staff, conditions 1 through 12, and that condition no. 13 shall read, "That a homeowner's association be formed and that it include in its covenants a requirement to control noxious weeds." This motion was seconded by Ramon White.

Wilbur Visser commented that condition no. 1 is the same as condition no. 11. Jane Jelinski stated that she wanted those conditions to be part of her motion.

The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval for Potts Minor Subdivision.

The Potts Minor Subdivision was given preliminary approval by the Commission in October of 1984. This is a two lot minor subdivision on Thorpe Road. This is in the Belgrade jurisdictional area. All four conditions for final approval have been met.

Ramon White stated that he did not feel that the condition requiring all lots be kept weed-free belongs on the final plat. Mr. White feels that the weed law takes care of the problem.

Tom Anacker stated that he did not feel that it meant anything on the plat. The way to enforce it would be through the statutory weed laws.

Ramon White made a motion to grant final approval to the Potts Minor Subdivision, contingent upon the staff recommendations, with the deletion of staff recommendation no. 2, seconded by Jane Jelinski, none voting nay. The motion carried.

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There was some discussion regarding the purchase of a county administrative vehicle. The two vehicles the Commission presently use are a 1974 Ford with 179,000 miles on it, and a 1980 Eagle with 139,000 miles on it.

Ramon White stated that he would like to see the Commission go out for bid for a new vehicle.

Jane Jelinski stated that the vehicles are available for other County staff and it is less expensive than paying mileage on a personal vehicle.

Ramon White made a motion to go out for bid on a new county administrative vehicle, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mike Salvagni, County Attorney, spoke regarding Senate Bill No. 116. There is a hearing scheduled on January 24, 1985 regarding this bill. The bill provides as follows:

It would require the State to pay for half of the salaries of the Deputy County Attorneys that are authorized by a section of the Statute. This is based on the theory that as far as criminal matters go, the County Attorney's Office not only represents the county, but the whole State as well.



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The bill also provides for a source of funding. The funding would come from those people who are convicted of a crime. It would authorize the court to charge a fee for a person convicted of a misdemeanor of \$10.00 and for a person convicted of a felony, \$20.00.

The bill also provides for a longevity pay for the County Attorney and all of the Deputy County Attorneys. For an attorney who completes four years in the office, they would receive in addition to their base salary, \$1,000 in longevity pay. After five years, it would be \$1,500, after six years it would be \$500 each year, through eleven years.

This is being proposed to perhaps reduce the turnover in the County Attorney's Office at the Deputy County Attorney level.

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There being no further business, the meeting adjourned at 2:35 P.M.

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ATTEST:

*Jay H. Dingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 29th DAY OF JANUARY, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of January 22, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

January 23, 1985

The Commissioners met with Ken Mosby, Administrative Assistant.

Commissioners attended the City-County Cooperative meeting to discuss various topics that are of mutual concern.

Received A101 #6903 from Jay Bruner in the amount of \$24.00 for gym rental to the credit of the General Fund.

Commissioners met with the Three Forks Dyke and Drain District Board in Three Forks to discuss the Madison River ice jam problems and possible remedies for repair of the dyke. This district is court ordered and the Commissioners informed the board members that all their actions must be approved through Judge Gary's Court.

Received and approved the following list of transfers:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriation be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$25,000.00 as appropriated under general class (3) Capital Outlay for account 2110-307-430230-941 be transferred to account 2110-307-430230-940 under general class (3) Capital Outlay.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 22nd DAY OF JANUARY, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

January 24, 1985

Ramon White went to Helena to testify at legislative hearings.

Received A101 #6919 from State of Montana in the amount of \$5,169.37 to the credit of DUI Program for reimbursement.

Wilbur Visser and Jane Jelinski met with a representative of D & R Vending to discuss upcoming legislation for gambling machines.

Wilbur Visser and Jane Jelinski met with Belgrade Fire Chief Tom McIssac. Mr. McIssac presented the Commissioners with a fire protection report prepared by Fire Protection Analysis, Inc. of Great Falls. This report was on the Belgrade Fire District.

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Jane Jelinski attended the Rest Home Auxiliary dinner this evening.

January 25, 1985

Commissioners sat as a Welfare Board.

The Bridger Canyon Zoning Commission held a public hearing and received testimony on the new proposed base area plan. The next zoning hearing will be held on February 15, 1985 at 3:00 P.M.

Received the following list of new employees:

Melody Anacker, Temporary PHN I, Health Department, 8.0964/hr., 1/9/85.  
 Ramon S. White, County Commissioner, \$1,933.44/mo., 1/1/85.  
 Karen Kuster, Secretary I, County Extension Office, 880.00/mo., 1/7/85.  
 Lynn Ayers, Secretary, Judge Olson's Office, 1,100.00/mo., 1/9/85.  
 Peggy O'Boyle, NA I, Rest Home, 4.7174/hr., 1/7/85.  
 Charles Bowen, Judge Gary's Law Clerk, 1,236.00/mo., 1/2/85.  
 Marilyn Caye, NA I, Rest Home, 4.7174/hr., 1/18/85.  
 Susan Wilcox, Cook, Sheriff's Dept., 5.0231/hr., 1/4/85.  
 Bonnie Elmore, Secretary, Soil Conservation Service, 866.65/mo., 1/15/85.  
 Cindy Getten, Account Clerk I, Treasurer's Office, 817.67/mo., 1/21/85.  
 Sharon Mace, NA I, Rest Home, 4.7174/hr., 1/5/85.

January 28, 1985

Commissioners met with Sam Gianfrancisco, Road Superintendent, and Zales Ecton regarding snowplows which damaged a fence on the road right-of-way.

Commissioners met with Bob Donovan of Big Sky, Sheriff John Onstad, Cliff Halls of Halls Emergency to discuss the problems that 911 calls are creating with dispatching at Big Sky.

Commissioner Visser visited the Rest Home and met with the Bozeman Lions Club and the Rest Home Auxiliary to receive the Century Whirlpool Tub. This unit was purchased and donated by the Bozeman Lions Club and installed by the Auxiliary. The total donated cost was \$6,159.00. The Commissioners thank the Lions Club and Auxiliary for their donation.

Commissioner Jane Jelinski attended the Weed Board meeting.

Commissioners Visser and White met with Philip Davis and Jane Newhall and discussed proposed development in the Bridger Bowl base area.

Received A101 #6960 from State of Montana Dept. of Highways for fees and taxes in the amount of \$1,250.92 to the credit of various accounts.

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Commissioner Visser announced that Jim Fitzmorris had resigned from the Weed Board and the Commission would be taking applications for this vacancy, preferably someone from the Bridger Canyon area.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for extension of preliminary plat approval for Cimarron Subdivision #2.

Jessie Nelson has applied for a one year extension of preliminary plat approval for this subdivision. Preliminary plat approval was given last February, subject to conditions. One of the conditions for approval was State Dept. of Health approval. The State Dept. of Health is requiring additional monitoring of ground water this Spring. Therefore, it is impossible for the Commission to grant final approval before this monitoring can be accomplished; thus, the request for extension.

Jane Jelinski made a motion to grant an extension for preliminary plat approval for Cimarron Subdivision #2 for one year, seconded by Ramon White, none voting nay. The motion carried.

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Justice of the Peace H. P. "Butch" Goan presented additional information to the Commission to substantiate his request for an additional staff person.

This request was first presented to the Commission in June of 1984 during the original budget meetings. This request was denied; however, there was \$4,500 allocated for temporary wages.

Mr. Goan states that in 1982 there were approximately 7,218 cases filed in the J.P. Court. In 1983 there were 8,715 cases filed. In 1984, there were 9,288 filed.

With regard to finance, in fiscal year 1982-83, there was a total disbursed through the Court, which does not include restitution, or returns on execution, of \$163,403.14. Of that, Gallatin County received \$74,372.72. \$46,495.00 went into the County General Fund, \$17,470.16 went into the County Road Fund, and \$13,439.70 went in the County School Fund. In 1983-84 the total disbursements were \$206,121.22. In 1983-84, the actual expenditures for the Justice of the Peace #1 Office was \$71,024.65. The county's income was \$114,240.00, or a net gain to the County of \$43,216.00.

Mr. Goan read the following letters into the record:

January 25, 1985

Dear Judge Goan:

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I have been following your request to the Gallatin County Commission for an additional clerical person. In my position as manager of Credit Systems, Inc., I have occasion to go to your office an average of twice a week. Over the last two years, I have noticed a considerable increase in the work load of your present staff. I feel that for your office to continue to do the effective job you have been doing for Gallatin County, it is imperative the commission approve your request for additional staff.

/s/ Jerry Sherod, Mgr.  
Credit Systems, Inc.

January 28, 1985

Dear Commissioners:

I, Joy Bentle, am unable to appear in person for this public meeting as I have secured full-time work with Darigold and have been on the job for one week. I cannot take time off work at this point to attend the meeting.

I worked for Judge Goan from the end of September, 1984 to the middle of January, 1985. During this time I was able to observe the workload of this office. Therefore, I feel I can give a qualified statement of facts.

There was never a moment that I did not have plenty of work to do and the same goes for Wanda and Sue Ann. In fact, we were barely keeping up with the three of us. There were days when it was difficult to complete one task because of the interruptions of the telephone and people coming to the office.

While I was there we kept a tally of all phone calls and traffic through the office for one week and the results were astounding. These facts have already been presented the commissioners.

I feel to this point that Judge Goan and his staff have handled the overload situation remarkably. However, I also feel that if they are not granted an additional clerk that the tremendous efforts of Judge Goan and his staff will suffer, and even more, the public which they serve.

/s/ Joy Bentle

Sue Avery, Judge Goan's former clerk, and Sue Ann Tack, his present Chief Clerk, spoke regarding some of the duties of the office.

Judge Goan requested approximately \$5,000 for this fiscal year to hire a full time staff person.

Ramon White stated that his position was that the County has tight budget restraints and he has a problem accepting this mid-term. He states that it can throw the whole balance of the budget off. He also questioned why the computer wasn't being better utilized.

Judge Goan responded that the computer is being utilized as many man hours as are available at the present time. Mr. Goan states that more would be available from the machine if they had the time to input it.

Judge Goan stated that he has used 51.7% of the money allocated for temporary help. Judge Goan states that there must be some flexibility to account for uncalculated increases in public offices.

Jane Jelinski stated that she was concerned with the overtime the clerks were working and not being compensated for. The county personnel policy is clear on this. She requested that Mr. Goan not allow the clerks to work overtime without compensation.

Jane Jelinski stated that in comparing Yellowstone County's case load with Gallatin County's, Judge Goan would require 3.8 clerks. She states that the information really justifies the request. Ms. Jelinski states that she feels he should get the additional staff person because he had every reason to believe that he would get it according to a letter signed by the Commission on December 7, 1984. The only reason he did not get the additional person at that time was because of the public hearing requirements. She does not feel that this small amount of \$5,000 will make any substantial difference in the county's solvency.

Wilbur Visser asked how a full time position would be controlled if the needs of the office change in the future.

Ramon White stated that he would be agreeable to a temporary position rather than a long-term contract. This would have to be reanalyzed at budget time. He would like to take a look at the organization of the office.

There was some discussion with regard to the hours left in the temporary wages budget.

Wilbur Visser stated that there are some monies classified as Salaries and Wages in the Surveyor's fund which are savings, this appropriation has not been spent. It would be possible to do a transfer.

Jane Jelinski made a motion to adopt a Resolution to transfer funds from available salaries and wages for the County Surveyor sufficient to fund a temporary full-time employee at a grade 5 step 1 plus employer contributions through June 30, 1985 into the Justice of the Peace salaries and wages fund. This motion was seconded by Ramon White, none voting nay. The motion carried.

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It was agreed that there should be an investigation of the Rest Home incident of December 14, 1984 before the grievances that have been filed are heard.

Ramon White made a motion to prepare a Resolution adopting the date to conduct a hearing

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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on the merits of the Rest Home at 3:30 P.M. on February 5, 1985, with relation to the incident of December 14, 1984. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

This time was chosen because of the availability of witnesses, which are Rest Home employees.

Jane Jelinski made a motion that everyone who witnessed the incident or was involved in the incident be subpoenaed by the County Commissioners and served by the County Sheriff, seconded by Ramon S. White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:30 P.M.

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ATTEST:

*Larry H. Dingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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TUESDAY, THE 5th DAY OF FEBRUARY, 1985 PUBLIC MEETING OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of January 29, 1985 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

#### ANNOUNCEMENTS

There will not be a public meeting held on February 12, 1985 due to the Lincoln's Birthday holiday. The next public meeting will be held on February 19, 1985. The Courthouse will also be closed on February 18, 1985, in observance of Washington's Birthday.

Wilbur Visser announced that the Commission has received a letter from John Smith, tendering his resignation from the County Fair Board, effective February 15, 1985.

#### January 30, 1985

Commissioners met with Ken Mosby, Administrative Assistant.

Commissioners met with Bear Canyon ranchers George Wood, Frank Morgan, Jim Kurk, Larry Hoell and Norman Fox to discuss agricultural zoning methods.

Received and approved the following list of transfers:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$100.03 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-226 be transferred to account 1000-209-420230-226 under general class (2) Maintenance and Support.

That the sum of \$190.00 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-323 be transferred to account 1000-210-411100-510 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder

Received the following A101's:

#6969 from Valley Bank of Belgrade for interest earned on CD #3566 in the amount of \$2,017.81 to the credit of Employer Contributions and the Poor Fund.

#6974 from Montana Bank of Bozeman in the amount of \$7,086.98 for interest earned on CD's to the credit of various funds.

#### January 31, 1985

Commissioners Visser and White met with Terry Abelin of Bridger Bowl to discuss complete bowl area ownership and future plans for the area.

Received A101 #6984 from First National Bank in Bozeman in the amount of \$5,026.00 for interest earned on CD 20530 to the credit of the General Fund.

The Gallatin County Zoning Board held a public hearing and heard testimony from various zoning districts on suggested changes to the zoning ordinances. The Zoning Board passed a resolution of intent on all zoning districts to study and hear testimony from each district.

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February 1, 1985

Received A101 #7003 from State of Montana Department of Highways for property and tax permits on combines for the year 1984 in the amount of \$590.00 to the credit of the General Fund.

Received report from the Clerk and Recorder showing items of fees and other collections made in the month of January in the amount of \$7,521.50.

February 4, 1985

Received A101 #7010 from Gallatin County as a loan to the Madison Dyke and Drain District in the amount of \$7,000.00.

February 5, 1985

Held Department Head staff meeting.

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Ramon White read the bids for tax deed property appraisal for Hebgen Lake Estates as follows:

Gary France Land & Livestock - \$950.00

Northwest Appraisal Services - \$1,072.50

Jane Jelinski made a motion to accept the bid of Gary France on the condition that Mr. France is a certified appraiser, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser read the following Resolution:

WHEREAS, pursuant to Section 7-5-2122(2), MCA 1983, a board of county commissioners may by resolution and two days' posted public notice designate another meeting time and place that is different from their regular meeting date; and,

WHEREAS, the Board of County Commissioners of Gallatin County determine that it is necessary to hold a special meeting on February 20, 1985, at 10:00 A.M. for a grievance hearing, pursuant to the agreement between the Gallatin County Sheriff's Department and the Deputy Sheriffs' Association, involving a grievance brought by Deputy Ron Brown;

NOW THEREFORE BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County do hereby set the time of February 20, 1985, at 10:00 A.M. as the date of a special meeting for a grievance hearing, pursuant to the agreement between the Gallatin County Sheriff's Department and the Deputy Sheriffs' Association, involving a grievance brought by Deputy Ron Brown.

2. That pursuant to Section 7-5-2122(2), MCA 1983, notice of the special meeting scheduled for February 20, 1985, at 10:00 A.M. shall be posted in a public place two days prior to the hearing.

Ramon White made a motion to adopt Resolution #583, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting recessed at 1:40 P.M.

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The meeting was reconvened at 3:30 P.M. to hear testimony regarding the Rest Home incident of December 14, 1984.

Mr. Cainan was represented by his attorney, Ed Sedivy, Jr. The following witnesses were questioned:

Mary Frey, Molly (May) Kennedy, Joan Ashley, Florine Wunderwald, Evelyn Gomon, Ann Olson, Sharon Dick, and Connie Wagner.

The meeting was then recessed at 7:00 P.M. and scheduled to reconvene at 9:15 A.M. on February 6, 1985.

The meeting reconvened at 9:15 A.M. on February 6, 1985. The following witnesses gave testimony:

Loretta (Frieda) Reiser, Calvin McLean, Evelyn Gomon (recalled), Tammy Whanger, Debra Cappon, Mary Krum, Ken Mosby, and William Cainan.

The meeting recessed at 11:55 A.M. to be reconvened at 12:40 P.M.

The meeting reconvened at 12:45 P.M.

There was some discussion among the Board regarding the incident.

Jane Jelinski moved that Mr. Cainan resume his duties February 14, 1985, and that the County Commissioners draft a letter of warning to Mr. Cainan. Mr. Cainan's behavior was rude and abusive and indicated serious problems at the Rest Home. These problems are to be improved by March 15, 1985. An evaluation of the situation will be done on March 15, 1985.

Ramon White amended the motion to add that the proceedings of the hearing not be contained within Mr. Cainan's personnel file. The warning letter will be made a part of the personnel

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file and will remain there for one year. Mr. White seconded Mrs. Jelinski's motion and Mrs. Jelinski agreed to the amendment. With none voting nay. The motion carried.

Ramon White made a motion that the suspension administered on December 14, 1984 be left standing as made, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:20 P.M.

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ATTEST:

*Gary J. Dwyer*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 19th DAY OF FEBRUARY, 1985 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser called for bids for the truck for the Junk Vehicle Department and the culvert for the Bridge Department. There being none submitted, the bidding was closed.

Jane Jelinski made a motion to approve the minutes of February 5, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

February 6, 1985

Commissioners completed the hearing regarding William Cainan's job performance at the County Rest Home. A decision was made to reinstate Mr. Cainan as Administrator for a probationary period. A letter of warning was placed in his personnel file.

Received A101 #7025 from the U.S. Treasury in the amount of \$152,611.00 for quarterly revenue sharing payment to the credit of Revenue Sharing.

Received the following applications for cancellation of taxes:

566	Tiegen	Tax Deed Taken	\$96.57
567	Tiegen	Tax Deed Taken	200.72

The Commissioners met with the Bozeman City Commission, MSU Representatives, State Department of Health representatives and Three Rivers Disposal representatives to discuss garbage incineration and cogeneration plants.

Commissioners toured the Amsterdam Road, Linny Road and Cameron Bridge Road areas to view the Gallatin River flooding that is cause by an ice jam on the river south of Cameron Bridge about 1/4 of a mile.

February 7, 1985

Received the following A101's:

#7037 from Bob Sybrant in the amount of \$12.00 for Law and Justice gym rental to the credit of the General Fund.

#7038 from State of Montana Arts Council in the amount of \$6,912.93 to the credit of the Historical Society.

#7036 from the City of Bozeman in the amount of \$50.00 for rental of the Law and Justice gym to the credit of the General Fund.

Commissioners and members of the County Audit Committee met with Associated Engineers of Billings to discuss a proposed telephone system to determine if it will be cost effective.

Commissioner Jelinski attended the TAC meeting.

Commissioners Visser and White met with Bob Anderson of the Greater Yellowstone Coalition to discuss legislation and possible grant funds for the bearproof garbage containers in the West Yellowstone area.

Commissioners met with Jim Kalitowski and Curt Tessmer of the Department of State Lands to discuss wild land fire protection in Gallatin County.

The Commissioners met with Bill Cainan to discuss procedures he must follow on his return to the Rest Home.

The Commissioners met with Ken Mosby and reviewed the quotations he received for the basement remodeling project. The project was awarded to Gallatin Construction for the amount of \$12,971.00. Also discussed the purchase of chairs for the new podium in the Community Room.

February 11, 1985

Commissioners met with Mary Kay Peck and Emery Nelson to review the amended plat of Yellowstone Village properties.

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The Commissioners met with residents on Nelson Road and Sam Gianfrancisco, Road Superintendent, to discuss road improvements and the Local Improvement District process. Those present were John McKerrin, Jerry Anderson, Tim Fitzgerald and Al Springer.

Commissioners met with Sheriff Onstad and approved his request to retain an attorney to represent him in the Ron Brown grievance hearing.

Commissioners met with the staff at the Rest Home and had an informal dicussion regarding personnel problems and how the Commission perceives they should be handled.

Commissioners met with Leonard Heintz the insurance adjuster for the Penwell Bridge.

Received the following A101's:

#7058 from First National Bank in the amount of \$937.67 for interest earned on revenue funds that were wired in but not transferred to the credit of Revenue Sharing.

#7060 from Gallatin County Commission in the amount of \$30.00 for gym rental to the credit of the General Fund.

The Commissioners, Hank Wruck, Civil Defense Director, Bob Jordan, Bridge Foreman, Norm Stone, Floodplain Administrator, and representatives of the Fish and Game Department met with residents of the Cameron Bridge area, Linny Road, and Amsterdam Road at the Belgrade Fire Hall to discuss problems that the ice jam on the river is creating in the area and possible solutions. The County Commission agreed to look at the river site when the ice is melted and give the residents an estimated cost for a control dike. The Commissioners informed the residents that a plane flight over the area was scheduled for February 12, 1985.

Former County Commissioner Joy Nash agreed to go to Helena and testify regarding the need for grant monies for the bearproof garbage containers in West Yellowstone.

February 12, 1985

Wilbur Visser, Bob Jordan and Norm Stone flew over the flooded area near Cameron Bridge. It was apparent that more water is flowing in the main channel at this time as a great deal of water was sighted down stream.

LEGAL HOLIDAY - LINCOLN'S BIRTHDAY

February 13, 1985

Commissioners Jelinski and White were in Helena for three days of meetings. They attended the MACo workshop for new Commissioners, the Governor's Conference on Disaster and Emergency, and additional MACo meetings.

Received the following A101's:

#7048 from State of Montana Dept. of Institutions in the amount of \$7,494.00 for earmarked alcohol tax funds to the credit of the Alcohol Fund.

#7024 from First National Bank and Montana Bank in the amount of \$37,135.04 for interest earned on repurchase and other accounts to the credit of various accounts.

#7077 from U.S. Treasury for Refuge Revenue Sharing for U.S. Fish and Wildlife lands in the amount of \$2,224.00 to the credit of the General Fund.

Received a report from the Sheriff's Dept. for prisoner board costs for the month of January in the amount of \$7,414.00.

Received the following cancellations of taxes:

#568	Dr. Edward King	\$14.26	Assessed on horse, owner does not have a horse
#569	Meat Block	3,069.13	Double Assessed
#570	Meat Block	3,598.48	Double Assessed
#572	City of Bozeman	251.90	Property Exempt
#573	City of Bozeman	2.62	Property Exempt
#574	City of Bozeman	2.72	Property Exempt
#576	Yellowstone Stables	108.09	All horses were sold
#575	Phildon, Inc.	510.50	Taxes paid in Yellowstone County
#571	City of Bozeman	243.81	Property Exempt

Wilbur Visser attended the Interagency breakfast.

Wilbur Visser attended the Refuse District #2 meeting in West Yellowstone.

February 14, 1985

Wilbur Visser went to Helena to attend the Governors Conference on Disaster Preparedness.

Wilbur Visser attended the Refuse District #1 meeting in Manhattan.

Received the following transfers of funds:

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sum of \$6,348.00 from fund 1000 to fund 2190 for salaries.
2. The sum of \$8.26 from fund 1050 to fund 1000 to correct miscoding.
3. The sums of \$75.10 from fund 2110, \$188.75 from fund 2120, \$222.04 from fund 2140, \$220.33 from fund 2290, \$53.08 from fund 5020, \$2.00 from fund 2190, \$4.77 from fund 2281, and \$19.86 from fund 2273, to fund 1000 for printing.

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4. The sums of \$134.00 from fund 1000, \$.75 from fund 2110, and \$9.45 from fund 2276, to fund 2190 for copies.
5. The sums of \$1.75 from fund 2110, \$41.01 from fund 2120, \$1.23 from fund 2140, \$16.20 from fund 2180, \$1.25 from fund 2190, \$62.10 from fund 2290, and \$2.05 from fund 2415, to fund 1000 for supplies.
6. The sum of \$38.80 from fund 1000 to fund 2180 for copies.
7. The sum of \$1,861.99 from fund 2761 to fund 1000 to correct miscoding.
8. The sums of \$.80 from fund 2190 and \$10.50 from fund 2710, to fund 1000 for copies.

/s/ Wilbur Visser

Received the following A101's:

#7100 from West Yellowstone/Hebgen Basin Refuse District #2 in the amount of \$153.00 to the credit of Refuse District #2.

#7013 from State of Montana Dept. of Revenue in the amount of \$76.61 to the credit of the General Fund.

#7105 from Timothy Tate in the amount of \$12.00 for gym rental to the credit of the General Fund.

February 15, 1985

Bridger Canyon Zoning Commission met to hear testimony on traffic and overnight accommodations.

February 18, 1985

LEGAL HOLIDAY - WASHINGTON'S BIRTHDAY

February 19, 1985

Routine business this date.

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Wilbur Visser announced that this was the time for the bid opening for a truck for the Junk Vehicle Dept. Bids were read as follows:

Bozeman Ford:	\$26,983.00	Jardan Industrial Transporter
	24,483.00	Schwartz Thriftmaster
	25,670.00	Buehl Roll Back
	26,426.00	Schwartz Power Rollback
M & W GMC:	22,274.76	Schwartz Thriftmaster
	23,461.76	Buehl Roll Back
	24,217.76	Schwartz Power Rollback
	25,583.76	Jardan Industrial Transporter
Kamp Implement:	24,460.00	Schwartz Thriftmaster
	26,403.00	Schwartz Power Roll Back
	26,960.00	Jardan
	25,647.00	Buehl Rollback

The Sheriff Department will take the bids under advisement and will present their recommendation at next week's public meeting.

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Wilbur Visser announced that the bids for culvert for the County Bridge Department would be opened at this time. Bids were read as follows:

Empire Steel: \$19,984.12

Roscoe Steel: \$18,354.08

The Bridge Department will take the bids under advisement and will present their recommendation at next week's public meeting.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval of the Feddes Minor Subdivision. This Minor Subdivision was given preliminary approval by the Commission on December 14, 1984. The purpose of the subdivision was to separate the existing homesite from the family's corporate holdings, so that the Feddes can have title to the homesite.

The final plat conforms to the Uniform Standards for Final Subdivision Plats, and is accompanied by a platting certificate, a County Attorney's certificate, and a County Treasurer's certificate. Sanitary restrictions have been lifted, and a 30 foot right-of-way for Meadow View Cemetery Road has been dedicated to the public.

Ms. Peck states that it appears the conditions for final approval have been met.

Jane Jelinski made a motion to grant final approval for Feddes Minor Subdivision and that the staff report be entered into the record, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

John Myles has claimed the security for construction financing exemption. Mr. Myles has submitted a statement certifying that only one parcel is being created within the original



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tract and that he will retain title to and possession of the original tract. Valley Bank of Belgrade has certified that creation of the mortgage parcel is necessary to secure the construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

Edie A. Cooper has also claimed the security for construction financing exemption. Mrs. Cooper has submitted a statement certifying that only one parcel is being created within the original tract and that she will retain title to and possession of the original tract. First Security Bank of Bozeman has certified that creation of the mortgage parcel is necessary to secure the construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding the amended plat of Hebgen Lake Estates. Hebgen Lake Estates was approved by the County Commission in 1973 and a Rural Improvement District was formed to finance the cost of installing improvements. The County has subsequently acquired Hebgen Lake Estates Subdivision for back taxes.

The State Department of Health has approved the subdivision for 116 dwelling units. There is a total of 158 lots in the subdivision. However, there are multi-family dwellings already constructed on some of the lots. The State Department of Health is willing to increase the approval to 158 units if the County is willing to aggregate the lots. The displayed amended subdivision plat illustrates which lots are suggested for aggregation.

Because this is an amended plat, it does require approval from the County Commission.

Ramon White made a motion that the amended plat of Hebgen Lake Estates be approved, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mike Money introduced Martha Catlin, Preservation Officer for the City of Bozeman. Ms. Catlin presented a Master Plan Amendment for Historical Preservation to allow for a preservation plan to be incorporated into the Bozeman Area Master Plan. In 1984, Bozeman's historic survey was completed. She displayed a map of the survey area. Four potential historic districts have been recommended. A Main Street District, A Cooper Park District, an expanded South Willson District, and the Beall Park area. Ms. Catlin has also added an additional district in the northeast area.

An Historic Preservation Commission may be appointed by the City Commission. The functions of a local Historic Preservation Commission could include reviewing local district applications, holding public hearings on such applications and other preservation related issues, and making recommendations to the Zoning Commission or other public bodies.

What has been included in the preservation plan, is a way of addressing the information that has already been compiled and that is ready to be acted upon. The Preservation Officer can be a resource for preservation planning anywhere in the County.

Ramon White commented that he had a problem with this being incorporated into the Master Plan because there would be more restrictions on people.

Mike Money stated that the reasons for incorporating into the Master Plan were to initiate the resource survey and to get the program underway. The City of Bozeman and the Planning Board have to include preservation as a part of the Plan. By incorporating it into the Plan, it gives the flexibility of local government to incorporate zoning that will be in compliance with the Master Plan rather than having it separate.

Ramon White questioned where the protection for the rural residents who wish to form a preservation district would be if the Historic Preservation Commission had jurisdiction over them.

Ms. Catlin stated that the Commission would have to show the kind of flexibility that would allow representation from additional surveyed areas, or allow for the formation of a separate commission to deal with the jurisdictional area as a separate survey area.

Mike Money stated that one of the protections would be that if a district isn't created outside of the jurisdictional area of the City of Bozeman, the Preservation Commission would have no authority to act on anything in that area. It would be strictly those areas that are designated as a district. If a district is designated, it would be by application of the property owners. They would have to be satisfied with the way the system is set up, otherwise they would not be applying.

Ms. Catlin states that this Master Plan Amendment deals only with the survey area. The survey area is defined by the map.

Jane Jelinski stated that she felt that what the Commission was being asked to approve was that contained within the lines of the map.

Ramon White felt that the proposed amendment was not clear enough with regard to the jurisdictional area. He would like to have the process outlined should the plan be expanded.

Jane Jelinski requested that the Historic Survey be made available to the Commission and the public.

Ms. Catlin stated that the only copy would be available at her office.

Jane Jelinski made a motion to continue this item for two weeks to give the Commission

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an opportunity to meet with the Planning Staff and obtain additional information, seconded by Ramon White, none voting nay. The motion carried.

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Jane Jelinski stated that as a result of the TAC meeting which she attended, the City requested of the State Highway Department that they improve the intersection at North Seventh and Durston Road because there have been a tremendous number of accidents at the intersection and most of the traffic traveling east on Durston Road is turning left without a lefthand signal or lane. The City has asked the Department of Highways to study the intersection for safety so that they could get some assistance in improving the intersection. Dick Holmes has requested that the County Commission write a letter of endorsement for that project.

Ramon White made a motion to write the letter of endorsement in support of a study for the intersection at Durston and North Seventh, seconded by Jane Jelinski, none voting nay. The motion carried.

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James Cummings, of Thomas, Dean and Hoskins, Inc., spoke regarding a proposed Rural Improvement District for Goldenstein Lane. Carter Williams has approached the Commission with regard to further subdivision development in the area of Goldenstein Lane. Mr. Cummings has spoken with Sam Gianfrancisco, Road Superintendent, regarding possible ways to upgrade Goldenstein Lane and make it a paved roadway surface.

Mr. Cummings has devised a district boundary that would represent the developer in the area, the rural residents, and the residents of two major subdivisions, Gardner Park and Sourdough Creek Properties. The attempt is to make the improvements equitable and that the residents in the area would be in a position to pay for the improvements. This would be a paved roadway, 24 feet wide, 6,360 feet long, a district of approximately 292 assessable acres with an estimated cost of \$123,000. They are also requesting Gallatin County's participation in the cost of the district.

It has been discussed that the gravel leveling course would be an in-kind service, or part of the 35% that the County would participate in. Should the County participate 35%, the remaining assessment against the properties in the area would average \$275 per acre.

Carter Williams owner of Sourdough Creek Properties, stated that this was a good opportunity for him to participate in a road improvement project as a developer.

Jane Jelinski asked how many property owners there would be in the proposed district. Mr. Cummings stated that there were about 175. They have not all been approached as it was felt that today's meeting would serve as an informational meeting. At this point, they are trying to determine the county's feeling of participating in the district.

Ramon White stated that it was determined at a meeting with Tom Anacker, that the county cannot participate in an RID, which is what is being proposed.

Mr. Anacker asked where the 35% figure Mr. Cummings was citing came from. Mr. Cummings stated that it was provided for in state statute. Mr. Anacker stated that this would fall under the Local Improvement District, which is separate from the RID. Mr. Anacker stated that the petition process is different in that it requires 66 2/3% of the freeholders to petition.

Mr. Cummings would be willing to discuss what avenue the County would prefer. Mr. Anacker would be willing to meet with Mr. Cummings to discuss this aspect.

Ramon White stated that he was not aware of any RID the County participates in. There have been Local Improvement Districts created that the County has participated in.

Bud Chapman stated that he would like to have the district defined as to who would be included in the district. Mr. Cummings showed Mr. Chapman the map which outlined the 292 acres proposed.

There was some discussion regarding the prospect of extending Goldenstein Lane to South 19th.

Harry Kringler, who lives on Goldenstein Lane, stated that he supported the paving of Goldenstein Lane. The Goldenstein brothers would be in favor of it; however, the property owner on the opposite side is not, with regard to extending it to South 19th.

Sam Gianfrancisco stated that the Road Department is scheduled to do some maintenance work on the road this year which will cost approximately \$20,000. Mr. Gianfrancisco states that the Road Department would be in a position to provide the leveling course as mentioned by Mr. Cummings. Mr. Gianfrancisco stated that in scheduling the paving, it would have to be done this summer. There is a gravel pit in the area, which the county would have access to.

Ramon White made a motion that the Commission support the concept of an improvement district for Goldenstein Lane, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jackie Stonnell of the Health Department presented a request for a budget amendment. The first was for an amendment to the Maternal Child Health Budget. The federal government has appropriated an additional \$12,030 for the maternal child health budget than they had originally intended. This money has been received but cannot be utilized unless the budget is amended. The Health Department proposed to increase the salaries and wages budget by \$6,000, the supplies budget by \$1,000, and the consultant fees budget by \$5,030. These are monies that cannot be carried over into the next fiscal year.

The second request was for an amendment to the Home Health budget. The county contracts

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with physical, occupational and speech therapists. In order for someone to receive these services, a nurse must make the initial assessment. They had anticipated receiving approximately \$13,000 and have already received about \$27,000. This money comes via Medicare and Medicaid, so as the patients are seen, the money is received. Ms. Stonnell requests increasing the salaries and benefits by \$3,540 and the Contracted Services by \$20,000. This money can be carried over into the next budget year.

Tom Anacker stated that he would look into this matter and consult with Ken Mosby, Administrative Assistant, regarding this request for a budget amendment. Mr. Anacker would have an opinion by next week's public meeting.

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Ramon White made a motion to appoint Joe Axtell to the Gallatin Gateway Rural Fire District Board to fulfill the term of Ralph Sime, who has resigned, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski made a motion to appoint Larry Wanner to the West Yellowstone Refuse District No. 2 Board to fulfill the term of Frances Kawakami, who has resigned, seconded by Ramon White, none voting nay. The motion carried.

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The Commission has received a petition requesting annexation to the Bridger Canyon Rural Fire District. The petition has been certified by the Clerk and Recorder.

Jane Jelinski made a motion to set the hearing date regarding this annexation on March 19, 1985, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:35 P.M.

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ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 26th DAY OF FEBRUARY, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

The minutes were not prepared for February 19, 1985, therefore no action was taken on them.

ANNOUNCEMENTS

February 20, 1985

Commissioners met with Ken Mosby, Administrative Assistant, to discuss financial conditions of county funds.

Received A101 #7124 from Jay Bruner in the amount of \$24.00 for gym rental to the credit of the General Fund.

Received the following letter from Loy Carroll, County Treasurer:

At the request of the above named bank, we hereby release pledge receipts as follows: Saline MI Area Scho 1968 Bldg. Bd for \$100,000.00 @5.40% due 5-1-91; Novi MI 1974 COMM Sch. Dist. Bd. for \$100,000.00 @6.60% due 8-1-90; New Jersey Ser F Rec. Consrvt. Land Acq. Bd. for \$200,000.00 @5.60% due 7-1-93.

This is your notice to release the above pledges.

Sincerely,

/s/ Loy Carroll

Commissioners sat as a hearing board for the Ron Brown grievance.

Commissioners Jelinski and White attended the Gallatin Sheepgrowers Association annual meeting and dinner.

February 21, 1985

Commissioners continued Ron Brown grievance hearing.

Received A101 #7129 from State of Montana Department of Commerce in the amount of \$3,799.13 for land use planning to the credit of County Land Planning.

Commissioners met with Gary France and received the land appraisal report for Hebgen Lake Estates.

Commissioner White attended a meeting with the Bear Canyon Ranchers regarding the creation of a zoning district.

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February 22, 1985

Ray White attended the City/County Planning Breakfast.

Commissioners and Ken Mosby met with Harry Noel of First West Insurance to discuss county insurance coverage.

Commissioners sat as a Welfare Board.

Commissioners met with Bill Werhane regarding taxes.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$250.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-370 under general class (2) Maintenance and Support.

That the sum of \$655.00 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-380 be transferred to account 1000-210-411100-370 under general class (2) Maintenance and Support.

That the sum of \$903.14 as appropriated under general class (1) Salaries and Wages for account 2415-000-420100-110 be transferred to account 2415-000-420100-190 under general class (1) Salaries and Wages.

That the sum of \$1,036.40 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-380 be transferred to account 1000-211-410340-370 under general class (2) Maintenance and Support.

That the sum of \$13.04 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-231 be transferred to account 2430-209-430800-210 under general class (2) Maintenance and Support.

That the sum of \$250.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-370 be transferred to account 1000-202-410550-380 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430210-320 under general class (2) Maintenance and Support.

That the sum of \$350.00 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430230-345 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 22nd DAY OF FEBRUARY, 1985

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon White

Commissioners attended a retirement party for Helen Anderson. Helen has worked for the County for over twenty years.

Received A101 #7153 from State of Montana Dept. of Revenue in the amount of \$462.67 for distribution of wine tax for January 1985 to the credit of the General Fund.

Commissioners met with residents from Baseline Road and discussed zoning and homeowners covenants.

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Commissioners continued the Ron Brown grievance hearing. The decision regarding this grievance will be made on March 1, 1985 at 10:00 A.M.

Received the following A101's:

#7167 from Bernard Schaff in the amount of \$9.00 for gym rental to the credit of the General Fund.

#7163 from Motor Vehicle Department in the amount of \$1,221.00 for title fees and fines collected to the credit of various funds.

Commissioners met with the Sheriff's Department, County Attorney's Office and Dick Andriolo to discuss Detention Center remodeling and the hiring of specialized firms for this project.

Commissioners Jelinski and Visser attended the Weed Board meeting.

Commissioners appointed Ramon White and Earl Best as the viewing board for proposed road abandonments.

February 26, 1985

Jane Jelinski went to Helena to testify regarding a bill regarding the Law Enforcement Academy.

Received the following list of new employees:

Kathy Joyner, Account Clerk I, Treasurer's Office, \$817.67/mo., 1-29-85.  
Susan Skinner, Temporary Clerk, J.P.'s Office, \$4.00/hr., 1-23-85.  
Donna Kelly, Temporary Clerk J.P.'s Office, \$4.00/hr., 1-23-85.  
Colleen Eayrs-Johnson, Judge Olson's Court Reporter, \$1,500.00/mo., 2-6-85.  
Cheryl Farmer, Clerk, J.P.'s Office, \$817.67/mo., 2-13-85.  
Karen Cheever, Temporary WIC Aide, Health Dept., \$4.7174/hr., 2-7-85.  
Tammy Godfrey, Kitchen Aide, Rest Home, \$3.8225/hr., 2-11-85.

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Wilbur Visser called for bids for park land and the administrative vehicle. No additional bids were received and the bids were closed.

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Jane Jelinski read the bid for park land as follows: This is the portion of Milwaukee Railroad right-of-way in the Ross Creek Subdivision.

Joe France bid of \$500.00 for the period March 1, 1985 through February 28, 1986.

Ramon White made a motion to accept the bid of Joe France, seconded by Jane Jelinski, none voting nay. The motion carried.

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Ramon White read the bid for a county administrative vehicle as follows:

Rolfe & Wood - \$14,038.30.

Ramon White made a motion to accept the bid of Rolfe & Wood, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Riverside Country Club and Charles and Patricia Westlake have claimed the exemption to realign a common boundary. Mr. and Mrs. Westlake have built a deck over the property line and are acquiring additional land so that the deck will be on their lot. Copies of the appropriate quit claim deeds have been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption for Charles and Patricia Westlake, seconded by Ramon White, none voting nay. The motion carried.

Lone Peak, Inc. has claimed the security for construction financing exemption. Lone Peak, Inc. has submitted a statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. American Federal Savings and Loan has certified that creation of the mortgage parcel is necessary to secure the construction loan. This property is located in Meadow Village Subdivision at Big Sky. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption to Lone Peak, Inc., seconded by Ramon White, none voting nay. The motion carried.

Farnam and Brown Enterprises have claimed the security for construction financing exemption. Mr. Farnam has submitted a statement certifying that only one parcel is being created within the original tract and that he will retain title to and possession of the original tract. Home Federal Savings and Loan has certified that creation of the mortgage parcel is necessary to secure the construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption for Farnam and Brown Enterprises, seconded

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by Jane Jelinski, none voting nay. The motion carried.

Joseph R. Balyeat has claimed three family exemptions in order to transfer a parcel to his father and to each of his two sons. Mr. Balyeat has not previously conveyed a tract to his father or either of his sons.

There has been concern expressed by Mr. Balyeat's neighbor that Mr. Balyeat is attempting to evade the Subdivision Act. Copies of the neighbors letters were furnished for the Commission to review.

In response to his neighbor's concerns, Mr. Balyeat has offered to place covenants on the newly created parcels which would ensure that the intent of the family sale exemption is met. If the Commission decides that this is a proper use of the exemption, it is suggested that the following two conditions be attached to the approval:

1. That the County Attorney's Office review and approve the additional covenants prior to recordation of the survey.
2. That the additional covenants be filed at the same time as the survey.

Ray White asked Mr. Balyeat why he has chosen to divide his land this way rather than going through the minor subdivision review process. Mr. Balyeat states that he contacted the Subdivision Review Office prior to his purchase of the land and asked if this would be a proper use of the family sale exemption. Mr. Balyeat states that he was told by that office that it would be a proper use of the exemption and that it would not be a proper use of the minor subdivision review process.

Jane Jelinski asked what the primary purpose was in dividing the land this way. Mr. Balyeat stated that it is to provide land for his sons who have indicated that they would like to live there and to provide land for his father who has indicated he would like to live there when he retires.

Mr. Balyeat stated that he felt it was best to do all of the exemptions at once.

Tom Anacker asked Mr. Balyeat the age of his sons. Mr. Balyeat stated that they were 8 and 5. Mr. Anacker asked whether Mr. Balyeat would set up a trust for them. Mr. Balyeat stated that he would not set up a trust because he did not want to give any indication that the land might be resold. Mr. Balyeat has specified that the land will not be built upon until they reach adulthood. Mr. Anacker asked who would be paying the taxes. Mr. Balyeat stated that either he would pay them or his sons would pay them.

Robert Waldheisen, a property owner in the area, stated that originally Mr. Balyeat had talked about conveying a parcel to his brother, and his two sons. This has now been changed to his father and his two sons. There are now four parcels of land, which could possibly be divided into five. Mr. Waldheisen questions Mr. Balyeat's intentions in dividing this land.

Belinda Rinker, an attorney representing Mr. and Mrs. Waldheisen, presented a memorandum to the Commission as follows:

TO: The Gallatin County Commissioners

From: Belinda D. Rinker, Attorney at Law

Date: February 26, 1985

Re: Proposed Sales and Transfers by Joseph R. Balyeat

When the legislature enacted provisions requiring local governing bodies to adopt subdivision regulations, the stated purpose of the act was to:

"promote the public health, safety, and general welfare by regulating the subdivision of land; to prevent overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements; to encourage development in harmony with natural environments; and to require uniform monumentation of land subdivisions and transferring interest in real property by reference to plat or certificate of survey."

However, the legislature also recognized that certain circumstances justified allowance of transfer without resort to the full requisites of the Montana Subdivision and Platting Act (the "Act"). Thus, the Act also provides that:

"unless the method of disposition is adopted for the purpose of evading this Act, requirements of this Act shall not apply to any division of land: . . . which is made for the purpose of a gift or sale to any member of the land owners immediate family; . . ." (emphasis added).

Mr. Balyeat has proposed that an existing 20 acre parcel, be divided to four (4) subparcels consisting of 4.00 acres, 4.0065 acres, 8.0010 acres and a remaining tract of approximately 3.9925 acres. The 20 acre parcel owned by Mr. Balyeat is a portion of a prior 24 acre parcel, from which an occasional sale of 4 acres was made. Mr. Balyeat proposes to transfer the 8.0010 acre parcel to his father, retain the parcel consisting of approximately 3.9925 acres and transfer the remaining two parcels to his sons, respectively. The proposed transfers raises two issues: 1) whether the proposed transfers constitute a method of disposition adopted for the purpose of evading the requirements of the Act, in violation thereof and 2) whether the proposed transfer to Mr. Balyeat's father falls within the "immediate family" exemption provided for in 76-3-207, M.C.A., 1983. These issues will be addressed in the order in which they were raised.

1. In a recent opinion, 40 A.G. Op. 16 (1983), the Attorney General made certain observations in an attempt to assist local government in analyzing the issue of whether a particular exemption is claimed for the purpose of evading this chapter. The following guidelines were set forth:

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1. Since it promotes the public health and welfare, the chapter must be liberally construed to effectuate its object and its exemptions must be narrowly applied:
2. Local government may properly require one claiming an exemption to make an evidentiary showing that the exemption is justified and may establish by rule a procedure for a hearing and decision:
3. The local government should evaluate all relevant circumstances in assessing claimant's intent, including the nature of claimant's business, the prior history of the land in question and whether claimant has engaged in prior exemption transactions involving the land, and the proposed configuration of the land after the allegedly exempt transactions would be completed; and
4. A claimant who attempts to use a pattern of exempt transactions that will result in a subdivision which is not reviewed should be denied exemption."

The only use restriction applicable to Mr. Balyeat's tract is contained in the established restrictive covenants for the property and states that "no more than one single family dwelling house shall be constructed upon any tract. The tracts may not be subsequently subdivided or platted smaller than four (4) acres." Thus, Mr. Balyeat's proposed transfers do not violate the letter of the restrictive covenants.

However, the opinion cited above encourages examination of substance, not form. In viewing the configuration of the tracts which Mr. Balyeat proposes, it is evident that substantial portions of uninhabitable land are included in each tract to meet the minimum requirements, and all proposed residences will be clustered in the initial 600 feet of the tract. This may create problems of increased traffic, congestion and inadequate access. Further, the clustering of homes is at odds with existing "open-space" development pattern and may impair existing land values.

Mr. Balyeat also proposes to transfer 8.0010 acres of property to his father, who could, in turn further divide the property by passing it to Mr. Balyeat's siblings in a second exempt transaction. Such extensive division would be tantamount to the unrestricted and unregulated subdivision.

Finally, the parcel retained by Mr. Balyeat is only 3.9925 acres. This violates the express restrictive covenants applicable to the property.

2. The Zoning Ordinance of the City of Bozeman (the "Zoning Ordinance") specifically states that:

"in their interpretation and application the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the health, safety, morals and general welfare of the community. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing higher standards shall govern."

The Zoning Ordinance also defines the term "family" as:

"any individual, or two or more persons related by blood or marriage, or a group of not more than four persons (excluding servants) who need not be related by blood or marriage, living together as a single nonprofit housekeeping unit."

No definition of the term "immediate family" which is contained in 76-3-207, M.C.A., 1983, is found in the Zoning Ordinance.

However, an existing opinion of the Attorney General, 35 A.G. Op. 70 (1974) specifically states that the term "immediate family" is more restrictive than the word "family" alone, and as used in Sec. 11-3862, RCM. 1947, (which is the identical predecessor to 76-3-207(1)(b)) means "the spouse of the grantor and the children of the grantor by blood or adoption." Parents are not included.

Thus, allowing Mr. Balyeat to transfer property to his father pursuant to this exemption constitutes a violation of both the guidelines established in the Zoning Ordinance and the requirements of 76-3-207(1)(b) M.C.A. 1983.

Ms. Rinker states that her clients object to this division of land because it does not fit in with the open-space development that has already occurred in the area. They are also concerned that there is an existing parcel which consists of more than eight acres which would potentially allow for either a future occasional sale or another future exempt transfer; thereby, increasing the homesites by an additional one homesite.

Gerald Westesen, who owns the ten acre tract immediately to the north of Mr. Balyeat's. He previously owned the ten acre to the north of that parcel which was conveyed by occasional sale to Mr. and Mrs. Waldheisen. Mr. Westesen states that he believes this proposed clustered development would be detrimental to his property value.

Casey Whisenhunt, owner of the northerlymost tract, states that there is a document signed by Mr. and Mrs. Balyeat which is an easement agreement which runs along the north section of tract 2B. It is a ten foot easement for horse and pedestrian traffic, from the end of Rising Eagle Road to National Forest. That easement is for all of the residential properties in that particular "subdivision". This allows for permanent access for Mr. Balyeat to the National Forest. Mr. Whisenhunt states that it is his belief that Mr. Balyeat had the intention of selling one of the lots to his brother. Mr. Whisenhunt states that he has purchased his lot because he is interested in living in an area that is a quality area and he believes that dividing Mr. Balyeat's property into four or five lots will do a great deal to lower the quality of the area. Mr. Whisenhunt is of the belief that Mr. Balyeat is attempting to evade the subdivision laws by dividing the property in this way.

Tom LeProwse is a landowner to the south of the property. Mr. LeProwse states that the original proposal that Mr. Balyeat showed him was for the creation of three lots.

Michael Sand, a property owner in the area, states that it is his opinion that even

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though Mr. Balyeat has proposed restrictions on the property, these restrictions can be changed at anytime by a property owner prior to the transfer of land. Mr. Sand states also that if a person gives property to his children, the children will probably do what the parent wants them to do. Mr. Sand does not believe that the restrictions Mr. Balyeat proposes mean alot, from a legal standpoint.

Mr. Sand recalled that at a meeting with Mr. Balyeat and the property owners in the area, Mr. Balyeat had stated that three lots would be created. The following day, Mr. Balyeat contacted Mr. Sand and told him that he had changed his mind and that there would be four lots.

Mr. Sand states that if it is Mr. Balyeat's intention to convey the land to his sons, the twenty acre parcel should be divided into two parcels of ten acres each.

Mr. Sand states that a petition has been filed with the County for the intention of creating a zoning district in the area. Mr. Sand requests that the Commission delay any action on Mr. Balyeat's request until the petition for the zoning district has been disposed of.

Mr. Sand states that he believes the proposed plat shows "contorted" lot configurations in order to be in accordance with the restrictive covenants to obtain four acre lots. He states that there are potentially five building sites on an area of approximately six buildable acres.

Mr. Sand requests that the Commission deny these family exemptions, or delay any action on them until the zoning district has been voted upon.

Allen Drain, owner of two four acre parcels in the area, stated that he is opposed to five houses being built on essentially one and a half acre pieces.

Joe Balyeat stated that he has always been honest with his neighbors and that he had indicated to Mr. Sand that he was willing to attach additional restrictions onto the sale of the property. He is willing to work this problem out with his neighbors. Mr. Balyeat states that the distance between the proposed building sites and the houses already in existence is not significantly different. Mr. Balyeat stated that he has never indicated his desire to split the land into five tracts, he is willing to place covenants on it stating that he will not do that. Mr. Balyeat states that he had no intention of circumventing the subdivision laws. Mr. Balyeat stated that insofar as the lot configurations, they were platted this way upon the advice of his surveyor.

At this time the meeting was recessed for five minutes.

The meeting reconvened at 3:00 P.M.

Ray Center, surveyor of the land, stated that it was not his impression that it was Mr. Balyeat's intent to evade the subdivision act. Mr. Center states that it was his impression that the state law and the county regulations allowed for this type of division of land.

Michael Sand suggested that if Mr. Balyeat's true intent was to give land to his children, then he should do that. He stated that what is proposed is to create four tracts when only two would be necessary to accomplish his intent.

Wilbur Visser closed the meeting to public comment.

Jane Jelinski commented that the result of this division of land, should it be approved, would be a subdivision that has not been subject to any kind of review. She stated that from the indication as to who was to receive the lots, it seems that the intention was to evade the subdivision regulations. She does not feel it would be appropriate to approve this subdivision.

Ramon White stated that in looking at family conveyances, they have absolutely created a complete subdivision without review.

Jane Jelinski brought out the fact that if the tract should be conveyed to Mr. Balyeat's father it would put the Commission in an untenable situation should Mr. Balyeat's father wish to convey the land to his son in the future, which would accomplish what Mr. Balyeat intended in the beginning.

Ramon White stated that the intent of the legislature was to convey land to family members primarily for estate planning. He does not feel that it was fully intended to be exercised to this extent on small tracts.

Tom Anacker commented that it would be inappropriate to transfer this land to Mr. Balyeat's father in accordance with the Attorney General's opinion offerd in 1974. To turn down an application for an exemption, the Board must find that there is a purpose to evade the subdivision regulations to avoid going through review. The determination must be that there was a purpose to evade the subdivision regulations in order for there to be a denial of the application for exemption. Otherwise, an individual would be entitled if the exemption was proper, and here there's a problem with the transfer to the father.

Jane Jelinski made a motion to deny the exemptions, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that the Commission had received a letter from the Sheriff's Department requesting postponment of the award of the bid for the truck for the Junk Vehicle Department. Sheriff Onstad has requested an opportunity to review the bids more thoroughly.

Ramon White made a motion to continue the awarding of the bid for one week, seconded by Jane Jelinski, none voting nay. The motion carried.

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Bob Jordan, Bridge Foreman, recommended that the Commission accept the bid of Roscoe Steel for culvert in the amount of \$18,354.08, it being the low bid and meeting the specifications.

Ramon White made a motion to award the bid for culvert to Roscoe Steel, seconded by Jane Jelinski, none voting nay. The motion carried.

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Randy Thoreson, Belgrade Planning Director, spoke regarding a request for preliminary plat approval for Cooper Minor Subdivision.

Mr. Thoreson submitted his staff report to the Commission.

This proposed minor subdivision is located three miles west of Belgrade on Thorpe Road. It is proposed to create a 12.945 acre tract. Covenants have been submitted by the developer. The Belgrade City/County Planning Board voted to approve the subdivision with the following conditions and covenants as written:

1. That a statement be added to covenants making it clear that future lot splits will require an update and/or revision in the covenants as deemed necessary by the Planning Board and County Commission.
2. That the access for the 12.9 acre tract be at the terminus of Sheepshank Drive in neighboring Royal Arabian Subdivision and not on the County gravel pit service road which borders the tract. Said access to be noted on final plat.
3. That a \$35.00 fee be paid to Belgrade Fire Department to cover cost of fire protection on lots until construction takes place.
4. That the final plat conform to uniform standards and be accompanied by necessary certificates.

Mr. Thoreson stated that control of noxious weeds was included in the covenants.

Ramon White made a motion to approve the preliminary plat for Cooper Minor Subdivision with the conditions recommended by staff, seconded by Jane Jelinski, none voting nay. The motion carried.

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Ken Mosby, Administrative Assistant, spoke regarding the request by the Health Department for a budget amendment. Mr. Mosby presented the Commission with a recap of the Maternal Child and Home Health budgets. Regarding the Maternal Child Health Care budget, Mr. Mosby states that of the expenditures, there is a remaining amount of \$25,983.97 in the budget. 93.8% of the estimated revenues have been received, or \$45,000. Mr. Mosby states that with the federal and state grants, there is no problem with amending the budget; however, they cannot spend more than the cash that is in the fund. Mr. Mosby states that at this point, it is premature to amend the budget until budget appropriations are expended.

Mr. Mosby stated that with regard to the Home Health Care budget, there is approximately \$7,000 to \$8,000 in cash left. Mr. Mosby states that at this time, it would be premature to amend this budget also.

Tom Anacker stated that according to statute once the monies have been received from the federal or state government, the budget could be amended by resolution.

Jane Jelinski made a motion to deny the budget amendment, to be reconsidered in the future, seconded by Ramon White, none voting nay. The motion carried.

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Bill Cainan, Rest Home Administrator, spoke regarding a request for funds to purchase a washing machine. Mr. Cainan presented the Commission with quotes on the machine as follows:

Western Automatization: \$7,691.00  
Commercial Laundry Sales, Bozeman: \$4,585.00  
Business Development Sales, Bloomington, MN: \$4,078.00

Mr. Cainan states that the present washing machine is worn out and needs to be replaced. He states that in the revenue sharing budget there is available \$2,221.00 that could be used for this purpose.

The Commercial Laundry and Business Development bids are for the same machine; however, the Commercial Laundry machine is automatic whereas the Business Development machine is manual. Mr. Cainan recommends that the Commission accept the quote of Commercial Laundry since they are a local company and the machine would be easier to service.

Ken Mosby presented a recap of the Rest Home capital outlay's budget. There is a balance of \$2,221.63 in the budget. Mr. Mosby recommended that if the Commission grants Mr. Cainan's request for funds for a washing machine, that the amount needed to purchase it be paid out of account number 2761 900 411200 900.

Jane Jelinski made a motion to appropriate \$4,585.00 for the purchase of a washer-extractor for the Gallatin County Rest Home from Commercial Laundry Sales to be paid for from account number 2761 900 411200 900, seconded by Ramon White, none voting nay. The motion carried.

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Jane Jelinski read the following Proclamation:

Whereas, American women of every race, class, and ethnic background helped found the Nation in countless recorded and unrecorded ways;

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Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force, have been particularly important in the establishment of early charitable, philanthropic, and cultural institutions, and have been at the forefront of every major progressive movement for social change; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it resolved by the Commissioners of Gallatin County that the week beginning March 3, 1985 be designated as "Women's History Week." The commissioners hereby issue a proclamation calling upon the people of Gallatin County to observe such week with appropriate ceremonies and activities.

Jane Jelinski made a motion to adopt the proclamation, seconded by Ramon White, none voting nay. The motion carried.

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Ramon White made a motion to appoint Susie Berndt to the Manhattan City/County Planning Board to fulfill the term of Carl Hanson who has resigned, seconded by Jane Jelinski, none voting nay. The motion carried.

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ATTEST:

*Larry St. Pringle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 5th DAY OF MARCH, 1985 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the rough draft of the minutes of February 19, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

Wilbur Visser announced that on March 11, 1985 at 10:00 A.M. the Commissioners will be meeting in a joint meeting with the Madison County Commissioners. An agenda is set as follows: 911 system at Big Sky, garbage collection at Big Sky, use of the Eaglehead Repeater, and housing of Madison County prisoners.

February 27, 1985

Commissioners met with Ken Mosby.

Commissioner Jelinski and Mary Kay Peck, Subdivision Review Officer, and Arletta Derleth, Assessor, toured the Bridger Bowl Base Area.

Commissioner Visser attended the Fair Board meeting last evening.

Received the following A101's:

#7189 from First Security Bank for interest earned on CD in the amount of \$7,010.96 to the credit of the Protest Fund.

#7187 from Tew Distributing in the amount of \$10.00 for vending machine commission to the credit of the General Fund.

#7182 from American Land and Title Co. in the amount of \$205.00 for payment in lieu of parks for Bear Trap Subdivision #2 to the credit of the Park Fund.

Granted a raffle permit to Tim Dean for the Southwest Montana Home Builders Association.

February 28, 1985

Commissioners met with Jim Monger and Ray Tocci regarding the Three Forks Airport.

Received the following A101's:

#7203 from Karl Gerstenberger in the amount of \$6.00 for gym rental to the credit of the General Fund.

#7207 from Clerk of the District Court of Lake County in the amount of \$10.00 for witness fees of Duke Wolf to the credit of the General Fund.

#7209 from Montana Bank of Bozeman for interest earned on CD in the amount of \$7,026.58 to the credit of revenue sharing.

#7210 from First National Bank of Bozeman for interest earned on CD in the amount of \$7,011.14 to the credit of the Poor Fund.

#7212 from First National Bank of Bozeman for interest earned on CD in the amount of \$2,812.91 to the credit of various funds.

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#7213 from First National Bank of Bozeman for interest earned on CD in the amount of \$2,810.09 to the credit of the Park Fund.

#7214 from First National Bank of Bozeman for interest earned on CD in the amount of \$7,025.23 to the credit of Rural Revolving and Hebgen Lake Estates.

#7215 from First National Bank of Bozeman for interest earned on CD in the amount of \$7,011.14 to the credit of PILT.

#7216 from First National Bank of Bozeman for interest earned on CD in the amount of \$2,796.00 to the credit of PILT.

#7218 from First National Bank of Bozeman for interest earned on CD in the amount of \$2,796.00 to the credit of Protest Fund.

#7219 from Security Bank of Three Forks for interest earned on CD in the amount of \$7,079.11 to the credit of General Fund.

#7220 from Security Bank of Three Forks for interest earned on CD in the amount of \$7,114.68 to the credit of various funds.

#7221 from Security Bank of Three Forks for interest earned on CD in the amount of \$2,831.64 to the credit of Revenue Sharing.

#7222 from Security Bank of Three Forks for interest earned on CD in the amount of \$2,823.10 to the credit of PILT and Protest Funds.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$62.07 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-330 be transferred to account 1000-213-410340-345 under general class (2) Maintenance and Support.

That the sum of \$11.15 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-330 be transferred to account 1000-213-410340-210 under general class (2) Maintenance and Support.

That the sum of \$50.12 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-330 be transferred to account 1000-213-410340-370 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED THAT AGREEABLE to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 28th DAY OF FEBRUARY, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon White

Commissioner Jelinski judged the spelling bee this evening.

March 1, 1985

Commissioners met with the Communications Subcommittee to discuss goals and objectives for Central Communication.

Commissioners met regarding the Ron Brown grievance and decided that all of the allegations were found to be correct.

Received the following A101's:

#7234 from Joe France in the amount of \$500.00 for rent of the Old Milwaukee Railroad right-of-way in Ross Creek Subdivision to the credit of Land Rent.

#7245 from Montana Bank of Bozeman in the amount of \$740.47 for interest earned on CD to the credit of General and Road Funds.

#7250 from First National Bank of Bozeman in the amount of \$745.21 for interest earned on CD to the credit of various funds.

#7244 from Montana Bank of Bozeman for interest earned on CD in the amount of \$740.47 to the credit of the General Fund.

#7248 from First National Bank of Bozeman for interest earned on CD in the amount of \$745.21 to the credit of Protest fund.

#7249 from First National Bank of Bozeman for interest earned on CD in the amount of \$740.55 to the credit of the General Fund.

Received report from the Clerk and Recorder's Office showing the items of fees and other collections made in the amount of \$5,931.98.

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Received A101 #7251 from First National Bank of Bozeman in the amount of \$735.89 for interest earned on CD to the credit of the General Fund.

Received A101 #7247 from Montana Bank of Bozeman in the amount of \$745.24 for interest earned on CD to the credit of various funds.

March 4, 1985

Commissioners met with Duane Burkenpas regarding Fair Board appointments and long range planning.

Commissioners met with the City/County Planning Staff and Martha Catlin, Historic Preservation Officer to discuss the Master Plan Amendment for historical preservation.

Commissioners met with Hank Wruck, Civil Defense Director, regarding the new plan for the county and the duties of the officer required by the federal programs was explained.

Commissioners met with Mary Kay Peck, Subdivision Review Officer, and Tom Anacker, Deputy County Attorney, regarding subdivision exemptions.

Commissioners met with Marilyn Jackson regarding penalty and interest charges on personal property tax billing. The Commissioners agreed to waive them.

Received A101 #7264 from First National Bank of Bozeman in the amount of \$1,442.47 for interest earned on CD to the credit of various funds.

Granted permission to Betty Free of the Longfellow School Parents Advisory Council to hold a raffle.

March 5, 1985

Received A101 #7275 from State of Montana Dept. of Commerce for Motor Vehicle Reimbursement flat fee in the amount of \$1,126,633.86 to the credit of various funds.

Received the following cancellations of taxes:

#578	Gal. Airport Auth.	\$ 78.90	Exempt
#577	Rabbit Truck Wash	198.25	Double assessed
#579	Gal. Airport Auth.	104.35	Exempt
#580	Gal. Airport Auth.	362.25	Exempt

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Captain Smith of the Sheriff's Department spoke regarding the recommendation for awarding of the bid for a truck for the Junk Vehicle Department. After reviewing the bids with the advice of the County Road Department, it was determined that the GMC Truck offered by M & W GMC would best serve the purpose along with the Schwartz Power Rollback bed. This was for the amount of \$24,217.76, with trade in.

Ramon White made a motion to award the bid for a truck for the Junk Vehicle Department to M & W GMC, seconded by Jane Jelinski, none voting nay. The motion carried.

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The decision on the Master Plan amendment for Historical Preservation has been deferred until next week, March 12, 1985.

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Jane Jelinski spoke regarding the development of the proposed county Dog Control Ordinance. On June 5, 1984, the Commissioners received a petition signed by approximately 700 people requesting that the County support a dog control ordinance. Ms. Jelinski formed a committee to work on a dog control ordinance. With the help of members of the committee, the proposed dog control ordinance was created. Ms. Jelinski read the proposed ordinance.

Persons speaking in favor of the ordinance included:

Barbara Webb, a resident of Gallatin Gateway, stated that the only change she would like to see to the ordinance would be under item F, the definition of kennel. Ms. Webb presented an alternative to the Commission. She proposes a change as follows: "Can also mean any establishment wherein, or whereon, three or more dogs that are age six months or older are kept, with the following exceptions: up to three neutered, spayed animals can be excluded from the count of dogs establishing a kennel as defined above providing no more than a total of five dogs that are six months of age or older are kept on or in a single establishment.

B. Up to three dogs kept in a working capacity, working stock dogs, dogs, livestock guard dogs, and those dogs defined elsewhere in the ordinance will be excluded from the county establishing a kennel. In all instances, any establishment wherein or whereon five or more dogs are kept, including those qualifying for the above exceptions, will be considered a kennel and will be subject to the required kennel fee as outlined in the ordinance."

Mike Ward, a Bozeman resident, questioned how his dog and other dogs would be controlled when outside the city limits.

Connie Lien, dog control officer for the City of Bozeman, states that the City of Bozeman is very much in favor of the ordinance. She felt that it would be supportive to the dog control program of the City.

Marvin Pretz, from the Belgrade area, questioned whether 9C wasn't in conflict with the present law that the Sheriff's Department has the permission to kill the dog on the premises if it is dangerous? Tom Anacker stated that it did not eliminate the State law

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which provides for safeguards in a questionable situation. The Sheriff's Department has jurisdiction under this ordinance.

Michael Murphy, a Gallatin County resident, stated that he was in favor of adopting the dog control ordinance. Mr. Murphy lives in the Sypes Canyon area which prohibits dog ownership; however, there are dogs that wander from other areas into Mr. Murphy's subdivision.

Lynn Post, an Amsterdam resident, and a member of the Dog Control Committee, stated that the committee obtained input from their neighbors as well with regard to the development of the ordinance. Ms. Post states that she has a problem with the change as suggested by Ms. Webb.

Ramon White made the comment that he felt that this ordinance allows trespassing onto private property. He also stated that he had a problem with it being enforceable.

Tom Lehart, a Belgrade resident, was in favor of adopting the ordinance.

Ann Williams, a resident of Hyalite Heights Subdivision, stated that she supported Ms. Webb's proposed changes. Ms. Williams questioned with regard to section 4B regarding license tags, would it be considered that your dog is under immediate control of the owner if it is in a fenced-in yard, with regard to removal of the collar. Ms. Williams stated that in Fort Collins, Colorado they have a similar ordinance where the dogs do not have to wear a collar with tags if it has been tattooed with their license number.

Tom Anacker states that immediate control is defined as hand or voice control, so it would be required that the dog wear the collar in the fenced-in yard.

Wilbur Spring, a rancher near Belgrade, stated that he was in support of the ordinance.

Hilary Kammerer, a sheep raiser, brought up the point that in the ordinance it states that a vicious dog could be released to its owner after 96 hours.

Jane Jelinski stated that it would be up to the discretion of the Dog Control Officer as to whether or not the dog would be released to its owner.

Ramon White asked how the program was funded for the City.

Connie Lien stated that most of the revenue came from fines and license fees. Ms. Lien stated that approximately 1,000 dogs are licensed.

Janelle Ryan presented a letter to the Commission supporting the dog ordinance.

Marguerite Fulker, stated that she also served on the Committee. She urged the Commission to pass the ordinance and give it a fair trial.

Joyce, last name unknown, supported Ms. Webb's change to the ordinance.

Pat Myers of the Humane Society, stated that the Commission reviewed several ordinances from counties around the State. She also believes that this problem has to be controlled and the control must start somewhere.

Mary Lyons, past animal control officer for Gallatin County, stated that she feels the ordinance can work.

Dorothy Denecke, a member of the Dog Control Committee, requested the Commission's consideration of this ordinance.

There was no one to speak in opposition of the ordinance.

Jane Jelinski stated that she felt that dog control was a service that the people of Gallatin County want.

Wilbur Visser brought out the point that the budget did not compensate for an additional person in the Treasurer's Office to take care of licensing.

Ramon White stated that possibly this ordinance would put another regulation on agriculture that isn't wanted. He states that he has had contact from agricultural people that have indicated to him that they do not want or need an ordinance of this type. He also stated that he did not believe that the budget would support itself. The law does not allow for a separate mill levy, so it would mean taking funds from the General Fund.

Jane Jelinski suggested that the people who are in opposition to the dog control ordinance appear at the next reading and voice their opposition.

Ramon White stated that the people living in the incorporated areas would be paying to support this ordinance. Mr. White states that he would be more comfortable with it if it would be self-supporting.

Wilbur Visser stated that he believed it should be the duty of the dog control officer to issue the licenses and do the bookkeeping, rather than putting the burden on another office.

There was some question as to whether or not the residents in the incorporated areas who have a dog control ordinance would be governed by this county dog control ordinance.

Jane Jelinski made a motion to adopt the first reading of the dog control ordinance with the following change:

That kennel on page two of the ordinance shall be changed to read: Kennel shall mean any establishment wherein or whereon more than three dogs that are age six months or older are kept.

This motion was seconded by Wilbur Visser, Commissioners Jelinski and Visser voting aye.

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Commissioner White voting nay. The motion carried, with two for and one against.

The second reading, with all of the proposed changes, will be held on April 9, 1985.


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There being no further business, the meeting adjourned at 4:05 p.m.

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ATTEST:

Clerk



APPROVED:

Chairman



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PUBLIC MEETING TUESDAY, THE 12th DAY OF MARCH, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of February 19, 1985 and February 26, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

## ANNOUNCEMENTS

March 6, 1985

Commissioner Visser met with Ken Mosby and Dave Dover of Mountain Bell to discuss telephone systems that are available.

Commissioners met with Ray Grant and Don Fallang of the State Highway Department, Sam Gianfrancisco, Road Superintendent, and Bob Jordan, Bridge Foreman to discuss the plans for the Valley Center Road project. The group also toured the road from Baxter Lane to Jackrabbit Lane.

Received the following A101's:

#7272 from First National Bank in the amount of \$7,011.51 for interest earned on CD to the credit of PILT funds.

#7286 from First National Bank and Montana Bank in the amount of \$29,445.27 for interest earned on repurchase and other accounts to the credit of various funds.

Commissioners met with attorney Dick Andriolo and Bill Maxey of Maxey, Dean, Dale and Dean, Sheriff John Onstad and Deputy Dave Dunn. The Commissioners voted to contract with the firm of Maxey, Dean, Dale and Dean for the architectural services for the Detention Center remodeling project. This firm is nationally recognized as the leader in correctional facility remodeling and building.

Jane Jelinski attended the Alcohol Advisory Board meeting.

Ramon White attended the Communications Advisory Board meeting.

March 7, 1985

Commissioners met with Debbie Arkell, temporary office manager at the Rest Home.

Commissioners had their weekly meeting with Ken Mosby.

Received the following A101's:

#7294 from John Powers in the amount of \$9.00 for gym rental to the credit of the General Fund.

#7289 from State of Montana for reimbursement of the TUI Program in the amount of \$5,387.57 to the credit of DUI Program.

Received report from the Sheriff's Department showing the prisoner board billing for the month of February in the amount of \$8,878.00.

March 8, 1985

Commissioners sat as a Welfare Board this date.

Received A101 #7308 from State of Montana Dept. of Highways in the amount of \$23,508.20 for taxes and fees collected by the Highway Department to the credit of various funds.

Commissioners met with Doug Kosty, County Auditor and Bill Cainan, Rest Home Administrator to review proper bookkeeping procedures and account balancing.

March 11, 1985

Commissioners met with Sam Gianfrancisco, Road Superintendent, to review potential road problems this Spring due to the deep frost and how it will effect the maintenance budget.

Received the following A101's:

#7332 from State of Montana Dept. of Revenue in the amount of \$81.00 for child support incentive payments to the credit of General Fund.

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#7326 from Montana Physicians Service in the amount of \$51.72 for insurance premium refund to the credit of employer contributions.

Received and approved the following transfers of funds:

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfer:

1. The amount of \$635.27 from fund 1000 to fund 2110 for telephone.
2. The amount of \$400.00 from fund 2130 to fund 2110 for telephone.
3. The amount of \$523.62 from fund 2282 to fund 2190 to correct miscoding.
4. The amount of \$296.02 from fund 2281 to fund 2190 to correct miscoding.
5. The amount of \$165.00 from fund 2273 to fund 2270 to correct miscoding.
6. The amount of \$112.59 from fund 2273 to fund 2276 to correct miscoding.
7. The amounts of \$137.75 from fund 1000, \$4.40 from fund 2710, \$.30 from fund 2110, and \$1.55 from fund 2276, to fund 2190 for copies.
8. The amounts of \$35.80 from fund 2180, \$92.40 from fund 2290, \$15.25 from fund 2276, \$12.60 from fund 2110, \$60.73 from fund 2190, \$10.90 from fund 2240, \$5.70 from fund 2140, and \$55.70 from fund 2120, to fund 1000 for supplies.
9. The amount of \$32.60 from fund 1000 to fund 2180 for copies.
10. The amount of \$55.20 from fund 2120, \$67.81 from fund 2180, \$178.14 from fund 2290, \$50.60 from fund 5020, \$24.90 from fund 2190, \$33.22 from fund 2279, \$6.72 from fund 2278, \$16.86 from fund 2273, \$18.80 from fund 2240, and \$40.00 from fund 2415, to fund 1000 for printing.
11. The amount of \$32.54 from fund 2180, \$54.23 from fund 2190, and \$203.12 from fund 2110, to fund 1000 for gas.
12. The amount of \$87.63 from fund 1000, \$39.94 from fund 2180, \$235.85 from fund 2160, \$60.89 from fund 2190, and \$33.62 from fund 2140, to fund 2110 for gas.
13. The amount of \$9.70 from fund 1000 to fund 2180 to correct Nov. gas distribution.
14. The amount of \$6150.00 from fund 2710 to fund 2110 to correct purchase orders.
15. The amount of \$18.15 from fund 2240 to fund 1000 for copies.

/s/ Wilbur Visser

Commissioners met with the Madison County Commission, Big Sky Homeowners Association President George Anderson and Sheriff John Onstad. Items discussed were the 911 system at Big Sky. Radio Communications are at a standstill until a transmitter site in Madison County is obtained. Garbage disposal from refuse district no. 2 seems to be operating well. It was explained that due to security problems at the Detention Center, Madison County prisoners could not be housed there.

Commissioner Visser attended the 4H council meeting.

Commissioners met with interested parties in the Three Forks Airport. Discussed grant funding and land acquisition for runway extension.

March 12, 1985

Commissioners attended the Three Forks Town Council meeting regarding the Three Forks Airport.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for a one year extension of preliminary plat approval of Bridger Inn Planned Unit Development. On April 11, 1984, the Commission gave preliminary plat approval for the planned unit development. Progress is being made toward meeting the conditions necessary for approval. This is a phased development, and according to the regulations, they may have a one year extension for phase one, which is what is being requested. The regulations provide that the extensions for the additional phases cannot exceed five years. The new timetable would be as follows:

Phase I - April, 1986  
Phase II - April, 1987  
Phase III - April, 1988  
Phase IV - April, 1989

According to the regulations, this is the only point at which they may ask for an extension.

Jane Jelinski made a motion to grant the extension for Phase I through April of 1986, seconded by Ramon White, Commissioners Jelinski and Visser voting aye, Commissioner White voting nay. The motion carried, with two for and one against.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding consideration of designating Eagle Rock Subdivision as a Planned Unit Development. This is located at the end of Tayabeshockup Road. This is a 770 acre parcel. Designation as a planned unit development does not mean that the Commission approves the plan or any other requested modifications of standards. The developer has submitted the documents necessary for pre-application review. Ms. Peck states that she has reviewed the pre-application plan that Eagle Rock Ranch has submitted and finds that it generally meets the special intent definition and standards of the planned unit development section of the Subdivision Regulations.

Jane Jelinski made a motion to grant the designation of planned unit development for Eagle Rock Ranch Subdivision, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request by Robert Foster for an approach variance in Buffalo Creek Subdivision. This subdivision was not approved through the regular subdivision review process, it was approved as part of a court settlement. The subdivision regulations clearly require that access to all lots must be provided before final approval can be given; however, this particular issue was not clearly addressed in the court settlement.

Ms. Peck states that she met with Sam Gianfrancisco, Road Superintendent, who has done a site inspection of the area. Mr. Gianfrancisco recommends that culverts and approaches be required only for lots, 2, 3, 4, 5, 6 and 7. It is felt that these installations are necessary so that the drainage system will function correctly.

Should the Commission grant the variance, Ms. Peck recommends either of these two things: that the approaches are installed before the plat is filed, or that the Commission obtain security to insure that the culverts and approaches will be installed. It is recommended that the amount of the cash or the bond be 125% of the cost of the estimated installation costs for these approaches. It is also recommended that if the Commission decides to take the security, the culverts would be purchased at this time and stored in the county road yard.

Sam Gianfrancisco, Road Superintendent, states that his concern is that there has been flooding in the area in the past. There are presently cross-culverts in the area. Mr. Gianfrancisco states that it would be required that gravel approaches be installed on the remaining lots. Mr. Gianfrancisco estimates the cost of the graveled approaches with the culverts will be \$250 to \$300.

Mr. Gianfrancisco states that there is a problem in that there is a question as to where to put the approach on the three large lots prior to the site being built upon. Mr. Gianfrancisco states that he would not object to it if the approaches were not put in right away.

Robert Foster stated that he believed the approaches on the three large lots would be put in by the owners of the lots. Mr. Foster states that he would install the approaches with the culverts on lots, 1, 2, 3 and 4. Mr. Foster requests that the approaches not be required to be installed on the remaining lots until the lots have been sold.

Ramon White made a motion that all approaches be installed to county standards including culverts as required except for lots 6 and 7, seconded by Jane Jelinski. Ms. Jelinski suggested an amendment requiring a bond be posted for lots 6 and 7 for 125% of the assessed costs of approaches and culverts for those two lots. Mr. White states that he does not believe lots 6 and 7 require culverts and an approach is not that expensive to install for a potential buyer. Commissioners Visser and White voted aye, Jelinski voted nay. The motion carried, with two for and one against.

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Mike Money, Assistant Planner for the City/County Planning Board, spoke regarding a Master Plan Amendment for Historical Preservation. This item came before the Commission on March 19, 1985. There were several concerns expressed by the Commission at that time. There was concern regarding more restriction for people within the jurisdictional area, the jurisdiction of the master plan amendment, future elements of the plan and the amendment process, and distribution and availability of the historical survey.

As a result of a subsequent meeting with the Commission, two amendments have been made. Additional copies of the historical survey have been made available. A section has been added to the proposed amendment which reads, "A Master Plan Amendment will be required to formally recognize any additional surveys and districts that may be requested in the future." Therefore, the plan cannot be arbitrarily expanded or extended without going back through the process and receiving approval.

Jane Jelinski stated that she did not feel that this amendment would be regulatory, she felt that if a person did want to preserve the historic character of their property they would be able to do that. Ms. Jelinski states that she is willing to support this amendment.

Ramon White stated that he did not see the necessity of changing the Master Plan.

Ramon White made a motion that the request for a Master Plan Amendment as it pertains to historical preservation be denied, seconded by Wilbur Visser, Commissioners White and Visser voting aye, Commissioner Jelinski voting nay. The motion carried, with two for and one against.

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Marsha Elkins, Assistant Planner for the City of Bozeman, spoke regarding a request for preliminary plat approval of amended plat of lot 3 of Hyalite Foothills Subdivision. This proposal is to split the tract into two lots, with acreages of 1.367 and 1.366. It is suggested that the initiation fee be paid to the Rae Rural Fire District for the additional building site. The staff report does include a brief discussion of the eight public interest criteria. Staff recommends approval of preliminary minor amended plat with the following conditions:

1. That the final plat contain all certificates in the appropriate language as required in chapter 16.40 of the Bozeman Area Subdivision Regulations.
2. That the initiation fees for the additional lot be paid to the Rae Volunteer Fire Department prior to final plat approval.
3. That the Montana Dept. of Health and Environmental Sciences approve the proposed subdivision prior to final plat approval.

Ramon White brought out the point that if the original lot had not been assessed the fee for fire protection, than it should also be required to pay the fee. Ms. Elkins states that she will check into the status of the existing lot.



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Ramon White made a motion to grant preliminary plat approval for amended plat of lot 3 of Hyalite Foothills Subdivision with the conditions as recommended by staff, seconded by Jane Jelinski, none voting nay. The motion carried.

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Francie McLean, representing the Fort Ellis Firecrackers 4H Club, stated that several months ago a request had been made to the Commission for funds to repair the roof at the school. Mrs. McLean presented the original request for funds to the Commission. One quote is for asphalt shingles in the amount of \$1,600.00 and one quote is for cedar shingles in the amount of \$2,698.00. Cedar has a longer life-expectancy than asphalt.

Ramon White made a motion to allocate \$2,000.00 from PILT funds for repair of the roof at Fort Ellis School, seconded by Jane Jelinski, none voting nay. The motion carried.

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Don Brelsford, of Brelsford Engineering, spoke regarding a proposed ethanol plant in Belgrade. There will be a public hearing before the Montana Economic Development Board regarding the use of industrial development revenue bonds for this project. This hearing will be held on March 27, 1984 in Helena. Mr. Brelsford presented some documentation regarding the proposed plant to the Commission. Mr. Brelsford requested that the Commission acknowledge his presentation, which was done by signing a letter Mr. Brelsford prepared to be presented to the Montana Economic Development Board.

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John McKerrin presented the Commission with a petition requesting creation of a Local Improvement District for Nelson Road. This is for two-inch asphalt for one mile north on Nelson Road from its intersection on highway 10 and double-shot oil treatment for the remaining two miles to Outlaw Subdivision. The cost of the proposed improvements is \$140,000. The district will pay for 65% or \$91,000 of the cost. These improvements are to be made over a two year period.

Sam Gianfrancisco, Road Superintendent, stated that there were a couple of other asphalt projects in the Belgrade area to begin in July and he has spoken with the contractors who will be doing the work. They have indicated that if they could coordinate the projects with the Nelson Road project, there would be a good chance of reducing the cost. It would be possible to do the entire mile-and-a-half for the cost of the first mile in asphalt. This project would then have to be bid in July.

The petition will be certified by the Clerk and Recorder and reviewed by the County Attorney.

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Jane Jelinski made a motion to appoint Doug Polette to the County Weed Board, term expiring July of 1988, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:05 P.M.

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ATTEST:

*Gary St. Pungle*  
Clerk

APPROVED:

*William W. Wiser*  
Chairman

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The following are the quarterly securities submitted by the County Treasurer for the quarter ended December 31, 1984:

\$13,167,480.20 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

Pass Book  
First National #1  
Checking

\$ 765,708.93  
2,180,242.29  
441,408.45

Gall Cnty 1974	5.90	1/1/87	40,000.00
Gall MT 1976	8.00	1/1/88	80,000.00
Gall MT 1974	6.00	1/1/89	40,000.00
Arundel Cnty	6.25	12/1/89	100,000.00
Novi MI	6.60	8/1/90	100,000.00
Brighton MI	5.75	5/1/91	100,000.00
Saline MI	5.40	5/1/91	100,000.00
Dawson Cnty	5.00	1/1/92	50,000.00
Co of Cook	5.60	11/1/92	100,000.00
WA Ser A	5.50	4/1/93	50,000.00
Fairfax Cnty	5.20	5/1/93	250,000.00
IL Ser A	5.25	5/1/93	200,000.00
King Cnty	5.50	6/1/93	150,000.00
Park Cnty	5.90	6/15/93	30,000.00
NJ Ser E	5.60	7/1/93	200,000.00
MD 2nd Ser	5.50	7/15/93	200,000.00
Florida St. Bd.	5.20	1/1/92	100,000.00
New Jersey St	5.10	6/1/92	175,000.00
Montgomery Cnty	5.90	6/15/85	100,000.00
Cmnwlth of MA	6.20	8/1/93	300,000.00

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

FIRST SECURITY BANK OF BOZEMANCREDIT BALANCE

\$ 12,100.00

2861	4.09	6/10/87	2,000.00
2862	4.09	6/10/85	2,000.00
2873	4.09	6/10/86	2,000.00
5545	7.875	5/15/86	75,000.00
6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
6722	6.70	6/1/85	110,000.00
6725	4.80	6/1/86	200,000.00
20962	5.20	4/1/87	25,000.00
3370		7/1/87	10,788.75
3371		7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3377		7/1/85	10,788.75
3378		7/1/86	10,788.75
3379	5.00	9/1/92	25,000.00
4012	5.35	7/1/86	9,000.00
4013	4.75	12/1/88	10,000.00
4015	5.50	9/1/85	25,000.00
6000	7.25	9/1/88	120,000.00
PL 2389	5.25	6/1/86	9,000.00

MONTANA BANK OF BOZEMANCREDIT BALANCE

712388  
 577529  
 Checking

\$ 441,584.71  
 2,500,000.00  
 5,751.70

19276	5.75	7/1/85	1,000.00
16710	4.00	7/1/85	15,000.00
19863	4.10	7/1/85	750.00
19265	5.75	7/1/85	8,000.00
19343	3.70	7/1/85	3,200.00
15609	4.70	12/15/85	14,000.00
19008	5.00	1/1/86	5,000.00
19008	5.00	1/1/86	3,500.00
18911	4.50	7/1/86	4,000.00
19265	5.75	7/1/86	8,000.00
19256	4.50	7/1/86	15,000.00
19276	5.75	7/1/86	1,000.00
19346	4.25	7/1/86	10,000.00
15612	4.75	12/15/86	7,000.00
23343	4.75	12/15/86	4,000.00
15609	4.70	12/15/86	16,000.00
19008	5.00	1/1/87	3,500.00
19008	5.00	1/1/87	15,000.00
18911	4.50	7/1/87	4,000.00
19265	5.75	7/1/87	8,000.00
23343	4.75	12/15/87	4,000.00
15612	4.75	12/15/87	7,000.00
19008	5.00	1/1/88	3,500.00
19008	5.00	1/1/88	15,000.00
5078	5.20	3/1/88	10,000.00
19253	4.70	7/1/88	25,000.00
19265	5.75	7/1/88	8,000.00
21351	5.20	7/15/88	50,000.00
28104	5.00	1/1/89	10,000.00
19265	5.75	7/1/89	8,000.00

WESTERN BANK OF BOZEMANCREDIT BALANCE

\$ 2,162.00

VALLEY BANK OF BELGRADECREDIT BALANCE

\$ 1,402.00

MANHATTAN STATE BANKCREDIT BALANCE

\$ 2,594.00

4911	4.75	2/1/85	25,000.00
4912	4.80	2/1/86	25,000.00

SECURITY BANK OF THREE FORKSCREDIT BALANCE

\$ 866.00

333657	8.00	2/15/85	300,000.00
333662	11.625	10/31/86	300,000.00

FIRST SECURITY BANK OF WEST YELLOWSTONECREDIT BALANCE

\$ 865.95

FIRST CITIZENS BANK OF BOZEMAN

9465	11.75	4/30/86	100,000.00
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EMPIRE FEDERAL SAVINGS & LOAN OF LIVINGSTON

8340	13.00	5/26/87	100,000.00
9847	11.95	3/4/85	105,000.00

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAOTHER BANKS

Commerce Trust	5,839.28
Norwest	286,429.87
Southgate State	21,822.50
Yellowstone, Laurel	6,030.00
First Trust Bozeman	165,738.40
First Security Bozeman	1,380.00
First Trust Helena	162,691.25
Cash in Office	147,931.70
School Investments	219,207.67
County Investments	5,795,715.50
	<u>\$13,167,480.20</u>

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PUBLIC MEETING TUESDAY, THE 19th DAY OF MARCH, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of March 5, 1985 and March 12, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTSMarch 12, 1985

Commissioners attended the Three Forks Town Council meeting this evening. Discussion was on the Three Forks Airport with regard to grant funds and city and county cooperation.

March 13, 1985

Received the following A101's:

#7336 from State of Montana in the amount of \$280.41 for distribution of wine tax to the credit of General Fund.

#7335 from State of Montana Dept. of Institutions in the amount of \$3,156.00 for distribution of alcohol tax funds to the credit of the Alcohol Fund.

Commissioners Visser and White attended the Refuse District #2 meeting in West Yellowstone.

March 14, 1985

Received A101 #7353 from Chris Boyd in the amount of \$12.00 for gym rental to the credit of the General Fund.

Ramon White attended the funeral of Dewey Brown, husband of Margaret Brown, Superintendent of Schools.

March 15, 1985

Commissioners Visser and Jelinski met with Ted Koterwas regarding a tax statement that was incorrectly sent.

Commissioners met with Doug Daniels and Jack Lunt, Mayor of Belgrade, to discuss street problems in the City of Belgrade. They requested assistance from the County.

Rest Home grievance hearings were held this date.

March 18, 1985

Commissioner Visser met with Richard Andriolo for depositions regarding the Detention Center.

Commissioners Jelinski and White met with the Road and Bridge Department to discuss various areas of problems within the county.

Commissioner White met with Pat McCrosson regarding central communications.

Commissioner Jelinski and White met with Judy Post regarding Bear Canyon zoning.

Received A101 #7377 from Motor Vehicle Dept. for fines and fees collected in the amount of \$973.00 to the credit of various funds.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

TUESDAY THE 19th DAY OF MARCH 19 85  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

That the sum of \$22.74 as appropriated under general class (1) Salaries and Wages for account 8152-000-440700-190 be transferred to account 8152-000-440700-110 under general class (1) Salaries and Wages.

That the sum of \$600.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-397 be transferred to account 5020-000-440340-360 under general class (2) Maintenance and Support.

That the sum of \$600.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-360 be transferred to account 5020-000-440340-397 under general class (2) Maintenance and Support.

That the sum of \$150.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440310-359 under general class (2) Maintenance and Support.

That the sum of \$750.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-141 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$175.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-360 be transferred to account 5020-000-440340-360 under general class (2) Maintenance and Support.

That the sum of 600.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-360 be transferred to account 5020-000-440340-397 under general class (2) Maintenance and Support.

That the sum of \$600.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-126 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

That the sum of \$80.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-360 be transferred to account 5020-000-440350-364 under general class (2) Maintenance and Support.

That the sum of \$694.60 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-126 be transferred to account 5020-000-440360-130 under general class (1) Salaries and Wages.

That the sum of \$357.14 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-210 be transferred to account 1000-209-420100-361 under general class (2) Maintenance and Support.

That the sum of \$22.74 as appropriated under general class (1) Salaries and Wages for account 8152-000-440700-110 be transferred to account 8152-000-440700-190 under general class (1) Salaries and Wages.

That the sum of \$25.00 as appropriated under general class (1) Salaries and Wages for account 2240-000-410100-110 be transferred to account 2240-000-410100-140 under general class (1) Salaries and Wages.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-205-410580-397 be transferred to account 1000-205-410580-320 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 18th DAY OF MARCH, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 19th

DAY OF MARCH

19 85

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Quarterly meeting will be held in Three Forks on March 20, 1985 at 7:00 P.M. at the City Hall. Items on the agenda include discussion regarding the road to Willow Creek and discussion regarding the Three Forks Airport.

Semi-annual meeting will be held in West Yellowstone on March 27, 1985 at 1:30 P.M. in the Professional Building. Items on the agenda include a request by the Chamber of Commerce and the City of West Yellowstone for PIIT funds, discussion regarding courtroom facilities for the Justice of the Peace, discussion regarding bear/garbage problems.

On March 21, 1985 at 9:00 A.M. the Commissioners will conduct an evaluation of Rest Home Administrator William Cainan pursuant to the letter of February 11, 1985.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval of Akers Minor Subdivision. This subdivision was approved by the Commission in September of 1984. This is a two lot minor subdivision consisting of 7.5 acres, located in the Duck Creek area, near Hebgen Lake.

Ms. Peck had the following comments regarding the conditions for final approval:

1. Approval of the subdivision has been obtained from the State Department of Health.
2. Plans for roads, drainage, placement of street signs, and lot access were approved by the County Road Office prior to installation.
3. All improvements have been installed and were found to be satisfactory by the County Road Superintendent.
4. As shown on the plat, the owner of Koelzer Road is a party to the road dedication.
5. Utility easements are in the public right-of-way.
6. The final plat conforms to the Uniform Standards for final Subdivision Plats and is accompanied by the required certificates.
7. The developer has submitted a written estimate that the fair market value of the unsubdivided, unimproved property is \$1,000.00 per acre. The cash-in-lieu of parkland dedication is thus \$853.00 and a check for that amount has been submitted.
8. The septic system location has been approved by the State Department of Health and is more than 100 feet from Duck Creek.
9. A maintenance agreement for Koelzer Road has been obtained and will be recorded with the final plat.
10. The maintenance agreement for the well was required because one existing well was proposed to serve both lots. However, each lot will have its own well, so the maintenance agreement is unnecessary.

Ms. Peck states that it appears that all of the conditions for final approval have been met.

Ramon White made a motion to grant final approval to Akers Minor Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of an exemption claimed on a certificate of survey.

John Pratt has claimed the family exemption to transfer a 1.67 acre tract to his wife. Mr. Pratt has not previously conveyed a tract to his wife. Transfers between spouses are allowable according to 35 A.G. Op. 70 (1974).

However, a later Attorney General's Opinion, 40 A.G. Op. 16 (1983), and the Gallatin County Subdivision Regulations provide the governing body shall evaluate all relevant circumstances in assessing the intent of the person claiming the exemption. These circumstances may include the prior history of the tract in question and the proposed configuration of the tract if the proposed exempt transactions are completed.

The history of the tract includes a minor subdivision as well as several exempt land divisions. Ms. Peck displayed a copy of the certificate of survey.

This parcel was originally one of eight, twenty acre parcels created by D.E. Barnes in June of 1978 and shown on C.O.S. 555 (color code green on attached survey). In November of 1978, John Pratt claimed the occasional sale exemption on C.O.S. 555A and created a 1.002 acre tract (red).

A five lot minor subdivision for John Pratt was then approved in October of 1979 (yellow). The next land division was another occasional sale of a 3.0067 acre tract by John Pratt and shown on C.O.S. 1026 (blue).

In October of 1982, John Pratt claimed the security for construction financing exemption for a 1.002 acre parcel shown on mortgage survey M-98 (gray). However, on the application to the State Department of Health for the release of sanitary restrictions, Mr. Pratt showed this same parcel as on occasional sale.

Mortgage survey M-98 was filed by John Pratt in May of 1983 and again claimed the security for construction financing exemption for a 1.67 acre tract (pink). This is the tract Mr. Pratt is now claiming under the family transfer exemption.

After considering the above facts and any public testimony that may be given, the Commission needs to decide if this is a proper use for family exemption.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 19th

DAY OF MARCH 19 85  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser asked Mr. Pratt what his plans were for Apache Road. Mr. Pratt stated that he planned to extend it to the north into the twenty acre tract he owns. He states that the 30 foot easement to the east of the subdivided tract is actually the only access to the upper twenty acres.

Jane Jelinski asked Mr. Pratt why he did not go through the minor subdivision review process. Mr. Pratt states that he did an occasional sale which enabled him to obtain the funds to create a five acre minor subdivision.

Mr. Pratt states that the mortgage parcel M-98 should have been shown as an amended plat claiming the occasional sale exemption. Mr. Pratt sold the house on the parcel. Ramon White stated that it was his understanding that mortgage plats could not be sold. Mr. Pratt states that the deed should be recorded at the Clerk and Recorder's Office on that parcel. Mr. Pratt states that this amended plat had the signature of the County Commissioners on it, approving the transaction. Mary Kay Peck stated that she had done a search in the Clerk and Recorder's Office and had only found the mortgage survey plat. Mr. Pratt states that he does not intend to do anymore dividing, the remaining parcel is for sale.

Jane Jelinski stated that two lots would be created from the remainder because the easement would split the lots. Ramon White stated that the twenty acre tract to the north was isolated at this point, until an easement is filed and dedicated. Mr. Pratt states that he is not landlocking the tract to the north and he is not attempting to create three lots, even though this is a possibility.

Mr. Pratt states that he has built a new house and that he wishes to sell the house that sits on the parcel he wishes to convey to his wife via the family exemption.

Ramon White stated that he did not feel that the purpose of an occasional sale was to subdivide a ten or twenty acre tract. Mr. White states that in 1978 Mr. Pratt created an occasional sale, in 1979 a minor subdivision occurred, in 1981 another occasional sale occurred, and in 1982 a mortgage survey occurred which should not have been able to be conveyed. Mr. White states that he is looking at a plat which is creating a complete subdivision without review.

Jane Jelinski stated that she agreed and that there was no guaranteed access to the back lots.

Ramon White recommended that Mr. Pratt come in with a planned subdivision for review.

Ramon White made a motion that the exemption be denied, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser stated that the Commission had received a petition requesting annexation to the Bridger Canyon Rural Fire District and that this was the time for the public hearing regarding this.

Rusty Vandervos states that the property is in the Bridger Hollow Subdivision off of Jackson Creek Road. He states that the district is not being extended, it is merely filling in some gaps in the middle of it.

There was no opposition to this annexation.

Wilbur Visser read the following Resolutions:

WHEREAS, on February 19, 1985, a petition signed by more than 50% of the owners within the area of the privately owned lands included within the proposed district who constitute a majority of the taxpayers who are freeholders of such area was filed and;

WHEREAS, said petition was duly certified by the County Clerk in accordance with Section 7-33-2125, MCA, 1983, and a hearing was held on March 19, 1985; and there being no or insufficient protests;

NOW THEREFORE, the following described land is hereby annexed to the BRIDGER CANYON RURAL FIRE DISTRICT:

All of the NE $\frac{1}{4}$  Section 35, T1S R7E  
All of the SE $\frac{1}{4}$  Section 35, T1S R7E  
All of the NW $\frac{1}{4}$  Section 35, T1S R7E  
N $\frac{1}{2}$  of the SW $\frac{1}{4}$  Section 35, T1S R7E  
E $\frac{1}{2}$  of the NE $\frac{1}{4}$  Section 34, T1S R7E  
NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  Section 34 T1S R7E

Jane Jelinski made a motion to adopt Resolution No. 584, seconded by Ramon White, none voting nay. The motion carried.

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Ramon White made a motion to appoint Jim Moore to the County Fair Board to fulfill the term of John Smith, who has resigned, term to expire December 31, 1986, seconded by Jane Jelinski, none voting nay. The motion carried.

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Quarterly securities were checked with the County Treasurer and found to be in order as entered into the minutes on March 12, 1985.

There being no further business, the meeting adjourned at 2:30 P.M.

ATTEST:

*Mary J. Kungl*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

TUESDAY THE 26th DAY OF MARCH 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of March 19, 1985 as written, seconded by Jane Jelinski, none voting nay. The motion carried.

## ANNOUNCEMENTS

March 19, 1985

Wilbur Visser attended the DUI meeting this evening.

March 20, 1985

Commissioners met with Ken Mosby.

Commissioners met with Ron Allen regarding the Cougar Park Subdivision.

Commissioners attended the City-County Cooperative meeting. Durston Road was the main item of discussion.

Commissioner Visser attended the Audit Committee meeting.

Commissioners attended the quarterly public meeting in Three Forks at 7:00 P.M.

Received the following A101's:

#7384 from Bozeman Little League in the amount of \$18.00 for gym rental to the credit of the General Fund.

#7385 from Montana Physicians Service in the amount of \$272.10 for insurance premium refund to the credit of employer contributions.

#7381 from State of Montana Dept. of Revenue in the amount of \$835.20 for corporation tax for Manhattan State Bank to the credit of various funds.

March 21, 1985

Commissioners Jelinski and White attended the Board of Health meeting.

Commissioners and County Attorney Mike Salvagni met in closed session with William Cainan, Rest Home Administrator, to evaluate whether there was improvement in the operation of the Home. Mr. Cainan was given the opportunity to respond to the Commissioners by 9:30 A.M. Friday, March 22, 1985.

Granted permission to Justice of the Peace Butch Goan to be out of state beginning April 14, 1985 and returning April 26, 1985 to attend judicial college.

Commissioners met with the County Study Commission.

Commissioner Visser attended Refuse District #1 board meeting.

March 22, 1985

Commissioners met as a Welfare Board.

Received A101 #7408 from American Legion Baseball in the amount of \$50.00 for gym rental to the credit of the General Fund.

Commissioners met with William Cainan and Mr. Cainan presented the Commissioners with his resignation effectively immediately. The Commissioners accepted Mr. Cainan's resignation.

Bridger Canyon Zoning Commission met to hear additional testimony on the proposed zoning ordinance revisions and passed a resolution of intent to adopt these into the zoning ordinance.

Commissioner Jelinski attended the Winter Fair Board meeting.

Commissioner Visser attended the Winter Fair banquet this evening.

March 25, 1985

Commissioners met with the Road Department.

Commissioners met with Susan Pence and Bob Heebner of the Public Relations Department of Bozeman Deaconess Hospital. The hospital's public relations program was explained.

Commissioners Visser and Jelinski met with the Chamber of Commerce to discuss Law Enforcement Academy legislation.

Received the following list of new employees:

Gayle Hoehn, Nurses Aide I, Rest Home, 4.7174/hr., 2-27-85.  
James Sinclair, Technician, Soil Conservation Service, 5.49/hr., 3-4-85.  
Barbara Kuiken, Cook, Sheriff's Office, 5.02/hr., 3-14-85.  
Patricia White, Temporary Clerk, Assessor's Office, 4.25/hr., 3-25-85.

Commissioners met with David Kitts, Manager of Telecommunications Resources, Inc. of Butte to discuss our communications system and its capabilities.

Commissioner Visser attended the Fair Board meeting.

TUESDAY THE 26th DAY OF MARCH 19 85  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

March 26, 1985

Received the following A101's:

#7431 from First National Bank of Bozeman in the amount of \$710.98 for interest earned on CD to the credit of various funds.

#7432 from First National Bank of Bozeman in the amount of \$1,787.81 for interest earned on CD to the credit of revenue sharing and PILT funds.

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Wilbur Visser stated that this was the time for the bid opening for weed chemicals. Mr. Visser called for any additional bids and closed the bidding at this time.

Reeves Petroff, County Weed Supervisor, read the bids as follows:

Churchill Equipment Company, Manhattan, Montana:

500 gals. 2,4D Amine, 5 gal. drums: \$6.44/gal.  
315 gals. Tordon 22K, 5 gal. drums: 72.22/gal.  
100 gals. Banvel, 2/2½'s: 45.85/gal.  
155 gals. Activator NF, 5 gal. drums: 5.24 gal.  
100 gals. Banvel II liquid, 2/2½'s: 27.77/gal.  
50 gals. Chem-Trol, 1 gal. jugs: 11.33/gal.  
1000 lb. Banvel 10G Beads, 25 lb. pails: 1.71/lb.  
495 lb. Tordon 2K Beads, 45 lb. pails: 1.15/lb.

AgriBasics Company, Belgrade, Montana:

4# Amine, 100-5's (500 gal): \$6.70 gal.  
Tordon 22K 63-5's (315 gal): 75.57 gal.  
Banvel 20cs - 2/2.5(100 g): 47.88 gal.  
Activator NF, 31-5's (155 gal): 5.40 gal.  
Banvel II, 20 cs-2/2.5 (100 g): 29.00 gal.  
Chem Trol, 50-1's (50 gal): 11.75 gal.  
Banvel 10G 40-25# (1000#): 1.74/lb.  
Tordon 2K 11-45# (495#): 1.17/lb.

Cargill Inc., Bozeman, Montana:

Amine 24D, 5's: 6.60 Gal.  
Tordon 22K, 5's: 71.10 gal.  
Banvel, 2/2½: 46.15 gal.  
R-11 Spreader Sticker, 2/2½: 11.75 gal.  
Banvel II, 2/2½: 29.00 gal.  
Banvel XG, 25# Bucket: 1.84 lb.  
Tordon 2K, 45#: 1.11 lb.  
Nal Cotrol, qts., 7.00 qt.  
Sta put, 2/2½, 7.75 gal.

The Weed Board will review the bids and make their recommendation to the Commission at todays' meeting.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Rulon and Margaret Gardner have claimed the occasional sale exemption. Mr. and Mrs. Gardner have not taken a prior occasional sale from this tract or contiguous tracts, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, Commissioners Jelinski and Visser voting aye, Commissioner White voting nay. The motion carried, with two for and one against.

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Ken Mosby, Administrative Assistant, spoke regarding the bid for a repurchase agreement contract. This is for two agreements, each being in the \$500,000 to \$3,000,000 range. Two bids were received, one from First Security Bank of Bozeman, and one from Montana Bank of Bozeman. The Audit Committee recommends that one repurchase agreement be taken from First Security Bank and one from Montana Bank.

Jane Jelinski made a motion to grant the repurchase agreements to Security Bank of Bozeman and Montana Bank of Bozeman as recommended by Ken Mosby, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser read the following Resolution:

WHEREAS, pursuant to Section 7-6-2219(1), MCA 1983, a board of county commissioners has the power and authority to appropriate money received from state government, regardless of the time the money is received, by formal resolution; and,

WHEREAS, the Gallatin County Historical Society has received a grant from the State of Montana Historical Society in the amount of \$6,912.93; and,

WHEREAS, the Gallatin County Historical Society requests that the Board of County Commissioners of Gallatin County appropriate the state grant in the sum of \$6,912.93 to the Gallatin



TUESDAY THE 26th DAY OF MARCH 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

County Historical Society budget, Fund #2362, to be spent by the Gallatin County Historical Society pursuant to any state requirements specified in state legislation;

NOW THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby appropriates the sum of \$6,912.93 from the State of Montana Historical Society grant to the Gallatin County Historical Society to be credited to the budget of the Gallatin County Historical Society in Fund #2362, to be spent by the Gallatin County Historical Society pursuant to any state requirements specified in state legislation.
2. That pursuant to Section 7-5-2201(1), MCA 1983, this resolution shall be effective immediately upon adoption by the Gallatin County Commission.

Jane Jelinski made a motion to adopt Resolution No. 585, seconded by Ramon White, none voting nay. The motion carried.

These were grant monies to be used for the renovation of the old Jail.

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Sam Gianfrancisco, Road Superintendent, spoke regarding establishment of a speed limit on Manhattan Oiled Road. This road is east-northeast of Manhattan. Two subdivisions have been annexed in the area and the city limits of Manhattan have been moved 1,000 feet easterly. The City of Manhattan has set a speed limit of 35 MPH as you travel out of the City, after 300 feet it jumps to 45 MPH, and then to 55 MPH. The City requests that the 25 MPH zone be extended to the city limits. Mr. Gianfrancisco states that it does not meet the criteria of an urban density to have a 25 MPH limit. The City of Manhattan stated that since this cannot be done, they would like to see it lowered to at least a 35 MPH speed limit. The Road Department would agree to this. They would also propose to extend the 45 MPH limit out another quarter of a mile. They would propose to extend the 35 MPH zone out 1,000 feet, and extending the 45 MPH limit out another quarter of a mile, and then making it 55 MPH beyond that point. The area will be monitored by the city police in Manhattan.

Wilbur Visser read the following Resolution:

WHEREAS, it is necessary in the County of Gallatin, State of Montana, to designate 35 MPH speed limit on Manhattan Oiled Road from city limits east for 1000 feet more or less and thence designate 45 MPH for the next 1/4 mile because of heavy traffic and new houses being built on South side of road.

THEREFORE, BE IT RESOLVED, that Manhattan Oiled Road in the county has a designation of 35 MPH for 1000 feet more or less and 45 MPH for the next 1/4 mile.

Ramon White made a motion to adopt the Resolution, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski stated that she had received the recommendation of the Weed Board to award the bid for weed chemicals to Churchill Equipment Co. in the amount of \$36,989.25. Jane Jelinski made a motion to grant the bid to Churchill Equipment Co. for the weed chemicals, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:10 P.M.

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ATTEST:

Clerk

*Sandy A. Hengle*

APPROVED:

Chairman

*Wilbur Visser*

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PUBLIC MEETING TUESDAY, THE 2nd DAY OF APRIL, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of March 26, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

March 26, 1985

Commissioner Jelinski attended the Belgrade City-County Planning Board meeting last evening.

Received the following list of transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages". and (2) "Maintenance and Support". may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

TUESDAY

THE

2nd

DAY OF  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

APRIL

19 85

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-370 be transferred to account 1000-212-420810-310 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-370 be transferred to account 1000-212-420810-210 under general class (2) Maintenance and Support.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-320 be transferred to account 2180-208-420300-370 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 26th day of March, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Commissioners met with Ken Mosby.

Commissioners held their public meeting in West Yellowstone. Also present were County Attorney Mike Salvagni and Deputy County Attorney Tom Anacker.

Received A101 #7443 from Montana Physicians Service in the amount of \$80.56 for insurance premium refund to the credit of employer contributions.

March 28, 1985

Bridger Canyon Zoning Commission held a special meeting regarding a request for an extension of the conditional use permit for Montana Blescoe, Inc. This request was granted.

Commissioners met with Pat McCrosson and Bill Weber regarding the County Fire Marshall program.

Commissioners, Sam Gianfrancisco, Road Superintendent, and Bob Jordan, Bridge Foreman, met with Dave Linford of Insurance Company of North America regarding the insurance claim on Penwell Bridge.

Received A101 #7454 from Jamie Stanhope in the amount of \$6.00 for gym rental to the credit of the General Fund.

Commissioner Jelinski attended the HRDC Board meeting.

March 29, 1985

Received the following A101's:

#7467 from First Security Bank of Bozeman in the amount of \$805.48 for interest earned on CD to the credit of Rest Home and Protest Funds.

#7466 from First Security Bank of Bozeman in the amount of \$800.68 for interest earned on CD to the credit of various funds.

#7465 from First Security Bank of Bozeman in the amount of \$1,989.73 for interest earned on CD to the credit of the General and Poor Funds.

April 1, 1985

Commissioners interviewed applicants for the position of Office Manager for the County Rest Home. The Commissioners offered the position to Karen Frieling, and Ms. Frieling accepted.

Commissioner Jelinski met with the Dog Control Committee.

Commissioners Visser and White met with Robert Foster regarding lot approaches in Buffalo Creek No. 2 Subdivision.

Received the following A101's:

#7487 from Security Bank of Three Forks in the amount of \$4,550.35 for interest earned on CD to the credit of the General Fund.

#7486 from Montana Bank of Bozeman in the amount of \$6,862.68 for interest earned on CD to the credit of the General Fund.

Received a report from the Clerk and Recorder's Office showing the filing fees for the month of March in the amount of \$6,533.83.

Received a list of transfers of funds as follows:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages". and (2) "Maintenance and Support". may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

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That the sum of \$40.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410900-320 under general class (2) Maintenance and Support.

That the sum of \$400.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-231 be transferred to account 2160-000-460200-345 under general class (2) Maintenance and Support.

That the sum of \$400.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-210 under general class (2) Maintenance and Support.

That the sum of \$1,500.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-220 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-320 under general class (2) Maintenance and Support.

That the sum of \$1,500.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-360 under general class (2) Maintenance and Support.

That the sum of \$150.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-370 under general class (2) Maintenance and Support.

That the sum of \$2,400.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410336-370 be transferred to account 2180-208-410336-352 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 1st day of April, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Received and approved a services contract for Judith H. Harris to assist the Superintendent of Schools in administering the achievement tests. The rate of pay shall be \$5.25 per hour. This is for the period March 18 through June 1, 1985.

Commissioners went to Willow Creek and met with a group of concerned citizens concerning roads in the area.

April 2, 1985

Held Department Head staff meeting.

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Randy Thoreson, Belgrade City-County Planning Director, spoke regarding a request for final approval of Krushensky Minor Subdivision. This minor subdivision is located 1½ miles southeast of Belgrade adjoining Alaska Road. Mr. Thoreson submitted his staff report. Nine conditions were set forth for final approval. The nine conditions that have been met for final approval are as follows:

1. Proposed road be researched, designed and built as per County standards. Specific attention given to grade differential and existing borrow pit. That said road and drainage plans be submitted to the County Engineers Office prior to installation of improvements and all improvements be complete prior to final plat.
2. Proposed Road be named. That street sign placement plans be submitted to County Engineers Office.
3. Because of potential safety hazards, Lot 1 access off of the proposed new road serving the subdivision.
4. Necessary utility easements be shown along lot lines and noted on final plat.
5. That a provision be made to insure that all lots be kept weed free and treated in a husbandry-like manner and that all areas disturbed by construction be reseeded with preferred vegetation types.

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6. That a \$35.00 per lot fee be paid to the Belgrade Rural Fire Department as a cash-in-lieu payment to cover the cost of fire protection until construction can be picked up on the tax roles.

7. That the final plat meet current dedication and certification requirements.

8. That the Final Plat conform to the Uniform Standards for Final Subdivision Plats and be accompanied by an approval from the State Department of Health and Environmental Sciences, a platting certificate and a County Attorney's Certificate.

9. That a deed be filed in the Clerk and Recorder's Office transferring ownership of the sixty (60) feet public right of way to Shelly Krushensky.

No covenants have been submitted with this minor subdivision.

The fees for the Belgrade Rural Fire Department for fire protection and cash-in-lieu of park monies have been submitted.

Mr. Thoreson stated that with regard to condition no. 9, the road is included within the survey of the minor subdivision and is now a part of the subdivision. The road has been dedicated to the public.

Jane Jelinski made a motion to grant final approval for Krushensky Minor Subdivision seconded by Ramon White, none voting nay. The motion carried.

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Randy Thoreson, Belgrade City-County Planning Director, spoke regarding a request for final approval for Yukon Subdivision. Mr. Thoreson submitted his staff report. The conditions that have been met for final approval are as follows:

1. That McMillan Lane be constructed to County standards and filed with minor subdivision to the south prior to Yukon final plat.
2. That plans for roads, drainage, culverts and placement of street signs be approved by the County Engineer's Office prior to final plat approval.
3. That lot 3 of Phase I will have access on McMillan Lane and not Alaska Road. This provision will be stated on the final plat.
4. That necessary utility and drainage easements be shown on final plat.
5. That a \$35.00 per lot fee be paid by the developer to the Belgrade Fire Department, prior to final approval.
6. That a provision be made to insure that all lots be kept weed-free and treated in a husbandry like manner and that all areas disturbed by construction be reseeded with preferred vegetation types.
7. That cash-in-lieu and dedicated park conform to park dedication requirements.
8. That either Kodiak Place or Ketchikan Circle be extended to north adjoining property to provide future access.
9. Final plat conform to uniform standards and be accompanied by necessary certificates including a certificate of approval from the Department of Health and Environmental Sciences.
10. Covenants be reviewed by County Attorney's Office prior to final plat. Further, that homeowner's agreement in covenants reflect maintenance of roads, wells and drainage system.

This is a 22.9 acre tract divided into twenty-two lots. The Road Department has inspected the roads and find that they are built to Belgrade Area Subdivision Regulation standards. Covenants have been submitted for this subdivision. Cash-in-lieu has been submitted for Phase I, in Phase II there will be a park dedicated.

There was some discussion regarding the condition requiring that Kodiak Place or Ketchikan Circle be extended to the north to provide access for Phase II. This was a condition for final approval; however, it is not shown on the plat as these roads have not been constructed.

Jane Jelinski questioned how the Commission could approve Phase I on the basis of something that would be done in Phase II. She questioned what would happen if Phase II were not developed.

Randy Thoreson stated that this is only one part of the overall Master Plan for this development.

Ramon White stated that it would have to be assumed that Phase I had adequate access. However, Phase II cannot be developed without the access from Phase I.

Jane Jelinski asked whether Mr. Thoreson believed that Phase I had adequate road access should Phase II never be developed. Mr. Thoreson stated that he believed this was an appropriate design.

Ramon White made a motion to grant final approval for Yukon Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, was absent; therefore, Chairman Wilbur Visser read the staff report regarding a review of exemptions claimed on certificates of survey.

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Thomas Kirwan has claimed the security for construction financing exemption. Mr. Kirwan has submitted a statement certifying that only one parcel is being created within the original tract and that he will retain title to and possession of the original tract. American Federal Savings and Loan has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption for Thomas Kirwan, seconded by Ramon White, none voting nay. The motion carried.

Mark G. and Linda J. Hackbarth have also claimed the security for construction financing exemption. Mr. and Mrs. Hackbarth have submitted a statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. American Federal Savings and Loan has certified that creation of the mortgage parcel is necessary to secure a construction loan. From the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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Beverly Knapp presented the annual report of the Bozeman Library. The library currently serves 33,000 cardholders, which is more than the population of Bozeman. This does not include alot of university students. The library serves county as well as city residents.

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Jane Jelinski made a motion to reappoint Steve Nowak to the Willow Creek Rural Fire District Board, seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion to appoint Leroy Miller to the Willow Creek Rural Fire District Board, seconded by Jane Jelinski, none voting nay. The motion carried.

These terms will expire in April of 1988.

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Wilbur Visser announced that there is a vacancy on the Bridger Canyon Rural Fire District Board. This is a three year term.

There are also two vacancies on the Sedan Fire District Board. These are also three year terms.

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There being no further business, the meeting adjourned at 2:20 P.M.

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ATTEST:  
*Gayle B. Dingle*  
Clerk

APPROVED:  
*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 9th DAY OF APRIL, 1985 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of April 2, 1985 as written, seconded by Ramon S. White, none voting nay. The motion carried.

ANNOUNCEMENTS

April 3, 1985

Commissioners met with Ken Mosby.

Received A101 #7495 from State of Montana Dept. of Highways for fees and taxes collected by the Highway Dept. in the amount of \$40,492.47 to the credit of various funds.

Commissioners met with Bob Paugh regarding the Baxter Creek Subdivision.

Commissioners met with the Telecommunications Resources, Inc. representatives from Butte and were presented with the proposal for evaluating the county communications system.

April 4, 1985

Commissioners met with the County Health Department and dicussed programs budgets.

Commissioner Jelinski, Ted Huber of the Law Enforcement Academy, and Jim Wysocki, Bozeman City Manager, met and discussed the Law Enforcement Academy.

Commissioner Jelinski attended the TAC meeting.

Commissioners Visser and White met with Rick Kerin and others concerning upgrading of Durston Road.

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Commissioners met with members of the Historical Society and discussed how the County can help the Museum with in-kind services.

Received the following A101's:

#7508 from State of Montana Dept. of Revenue in the amount of \$40.00 for corporation tax payment for 1984 from First Citizens Bank of Bozeman to the credit of various funds.

#7513 from State of Montana Dept. of Revenue in the amount of \$269.32 for distribution of wine tax for March, 1985 to the credit of the General Fund.

#7512 from Gallatin County in the amount of \$2,364.33 for welfare credits to the credit of the Poor Fund.

#7511 from Gallatin County in the amount of \$556.01 for purchase order charges to the credit of the General Fund.

April 5, 1985

Commissioners Visser and Jelinski, Sam Gianfrancisco and Bob Jordan toured roads and the rock quarry.

Received the following A101's:

#7521 from State of Montana Highway Safety Division in the amount of \$1,728.35 for DUI Program Reimbursement to the credit of the DUI Fund.

#7520 from Jay Bruner in the amount of \$12.00 for gym rental to the credit of the General Fund.

April 8, 1985

Commissioners met with the Road Department.

Commissioners, County Assessor Arletta Derleth, and Clerk and Recorder Gary Pringle viewed parcels of land taken for tax deed.

Bridger Canyon Zoning Commission met in a special session to consider asking Sohio Oil for a 30-day extension of time for the conditional use permit hearing. The Board passed a motion to request this.

April 9, 1985

Received the following A101's:

#7556 from State of Montana Dept. of Revenue in the amount of \$60.00 for child support incentive payments to the credit of the General Fund.

#7555 from State of Montana Dept. of Revenue in the amount of \$22,164.61 for distribution of liquor license tax for the quarter ended December, 1984 to the credit of various funds.

#7463 from First Bank of Bozeman in the amount of \$3,454.53 for interest earned on CD to the credit of various funds.

#7544 from First Bank of Bozeman and Montana Bank in the amount of \$37,760.08 for interest earned on repurchase agreement to the credit of the General Fund.

#7553 from Justice of the Peace B. J. Hultz in the amount of \$5,251.15 for J.P. receipts from June, 1984 to February, 1985 to the credit of various funds.

Received report from the Sheriff's Dept. for prisoner board billing for the month of March in the amount of \$7,761.00.

Commissioners met and interviewed Tamara Hougen who has submitted an application to manage and deal cards at the Friendly Tavern.

Commissioners met with landowners on Nelson Road regarding the creation of the Local Improvement District for the road.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of an exemption claimed on a certificate of survey.

Vaughn L. Everly has claimed the family exemption to transfer a 1.00 acre tract to his wife. Mr. Everly has not previously conveyed a tract to his wife. Transfers between spouses are allowable according to 35 A.G. Op. 70 (1974).

However, a later Attorney General's opinion, 40 A.G. Op. 16 (1983), and the Gallatin County Subdivision Regulations provide the governing body shall evaluate all relevant circumstances in assessing the intent of the person claiming the exemption. These circumstances may include the prior history of the tract in question and proposed configuration of the tract if the proposed exempt transactions are completed.

The history of the tract is as follows.

This parcel is located in an area frequently referred to as Dry Creek Estates. Dry Creek Estates consists of parcels that were originally twenty acres or greater, and that have subsequently been further divided by using additional exemptions to the Subdivision Regulations.

The Everly's property was originally part of a Tract 25 (red) of COS 617. COS 617 was recorded in April of 1981, and showed a 6.000 acre parcel, Tract 25B, (blue) for occasional sale. Everly's parcel is located within Tract 25B.

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In July of 1983, COS 617E was recorded and claimed four parcels for occasional sale. Three one acre (green) parcels, 25B-2, 25B-3, 25B-4, and a three acre (yellow) parcel, 25B-1, which is currently owned by the Everlys, were shown on the survey. The Certificate of Exemption on COS 617E, which must be signed by the owners of record, includes the Everly's signatures.

The Certificate of Survey submitted by Mr. Everly would separate a one acre (orange) tract, 25B-5, from Tract 25B-1. This is the tract for which Mr. Everly is claiming the family exemption, and would be transferred to his wife, Penny Everly.

Mr. Peck requested that her staff report be entered into the record and displayed the plat.

There was some discussion regarding access to the property. Mr. Everly stated that there was presently a road which goes up to the boundary and there is a driveway to the property. The road is graveled and Mr. Everly stated that it is "supposedly" built to county standards.

Jane Jelinski asked Mr. Everly why he wished to transfer property to his wife when they owned the property jointly. Mr. Everly states that they have moved a house onto the one acre tract which they are fixing up and will eventually move into. They will then divest themselves of the two acre tract. Mr. Everly does not own the three lots on the east and has no interest in them.

Rick Kerin, representing Hank Dyksterhouse and Vaughn Everly, in surveying the property, stated that he can verify that Mr. Everly did not have any involvement in the three easterly tracts. Mr. Dyksterhouse exercised his option and elected to split them up. Mr. Kerin states that had the regulations been the same in 1982 as they are now, he probably would have split the land with a minor subdivision. The only difference is that cash-in-lieu of park was not deposited and there is not a 60 foot right-of-way, there is a 30 foot right-of-way which Mr. Kerin believes is sufficient. Mr. Kerin states that Mr. Everly is not attempting to circumvent the law.

Ramon White made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Marcia Elkins, Assistant Planner, Bozeman City-County Planning Board, spoke regarding a request for preliminary plat approval for amended minor subdivision plat of lot 69 of Eyalite Foothills Subdivision No. 1. The applicant is Foster Lee Holloway. This lot is located at the corner of Starling Drive and Bluebird Drive. Ms. Elkins displayed a plat of the lot. The proposed lot split is for two lots consisting of 1.171 and 1.174 acres.

Ms. Elkins submitted her staff report. The proposed lot split is within the Rae Volunteer Fire District and the staff recommends that the initiation fee be paid for both lots. The Planning Staff further recommends that the certificates contained on the preliminary plat be corrected to reflect the requirements established in Chapter 16.40 of the Bozeman Area Subdivision Regulations and that a twenty foot utility easement be delineated on the plat to provide consistency. Ms. Elkins' staff report reviewed the public interest criteria.

The Planning Staff recommends approval of the plat with the following conditions:

1. That the Final Plat will contain all required certificates and the appropriate language as required in Chapter 16.40 of the Bozeman Area Subdivision Regulations.
2. That the applicant document that the initiation fees for both lots have been paid to the Rae Volunteer Fire Department prior to the final plat approval.
3. That Montana Department of Health and Environmental Sciences approval be obtained prior to final plat approval.
4. That the utility easement should be delineated as a twenty foot easement along the exterior lot boundary of lot 69A.

Ramon White suggested that in the future when the subject of the initiation fees to the fire district comes up, the Planning Staff should find out what the fees are and put them in the staff report.

Jane Jelinski made a motion to approve the request for preliminary plat approval for lot 69 of Hyalite Foothills Subdivision with the four conditions as provided by staff, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that this was the time for the public hearing regarding a proposed abandonment of a portion of Central Avenue in Rainbow Subdivision. Mr. Visser stated that he had the notice of publication and the letters to the adjoining property owners.

Mr. Visser read the letter from the viewing board as follows:

March 8, 1985

Gallatin County Commission  
County Courthouse  
Bozeman, MT 59715

Re: Proposed Abandonment of Portion  
of Central Avenue in Rainbow Subdivision

Dear Commissioners:

We, the duly appointed viewing board, viewed the portion of Central Avenue which is 80 feet wide that lies between lots 147, 148, 149, 150, 151, 152, 153, 154 and lots 102, 103, 104, 105, 106, 107, 108, 109, and 110, Rainbow Subdivision, Section 14, Township 2 South, Range

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4 East, Gallatin County, Montana.

We find that the portion of Central Avenue requested for abandonment serves only the before described lots which are held in complete ownership by Darrell and Edith Randall.

We hereby recommend that this portion of Central Avenue be abandoned subject to the following conditions:

1. That a Certificate of Survey be prepared and filed with the Gallatin County Clerk and Recorder rearranging all of lots 147, 148, 149, 150, 151, 152, 153, 154, and portion of Central Avenue, and lots 102, 103, 104, 105, 106, 107, 108, 109, 110, Rainbow Subdivision, Section 14, Township 2 South, Range 4 East, Gallatin County, Montana into one tract.

Sincerely,

/s/ Earl R. Best  
 /s/ Ramon S. White

Darrell Randall, a property owner on the road, states that his family are about the only ones who use the road. It doesn't have any use for anyone else. Mr. Randall states that he would be agreeable to the recommendation by the viewing board.

Jane Jelinski made a motion to grant the abandonment of Central Avenue in Rainbow Subdivision and to include the recommendation of the viewing board, seconded by Ramon White, none voting nay. The motion carried.

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Sam Gianfrancisco, Road Superintendent, stated that originally he had requested that the Commission place load limits on Hidden Valley and Valley Center Roads; however, since this was proposed, it has come to the Road Department's attention that almost all of the county roads are suffering from frost boils and damage due to excessive loads being hauled on them. Mr. Gianfrancisco requests that the Commission place a county-wide load limit on all county roads.

Tom Anacker, Deputy County Attorney, stated that the Commission is empowered to limit or forbid any traffic or class of traffic on county roads or any part of the county roads when it is necessary in order to preserve or repair such roads.

Mr. Gianfrancisco recommends a load limit of 350 pounds per inch of tire width. This would be for a period of at least 60 days. Mr. Gianfrancisco states that he believes it would be a safety hazard if the load limits were not imposed because of the pot holes that are developing. Mr. Gianfrancisco requests that the Commission adopt an emergency resolution so that the load limits would be placed in effect immediately.

Mr. Anacker stated that he would recommend that the load limits be posted and published with the press; however, he will look into this matter.

Jane Jelinski made a motion to adopt an emergency resolution establishing load limits on all county roads in the interest of health and safety and to preserve the roads. This load limit would be 350 pounds per inch of tire width, pursuant to the County Commission's authority under Section 7-14-2127. This will be known as Resolution No. 587, to be effective immediately. This motion was seconded by Ramon White, none voting nay. The motion carried.

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Ramon White made a motion to appoint Scott Bowen to the Gallatin Canyon Rural Fire District Board, per a request by Robert Donovan, Trustee Chairman of the Board, seconded by Jane Jelinski, none voting nay. The motion carried. This is for a three year term.

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Jane Jelinski stated that the Dog Control Committee met after the first reading of the proposed Dog Control Ordinance and have proposed the following minor changes to the original ordinance.

Copies of the ordinance were made available to the public; however, they did not include the proposed changes.

On page two of the ordinance, the kennel definition shall be changed to read: "A kennel shall mean any establishment wherein or whereon more than three dogs are permanently kept which are over six months of age."

On page 3, section 4b, License Tags: "It shall be lawful to remove the collar only when the dog is under the immediate control of its owner or authorized agent, or is confined on the owner's property."

The third change would be to take every reference to the Gallatin County Treasurer's Office and change it to the Gallatin County Dog Control Officer. The Sheriff's Office has agreed that they would take on the responsibility of licensing.

Tom Anacker explained the fourth change, which has been suggested by the County Attorney Mike Salvagni. The following memo was read into the record:

TO: GALLATIN COUNTY COMMISSIONERS  
 FROM: MIKE SALVAGNI, COUNTY ATTORNEY  
 RE: PROPOSED DOG CONTROL ORDINANCE  
 DATE: APRIL 9, 1985

In the proposed dog control ordinance the penalties for Failure to License a Dog, Failure



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to Display a License Tag and Dogs Running at Large provide for a fine with no jail time required. Under the Montana Criminal Code a person may be guilty of an offense without having a mental state if the offense is punishable by a fine not exceeding \$500 and the definition of the offense clearly indicates a legislative purpose to impose absolute liability.

The offenses named above appear to impose absolute liability because the punishment does not exceed \$500 and there is no provision for jail time. However, there is no statement that it is your purpose to impose absolute liability. With an absolute liability offense the prosecution is not required to prove that the offender purposely, knowingly or negligently committed the offense.

Therefore, if it is your purpose to impose absolute liability, I suggest that you state the purpose in the ordinance. The following statement would be appropriate: "For each offense described in this ordinance for which no jail time is prescribed as a penalty, it is the purpose of the Gallatin County Commission to impose absolute liability for the commission of that offense."

Jane Jelinski stated that she would insert this on page 9 after impoundment fees. Ms. Jelinski read the proposed dog control ordinance, inserting the changes into the ordinance.

Tom Anacker suggested that the absolute liability language should be a separate heading, rather than inserted under section 9. He would suggest that it be numbered as paragraph 10, entitled "Absolute Liability". He further suggests that paragraph no. 10 would then be renumbered 11, and so on. Mr. Anacker also suggested that there be included a specific effective date of the ordinance, ordinances are normally in effect thirty days after final adoption. Mr. Anacker suggests that the effective date be included as a new paragraph 14.

The following persons spoke in favor of the ordinance:

Stan Rosenberg, President of the Wheatland Hills Homeowners Association, spoke on behalf of 50 property owners who are in favor of the ordinance. Mr. Rosenberg suggested that paragraphs 8a and 6b be included in the County Health Department regulations.

Mike Sand, a resident of the Wildflower Subdivision. Mr. Sand has also submitted a letter to the Commission.

Kathy Batson, secretary for the Middle Creek Meadows South Homeowners Association.

Yvonne Freshiola, of Hyalite Foothills Subdivision.

Mark Guenther, of Hyalite Heights Subdivision.

Bill Taylen, who lives a half-mile outside the city limits on West Durston.

Max Petersen, who lives on Valley Drive, west of town.

John Paugh, a rancher, who stated that the problem is not restricted to subdivisions only, it is a problem for anyone who lives near a subdivision.

Pat Petersen, who lives on Valley Drive.

Sandy Cordes, a former animal control officer.

At this time the meeting was recessed for five minutes and readjourned at 3:45 P.M.

The following persons spoke in favor of the ordinance:

Mary Lyons, former animal control officer for Gallatin County. Ms. Lyons presented the Commission with the figures on animal complaints that she received during the period November, 1981 until August 1982. There were a total of 575 complaints.

Carl Trihub, a resident of Peak View Subdivision.

Sheriff L. John Onstad stated that his department receives numerous complaints regarding dog problems that they respond to. Sheriff Onstad states that he believes this ordinance is a good ordinance and addresses Gallatin County's problem. Sheriff Onstad stated that the old ordinance was not tried for a long enough period of time.

Sheriff Onstad stated that presently his office does not have the legal authority to take care of the problem unless the dog is harassing livestock or is a nuisance. Sheriff Onstad believes that the dog ordinance would be very close to being self-supporting.

Marguerite Fulker, a rancher.

Lynn Post, an Amsterdam resident.

Those speaking in opposition of the ordinance included:

Bill Myers spoke on behalf of Babe Goldenstein, president of the Agricultural Preservation Association. The APA has reviewed the ordinance and voted unanimously to oppose it. They believe that the proposed budget is unrealistic as it provides for another county employee and will not be self-supporting.

Ray Myers, who lives on Sourdough Road.

Bud Burkhart, a rancher south of Bozeman.

Karl Seel, an attorney and resident of Bozeman.

Ron Frank, who lives on River Road.

Gwen Myers, who lives on Sourdough Road.

At this time, the hearing was closed to public comment and opened to board discussion.

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Jane Jelinski stated that for the record she has received one phone call from a woman against the ordinance and has received phone calls favoring the ordinance from Mike and Sue Hartzheim, Linda Simones, Kirk and Diane Stovall, John and Mary Hecht, Hilary Kammerer, Elmer Jerke, Linda Zent, Wilbur Spring, Sandy Cordes and Ann Williams. Ms. Jelinski states that she has received a letter opposing the ordinance from Eugene Sharp, and letters favoring the ordinance from Emily Swanson, Dorothy and John Fisher, Fred Sandiwald, Kathleen Fisher, Barb Weber, Wally Terpstra, Rick Jensen, Jack Shaw and Mike Sand.

Ramon White stated that the majority of calls he received were from people who were against the ordinance. Mr. White stated that the petition stimulated the ordinance had 238 signatures on it that were residents of the City of Bozeman out of a total of 637 signatures. There were 30 that were residents of Belgrade, 11 from Manhattan, 9 from Three Forks and one from West Yellowstone. There were 3 from Great Falls, 2 from Billings, 2 from Butte, 1 from Whitehall, Martinsdale, Wilsall, Malta, Townsend, Livingston, Ennis and Phillips. Wisconsin. Out of the rural people that signed the petition, the bonified agricultural people that signed the petition were a total of 29. Of the suburban areas, there was a total of 291 signatures. Mr. White stated that this indicates to him that it is probably more of a suburban problem than a rural problem.

Mr. White feels that the problems of the subdivision should be addressed but does not feel that the ordinance is the answer. Mr. White states that he has a problem with the funding and will not vote for any county general fund levy. He does not believe it will fund itself; however, it may on a smaller scope. He would be agreeable to working out some modifications.

Wilbur Visser stated that he has received numerous calls, both for and against. Since yesterday morning, he has received twenty-four calls for the ordinance, and nine against. The petition from the APA contained 40 signatures against the ordinance. Mr. Visser stated that he is not against dog control; however, he does not feel that the budget is realistic. He states that funding from the General Fund would cause another county service to suffer from lack of funding. He states that he does not believe the ordinance would be enforceable county-wide. Mr. Visser suggests that a dog district be created wherever the problem seems to be the worse.

Jane Jelinski stated that she would be willing to continue working on the ordinance so that it would be acceptable to everyone. In terms of the budget, this budget is approximately one-half of the cost of the original budget the Administrative Assistant prepared. Ms. Jelinski stated that a \$68,000 home in Gallatin County would probably pay an \$.80 tax to support the program. Ms. Jelinski believes that there is a very serious public health and safety problem and a serious problem for sheep owners. Ms. Jelinski stated that if the other two Commissioners are unwilling to support this ordinance, she would be happy to work with them on an ordinance that they would support.

Mr. White stated that he had received a call from Jim Drummond who suggested that the county enter into an agreement with the Humane Society to answer any dog problem complaints. Jane Jelinski stated that this would not allow penalties to be placed on the dog owners.

Ramon White stated he also had a problem with the issue of trespass. He does not want the county to get involved in being accused of trespass.

Jane Jelinski made a motion that the County Commission commit itself to developing a dog ordinance that they feel is affordable and reasonable, that will help to address the dog control problem in Gallatin County, seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion to deny the second reading of the dog control ordinance, seconded by Wilbur Visser, Commissioners Visser and White voting aye, Commissioner Jelinski voting nay. The motion carried, with two for and one against.

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Ramon White made a motion to grant a license to Tamara Hougen to manage the Friendly Tavern, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 5:07 P.M.

ATTEST:

*Gary St. Ringle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 16th DAY OF APRIL, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of April 9, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

April 10, 1985

Received A101 #7564 from Tamara Hougen for the application fee for a manager and card dealer license for the Friendly Tavern in the amount of \$75.00 to the credit of the General Fund.

Commissioner Jelinski went to Helena to testify at a legislative hearing regarding HB 870 on the motor vehicle tax.

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Commissioners Jelinski and White met with the communications consulting firm.

Commissioner Jelinski attended the Board of Directors meeting for Alcohol Services of Gallatin County.

April 11, 1985

Commissioners met with Mary Kay Peck, Subdivision Review Officer, to review goals for the upcoming year.

Commissioners met with Keith Jensen of Willow Creek and were presented with a plan for the sewer system. Mr. Jensen also requested that revenue sharing funds be used for this project.

Commissioners met with local truckers regarding the load limits placed on all county roads.

Commissioner Visser attended the Fairgrounds Development meeting.

April 12, 1985

Commissioner White out of state April 12 through 15, 1985.

Commissioners met as a Welfare Board.

Granted a raffle permit to the Montana State Eagle forum.

Commissioner Jelinski attended the HRDC meeting.

April 15, 1985

Commissioners and the Road and Bridge Department met with residents concerning the Nelson Road Local Improvement District.

Commissioners met with Roger Ala of the Area IV Council on Aging.

Commissioner Jelinski was a judge at the 4H Demonstration Day on April 13, 1985.

Approved the following transfers of funds:

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sum of \$30.20 from fund 1000 to fund 2710 to correct PO 28340.
2. The sums of \$74.87 from fund 2180, \$60.56 from fund 2190, and \$253.20 from fund 2110, to fund 1000 for gas.
3. The sums of \$4.23 from fund 2180, \$731.00 from fund 2160, \$26.20 from fund 2190, and \$50.70 from fund 1000, to fund 2110 for gas.
4. The sum of \$42.50 from fund 1000 to fund 2180 for copies.
5. The sums of \$13.94 from fund 2110, \$47.00 from fund 2120, \$164.47 from fund 2180, \$317.37 from fund 2290, \$100.35 from fund 5020, \$36.34 from fund 2190, \$4.22 from fund 2278, \$9.07 from fund 2276, and \$9.82 from fund 2273, to fund 1000 for printing.
6. The sums of \$110.45 from fund 1000, \$2.25 from fund 2110, \$2.50 from fund 2276, and \$8.25 from fund 2160, to fund 2190 for copies.

/s/ Wilbur Visser

April 16, 1985

Commissioners met with Management Associates of Helena regarding the job description plan for the County Rest Home.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$.78 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-212 be transferred to account 2290-245-450400-373 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2110-307-430210-210 be transferred to account 2110-307-430210-312 under general class (2) Maintenance and Support.

That the sum of \$2,000.00 as appropriated under general class (2) Maintenance and Support for account 2120-222-450131-719 be transferred to account 2120-222-450110-215 under general class (2) Maintenance and Support.

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That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 2120-222-450110-370 be transferred to account 2120-222-450110-360 under general class (2) Maintenance and Support.

That the sum of \$6.00 as appropriated under general class (1) Salaries and Wages for account 2240-000-410100-110 be transferred to account 2240-000-410100-140 under general class (1) Salaries and Wages.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-530 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-320 be transferred to account 2180-208-420300-370 under general class (2) Maintenance and Support.

That the sum of \$250.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-370 be transferred to account 1000-202-410550-380 under general class (2) Maintenance and Support.

That the sum of \$155.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410600-312 under general class (2) Maintenance and Support.

That the sum of \$600.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410900-312 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410900-320 under general class (2) Maintenance and Support.

That the sum of \$26.50 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-345 be transferred to account 1000-202-410900-335 under general class (2) Maintenance and Support.

That the sum of \$125.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-345 be transferred to account 1000-202-410900-370 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 15th DAY OF APRIL, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Wilbur Visser announced that the Commission is looking for persons interested in being appointed to the Gallatin County Airport Board.

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Donald A. Turner has claimed the occasional sale exemption. Mr. Turner has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the above information, this appears to be a proper use of the exemption.

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Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

John Pratt has claimed two uses of the exemption to relocate a common boundary line. In the first case, Robert and Mary Lou Lawellin are acquiring from Mr. Pratt an additional acre of land plus a thirty foot wide strip the length of their property. In the second case, David and Jill Stephens would acquire from John Pratt an additional thirty feet of land on their east property line. Based on the information above, this appears to be a proper use of the exemption.

Mr. Pratt has also requested that the Commission reconsider their decision of March 19, 1985, when Mr. Pratt was denied the use of a family exemption. There does not appear to be a significant change of circumstances since that time. The staff report dated March 15, 1985 was submitted to the Commission for their review. Ms. Peck displayed a copy of the plat. Ms. Peck requested that her staff report of March 15, 1985 be entered into the record along with the letter from the Commissioners to Mr. Pratt dated March 23, 1985 citing the reasons the Commissioners denied his request for an exemption. The letter concluded that the series of land divisions that had been taken through the use of subdivision exemptions had resulted in an unreviewed subdivision.

Jane Jelinski stated that she did not feel that Mr. Pratt has dealt with the essential problem which would result in a subdivision that has never been subjected to review.

Ramon White stated that he felt that the exemptions to realign the boundaries have improved the property but have not addressed the primary concern of the board.

Ramon White made a motion to approve the realignment of a common boundary for the Stephens property, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski made a motion to approve the realignment of a common boundary for Robert and Mary Lou Lawellin, seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion to deny the request for reconsideration of their decision of March 19, 1985 on the basis of a prior decision that the Commission would prefer a minor subdivision for this parcel of land, seconded by Jane Jelinski, none voting nay. The motion carried. Tom Anacker asked whether the reasons for denying the exemption are the same as those which the Commission cited previously. Mr. White stated that they were.

Tom Anacker, Deputy County Attorney, spoke regarding a request for final approval of Buffalo Creek Subdivision. This subdivision is the result of a court-ordered settlement. The following conditions were included in the settlement agreement:

1. That a sixty foot road easement be delineated and dedicated to the public use.
2. That construction of the roads in the subdivisions be to county subdivision standards, that an engineer or road builder install the roads, and that the county would inspect the roads.
3. That cash-in-lieu of park land dedication payments be made. This amount is not to exceed \$1,000.00 per acre.
4. That the Department of Health and Environmental Sciences for the State of Montana give sanitary approval to the realignment tract and also to the tract 6A subdivision.
5. That the ditch banks and cuts made during the construction of the road be revegetated.
6. That the gravel pit excavated in conjunction with the road construction be filled in and revegetated.
7. That the selling of lot 4 of certificate of survey 1013A be restricted and lot 7 of certificate of survey 1013B. This restriction has been complied with.

Mr. Foster is proposing in conjunction with the roads that he be allowed to post a bond for the access points to the lots. Mr. Anacker states that a variance could be granted in this instance and would suggest that the bond be 125% of the estimated cost of having the work done.

Mr. Anacker believes that the conditions have been met. Mr. Anacker states that should the Commission approve the subdivision, he would move the District Court for a motion to dismiss the case on the condition of its merits, pursuant to fulfillment of the court ordered agreement for settlement.

Mary Kay Peck, Subdivision Review Officer, stated that the court settlement specified which lots would be considered when making the park dedication. Two payments have been made by Mr. Foster, one in the amount of \$988.56 and the second in the amount of \$2,595.19, a total of \$3,583.75 that has been contributed for cash-in-lieu of park land dedication. Ms. Peck stated that she noticed that some reseeding of the road cuts has been done.

Sam Gianfrancisco, Road Superintendent, stated that the roads have been built to county standard with the exception of the approaches, which have not been put in. Mr. Foster is asking for a variance on the approaches. There are a total of 14 approaches required to be installed, 4 of which require culverts. Mr. Gianfrancisco estimates that if the County were to do the work, it would cost \$932.00 to put the approaches in, including the four with culverts. Mr. Gianfrancisco received quotes from three contractors and averaged them for a total of \$1,576.00.

Wilbur Visser asked whether the banks on the gravel pit had been sloped so as not to create a public safety hazard. Mr. Gianfrancisco states that it has been back-sloped but it has not been seeded as yet.

Mr. Foster states that there is some question of whether or not he should even be required to install the approaches. He believes the bid received from the contractors is in excess of what any contractor could actually do the work for. Mr. Foster states that he has

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received two bids in the neighborhood of \$500.00. Mr. Foster states that there are only twelve approaches required, not fourteen, because the Commissioners have granted a variance in which lots 6 and 7 do not require installation of the approaches at this time. Mr. Foster is requesting posting of the bond in lieu of installing the approaches at this time.

Tom Anacker stated that it appeared that all of the conditions of the agreement had been met, should the variance be granted with regard to the approaches.

Ramon White made a motion that the variance be granted contingent on a bond deposit or a certified check in the amount of \$1,900.00 for the culvert and entry improvements and that the developer be allowed a pro-rata rebate as each approach is installed, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski asked Mr. Foster if the Commission has an assurance that the gravel pit will be adequately and properly completed when the weather conditions are correct?

Mr. Foster stated that the top soil that has been piled there is for reclamation purposes. He stated that this would be done.

Jane Jelinski made a motion to grant final approval to Buffalo Creek Subdivision based on the judgment that all of the conditions for court action have been met, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a petition requesting creation of zoning area "X". The petition has been certified by the Clerk and Recorder. The proposed district is in the Bear Canyon area. Ms. Peck presented her staff report. Ms. Peck read the following resolution:

WHEREAS, there has been filed with the Board of County Commissioners of Gallatin County, State of Montana, a petition of owners of property within the hereinafter described area to create a planning and zoning district pursuant to Section 76-2-101, Montana Codes Annotated 1983;

WHEREAS, it appears to the Board of County Commissioners of Gallatin County, State of Montana, that the petition and request that a planning and zoning district be created is for the purpose of furthering the health, safety and general welfare of the people residing within the district. The petition contains the signatures of more than 60 percent of the Freeholders.

WHEREAS, it is necessary to indicate a record in the minutes of the Board of County Commissioners of Gallatin County, Montana, that said Zoning District was created.

NOW, THEREFORE, BE IT RESOLVED:

That the Board of County Commissioners of Gallatin County, State of Montana, does hereby create a planning and zoning district in the following described area:

Beginning at the SW corner of the SE quarter, Section 27, 6E, 2S, proceed easterly for one and one-half miles to the SE corner of Section 26, then northerly approximately 40 yards to Bear Canyon Road; thence NW and N along Bear Canyon Road for approximately one mile to the South line of the SE quarter of Section 23, thence E along this line to the SE corner of Section 23, thence North nearly one-half mile to the Interstate 90 right-of-way, then NW to the North line of the SE Quarter of Section 23, thence West to the Bear Canyon Road, then North along Bear Canyon Road to Bozeman Trail Road, the NE along Bozeman Trail Road to the Interstate 90 right-of-way, then NW along this right-of-way to the West line of the SE quarter of Section 14, thence South to the NE corner of the NW quarter of Section 23, thence West to the NE corner of the NW 1/16 of Section 23, thence South to the SE corner of the NW 1/16 of Section 23, thence West to the SW corner of the NW 1/16 of Section 23, thence south along Mt. Ellis lane, which is the East line of the NE quarter of Section 22, then South along this line to the midpoint of the Eastern line of the NE quarter of Section 27, then West to the midpoint of the Western line of this same quarter, thence South, 3/4 mile to the beginning point, it being the SW corner of the SE quarter of Section 27.

It is further resolved that this zoning and planning district shall be known as \_\_\_\_\_ Planning and Zoning District.

There was no public comment for or against the proposed zoning district.

Ramon White made a motion to approve the resolution creating the Bear Canyon Planning and Zoning District as outlined in the resolution of creation, seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White made a motion that the Board of County Commissioners recommend to the Planning and Zoning Commission that an advisory board of at least seven members of the affected area be appointed to an advisory committee to assist the staff in drawing up regulations for this new zoning district, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser stated that the Commission had received a letter from William Tietz requesting renewal of his water lease agreement with the county for 25 acre feet of Hyalite Lake water. The lease agreement is for a period of one year in the amount of \$75.00.

Jane Jelinski made a motion to renew the water lease agreement with William Tietz for 1985 in the amount of \$75.00, seconded by Ramon White, none voting nay. The motion carried.

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Gary France of the Belgrade Rural Fire Department, spoke regarding a draft fill point for the Fire Department. This draft point could also be utilized by the Rae and Gallatin Gateway Rural Fire Districts. Sanderson, Stewart and Gaston have done the engineering work on

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developing the draft point. This is a 2.168 acre parcel of land located on Cobb Hill Road. Mr. France presented the Commission with a proposal of the cost of constructing the fill point.

Mr. France states that it is his understanding that the property is county property; however, this cannot be verified.

Mr. France states that the creek has been monitored as to its availability of water.

Mr. France states that there is an area that needs to be graded and leveled. Mr. France is of the understanding that the County will be doing some road maintenance work in the area. Mr. France asks whether the county would be able to assist with the blading and graveling of the area of the draft fill point.

Wilbur Visser asked who would be responsible for the maintenance of the draft fill point. Mr. France stated that he thought the three districts would be responsible.

Jane Jelinski made a motion to postpone a decision regarding this until next Tuesday in order that there may be an opportunity to research the ownership of the land and the plans of the road department with regard to road maintenance in the area, seconded by Ramon White, none voting nay. The motion carried.

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Jeff Rupp, representing the Gallatin Valley Food Bank, spoke regarding a request for funds for minor repair. The Food Bank has recently moved into the front room of the building at 314 W. Mendenhall because of the increase in clientele. There are several loose tiles in the front room area which creates a health risk in that dirt becomes lodged underneath them and they are easily tripped over. The County Sanitarian has stated that new flooring is necessary because of this health risk. Two bids have been received, one from Decorator's Walk for \$500.00 and one from Gallatin Valley Furniture in the amount of \$332.80. This includes installation.

Ramon White stated that he did not have a problem with this amount of money because he can understand the needs of the Food Bank at this time; however, he does not want to invest a great deal in the building because he would like to have it moved out to make room for more courthouse parking. The building has been well utilized over the years; however it is now at the point where the public is demanding additional parking space. The leases for the Food Bank and the Worthy Cause Store both expire at the end of the year, and Mr. White states that he would like to see the buildings removed at that time to make way for additional parking. Mr. White states that the agencies currently using the building should be given as much advance notice as possible so that they may find other facilities. He stated that the county would have an obligation in finding other facilities for the Food Bank.

Jane Jelinski made a motion to grant the Gallatin Valley Food Bank \$332.80 to repair the Food Bank floor, seconded by Ramon White, none voting nay. The motion carried.

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Harry Kringler, a resident on Goldenstein Lane, spoke regarding a request for park funds to install a back stop in Williams Park. Williams Park is located off of Goldenstein Lane, in the area of Gardner Park and Sourdough Creek subdivisions. Mr. Kringler states that the county has leveled out an area for a baseball diamond. A temporary wooden back stop has been erected. The approximate cost to construct this back stop would be \$1,500.00. This would be the total with installation.

Jane Jelinski made a motion to grant \$1,570.00 from payment in lieu of park funds for a back stop in Williams Park, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:15 P.M.

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ATTEST:

Clerk

*George St. Pringle*  
Clerk

APPROVED:

Chairman

*Wilbur Visser*  
Chairman

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PUBLIC MEETING WEDNESDAY, THE 20th DAY OF MARCH, 1985 THREE FORKS, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 7:00 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White.

Jane Jelinski stated that George Reich and Bernie Lorr had telephoned and stated that all of the Willow Creek residents who are concerned about the road are attending a CPR class.

Floyd Swift stated that the road was in a deplorable condition. Mr. Swift states that he believes there should be a load limit placed on the road because of the amount of truck traffic on it.

Ray Tocci stated that the road was first paved sometime before 1939 and has held up quite well. It is rough now and there are a lot of cracks in it that need to be sealed.

Jane Jelinski stated that she had spoken with Sam Gianfrancisco, Road Superintendent regarding the road and he stated that the sub-grade has failed.

Mr. Tocci stated that there was never a lot of base put under the road.

Mr. Gianfrancisco has stated to Ms. Jelinski that in order to repair the road, the asphalt would have to be stripped off and recompacted, regraded, and regravelled before another

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surface could be put on it and it would cost \$80,000 per mile. Blade-patching is scheduled for the road in the near future.

Ramon White stated that the Commissioners have driven the road.

Jane Jelinski stated that since the priorities have already been set with the State for secondary roads all of the funds to repair the road would have to come from county funds. This would require building a reserve of funds.

Richard Seiler requested that a traffic count be made on the road to determine how heavily traveled it is in comparison to other county roads so that a priority can be determined. He suggested that it may be cheaper to convert the old railway bed into a highway than it would be to continue to repair the road. He feels that the road will continue to deteriorate and continued repair will be costly.

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John Schunke of Morrison-Maierle, stated that in 1981 a Master Plan for the Three Forks Airport was approved by the FAA and by the Airport Board and County Commission. Pre-application for federal funds has been submitted to purchase 61 acres of land and to improve the existing site with regard to runway improvement. The application was approved by the FAA; however, the Airport Board was unable to accumulate the matching funds. The Airport Board now wishes to pursue this project again and would resubmit the preapplication to the FAA. The FAA has indicated to Mr. Schunke that they would ear-mark the monies for this project.

The total project cost submitted in 1983 was for the amount of \$822,000. The preapplication requires that the County submit a letter indicating that they would be the sponsor for the airport. Mr. Schunke states that the funds are available on a first-come, first-served basis.

Mr. Schunke states that the FAA requests that the Airport Board follow their standard regulations of acquiring the land. That process can be followed while going through the preapplication phase. None of the construction can begin until the land has been acquired.

Mike Salvagni, County Attorney, advised that before the Commission would adopt a Resolution, they should consider the action of the Three Forks City Council with regard to the transferring of the 44 acres to the County. This issue has not been answered yet. The City Attorney is in the process of doing a title search. Mr. Salvagni states that the Commission should also consider commitment of an appropriation through a mill.

Jack Schunke stated that the FAA requires that the land be in the name of the sponsor. The preapplication would be reviewed by FAA in Helena and before it would be submitted to Washington, they would request that the resolution of intent to be the sponsor, the land, and other items be resolved.

Mr. Schunke states that the 61 acres does not have to be purchased before the preapplication is made. 55 acres would have to be retained for airport use. 44 additional acres would be unuseable for this project. Mr. Schunke states that the sponsoring agent must contribute 10% of the grant.

Ramon White asked whether the sponsoring agent had up to five years to pay for their contribution.

Mr. Schunke stated that at one time the possibility of borrowing the money from the State Aeronautics Division and paying it back over a ten year period. The other method would be assuring the FAA that the project would be completed in a five year period; however, Mr. Schunke states that the project could be completed within two years. If this was done, and no loan was acquired, the first year the county's share would be \$12,000 and the next year it would be \$70,000. This would be an accelerated project.

If the County borrowed money from the State over a ten year period, the County would have to repay \$11,000 each year with 7½% interest.

Ramon White stated that it would be possible to meet the \$82,000 in one year by levying a little over one mill.

Doug Paxton stated that he felt that the amount of the grant was a great deal of money and that the people of Bozeman and the rest of the county would not want to spend \$120,000 or two mills to maintain and upgrade the Three Forks Airport. He stated that the appraisal of the property was too high. He stated that the people of Three Forks are generally not interested. Mr. Paxton stated that he has five children and they all own an airplane. Presently they use the Belgrade Airport. He does not feel that this is where the money should be spent.

Bill Fairhurst stated that the people of Three Forks do support the Three Forks Airport. The City can only levy two mills, without the County's help, the airport cannot be improved. Without the project being done, the airport would have to be shut down.

Jack Schunke stated that the money is generated from aviation fuel taxes.

Ray Tocci stated that there were quite a few agricultural planes that served a large area of the county.

Jack Rochford stated that there may be a lot of potential use for the airport that we may not even be aware of.

Jane Jelinski stated that the agricultural use is a very important benefit for the entire county.

Ramon White stated that he is against any additional tax; however, he believes this is a minimal tax. Mr. White commented that these are industry funds for industry uses.

Wilbur Visser stated that he felt that the impact would be very minimal.



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Jane Jelinski made a motion that the Commission adopt a resolution for Gallatin County to be a sponsoring agent for the Three Forks Airport Improvement Project as defined in the 1981 Master Plan, seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion that the Gallatin County Airport Board be increased to a five member board, consisting of two members from the City of Three Forks, two members from rural Gallatin County, and one member as a dual member of the Gallatin Airport Authority and the County Airport Board. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

Jack Schunke stated that he would submit to the Commissioners a step by step procedure of the method to acquire the land.

There being no further business, the meeting adjourned at 8:30 P.M.

ATTEST:

*Gary St. Pierre*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

PUBLIC MEETING WEDNESDAY, THE 27th DAY OF MARCH, 1985 WEST YELLOWSTONE, MONTANA

The meeting was called to order by Chairman Wilbur Visser. Also present were Commissioners Jane Jelinski and Ramon White, County Attorney Mike Salvagni, and Deputy County Attorney Tom Anacker.

Gary Schoer, President of the Chamber of Commerce, spoke regarding the taxes on the Convention Center. Mr. Schoer presented a letter to the Commissioners from their tax consultant. Mr. Schoer stated that they were not aware when they entered into the agreement with the City that taxes would be assessed on the property. The building was originally tax-exempt and Mr. Schoer stated that the Chamber did not believe that their use of the building should change that status. The total taxes due amount to \$1,811.47. Penalty and interest charges are also due as these taxes are delinquent.

Ramon White stated that the taxes should only have been assessed on the portion used as office space. Chambers of Commerce are not exempt from taxation. Mr. White requested that Mr. Schoer submit the figures on the square footage of the office to the Assessor's Office.

Jane Jelinski read the following letter into the record:

Gallatin County Commissioners  
Bozeman, MT 59715

Re: PILT Monies

Dear Commissioners:

In September of 1984, the Town requested, by letter, \$5,000.00 in PILT monies be allocated to the Town of West Yellowstone. This money was to be spent to recrystal the Fire Dept. Radios at estimated \$3,800.00. It is our understanding that the Sheriff Dept. is now utilizing the present frequency that our Fire Dept. has used in the past. \$1,200.00 was also requested to purchase a hand held radio for the West Yellowstone Police Dept. This radio is needed to transmit on high band frequency with the other law enforcement agencies in the area.

At this time, I would respectfully request that you also allocate \$35,000.00 to the Town for the first year lease payment on a motor grader. The Town's grader broke down this Spring, and the current appraised value for our grader boiled down to strickly salvagable parts only.

Thank you in advance for your consideration and I feel that our requests are valid petitions for allocation of PILT monies.

Sincerely,

/s/ Lawrence W. Binfet, Mayor

The Fire Chief of West Yellowstone spoke regarding recrystalizing the radios for the fire department. This must be done in order to be compatible with the other fire departments in the County. He stated that the fire department could not afford to take it out of their budget. He stated that the fire department has twenty pagers, six hand-sets, and five mobiles.

Ramon White asked what the progress was on developing a rural fire department.

Someone stated that a formal petition had been drafted, a card index file was made, and then the project was dropped. There is a lack of interest in the project.

Bob Jacklin stated that the Town of West Yellowstone has not received any PILT funds since 1977. Last year they received some funds for repair of county roads. Mr. Jacklin states that it is not felt that West Yellowstone has received their fair share of PILT monies. Mr. Jacklin requests that the Commission consider allocating PILT funds for recrystalizing the radios and for the hand-held radios for the police and also for the new grader. A grader is used on a daily basis in the West Yellowstone area.

Mr. Jacklin also requests the county's assistance with helping to finance the Justice of the Peace court.

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There was some discussion with regard to the purchase of the grader. The lease agreement would be for five years with annual payments of \$35,000. Ramon White stated that the county had recently purchased two graders for \$79,000 each.

Jane Jelinski stated that the county had allocated \$5,000 to the Sheriff's Dept. from PILT funds for snowmobile leases for the West Yellowstone area. Jane Jelinski stated that of the \$400,000 in PILT funds received, \$300,000 went to repair of the Detention Center, \$80,000 went to Communications, \$2,500 went to control of predatory animals.

There was some discussion regarding the pending lawsuit regarding the Detention Center. The intention of the lawsuit is to hopefully recover some of the money that is being spent in repair.

Ramon White stated that he did not have a problem in helping the area; however, he did have a problem with being selective in how the money is spent. If the County starts to support cities, there are five cities to support. The same can be said of the fire departments, the county has fourteen of them. Mr. White would like to see the funds used for something that was county related but had a real benefit to the City.

Someone asked if any of the other five cities were bordered by forest service land. This person felt that the criteria for distribution of PILT funds with which to base some of the decisions regarding which communities should receive the funds should be whether or not the community borders forest service lands.

Ramon White stated that he wanted to look into a way of distributing these funds without opening doors for a lot of the other communities.

Jane Jelinski stated that she did not have a problem with contributing for the radios because she feels that this is a result of the county changing its communications system.

It was mentioned that the County may enter into an agreement with a consulting firm to study the present communications system in order to bring together all of the entities involved.

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Jane Jelinski stated that she had received a bill for the period 3/1/85 to 9/1/85 for a total of \$3,607.98 for courtroom facility rent.

B. J. Hultz, Justice of the Peace #2, stated that she had furnished the County Commissioners with the court flow for the court. The City has furnished an office in the past for which they have never charged the County. Block Associates has furnished the first six months of the lease in the present facility rent-free. Ms. Hultz requests that the County pay the last six months of the lease.

Jane Jelinski stated that she had a copy of the budget for the J. P. Court #2 and all that is left in it is \$490.76, which will not even cover one months' rent. Ms. Jelinski states that the budget had already been set and this is all that is available in the budget.

Wilbur Visser stated that the report Ms. Hultz had submitted to the Commission in December relating to the court cases stated that 196 cases were held in city court, 35 civil cases, 68 Fish and Game, 284 Highway Patrol and 30 Gallatin County. Mr. Visser stated that the Commission has not received a record of the revenue generated by the Court.

Ms. Hultz stated that the County Auditor had the records. Mr. Visser stated that he had not received a record this fiscal year.

Ms. Hultz stated that the reason the County has not received an updated monthly report is because the court hours have been cut back and the Court is so limited and the County has refused to pay Ms. Hultz any overtime to do this record keeping. The County Attorney has been advised that when the court returns to a five day a week schedule, the records will be brought up to date.

Jane Jelinski stated that the last report received was dated June 30, 1984 and there have been no funds deposited in the County Treasurer's Office.

Ms. Hultz stated that she would research this and be sure that the County has this.

Tom Anacker, Deputy County Attorney, stated that the statutes governing the Justice Court provide that the funds collected shall be transferred by the tenth of each month into the County Treasury and that each month an itemized statement be filed. The statute does not provide for any exception for part-time courts. Any violations of the reporting scheme could be punishable as a misdemeanor offense.

B. J. Hultz stated that the statute also provides that the County provide the Court with facilities, give them enough time and help and equipment to do the job. It also provides that the County cannot limit hours and cut wages mid-term.

Ms. Hultz stated that if the County does not pay her for the hours that she puts in to do the reports, she will not do the reports until the Court goes back on five days a week.

Jane Jelinski stated that the Commission did not have any information on which to base the increase in Ms. Hultz's budget. Ms. Hultz's report does not indicate what type of cases are being heard in her office or whether it is city or county.

Jane Jelinski stated that by law the Commission cannot overspend the budget.

Ms. Hultz stated that she would furnish the County with the monthly reports and that she would bill the County for the overtime hours that accrue. It cannot be done during the six hours per week for J. P. Court.

Ramon White stated that when a budget is approved, it is something that has to be lived with. This money would have to come from someone else's budget because the funds are not just sitting out there. Mr. White agrees that that area needs a Justice of the Peace; however, the Commission must be careful to insure that it does not become so costly

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that it can't be afforded.

Wilbur Visser stated that in reviewing Ms. Hultz's budget requests and her case load, the Commission could not warrant spending the amount of money that was requested.

Ramon White stated that should the County Commissioner's look into increasing the budget to fund the lease agreement for six months, they would have to look at where the money would come from to transfer in.

Ms. Hultz states that the City does not feel that they have the funds to pay for the facility.

Larry Binfet stated that the City anticipates that the upcoming budget year will be the worst in the City's history. Mr. Binfet states that the City does not have any money budgeted for this facility at this time and he does not feel that it will be a high priority item next year.

Jane Jelinski stated that she would like to look at sharing the facility with the Sheriff's deputy who is stationed in West Yellowstone. He currently has a facility in West Yellowstone that the county pays rent on.

Ms. Hultz states that she requested the funds to rent the facility during the last budget session.

Cal Dunbar stated that the court cannot afford to be in the facility. Mr. Dunbar stated that Ms. Hultz had been told that the City could not afford it. Mr. Dunbar stated that the facility was much nicer than the municipal court facility at the City offices, but if the funds are not there to pay for the present facility, Ms. Hultz would have to move back to the City building.

Ramon White stated that he would be willing to look at what can be done to retain the present facility.

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Someone questioned what the status was of the bear/garbage problem. The City has enacted an Ordinance with regard to this problem.

Wilbur Visser stated that at the last refuse meeting the board decided that the refuse board would adopt a policy to require bear-proof garbage containers. The zoning district will also adopt it as a matter of policy. Since the zoning district does not encompass the area of the refuse district, it was decided that the refuse district would also adopt a policy of bearproof containers.

Tom Anacker stated that the proposed zoning changes would apply only to new structures, not the existing structures within the district.

This project must be mutually supporting between the City, the refuse district and the zoning district.

There being no further business, the meeting adjourned at 3:30 P.M.

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ATTEST:

*Larry H. Pringle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 23rd DAY OF APRIL, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of April 16, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

April 16, 1985

Commissioners attended an evening meeting in the Community Room with residents in the Durston Road area regarding paving of the road.

April 17, 1985

Commissioners Jelinski and Visser attended the Interagency breakfast.

Zoning District #1 Board held a hearing and granted a variance to Harold Brown to replace his mobile home with a larger one.

The Hebgen Lake Planning and Zoning Commission met in West Yellowstone and passed a resolution of intent to adopt an amendment to the ordinance to require bearproof refuse containers.

Received A101 #7619 from Motor Vehicle Dept. in the amount of \$1,165.00 for title fees and fines collected to the credit of various funds.

Received and approved the following transfers of funds:

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WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$312.44 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-397 be transferred to account 1000-211-410340-320 under general class (2) Maintenance and Support.

That the sum of \$28.00 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-356 be transferred to account 1000-211-410340-330 under general class (2) Maintenance and Support.

That the sum of \$178.93 as appropriated under general class (1) Salaries and Wages for account 2415-000-420100-110 be transferred to account 2415-000-420100-190 under general class (1) Salaries and Wages.

That the sum of \$40.00 as appropriated under general class (2) Maintenance and Support for account 2415-000-420100-210 be transferred to account 2415-000-420100-320 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 16th DAY OF APRIL, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Commissioners Visser and White attended the Refuse District #2 meeting.

Granted permission to Lone Mountain Gym Club to hold a raffle. This is a non-profit organization.

April 18, 1985

Commissioner Visser and Bob Jordan, Bridge Foreman, attended the Roscoe Steel Plant tour and open house in Billings.

Commissioners Jelinski and White met with the Council on Aging Board and discussed budgets and funding of programs.

Received the following A101's:

#7623 from State of Montana Highway Traffic Safety in the amount of \$1,680.77 for reimbursement for March to the credit of DUI Fund.

#7622 from West Yellowstone/Hebgen Basin Refuse District No. 2 in the amount of \$564.00 for garbage fees collected to the credit of the refuse district.

Approved isolation for Pass Creek School due to the following:

1. Poor road conditions.
2. Distance from the Pass Creek School is too far for small children.
3. Secondary roads are left until last to be plowed causing children to be absent from school.
4. Belgrade schools are already overcrowded.
5. There are no high school students in the Pass Creek district so Belgrade will not be running a bus out there this year.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-210 be transferred to account 2180-208-410333-210 under general class (2) Maintenance and Support.

That the sum of \$400.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-320 be transferred to account 2180-208-420300-370 under general class (2) Maintenance and Support.

That the sum of \$40.61 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-312 under general class (2) Maintenance and Support.

That the sum of \$40.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-361 under general class (2) Maintenance and Support.

That the sum of \$25.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420820-200 be transferred to account 1000-212-420820-366 under general class (2) Maintenance and Support.

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BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 18th DAY OF APRIL, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Commissioners Visser and Jelinski attended the Refuse District No. 1 board meeting.

April 19, 1985

Routine business this date.

April 22, 1985

Commissioners Visser and Jelinski, City Manager Jim Wysocki, Bob Correa of the Chamber of Commerce, and Jim Kalitowski of the Dept. of State Lands, and Bill Heinecke, Ted Huber and Clark Price of the Law Enforcement Academy toured possible sites in the county for a gun range for the academy.

Received the following A101's:

#7645 from State of Montana for grant payment in the amount of \$5,050.75 to the credit of the Historical Society.

#7557 from State of Montana Dept. of Institutions in the amount of \$3,156.00 for distribution of alcohol tax funds to the credit of the Alcohol Fund.

#7665 from State of Montana Dept. of Highways in the amount of \$15,044.40 for fees and taxes collected to the credit of various funds.

Commissioners met with Rich Morse the engineer for Eagle Rock Ranch planned unit development.

April 23, 1985

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes, Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$4.34 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-140 be transferred to account 1000-214-410565-140 under general class (1) Salaries and Wages.

That the sum of \$952.12 as appropriated under general class (1) Salaries and Wages for account 1050-201-410100-140 be transferred to account 1050-214-410565-140 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution, these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 23rd DAY OF APRIL, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Lone Peak, Inc. has claimed the exemption to realign a common boundary. Quit claim deeds are not required as Lone Peak, Inc. owns both parcels involved in the transfer. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

Sandy Lee, representing the Nelson Road Improvement District, requested that a 35 MPH speed limit be placed on Nelson Road from Highway 10 to Outlaw Subdivision due to the safety factor from the number of approaches onto the road.

Sam Gianfrancisco, Road Superintendent, stated that a traffic study had been done which showed an average of about 400 cars a day which does meet the criteria for lowering the speed limit. Because of the number of approaches and the number of school bus stops and curves on the road, the road department would recommend that the speed limit be lowered to 35 MPH.

Ramon White made a motion that the speed limit be set at 35 MPH on Nelson Road from the junction at old US 10 to Outlaw Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Bill Weber, President of the Gallatin County Fire Council, urges the Commission to support the burning permit issue. Mr. Weber states that the first four weeks of this season, fire departments in Gallatin County responded to over 25 fires. Mr. Weber states that implementation of the burning permits would help to filter out the controlled fires and give the county the ability to give individuals doing the burning additional information on present conditions.

Tom Anacker, Deputy County Attorney, stated that there is a fire permit system in effect currently between the State Air Quality Bureau and the Sheriff's Department. During the open burning season, the Bureau does not require a burning permit but requests that the person doing the burning contact the local Sheriff's Department to inform them that they are burning. The local fire department would then also be contacted. At present, there is no written permit procedure. Mr. Anacker states that the Air Quality Bureau would propose that the county have a policy of issuing burning permits that would be available from the Sheriff's Office on a yearly basis.

Joe Armstrong-Nelson of the Belgrade Fire Department and Milt DeWitte of the Sourdough Fire Department stated that their departments were in favor of the permits.

Tom Anacker suggested that the Commission pass a motion of intent to reinstate the burning permit. He stated that he would draft a proposed permit for the Commission to adopt.

Jane Jelinski made a motion that the Commission adopt a policy to reinstate the burning permit requirement at the next public meeting and to direct the Deputy County Attorney to develop a format for the permit in cooperation with the Air Quality Bureau, seconded by Ramon White, none voting nay. The motion carried.

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Paul Kinshella of Sanderson Stewart and Gaston, spoke regarding the Belgrade Rural Fire Department's proposed draft fill point. The site is located approximately 100 yards east of highway 191, across from the Bozeman Hot Springs. Mr. Kinshella states that the ownership of the land is still unclear.

Jane Jelinski stated that the Commission had deferred any decision regarding this until the question of ownership was cleared up.

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Ramon White stated that the Historical Society using Gallatin County as sponsor made a bid for a grant from the Dept. of Natural Resources and the grant was approved. The money is received in stages and the county has recently received another payment. In order for the Historical Society to be able to use the money for the renovation of the old jail, the following Resolution must be passed:

WHEREAS, pursuant to 7-6-2218(1), MCA 1983, a board of county commissioners has the power and authority to appropriate money received from state government, regardless of the time the money is received, by formal resolution; and,

WHEREAS, the Gallatin County Historical Society has received a grant from the State of Montana Historical Society in the amount of \$5,050.75; and

WHEREAS, the Gallatin County Historical Society requests that the Board of County Commissioners of Gallatin County appropriate the state grant in the sum of \$5,050.75 to the Gallatin County Historical Society budget, Fund #2362, to be spent by the Gallatin County Historical Society pursuant to any state requirements specified in state legislation;

NOW THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby appropriates the sum of \$5,050.75 from the State of Montana Historical Society grant to the Gallatin County Historical Society to be credited to the budget of the Gallatin County Historical Society pursuant to any state requirements specified in state legislation.

2. That pursuant to 7-5-2201 (1) MCA 1983, this resolution shall be effective immediately upon adoption of the Gallatin County Commission.

Ramon White made a motion to approve Resolution No. 589, seconded by Jane Jelinski, none voting nay. The motion carried.

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Randy Thoreson, Belgrade City-County Planning Director, spoke regarding a request for preliminary plat approval for Baxter Creek Subdivision No. 2. Mr. Thoreson displayed a plat of the subdivision. The site is located approximately 4½ miles east of Belgrade at the northeast intersection of Valley Center Road and Harper Puckett Road. Mr. Thoreson submitted his staff report as follows:

"Baxter Creek Subdivision No. 1 was approved and subdivided in late 1972 and prior to Belgrade's Subdivision Regulations which were implemented in 1977. Baxter Creek No. 1 consists of 40 lots averaging two acres in size with both single-family and multi-family structures built. The subdivision is further described as partly falling within the Bozeman Planning Jurisdiction. The developer, Mr. Robert Paugh, developed the subdivision and has the land which is currently being reviewed to the west.

On February 13, 1985 the preapplication submittal for Baxter Creek No. 2 was reviewed by the Planning Board. In attendance to discuss the proposal was the developer, consulting engineers working on the project, and representatives from the Belgrade Fire Department. Items discussed included a central water system, development schedule (no phasing is proposed), Valley Center Road (also its relation to the railroad crossing and access onto highway 10), proposed park dedication, and the possibility of the Fire Department utilizing a lot in the subdivision for a sub-station.

The preliminary platting of Baxter Creek Subdivision No. 2 entails 81 acres divided into 112 single-family lots. Lot sizes average ½ acre in size and are served by an interior

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road network as well as access onto Valley Center Road and Harper Puckett Road. A centralized water system and individual septic tanks and fields are proposed. A 6.5 acre dedicated park is also anticipated. Submitted by the developer were copies of an environmental assessment and community impact statement that was done by the Consulting Engineers (Sanderson, Stewart, Gaston, Inc.)

Copies of the Environmental and Community Impact Statement was available for review at the Belgrade City Hall. Public hearing notices and notification of adjoining property owners has been done.

The environmental and community impact material submitted was reviewed.

Environmental - Surface water - Two irrigation ditches transverse the property. No natural and/or manmade lakes or ponds are found. There are 24 foot ditch easements shown on the plat for both ditches.

Ground water - The assessment states that proper design and construction of drainfields will preclude degradation of the ground water quality.

Geology/soils/slopes - It was pointed out that the soil types found in this location (Amsterdam Silt Loam) could be construed to pose limitations for road embankments, slight limitations for building foundations and septic tank drainfields. The assessment stated that limitations on road construction can be overcome by proper construction of the roads and testing for verification. No problem with slopes were noted because of the flat nature of the site.

Vegetation - The area is presently used for farming. A planting of alfalfa to reduce erosion and weeds is anticipated while the subdivision is being developed. The restrictive covenants call for phased sales on the lots to allow farming to continue during the buildout of homes.

Wildlife - No critical wildlife habitat and/or species were noted.

Visual impact - No specific actions were noted to limit visual impact(s). Covenants were submitted which are anticipated to help.

Community Impact - Water Supply - A community water system consisting of two wells and a looped water system is proposed. It is proposed by the developer to construct a system for domestic and irrigation use that will meet or exceed Montana DHES requirements. Meetings were held with the Belgrade Fire Department to get their input as to the likelihood of utilizing one lot within the subdivision for a sub-station.

A representative from the fire department is expected to attend the public hearing on the subdivision. It appears that a sub-station is a definite possibility and should be discussed at the public hearing.

Sewage disposal - The septic tanks and drainfields will meet the Montana DHES requirements. (Note: both the water supply and sewage disposal has been rumored to be a concern from neighboring property owners who are on larger lots).

Solid waste - No problems noted. Disposal will be by means of a private hauler.

Roads - A lengthy discussion of proposed roads and access was given. A review of the plat shows approximately 11,000 lineal feet of interior roads having 60 feet right-of-way and access to not only Valley Center Road but Harper Puckett Road and connections to existing roads in Baxter Creek Subdivision No. 1. Additional lot sizes along Valley Center Road are shown to accommodate any future widening of that highway (a letter attached to the statement speaks to that). During the preapplication meeting the developer mentioned that he would put a double-shot penetration of oil onto Valley Center Road to the Harper Puckett interchange but no mention of this was given in the impact statement. Interior roads will be constructed to County standards with gravel. (Note: Connecting to existing roads in Baxter Creek No. 1 has been voiced as a concern by residents in that subdivision.)

Utilities - No problems noted.

Schools - The proposed subdivision lies within the Bozeman School District. A letter submitted by the district indicates the project would have an approximate addition of 59 children. An addition of another bus would be most likely. Other than this, no real impacts on the Bozeman School system were noted.

Land use/housing - Developer has submitted covenants with subdivision proposal. Single family homes are allowed. It is proposed not to allow mobile or modular homes on the lots. Covenants further establishes a homeowners association covering weed control, construction, road maintenance, park area (a 6.5 acre dedicated park is proposed) etc.

#### Summary

Montana Subdivision law requires the evaluation of eight Public Interest Criteria when making a decision on a subdivision. The governing body is charged with evaluating these eight criteria and making a written findings of fact based on them. As per this report, comments on the criteria can be given as follows (it should again be emphasized that it is the responsibility of the governing body to make a final determination as to these criteria evaluations).

1. Basis of Need - This is a very difficult criteria to answer but is surfacing in many subdivision discussions in the County. The proposed subdivision is adjoining and is deemed a part of Baxter Creek Subdivision No. 1. In the preapplication meeting with the Planning Board, the developer stated that he felt sure that Baxter Creek II would develop quickly and experience similar interest as Baxter Creek I had. A site review of that subdivision finds it almost totally developed. Under the proposed subdivision a phased sale of lots has been suggested by the developer to avoid the scattering of homesites until total development.

2. Expressed Public Opinion - This will be received at public hearing. Neighbors (Baxter Creek I) have met and are expected to express concerns over the density and effects on water quality in the area from the proposed subdivision. Road connections are also a concern

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of the neighbors. A property owner to the north of the proposed subdivision has submitted a letter stating that he has and utilizes a road along his southern boundary for the hauling of gravel from a pit site. He desired to have this recognized and noted at the public hearing to avoid any future problems.

3. Effects on Agriculture - The land has been used for agriculture purposes (grain). The developer has been the one farming it and has stated that the value of this land is questionable for viable agriculture purposes because of the nature of the soil.

4. Effects on Local Services - All subdivisions have an effect on local services. The Community Impact Statement has letters attached to it from various agencies. These letters should be reviewed in relation to this criteria. In summary, the Belgrade Rural Fire Department is interested in obtaining a lot to construct a sub-station (water flows from the community water system is an important discussion and meetings between the developer and fire department have taken place), the Sheriff's Department states that this subdivision will have impacts (this has been the case for all subdivision activity in the County and probably should be looked at on a county-wide basis), the Bozeman School District notes the possible need for an additional bus but finds no negative impact from the proposed subdivision, the Highway Department notes that Valley Center Road is and will continue to be a major thoroughfare in the area (future plans for widening the right-of-way and also extending 19th Street to connect with Valley Center Road has been suggested. The safety problem on the railroad intersection and access onto Highway 10 is difficult to evaluate).

5. Effects on Taxation - The tax revenue from the subdivision would be greater than the current agricultural use.

6. Effects on Natural Environment - No adverse effects noted because of location and nature of site.

7. Effects on Wildlife and Wildlife Habitat - Minimal impacts noted.

8. Effects on Public Health and Safety - Effects should be minimal if protection covenants are adhered to and proper installation of septic tanks and drainfields is followed. The County Sanitarian notes that the required distance from the irrigation ditches is important and is noted on plat. Both the community water supply system and plans for the placement of septic tanks and drainfields must be cleared through the Montana DHES and the County Sanitarian's Office.

#### Recommended Conditions

1. That a specific agreement between the Belgrade Fire Department and developer be made prior to final plat relating to plans for fire protection ( i.e. sub-station). Said agreement to be reviewed and accepted by County Attorney's Office.

2. That all necessary easements for utilities, water lines, and irrigation ditches be shown on final plat.

3. That plans for roads, drainage, culverts, and placement of street signs be approved by the County Engineer's Office prior to installation of improvements and be accomplished prior to final plat.

4. That covenants be reviewed and accepted by the County Attorney's Office prior to final plat.

5. That Final Plat conform to Uniform Standards and be accompanied by necessary certificates and attachments including a certificate of approval from the Montana Department of Health and Environmental Sciences."

Mr. Thoreson stated that the Environmental Impact Statement had been submitted to the Commissioners along with the protective covenants and a document from the Belgrade Rural Fire Department.

Mr. Thoreson read into the record the minutes of the Belgrade Planning Board's public hearing held on March 26, 1985.

"Developer Robert Paugh, and Engineer Paul Kinshella commented on the need for more smaller homes and lot sizes in the area, planned parks, road access and traffic, schools, tax base, and the proposed water system and drainfield concerning the subdivision. Mr. Kinshella stated that the water supply to Baxter Creek Subdivision 1 would not be affected by the two new wells planned for Baxter Creek Subdivision 2, and that final approval must be obtained from the Montana Department of Health and Environmental Sciences before the subdivision could be built.

Mr. Paugh stated that covenants had been drawn up for the subdivision which he felt should appease the homeowners in Baxter Creek Subdivision 1, and copies had been made available to all who wished them. He stated he would be willing to work with surrounding property owners if more changes in the covenants were desired.

Tom McIsaac, representing the Belgrade Rural Fire District, spoke to the Board about fire protection in the area. He stated that response time was calculated at fourteen minutes. Ideal response time should be no more than ten minutes. Water supply was also discussed. Mr. McIsaac stated that, with other fire districts from the surrounding area responding, adequate water supply would be available. A hydrant would be needed, and a fire department substation located in the area would be ideal. He stated that a tentative agreement for a lot in the subdivision for location of a substation was now at the County Attorney's Office, but no final agreement had been reached. He also stated manpower for a substation was available from the subdivision and other surrounding subdivisions.

Next, the public hearing was opened for public comments. Public comments heard included:

Mr. Thoreson stated that he had received several letters from surrounding property owners speaking against the proposed subdivision. They would be made available to the public for review and submitted to the County Commission along with the Board's recommendation on the subdivision.

Pat Weise, member of the audience, disagreed with the water availability figures presented



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by the developer and engineer.

Donald Nash commented on traffic problems due to the County gravel pit located in the area.

Dale Holiday also questioned the water availability figures being used, opposed developing ag land into a subdivision, and traffic impact. He presented the Board with several letters from other property owners in the area opposed to the subdivision. Mr. Holiday also questioned whether easements were adequate for sewage disposal and an adequate drainfield.

Engineer Paul Kinshella stated that there was sufficient area for an adequate drainfield, and approval of the final proposed plan had to be obtained from the Health Department before final approval of the subdivision would be granted.

Jack Bolender questioned lot size in the proposed subdivision.

Dennis Foreman stated that lot size would be calculated at 20,000 square feet per lot on the final plat as required by law.

Mr. Bolender also stated his opposition to the high density another subdivision in the area would create. He too was concerned about adequate water supply.

Paul Kinshella again stated that there would be no great affect on anyone in Baxter Creek Subdivision 1's water supply by developing two wells for Baxter Creek Subdivision 2.

Other comments concerning easements, irrigation ditch access, liability, dog control, density problems, park maintenance, traffic, dust problems, and wood stove pollution were heard from Jack Bolender, Fred Harrer, Ellen Supero, Pat Dwyer, and J. Shearman.

Covenants for the subdivision was another area of concern to the public attending. Because the developer is also the Board of Directors for the subdivision, he would have final say on covenants and the granting of variances in the subdivision.

Mr. Paugh stated that his intentions were to build a nice subdivision with homes in the \$70,000 to \$75,000 price range similar to Mountain View subdivision, not to build a slum. He stated that Baxter Creek 1 was a nice place to live, and Baxter Creek 2 would be also. He stated that the covenants for Baxter Creek 2 were standard covenants for subdivisions, written by a reputable attorney.

Barb Snider, Board member, asked County Commissioner Jane Jelinski, who was in attendance in the audience, to comment on police protection and traffic problems in the area. Ms. Jelinski stated that police protection was a valid concern. Traffic problems in the area would be alleviated when the proposed road from Valley Center Road to 19th Street in Bozeman was completed, but the project is not expected to be completed for about seven years.

The public hearing on Baxter Creek Subdivision 2, with no further comments, was then closed. Mr. Thoreson again stated that the eight public interest criteria the Board was to consider in making their decision. He stated that the Gallatin County Commission had the final say on whether or not to approve the proposed subdivision. He then read aloud his five recommendations for approval of the subdivision."

Mr. Thoreson read the following letter from the Belgrade City/County Planning Board:

"Please be advised that the Belgrade City/County Planning Board, on March 26, 1985, held a public hearing concerning Baxter Creek Subdivision II, Robert Paugh, preliminary plat of 81 acres into 112 lots. General location approximately 4.5 miles east of Belgrade at the N.E. intersection of East Valley Center Road and Harper Puckett Road, adjoining Baxter Creek Subdivision I.

After reviewing the plat, listening to public testimony, and discussing the eight public interest subdivision criteria, the Board recommends approval of Baxter Creek Subdivision II with the following conditions:" (as stated above).

Paul Kinshella of Sanderson Stewart and Gaston spoke on behalf of the developer.

Mr. Kinshella stated that a public water system is proposed, consisting of two wells and a distribution system. Individual septic tanks are proposed on each lot with drainfields. A public park is proposed to be dedicated.

The wells will be located in the park. Each well is expected to produce about 120 gallons per minute each. The peak water demand within the subdivision is expected to reach 240 gallons per minute, during the summer months of irrigation. The winter peak is projected at 28 gallons per minute throughout the day. Average annual use will be 72 gallons per minute. The depth of the well is proposed at 95 to 130 feet with 6 to 8 inch casing.

Mr. Kinshella displayed a diagram of a study he had done on the draw-down effect in the area. Mr. Kinshella states that the ground water depths during the high period of the year are as high as twenty feet according to the groundwater studies the USGS has published. In a review of the well records it was found that during the summer peak the water table comes up about 10 feet from its low period at the end of April, starts rising in May, reaches its peak in about late June, and holds the level until September. During September as the irrigation water comes out of the ditches, the groundwater level begins to fall again.

Mr. Kinshella estimates that the annual usage of water for Baxter Creek 1 would be 30 million gallons and the usage for Baxter Creek 2 would be 38 million gallons. The water rights of Baxter Creek 1 would be protected in the event that Baxter Creek 2 would begin depleting the aquifer.

The Department of Health and Environmental Sciences has stated that lot sizes of 20,000 feet or more are adequate when using drainfields. All of the lots are set up with sufficient area on them to install a drainfield and a replacement area. The same type of soils are found in Baxter Creek 2 as are found in Baxter Creek 1. The slope will be between 1 and 2 percent. County Sanitarian Emery Nelson has monitored drainfields in the area and

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has not found that there are any problems with them.

Mr. Kinshella spoke regarding the density of the subdivision. With regard to the buffer zones, the park at the northeast portion of the subdivision would serve as a buffer between Baxter Creeks 1 and 2. In the southeast portion of the subdivision, 12 units are proposed.

Mr. Kinshella stated that a draft agreement had been reviewed by the County Attorney's Office between Mr. Paugh and the Belgrade Fire Department. The agreement states that Mr. Paugh will pay \$35.00 per lot for the lots that are approved, and will sell to the district lot 12 of block 8 for a substation. The Department also has the option of obtaining an alternate site that would provide better service.

There has been some question regarding the irrigation ditch that runs through the property with regard to whether or not it would create a hazard. The ditch is two to three feet wide, and approximately two feet deep. The ditch has been used every year for a few weeks to irrigate the trees on the property to the north. Mr. Paugh has spoken with the owners of the ditch with regard to moving the ditch. In the past, they have not been interested in moving it.

Anna Nash Gates, whose mother owns the ditch, stated that her mother should have the option to use the ditch for whatever use she needs. Mrs. Gates expressed a concern regarding access to the ditch and liability. Mrs. Gates stated that it would be possible to put a fence around the ditch.

Jane Jelinski asked whether there would be a possibility of moving the ditch. Mrs. Gates stated that this could be a possibility but would take further consideration.

The meeting was recessed at 3:00 P.M. The meeting reconvened at 3:15 P.M.

Joe Armstrong-Nelson read the letter into the record from the Belgrade Fire Department.

"Baxter Creek #2  
 Belgrade Rural Fire District Impact Statement

The following information is being prepared by Tom McIsaac, Belgrade Rural Fire Chief. The following information relates to the ability of the fire department to provide service at this time and is not intended to depict the overall planning of the Trustees of the Belgrade Rural Fire District. The information used in this assessment are based upon National Fire Standards and practical experience in firefighting operations. It is intended to provide a realistic evaluation of the facts and present possible alternative solutions to problems presented.

The report will evaluate the following areas that relate to our ability to respond to and perform at a fire scene.

Response Time and Access

There are two possible routes of primary access to this subdivision. Belgrade Station on east Main in Belgrade is the only one where equipment responds from. Route #1 East of Belgrade on U.S. 10 to the intersection of Valley Center East and then West on Valley Center to the subdivision. This route is approximately 7.5 miles from the station on paved highway. There is minimal traffic problems on this route and only one slowdown turn at the above mentioned intersection. Train traffic could slow down a response, but trains are seldom parked at this location. The response time to Baxter 2 by this route is 9 minutes after equipment leaves the station. A total time from initial report of a fire to the arrival of equipment on the scene could be realistically set at 14 minutes. This exceeds maximum standards by 4 minutes.

Route #2 is chosen by heading south on Jackrabbit to the intersection of Valley Center and then east on three miles of county gravel road. The distance is also 7.5 miles but only 4.5 miles is on improved highways. Time response is 12 minutes and total response is 17 minutes exceeding desirable standards by seven minutes. Intown traffic, railroad activities and I-90 Interchange make this a less desirable and slower route.

Fire Department recommendations include the extension of pavement on Valley Center to the intersection of Harper Puckett to guarantee minimal unimproved highways. Response time will also be affected by additional traffic congestion at U.S. 10 and Valley intersections. The only realistic solution to decrease overall response time is the location of a substation within 3-4 miles of the proposed subdivision.

Access within the subdivision is good with roads capable of travel by fire apparatus. We rely on water tanker shuttle operations for water supply so it is important that dead end roads are limited to provide a convenient loop system to avoid traffic congestion.

The continuation of Beck and Bostwick roads between development 1 and 2 is desirable and will provide a more comprehensive loop system throughout both subdivisions. It will also provide alternate routes to avoid traffic congestion in emergency situations.

Water Supplies

The water supply will be divided into two areas: total water supply and rate of flow. The following are based upon the National Fire Protection Associations Standard 1231-1975 "Standard on Water Supplies for Suburban and Rural Fire Fighting". The standard dictates that the total water supply is equal to the total cubic footage of the structure including any attached structures, divided by the occupancy hazard classification number. The occupancy hazard classification for residential dwellings is 7. From this formula a two story 1800 sq. ft. house with a 24 x 36 attached garage would be 46,368 cubic feet. This figure divided by 7 is equal to 6,634 gallons. If there are any unattached structural exposure hazards closer than 50' to any portion of the structure and larger than 100 sq. ft., then the previous gallonage shall be multiplied by 1.5. Covenants in Baxter Creek 2 will permit exposures within 50' therefore the total gallonage would be 6,624 x 1.5 which is equal to 9,936 gallons required at the fire scene. Belgrade Rural Fire District is currently capable of delivering 7,000 gallons to a fire scene in the subdivision. This represents a deficiency of approximately 3,000 gallons. The NFPA Standard

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1231-1975 states that the rate of flow shall not be less than 500 G.P.M. Belgrade Rural Fire Department is capable of doing this within the initial 7,000 gallons of water it delivers.

The 3,000 gallon deficiency in total water supply available could be remedied by the use of an existing mutual aid agreement, bringing in water tankers from other departments. Realistically, however, water fill points should be developed in the immediate area to allow for the rapid filling of tankers. Currently Belgrade Rural Fire District is in the process of developing the capability of delivering 250 gallons per minute anywhere within the district. With the water system proposed within the development, serious consideration should be given to the development of hydrants and a system capable of 500 G.P.M.

#### Equipment

There will be no adverse affects upon district equipment with the addition of the subdivision. We have adequate pumper, tanker, and support vehicles for the suppression of residential fires in the subdivision.

#### Manpower and Responses

Using data obtained from the previous five years of run reports to Mountain View Subdivision, our estimation that our total number of responses upon total occupance of the subdivision will be for chimney and structural fires-2 per year; for public service calls-1 per year; and for grass fires-1 per year.

These additional calls should not adversely affect the overall manpower and response calls within the district.

#### Summary

The major problem in this subdivision is the total time response from the Belgrade Fire Station. To overcome this problem, the developer and Belgrade Rural Fire District Board of Trustees have proposed an agreement whereby land for a future substation in this area would be exchanged for the cost of impact fees to the district. Consideration should be given to the development of a water supply system capable of delivering desired fire flows."

Johnnie Sherman, a resident of Baxter Creek 1, read the following letter from Bob Arrotta:

"I feel that there is first of all no need for a development of this magnitude. I checked with a realtor in our community and he informed me that in the immediate area there are presently 586 pieces of property for sale to put a home on. They are spread out through out the vicinity. Now it makes alot more sense to me to spread the building out over the valley than to concentrate it into one area. This makes alot more sense for roads, sewers and water usage.

At the present time there is a subdivision started just on the out skirts of Bozeman. It has been going for almost two years and they still have not sold all of the lots.

I would also like to know how the sheriff department is going to be able to handle this. In other words, what about the security? There won't be any as I see it. I haven't seen a patrol in our subdivision 6 times in the last 4½ years.

What about traffic problems? This translates to me at least 252 cars in their subdivision. We as homeowners just paid to have our road paved and we were told then that it would not stand up to much more traffic than it has because of the type of pavement. It is nice and convenient for Bob Paugh's people in this so called subdivision now to use it.

I have also talked to people that told me that a subdivision of the magnitude would definitely have an effect on our ground water. Is someone going to redrill my well if I run out of water?

I am concerned that it will lower my property value on my home. Now if someone tells me that this is not so, then why are four people that I have talked to going to put their homes up for sale. I definitely will to - if this passes.

The other thing is, I don't want a -- -- park out here, and I will tell you why. I want to know who is going to pay for the upkeep. Also it would just attract more children to our neighborhood because of the location of the park.

I don't know what this will do to my taxes, but I am sure of one thing, it won't help. I've been told they will go up.

The land being developed is also prime agricultural land. Now I know there is alot worse ground to build homes on in the valley. In other words, develop on some land that isn't as well suited for agriculture.

This subdivision will have an effect on wildlife undoubtedly.

In short, I guess I would like to say that the way I see the proposed subdivision is just a low income home project and I don't see the need nor do I like it.

/s/ Bob Arrotta"

Other letters received and read into the record included:

Craig and Karen McCollim, 1410 Harper Puckett Road citing the rural quality of life, the water shortages, and the proposed density.

J.S. and Helen Ramsey citing the density.

Robert and Claudine Nash referencing the Nash gravel pit and the roadway owned by the Nash's adjacent to the pit.

Grace Holiday, Baxter Creek 1 resident, summarized a letter submitted to the Belgrade Planning Board as follows:

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Ms. Holiday states that she and her husband are concerned with the high density in the area. Most of the area is divided into one acre lots. With regard to the need, she feels that if someone would like to have a smaller lot, they could find one closer to town. She expressed a concern with the water, the septic system, and the services provided by the County.

Craig Joy summarized his letter submitted to the Belgrade Planning Board as follows:

Mr. Joy stated that his main concerns were that he did not want to see the land taken out of productive farming. He is also concerned with the central water supply wells. Mr. Joy has done an analysis of the water supply. He is a former groundwater geologist for the USGS. Mr. Joy has filed an objection to the application for a water permit for Baxter Creek 2 asking for a restriction on the well.

Other letters read into the record included:

Jeffrey and Carla Bagdanov, 3 Cloninger Lane, citing the proposed density, impact on water supply, and indicating their opposition to the proposed subdivision.

Ms. Bagdanov also stated that she had a problem with the 12 units that were proposed at the southeast portion of Baxter Creek 2. She did not want to be exposed to 2½ families behind her.

George Thaut citing the density of the subdivision, the connecting roads between the subdivisions, increased costs for maintenance of roads within Baxter Creek 1, the possible decreased water supply to wells in Baxter Creek 1, increased air pollution, effects on wildlife.

William Dwyer, 27 Border Lane, citing the high density proposed, the number of vacant lots already for sale, the loss of farm land, and the effects on the water supply.

Gregory and Connie Foiles, 10 Cloninger Lane, citing the high density.

Anna Nash Gates, citing the high density and the effects on the water table. Ms. Gates mentioned that her well was drilled in 1979 south of Baxter Creek 1 and by 1982 she had to have the well redrilled to 120 feet because it had reached air pockets. She feels that the water table was impacted by the subdivision.

Daniel Ranieri, citing that Baxter Creek 1 is a nice subdivision and that many people are looking for smaller lots.

Rick Wolosyz, Steve Upton, Ralph Wilcox and Russ Norris, who are all contractors, cited in their letter that lots in the proposed size are all sold out in Mountain View Subdivision and felt that there was a demand for this subdivision.

Kenneth Zickovich, stating that the proposed subdivision would fill his need for a desirable lot.

Diane Rogers stating that she is interested in building a home in Baxter Creek 2.

Jim Wilcox stated that as a builder, there is a need for more quality building lots in this area.

People speaking in opposition of the proposed subdivision included:

Johnnie Sherman, a resident of Baxter Creek 1.

Jack Bolender cited the letter from the Sheriff's Dept. included in the EIS with regard to an increase in services. Mr. Bolender stated that the resources are being stretched to the breaking point.

Deanna Griffith stated that the impact from Baxter Creek 2 would affect the roads in Baxter Creek 1. She also cited the problem with law enforcement and the increase in traffic.

Dave McCullough a resident of Baxter Creek 1 stated that he enjoyed the rural living in the subdivision. Mr. McCullough stated that there is a problem with enforcing covenants because they have the problem in their subdivision. Mr. McCullough states that he had a problem with the water table on his property with regard to the septic system.

Toni Sims a resident of Baxter Creek 1 expressed concern with the connecting roads from Baxter Creek 2 into Baxter Creek 1. She states that there would be adequate access without having these connecting roads.

Pat Weiss, a resident of Baxter Creek 1, expressed concern with the increase in traffic with regard to children. She would request that the connecting roads be limited to emergency traffic only.

Jack Bolender spoke regarding the needs of the fire department with regard to the water requirements.

Dave McCullough suggested that break-away gates be installed on the connecting roads.

Dan Heimbigner, a resident of Baxter Creek 1, stated that he felt his well would be most affected by the draw down. His lot is directly behind the park. Mr. Heimbigner states that the road will be adjacent to his property and he will be required to move trees. He does not have a problem with either of these items. Mr. Heimbigner is not opposed to the subdivision.

Bob Paugh, the developer, stated that he had planned the subdivision to be a desirable place to live, and he feels that it will meet a need in the present market for homes in the price range of \$75,000.

Jane Jelinski asked Mr. Paugh whether he would be willing to negotiate with the Nash family regarding moving the irrigation ditch. Mr. Paugh believes this would be a good idea.

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Mr. Paugh has previously discussed this with Mr. Nash, who is now deceased.

Jane Jelinski asked Mr. Paugh if he would have any problem in reducing the density along the southeast portion to create a buffer zone. He stated that he would be willing to go along with that.

There was some discussion regarding the connecting roads. It was felt that it was good planning to have the roads between the two subdivisions connect.

Ramon White brought up the point that Mr. Paugh owned the property to the center of Valley Center and Harper Puckett Roads. As the plat is filed, this road ownership will still be shown on the plat. Mr. White stated that he would like to see that area be dedicated to the public, particularly the easement that is shown for the highway where Mr. Paugh has been asked for the 60 foot right of way. This is shown on the plat as a 30 foot easement and 30 feet as an existing road way.

Mr. Paugh states that it is unclear where the center line of the road will be. On the plat there is a statement that says, "This area restricted from any improvements reserved for possible future right-of-way acquisition."

Mr. White stated that he did not want the highway department to have to buy the 60 foot easement from Mr. Paugh when the road is improved. Mr. White suggested that as part of the final plat, he would like to see the road dedicated to the public so that when the highway is constructed, there would not be a purchase involved.

Paul Kinshella stated that 30 feet of right-of-way would be dedicated on both Valley Center and Harper Puckett Roads. If the portion were never used in road construction, it would be abandoned by the county and it would revert back to the adjacent land owners.

Joe Armstrong-Nelson stated that in regard to the water supply problem for the fire department the possibility of installing a water cistern under the substation has been discussed. The agreement with Mr. Paugh would not guarantee a substation on the lot in question, it would guarantee one within the area. Mr. Armstrong-Nelson stated that should a substation be built in the area, it would improve the fire protection service to Baxter Creek 2.

Jack Bolender spoke regarding the connecting road problem. Mr. Bolender states that in a conversation with Tom McIsaac, Mr. McIsaac indicated that he would not be opposed to closing one of the connecting roads and leaving one open.

At this time the hearing was closed to public comment.

Ramon White commented that the water and sewer problems were to be handled by the State Department of Health and is not at the discretion of the County Commission. Due to the fact that there has been an objection filed by Mr. Joy, there will be a public hearing regarding the well. Mr. White states that from the standpoint of fire protection, the burden is on the Belgrade Fire Department. The solution will have to be worked out prior to final plat approval.

Mr. White states that he has a problem in converting the density so quickly. The park dedication does address some of the problem; however, the southeast end is higher density as proposed. Mr. White would support lower density as a buffer zone. Mr. White would like to see six lots in the portion of the subdivision which would make it much more compatible with what is in the other subdivision.

Mr. White states that the ditch is also a problem and it would be up to the board to recommend that the developer work something out with the owner of the ditch. Mr. White stated that he felt it would be poor planning not to tie the streets together. Mr. White suggested a speed bump versus having a gate. Mr. White also suggested that perhaps a common improvement district could be created for the two subdivisions with regard to road maintenance.

Wilbur Visser suggested that on the southern boundary of the park that the road easement be left in but that the road not be built at this time. The northern connecting road would be built now.

Ramon White stated that he would like to see a 60 foot dedication on Valley Center Road and a 30 foot dedication on Harper Puckett Road.

Jane Jelinski cited Mr. Arrotta's letter in which he states that development should be spread all over the county. Ms. Jelinski states that this is the opposite of what planning is supposed to accomplish. Ms. Jelinski states that half-acre lots do not constitute low-income housing. She feels that the density in Baxter Creek 1 already allows for some diversity in income, which she believes is good. The issue of taking farm land out of production is a concern; however, Baxter Creek 1 was also farm land and is now being lived on. Ms. Jelinski stated that the dog control issue will be addressed. She does not believe that the law enforcement issue is an issue for this subdivision. Ms. Jelinski stated that she felt Mr. Paugh had designed a very nice subdivision. Ms. Jelinski stated that in discussing the issue of need, marketability helps define need and she believes that these lots will sell. She states that the rural character will help to be preserved by providing the buffer zone.

Ramon White spoke regarding the issue of need. He believes that of the inventory of unsold lots in the county, some of the inventory is not available for purchase. He does not believe that there are as many buildable lots available as people would tend to believe. He states that this subdivision will provide a tremendous need in the area.

Jane Jelinski made a motion to approve Baxter Creek Subdivision 2 with the five conditions that the Belgrade City-County Planning Board required plus the following:

6. That a 60 foot easement be dedicated to the public on the lots that border Valley Center Road.

7. That a 30 foot easement along Harper Puckett Road be dedicated to the public.

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8. That a buffer zone be developed along the southeastern edge of the subdivision by reducing the twelve half-acre lots to six one-acre lots.
9. That an agreement be developed between Mr. Paugh and the Robert Nash family that is satisfactory with regard to providing for the integrity and accessibility of the Nash ditch and possibly moving the ditch.
10. That a speed bump be built onto the roads that connect Baxter Creek 2 to Baxter Creek 1, that being Bostwick and Beck Drives.

This motion was seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 5:20 P.M.

- - - -

ATTEST

Clerk

*Gary St. Dingle*

APPROVED:

Chairman

*Wilbur Visser*

- - - -

PUBLIC MEETING TUESDAY, THE 30th DAY OF APRIL, 1985 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

No action taken on minutes of April 23, 1985 as they had not been prepared by the Clerk.

## ANNOUNCEMENTS

April 24, 1985

Received the following A101's:

#7678 from Mike Williams in the amount of \$12.00 for gym rental to the credit of the General Fund.

#7672 from State of Montana Dept. of Revenue for corporate license tax for American Federal Savings and Loan in the amount of \$406.00 to the credit of various funds.

Commissioners met with Jo Zirko of Billings and discussed Hebgen Lake Estates roads and drainages. Mrs. Zirko owns property in the area.

Commissioners held a meeting with Cindy Brown and Dick Lockhart of the FAA in Seattle regarding the Flight Service Station. Darla Joyner from the Chamber of Commerce was also in attendance.

Commissioners attended a joint meeting with the Fairgrounds Planning Committee, County Fair Board, Winter Fair Board, and 4H leaders to discuss future goals of the Fairgrounds Planning Committee.

Commissioner Jelinski and Administrative Assistant Ken Mosby attended the City-County Coop meeting at City Hall.

April 25, 1985

Commissioners met with John Dolan of the US Forest Service. The complete plan of the Gallatin National Forest was explained.

Commissioner Visser spoke to a junior high school class regarding local government and its operation.

Commissioner Jelinski met with the Finance Committee of the Gallatin County Alcohol Services.

Received the following list of new employees:

Connie Cleveland, Account Clerk I, Treasurer's Office, \$817.67/mo., 4/1/85.  
Robert Thompson, Temporary Draftsman, Road Department, \$6.37/hr., 4/1/85.  
Karen Lapham, Nurses Aide I, Rest Home, \$4.7174/hr., 3-28-85.  
Carol Cyr, Nurses Aide I, Rest Home, \$4.7174/hr., 3-28-85.  
Sharon Mattheis, Clerk, District Court, \$948.57/mo., 4-1-85.  
Sally Bartindale, Dispatcher, Sheriff's Dept., \$870.65/mo., 3-27-85.  
Leif Anderson, Part-Time Jailer, DUI Grant Program, \$5.0231/hr., 4-1-85.  
Jackie Harrison, Temporary Clerk, Assessor's Office, \$4.25/hr., 4-8-85.  
Wilton Mitman, Part-Time Jailer, DUI Grant Program, \$5.0231/hr., 4-10-85.  
Carol VanLith, Laundry Aide, Rest Home, \$3.8225/hr., 4-7-85.  
Karren Frieling, Office Manager, Rest Home, \$1,022.68/mo., 4-17-85.  
Kim Smith, Kitchen Aide, Rest Home, \$3.8225/hr., 4-15-85.

Weed Crew:

Ted Fiscus, \$5.7693/hr.  
Ronald McOwen, \$5.4726/hr.  
Dan Fiscus, \$5.7693/hr.

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April 26, 1985

Commissioners met with Hank Wruck, Civil Defense Director and Clark Robinson regarding central communications.

Commissioners sat as a Welfare Board this date.

Received the following cancellations of taxes:

#582	Greg John	\$12.76	Improvement was removed and no longer exists on property
#581	Greg John	12.35	" " " " " " " " " " " "

Commissioner Jelinski attended a seminar on effective training and hiring at the Inn of Bozeman.

April 29, 1985

Commissioner Visser, County Attorney Mike Salvagni, Deputy County Attorney Tom Anacker and Clerk and Recorder Gary Pringle went to Butte to testify at the hearing regarding the county surveyor.

Received the following A101's:

#7703 from Security Bank of Three Forks for interest earned on CD in the amount of \$1,513.70 to the credit of various funds.

#7704 from Security Bank of Three Forks for interest earned on CD in the amount of \$3,806.51 to the credit of Revenue Sharing and PILT.

Commissioner Visser attended the Manhattan Rural Fire District semi-annual meeting.

Commissioner Jelinski attended the budget training meeting for department heads.

April 30, 1985

Commissioners met with B. J. Hultz and Sheriff John Onstad regarding combining their offices in West Yellowstone.

Commissioners met with Duane Johnson of Management Associates, Ken Mosby, Administrative Assistant, Kathy Nowierski, Personnel Officer, and Sam Gianfrancisco, Road Superintendent regarding negotiations for the Road and Bridge Department Union Contract.

Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for summary review approval of Rabel Minor Subdivision. Ms. Peck requested that her staff report be entered into the record.

This is a five lot minor subdivision. It is located approximately twelve miles south of Bozeman at Gallatin Gateway on the east side of U.S. Highway 191. It consists of a 10.7342 acre tract, which would be divided into five lots.

Rabel Minor Subdivision appears to meet the criteria for summary review. The proposed subdivision is located just behind and adjacent to the Gateway Cafe and Store. There is an existing house on lot 2, and a sawmill operation which is located on parts of lots 3, 4 and 5. Lot 1 is proposed to be used for commercial development. Lots 3, 4 and 5 are proposed for single family homes.

This property and the adjacent property to the east have been previously divided through the use of exemptions to the subdivision regulations. The access road which is shown as crossing lots 3 and 4 is an existing easement to a parcel which could be further divided.

The access road raises a few concerns. As proposed, it does not meet county standards. Its location makes a large portion of lot 3 unusable. If the tract to the east were subdivided, the access road would create an additional triangular shaped lot.

Access to the subdivision would be from highway 191.

There is an existing telephone box and fence in the proposed road right-of-way. The County Road Department has expressed concern about future county liability if these obstructions remain in the road right-of-way. The Road Department also feels it is important to provide a temporary cul-de-sac at the eastern end of the property so that emergency vehicles will have a place to turn around.

The County Weed Supervisor has noted that there is a knapweed problem in the area and has asked that this issue be addressed in the covenants of the homeowners association.

There are two small excavations on site. One is being used as a gravel pit and the other is partially filled with sawdust.

Utility easements need to be provided and a homeowners association must be provide assume road maintenance.

Following are comments on the eight public interest criteria:

The Gallatin Gateway area is a developing rural community and there appears to be a demand for additional lots.

Effects on the natural environment would be slight. Effects on wildlife should not be significant. Agricultural lands will not be removed from production. Public health and safety should be adequately protected. Taxation should increase due to property improvements. Impacts on local services should be minimal.

There has been no expressed public opinion.

TUESDAY THE 30th DAY OF APRIL 19 85  
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 BOZEMAN, MONTANA

The following conditions should be considered as a part of preliminary plat approval:

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
2. That a copy of the State Highway encroachment permit be submitted to the Subdivision Review Office prior to final approval.
3. That the telephone box and fence be moved out of the road right-of-way.
4. That cash-in-lieu of parkland dedication be approved.
5. That copies of covenants and Homeowner's Association Articles be submitted for review and approval. That the Association assume the responsibilities for road maintenance and control of county declared noxious weeds within the road right-of-way. That the Articles state that individual owners are required to control county declared noxious weeds on their lots.
6. That all utility easements be shown as required by the Subdivision Regulations.
7. That a \$35.00 per lot fee be paid to the Gateway Rural Fire Department.
8. That the existing roadway easement be reclaimed and relocated and meet County road and design standards.
9. That road, drainage, and street sign plans be submitted for approval to the County Road Office. That all improvements be installed prior to final approval.
10. That the existing excavations be reclaimed and reseeded.
11. That a deed restriction be put on lot 1 limiting it to commercial use.
12. That a temporary cul-de-sac be built at the end of Rabel Lane.
13. That the final plat conform to the Uniform Standards for Final Subdivision Plats and is accompanied by the required certificates.

Jane Jelinski asked with regard to the easement for access to the two acre lot to the east if the easement could be relocated to run vertically from Rabel Road. This would then make lot 3 entirely usable. Ms. Peck stated that she would recommend this. Concern was expressed with the angle of the intersection with the present easement.

Wilbur Visser asked whether the grade of the relocated easement would be quite steep going up the two acre lot. Ms. Peck stated that she was unsure what the angle would be; however she believes it would be negotiable.

John Rabel stated that he had a problem with relocating the easement to the eastern boundary of lot 3 because of the topography of the area. If the hill were cut off, the wind would fill in the road with snow during the winter.

Tom Anacker stated that the main item that should be discussed is the potential of the two acre tract to be subdivided. The Commission should also determine whether or not a county road be built to county standards to that tract. If the Commission determines that further subdivision would not be allowed in that tract, then an easement would be sufficient.

Jane Jelinski made a motion that the Commission defer their decision for one week until the Road Superintendent has had an opportunity to review the road easement, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Stan L. Clark and Myles and Capi Hupka have claimed the exemption to realign a common boundary. The purpose of the survey is to enlarge the Hupka's existing parcel by .354 acre. Appropriate deeds have been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Stan L. Clark and Joe Hupka have also claimed the exemption to realign a common boundary. Joe Hupka's existing parcel would be enlarged .670 acres by the realignment. The appropriate deeds have been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that the Commission had reviewed a sample burning permit that the County Attorney's Office has proposed. The permit would be a two-part form, one copy being retained by the Sheriff's Office and the other being retained by the permittee.

Wilbur Visser read the proposed permit as follows:

There is a space at the top of the form for the permittee's name, address and telephone number.

This permit is issued in cooperation with the State of Montana Air Quality Bureau and the Gallatin County Rural Fire Departments and is good for the calendar year January 1, 198 \_\_, to December 31, 198 \_\_. It is the responsibility of each permit holder to call the Gallatin



TUESDAY THE 30th DAY OF APRIL 1985  
 FORM 12187-TRIBUNE PRINTING OFFICE OF COUNTY COMMISSIONERS  
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County Sheriff's Department on each day that you intend to burn and provide the following information:

- (a) Area and location of burning
- (b) Time when burning will be conducted
- (c) Material to be burned

Each permit holder shall use care and caution while burning; tools and fire suppression equipment are required at the burning area for fire control. Please contact your Rural Fire Department each time prior to burning. See additional information on reverse side.

The permit is to be signed by the issuing officer at the Sheriff's Department.

Be advised:

Under the provision of State Statute 50-63-103, MCA, (see reverse side of permit) YOU ARE LIABLE for any and all fire suppression costs and damages resulting from an escaped and/or uncontrolled fire. You are liable for your fires despite the fact you have been issued this permit.

The reverse side of the permit lists the open burning seasons, prohibited items, rules regarding open burning and the liability of offender for damages and costs.

Ramon White stated that he had received a telephone call from the Pass Creek Fire District who are in favor of the burning permit and a call from the Willow Creek Fire District who are not in favor of the burning permit.

The permits would be in effect for one year when issued.

Jane Jelinski made a motion to adopt a policy requiring burning permits to be issued by the Sheriff's Department and that the permits be good for one calendar year. These permits would have a trial period of two years, seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion that the policy be effective May 15, 1985 to give adequate notice to the public, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski made a motion to reappoint Russell Robinson to the Sedan Fire District Board, term expiring April, 1988, seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion to appoint Bill Landis to the Sedan Fire District Board, term expiring April, 1988, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:20 P.M.

ATTEST:

*Gary St. Dingle*  
 Clerk

APPROVED:

*William Visser*  
 Chairman

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The following are the quarterly securities submitted by the County Treasurer for the quarter ended March 31, 1985:

\$15,313,898.18 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

First National #1 Checking			\$2,500,000.00 79,749.89
Gall Cnty 1974	5.90	1/1/87	\$ 40,000.00
Gall Cnty 1976	8.00	1/1/88	80,000.00
Gall MT 1974	6.00	1/1/89	40,000.00
Co of Cook	5.60	11/1/92	100,000.00
WA Ser A	5.50	4/1/93	50,000.00
Fairfax	5.20	5/1/93	250,000.00
IL Ser A	5.25	5/1/93	200,000.00
King Cnty	5.50	6/1/93	150,000.00
Park Cnty	5.90	6/15/93	30,000.00
MD 2nd Ser	5.50	7/15/93	200,000.00
Florida St. Bd.	5.20	1/1/92	100,000.00
New Jersey St	5.10	6/1/92	175,000.00
Montgomery Cnty	5.90	6/15/85	100,000.00
Cmnwlth of MA	6.20	8/1/93	300,000.00

FIRST SECURITY BANK OF BOZEMAN

CREDIT BALANCE

#089086 Checking			\$ 450,000.00 12,108.00
2861	4.09	6/10/87	2,000.00
2862	4.09	6/10/85	2,000.00
2873	4.09	6/10/86	2,000.00
5545	7.875	5/15/86	75,000.00
6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
6722	6.70	6/1/85	110,000.00
6725	4.80	6/1/86	200,000.00

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 30th DAY OF APRIL 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

20962	5.20	4/1/87	25,000.00
3370		7/1/87	10,788.75
3371		7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3377		7/1/85	10,788.75
3378		7/1/86	10,788.75
3379	5.00	9/1/92	25,000.00
4012	5.35	7/1/86	9,000.00
4013	4.75	12/1/88	10,000.00
4015	5.50	9/1/85	25,000.00
6000	7.25	9/1/88	120,000.00
PI2389	5.25	6/1/86	9,000.00

MONTANA BANK OF BOZEMAN

712388  
 57729  
 Checking

CREDIT BALANCE

\$ 225,402.64  
 2,500,000.00  
 10,467.75

19276	5.75	7/1/85	1,000.00
16710	4.00	7/1/85	15,000.00
19863	4.10	7/1/85	750.00
19265	5.75	7/1/85	8,000.00
19343	3.70	7/1/85	3,200.00
15609	4.70	12/15/85	14,000.00
19008	5.00	1/1/86	5,000.00
19008	5.00	1/1/86	3,500.00
18911	4.50	7/1/86	4,000.00
19265	5.75	7/1/86	8,000.00
19256	4.50	7/1/86	15,000.00
19276	5.75	7/1/86	1,000.00
19346	4.25	7/1/86	10,000.00
15612	4.75	12/15/86	7,000.00
23343	4.75	12/15/86	4,000.00
15609	4.70	12/15/86	16,000.00
19008	5.00	1/1/87	3,500.00
19008	5.00	1/1/87	15,000.00
18911	4.50	7/1/87	4,000.00
19265	5.75	7/1/87	8,000.00
23343	4.75	12/15/87	4,000.00
15612	4.75	12/15/87	7,000.00
19008	5.00	1/1/88	3,500.00
19008	5.00	1/1/88	15,000.00
5078	5.20	3/1/88	10,000.00
19253	4.70	7/1/88	25,000.00
19265	5.75	7/1/88	8,000.00
21351	5.20	7/15/88	50,000.00
28104	5.-0	1/1/89	10,000.00
19265	5.75	7/1/89	8,000.00

WESTERN BANK OF BOZEMANCREDIT BALANCE

\$ 2,162.00

VALLEY BANK OF BELGRADEPLEDGE BALANCECREDIT BALANCE

\$670,079.26

\$ 4,379.30

MANHATTAN STATE BANKCREDIT BALANCE

\$ 2,594.00

4912	4.80	2/1/86	25,000.00
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SECURITY BANK OF THREE FORKSCREDIT BALANCE

\$ 866.00

333657	8.00	2/15/85	300,000.00
333662	11.625	10/31/86	300,000.00

FIRST SECURITY BANK OF WEST YELLOWSTONECREDIT BALANCE

1,284.75

FIRST CITIZENS BANK OF BOZEMAN

U.S. Treas.	11.75	4/30/86	100,000.00
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EMPIRE FEDERAL SAVINGS & LOAN OF LIVINGSTON

8340	13.00	5/26/87	100,000.00
9847	9.25	12/2/85	105,000.00

OTHER BANKS

Commerce Trust			5,839.28
Norwest			286,429.87
Southgate State			21,822.50
First Trust Bozeman			165,738.40
First Security Bozeman			1,380.00
First Trust Helena			162,691.25

TUESDAY THE 30th DAY OF APRIL 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
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Cash in Office \$ 736,010.27  
 School Investments 2,480,559.30  
 County Investments 5,664,412.98  
\$15,313,898.18

PUBLIC MEETING TUESDAY, THE 7th DAY OF MAY, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of April 23 and 30, 1985, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

May 1, 1985

Commissioner Jelinski attended the Montana Advocacy Board meeting in Helena.

Commissioners Visser and White and Road Superintendent Sam Gianfrancisco inspected roads from Logan to Clarkston.

Commissioner Visser attended the Audit Committee meeting.

Received the following A101's:

#7720 from First Bank Bozeman for interest earned on CD in the amount of \$3,828.90 to the credit of the General and Poor Funds.

#7721 from First Bank Bozeman for interest earned on CD in the amount of \$2,147.26 to the credit of various funds.

May 2, 1985

Commissioners, County Attorney Mike Salvagni, and Tom Anacker, Deputy County Attorney, met with representatives of the media regarding providing adequate public notice for the Commissioners' activities. Various suggestions were discussed.

Commissioner Jelinski attended the J.T.P.A. meeting in Livingston.

Commissioner Visser and White went to Virginia City and met with the Madison County Commission regarding tipping fees for the West Yellowstone Refuse District #2.

Received the following A101's:

#7741 from First Security Bank of Bozeman for interest earned on CD in the amount of \$853.70 to the credit of various funds.

#7749 from Montana Bank of Bozeman for interest earned on CD in the amount of \$1,712.60 to the credit of various funds.

May 3, 1985

Commissioner Jelinski attended the J.T.P.A. meeting in Livingston.

Received A101 #7763 from William Tietz in the amount of \$75.00 for water lease to the credit of the General Fund.

Received report from the Clerk and Recorder for filing fees and other items collected in the amount of \$9,175.45.

May 6, 1985

Commissioners and Ken Mosby met with County Coroner Doris Fisher regarding her proposed budget for next year.

Commissioners Visser and White, Sam Gianfrancisco, Road Superintendent, Bob Jordan, Bridge Foreman, and Deputy County Attorney Tom Anacker, Harry, Bill and Ed Brainard, and Don White, representing the Brainard's viewed the Brainard Road and bridge from Clarkston to Sixteen Mile Creek.

Commissioners and Sam Gianfrancisco viewed a film shown by Schmidt Engineering and Equipment Co. on new snow removal equipment.

Received and approved the following transfers:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 1000-232-411600-370 be transferred to account 1000-232-411600-345 under general class (2) Maintenance and Support.

TUESDAY THE 7th DAY OF MAY 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

That the sum of \$655.00 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-370 be transferred to account 1000-210-41100-380 under general class (2) Maintenance and Support.

That the sum of \$25.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-370 be transferred to account 1000-212-420810-210 under general class (2) Maintenance and Support.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410331-210 be transferred to account 2180-208-410331-312 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 6th DAY OF MAY, 1985

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon S. White

May 7, 1985

Held Department head staff meeting.

Received the following cancellations of taxes:

#583 Frank Trunk & Sons \$348.80

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Mary Kay Peck, Subdivision Review Officer, stated that at last week's public meeting, the Commission had deferred its decision regarding Rabel Minor Subdivision because they requested that the Road Superintendent view a road easement on the property. Ms. Peck displayed a plat of the proposed minor subdivision.

Sam Gianfrancisco, Road Superintendent, stated that the Road Department's original recommendation was to bring the easement down the property line of lot 3, rather than cutting across two lots. After viewing the site, Mr. Gianfrancisco still feels that this would be the best place for the road.

Wilbur Visser read the recommended staff conditions.

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
2. That a copy of the State Highway encroachment permit be submitted to the Subdivision Review Office prior to final approval.
3. That the telephone box and fence be moved out of the road right-of-way.
4. That cash-in-lieu of parkland dedication be approved.
5. That copies of covenants and Homeowner's Association Articles be submitted for review and approval. That the Association assume the responsibilities for road maintenance and control of county declared noxious weeds within the road right-of-way. That the Articles state that individual owners are required to control county declared noxious weeds on their lots.
6. That all utility easements be shown as required by the Subdivision Regulations.
7. That a \$35.00 per lot fee be paid to the Gateway Rural Fire Department.
8. That the existing roadway easement be reclaimed and relocated and meet County road and design standards.
9. That road, drainage, and street sign plans be submitted for approval to the County Road Office. That all improvements be installed prior to final approval.
10. That the existing excavations be reclaimed and reseeded.
11. That a deed restriction be put on lot 1 limiting it to commercial use.
12. That a temporary cul-de-sac be built at the end of Rabel Lane.
13. That the final plat conform to the Uniform Standards for Final Subdivisions Plats and is accompanied by the required certificates.

Mary Kay Peck suggested that if the Commissioners determine that an easement is necessary instead of a dedicated road, that condition no. 8 be changed to read that the existing roadway easement be reclaimed and relocated to the eastern boundary of the subdivision.

Tom Anacker stated that the existing easement could be vacated via a quit claim deed so that it no longer exists. This should be done as part of the conditions for approval.

Ramon White suggested an amendment to condition no. 8 to read that the existing road way easement be reclaimed and relocated on the east edge of lot 3 and that the old easement be vacated and the new easement be shown on the plat.

Ramon White made a motion that Rabel Minor Subdivision be approved subject to the staff recommendations as amended by the board, seconded by Jane Jelinski, none voting nay. The motion carried.

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TUESDAY

THE 7th

DAY OF MAY

19 85

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for preliminary plat approval for the amended plat of Middle Creek Meadows Subdivision. Ms. Peck presented her staff report as follows:

Ted Yates, et.al., have applied for preliminary plat approval for a nine lot subdivision, which is a rearrangement of lot 1, block 2, Middle Creek Meadows Subdivision No. 2. The location is more generally described as being west of Bozeman at Four Corner on Highway 191. The rearrangement consists of a 5.256 acre tract, divided into nine lots, averaging 24,000 square feet in size.

Middle Creek Meadows No. 2 was originally approved in 1970. It is almost completed developed. The developer is proposing that a community water system serve the lots, which would be half acre in size. The well would be on a small parcel which would need to be maintained by and dedicated to the Homeowners' Association. An existing well on lot 1-1 is scheduled for abandonment.

The four inch water line is proposed to be located in the public right-of-way about five feet east of the east property line. The County Road Office has expressed concern that the location could cause future maintenance problems, and would prefer that the water line be located within a utility easement on the lots.

When Middle Creek Meadows was originally developed, parkland dedication requirements were in force. The County Park fund was not established as a separate bookkeeping function until after this subdivision was approved, and so there is no clear record of a deposit.

The developer has requested two variances from the Subdivision Regulations. The first request is a variance from Section 6D2, which states: "When a new subdivision adjoins unsubdivided land and reasonable access thereto must pass through the new subdivision, streets and right-of-way shall be provided so as to allow suitable access to the unsubdivided land."

The developer offers two reasons for this request. First, when Middle Creek Meadows was originally designed and approved, the above regulation was not in effect, and the road pattern is not designed for through traffic from other subdivisions, particularly at an intersection that would be located on a curve. Second, the unsubdivided land to the south has access from other points, and is separated from this property by an irrigation ditch.

The second variance request is from the Road Design standards. Because Arrowhead Lane intersects Arrowhead Road on a curve, and because of the original layout of the Subdivision, the developer feels it is not possible to meet the County curve design standards. The County Road Office has expressed a concern that Arrowhead Lane meet County Design Standards as nearly as possible to ensure that this intersection is safe. The Road Office felt that Arrowhead Lane should have a cul-de-sac, be built to county standard, intersect Arrowhead Road at as close to a right angle as possible, and have a yield sign at its intersection.

Access to this subdivision is from an existing 60 feet dedicated road, Arrowhead Road. This road was built before any county road design standards were adopted. The County Road Supervisor feels the road is too narrow, and recommends that the road be brought to county standards as a safety precaution.

Lot design conforms as much as possible to the Subdivision Regulations.

Mountain Bell has requested that the utility easement on the west boundary of the subdivision be increased to ten feet.

The County Weed Control Officer has suggested that the covenants or homeowners articles state that individual lot owners be responsible for the control of county declared noxious weeds. That the homeowners association be responsible for controlling weeds in the road right-of-way.

The environmental assessment has been waived. Comments on the eight public interest criteria are as follows:

There appears to be a demand for additional lots in the area. Notice was printed in the newspaper and surrounding property owners were notified by certified mail.

Impacts on agriculture should be minimal. Rae Rural Fire Department has responded that the proposed subdivision meet their requirements. Monforton School did not respond. There will be an increase in taxation. Impacts on the natural environment and wildlife should be minimal. Two safety concerns have been identified. First, the narrow width of Arrowhead Road may prove hazardous. Second, the intersection and design of Arrowhead Lane may also prove hazardous.

Ms. Peck suggests the following conditions be attached to preliminary approval:

1. That copies of revised covenants and Homeowner's Association Articles be submitted for review and approval. That the Association assume the responsibilities for road maintenance and control of county declared noxious weeds within the road right-of-way. That the Articles state that individual owners are required to control county declared noxious weeds on their lots.
2. That all utility easements be shown as required by the Subdivision Regulations and as requested by Mountain Bell.
3. That the community water line be located within the utility easement.
4. That Arrowhead Lane be built according to County Standards for width and construction. That the angle of intersection be as close to a right angle as possible, that a yield sign be placed at the intersection, and that a cul-de-sac be built at the south end of Arrowhead Lane. That road, drainage, and street sign plans be submitted for approval to the County Road Office. That all improvements be installed prior to final approval.
5. That Arrowhead Road be improved to meet current County standards.

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 BOZEMAN, MONTANA

6. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
7. That a \$35.00 per lot fee be paid to the Rae Rural Fire Department.
8. That the well abandonment be done according to State Department of Natural Resources and Conservation Standards.
9. That the covenants state that the property on which the well is located be owned and maintained by the Homeowner's Association.
10. That a restriction be placed on lots 1-7, 1-8, and 1-9 that they will not be further divided.
11. That the Certificate of Dedication on the final plat be changed to the example in appendix b of the subdivision regulations.
12. That the final plat conform to the Uniform Standards for Final Subdivision Plats and is accompanied by the required certificates.

Ramon White asked with regard to the variance from Section 6D2 of the Subdivision Regulations whether this was an appropriate use of a variance. Tom Anacker states that he feels this is one of the instances where a variance would be appropriate because it would create a hardship on the developer to comply with the regulations. The subdivision has gone through review in the past and fell under the old subdivision regulations.

Ms. Peck states that the park is being dedicated to the homeowners association. The park is not being created to meet parkland requirements, it is being created to accommodate the community well. The well must be located on community property. The area is a 20 x 20 foot space in lot 1.

Ramon White stated that it did not need to be a park, it could be a parcel of land that is owned in common ownership with all of the lots. The parcel would be deeded to the homeowners association.

Ramon White stated that with regard to the request by Mountain Bell that the utility easement be increased to ten feet, he believed that this would also require a variance. Mary Kay Peck stated that they were centered along the side and rear lot lines which makes a total of twenty feet, it is actually ten feet on each side.

Arthur Van'THul, engineer for the developer, stated that the land on which the well is located would be property owned by the homeowners association. With regard to putting the water line in the easement rather than in the right-of-way, if it is put in an easement it will be difficult to maintain. It is easier to maintain if it is kept in the public right-of-way.

With regard to the road design, the access for the southern lots will more or less be a driveway. The angle of the intersection will be at a right angle.

Wilbur Visser asked with regard to the homeowners association what the status was with regard to the road. He asked whether there would be a separate homeowners association formed for maintenance of the road.

Mr. Van'THul stated that he was unable to obtain a copy of the agreement of the homeowners to maintain the road. Mr. Van'THul stated that this being part of the subdivision is part of the homeowners association taking care of the road.

Mary Ackerman states that lot 1 of block 2 has paid their homeowners association fees for their road participation.

Mr. Van'THul states that the water and sewer designs have been submitted to the water quality bureau in Helena.

Wilbur Visser asked if there were any problem with the 60 foot cul-de-sac requested on the end of Arrowhead Lane. Mr. Van'THul stated that his concern with it is that you would be at the end of the cul-de-sac before you realized it. Mr. Visser stated that it would provide access for both lots. Mr. Van'THul states that he believes a hammerhead would be better.

Emery Nelson, County Santarian, stated that there may be a problem with the lot that is about 33,000 square feet with regard to the septic system. The well is also located on this lot and there is some question with regard to the size of the area for both a septic system and a well. The State Department of Health would have to approve this. Mr. Nelson would recommend that the lot be enlarged to an acre or more.

Art Van'THul stated that he felt that a community well system would be safer than individual wells on each lot. Samples of the water will then be sent in on a monthly basis rather than perhaps once a year.

Jane Jelinski asked if the Commission recommended that lots 1 and 2 be combined to provide a larger area for the well site and septic system, would it create a hardship for the developer? Mr. Van'THul stated that it would, because it barely comes out with the road improvements that are being requested.

Ramon White stated that there is an RID Maintenance for Middle Creek Meadows #2 on this lot on the tax rolls. All of the lots would then automatically be assessed.

Jane Jelinski suggested an addition to condition no. 1 that the homeowners assume the responsibility and maintain the community water system.

Jane Jelinski made a motion to grant preliminary plat approval for the amended lot of Middle Creek Meadows Subdivision with the conditions outlined by staff and with the addition on condition no. 1 that the homeowners assume the responsibility of maintaining the community water well, seconded by Ramon White.

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Sam Gianfrancisco, Road Superintendent, stated that after listening to Mr. Van'THul's comments regarding condition no. 3, he would have no objections to allowing the five feet in on the property line. The water line could be left in the road right of way as long as it was not more than five or six feet in. Mr. Gianfrancisco states that there would be an understanding that none of the valves or controls would be in the easement. He would agree that condition no. 3 be deleted.

Ramon White suggested that condition no. 9 be amended to read that the covenants state that the well location be a dedicated parcel to the homeowners association rather than referring to it as a park.

Jane Jelinski amended her motion to read that preliminary plat approval be granted to the amended plat of Middle Creek Meadows Subdivision with the conditions as outlined by staff except for the following changes: that condition no. 3 be deleted and that condition no. 9 the word property be substituted for the word park, and the addition to no. 1 as previously stated, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for extension of preliminary plat approval for Emmelkamp Subdivision. This subdivision was given preliminary approval last June. This is an eight lot subdivision located in Churchill. The developer has applied for a one year extension. Progress toward meeting the conditions has been made. It does appear that the developer is making an effort to meet the conditions.

Ramon White made a motion to grant a one year extension of preliminary plat approval for Emmelkamp Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for extension of preliminary approval for the expansion of Forest Park Mobile Home Park. Preliminary approval was granted in May, 1984. Forest Park is located on the north side of Highway 289 and on the east side of the West Gallatin River. This is a four-phase expansion. Because of its proximity to the Gallatin River, some of Forest Park is located in the floodplain. To meet the conditions of approval, the developer has prepared a study to evaluate the location of the floodplain. The study was submitted to the State Department of Natural Resources and Conservation in January. The State has not yet completed its review which makes it impossible for the developer to meet the conditions within the one year approval time.

The developer has thus asked for an extension of approval. The developer has requested the following extension schedule:

Phase I	May 29, 1986
Phase II	May 29, 1988
Phase III	May 29, 1987
Phase IV	May 29, 1989

It does appear that the developer is making progress toward meeting the conditions.

Bob Lee of Morrison-Maierle states that the floodplain revision has been done and the report should be sent to the Department of Natural Resources and the County Floodplain Administrator shortly.

Jane Jelinski made a motion to grant the request for a one year extension of Phase I and phased in through Phase IV as described in the staff report, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Dan J. Ricker has claimed the occasional sale exemption for a tract located at Big Sky. Mr. Ricker has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on above information, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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Jane Jelinski read the following Resolution:

WHEREAS, two-thirds of the residents of the proposed district surrounding the following existing road which is part of the accepted county road system of Gallatin County, Montana:

Three miles of Nelson Road, commencing at its intersection with Highway 10

petitioned the Gallatin County Board of County Commissioners to create a local improvement district to administer the following improvements:

2-inch asphalt surface for one mile north on Nelson Road from its intersection with Highway 10 and double-shot oil treatment the remaining two miles to Outlaw Country Subdivision.

WHEREAS, the costs of the improvements are estimated to be \$140,000.00, and the district will assume and pay sixty-five percent (65%) of all costs.

WHEREAS, the petitioners have advised the Board that the portions of the costs which the district will assume and pay will be donated by concerned and interested citizens and that

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no assessments will be required. The petitioners have further advised the Board that prior to final action to create a local improvement district, notification will be given to the Board that the district's share of the monies for the improvements have been fully donated and are available to be paid to the County.

WHEREAS, the petitioners have requested that the Board waive notice of meeting and meeting as provided in Sections 7-14-2705 and 7-14-2706, MCA, for the reason that there will be no assessments required and no assessment district will be created.

WHEREAS, Section 7-14-2704, MCA, provides that a board of county commissioners shall pass a Resolution of public interest upon the receipt of a proper petition for the opening or improving of a county road.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners for Gallatin County have received a petition for the improving of three miles of Nelson Road, a county road, from its intersection with Highway 10, and find from said petition that the public interest demands the improving of Nelson Road as follows:

2 inches of asphalt surface for one mile north on Nelson Road from its intersection with Highway 10 and double-shot oil treatment the remaining two miles to Outlaw Country Subdivision;

2. That the Board of County Commissioners for Gallatin County hereby waive the notice of meeting and meeting provided for in Sections 7-14-2705 and 7-14-2706, MCA, for the reason that no assessments will be required to fund the improvements.

3. That no assessments are to be levied for improvements or maintenance in that the district has agreed to contribute its 65% share of the total cost in cash;

4. That the Board of County Commissioners of Gallatin County agrees to share costs with the district in the amount of thirty-five percent (35%) of the total cost;

5. That Gallatin County, through its County Road Department, will install a portion of the improvements, which shall represent the county's thirty-five percent (35%) share of the cost of this project, as can be arranged in the County Road Department work schedule;

6. That prior to the final creation of a local improvement district for three miles of Nelson Road, the petitioners shall notify the Board of County Commissioners that the district's share of the monies for the improvements have been fully donated and are available to be paid to the County. Following this notification, it is the intent of the Gallatin County Commission to create a local improvement district to be known as Local Improvement District No. 104 for the improvement of three miles of Nelson Road commencing at its intersection with Highway 10.

The petition requesting creation of the district has been certified by the Clerk and Recorder.

Sam Gianfrancesco, Road Superintendent, verified that the resolution was correct with regard to the work to be done; however, the two inch asphalt may be done for a mile and a half the first year because of the contractors resubmitting a bill that was less than the original estimate. The district has committed themselves to \$55,000 this year to do the first mile.

Jane Jelinski made a motion to adopt Resolution No. 590, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that the County Attorney's Office had reviewed the proposed contract with Telecommunications Resources, Inc. of Butte who are proposing to study the county's communications system and make recommendations to the Commissioners. In reviewing the contract, the Deputy County Attorney questions with regard to tasks 1, 2, and 3 if the Commission wishes Telecommunications Resources, Inc. to address all of the items? Ramon White stated that he felt all of the items in tasks 1, 2, and 3 should be accomplished.

Tom Anacker stated that there is a default condition in paragraph 6 which would provide that if the contractor defaults, the county may go ahead and finish the project and if there are remaining funds after the project is finished, the contractor will be entitled to the remaining funds. Mr. Anacker does not think that this is a reasonable provision. Mr. Anacker suggests that paragraph 11 be reworded with regard to the payment clause. Exhibit B of paragraph 12 is not complete. Mr. Anacker states that he has spoken with David Kitts of Telecommunications Resources, Inc. and he is agreeable to the county submitting a draft of the suggested changes to him for review.

Jane Jelinski made a motion to defer the decision regarding this contract until the changes have been made and reviewed by David Kitts, seconded by Ramon White, none voting nay. The motion carried.

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Quarterly securities were checked and found to be in order as entered into the minutes on April 30, 1985.

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There being no further business, the meeting adjourned at 3:20 P.M.

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ATTEST:

*Luigi H. Pringle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of May 7, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

May 7, 1985

Commissioners Jelinski and White attended the Central Communications Advisory Board meeting.

May 8, 1985

Jane Jelinski attended the Interagency breakfast.

Commissioners Jelinski and White attended the budget hearings at the Senior Center.

Received the following A101's:

#7793 from First Bank Bozeman for interest earned on Revenue Sharing Funds in the amount of \$825.05 to the credit of various funds.

#7794 from First Bank and Montana Bank of Bozeman for interest earned on repurchase agreement and other accounts in the amount of \$29,017.58 to the credit of various funds.

Granted permission to Justice of the Peace Goan to be out of state from May 8, 1985 to May 13, 1985.

Commissioners met with Personnel Officer Kathy Nowierski.

Commissioners met with Margaret Brown, Superintendent of Schools regarding her proposed budget for the next fiscal year.

May 9, 1985

Commissioners hosted the MACo District 8 and 9 meeting.

Received A101 #7811 from MSU for gym rental in the amount of \$30.00 to the credit of the General Fund.

Received prisoner board billing from the Sheriff's Dept. for the month of April in the amount of \$6,379.00.

Granted permission to the County Assessor Arletta Derleth to be out of state from May 22 through June 5, 1985.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-362 be transferred to account 1000-254-420600-370 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-362 be transferred to account 1000-254-420600-320 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 9th DAY OF MAY, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

May 10, 1985

Jane Jelinski attended the Urban Coalition meeting in Helena.

May 13, 1985

Commissioners and Reeves Petroff, Weed Supervisor, toured several locations infested by spotted knapweed.

Received the following A101's:

#7831 from State of Montana Dept. of Institutions for alcohol tax payment for May, 1985 in the amount of \$3,156.00 to the credit of the Alcohol Fund.

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#7832 from State of Montana Dept. of Revenue for distribution of wine tax for April, 1985 in the amount of \$278.82 to the credit of the General Fund.

#7835 from State of Montana Dept. of Revenue in the amount of \$15,426.71 for liquor license tax distribution to the credit of various funds.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Jerry M. and Mary V. Olson have claimed the security for construction financing exemption. Mr. and Mrs. Olson have submitted a statement certifying that only one parcel is being created within the original tract. The Lomas & Nettleton Company has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption to the Olsons, seconded by Ramon White, none voting nay. The motion carried.

Lois M. Gaffney has claimed the security for construction financing exemption. Ms. Gaffney has submitted a statement certifying that only one parcel is being created within the original tract. First Security Bank has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption to the Gaffneys, seconded by Ramon White, none voting nay. The motion carried.

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Ramon White made a motion to table the appointment of members to the Gallatin County Airport Board until a resolution can be passed creating a new board, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski made a motion that the Deputy County Attorney, in drafting the resolution, include the length of term on the board and that the terms shall be staggered so that the new appointees' terms will expire at different times, seconded by Ramon White, none voting nay. The motion carried.

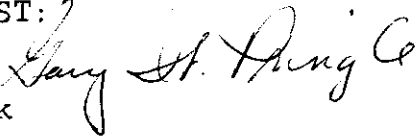
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There being no further business, the meeting adjourned at 2:10 P.M.

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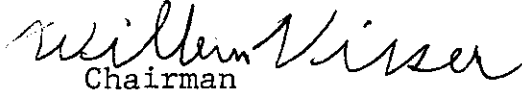
ATTEST:

Clerk



APPROVED:

Chairman



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PUBLIC MEETING TUESDAY, THE 21st DAY OF MAY, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the rough draft of the minutes of the May 13, 1985 meeting, seconded by Ramon White, none voting nay. The motion carried.

## ANNOUNCEMENTS

May 14, 1985

Routine business this date.

May 15, 1985

Commissioner Visser attended the Board of Health meeting.

Commissioners met with Clerk of Court Lorraine VanAusdol regarding the proposed budget for next year.

Commissioners Visser and White attended the Refuse District No. 2 meeting in West Yellowstone.

Received A101 #7861 from First Bank Bozeman in the amount of \$152,611.00 for revenue sharing payment to the credit of revenue sharing.

Sent the following letter to Loy Carroll, authorizing transfers of funds:

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sum of \$3.81 from fund 1000 to fund 1050 to correct miscoding.
2. The sum of \$20.95 from fund 1000 to fund 2710 to correct P.O. 31499.
3. The sums of \$16.27 from fund 2180, \$47.92 from fund 2190 and \$171.76 from fund 2110, to fund 1000 for gas.
4. The sums of \$240.97 from fund 1000, \$88.51 from fund 2160, \$31.58 from fund 2761, \$54.93 from fund 2190 and \$21.13 from fund 2140, to fund 2110 for gas.

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

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5. The sum of \$543.09 from fund 1050 to fund 1000 to correct miscoding.
6. The sums of \$22.44 from fund 2110, \$168.15 from fund 2120, \$44.68 from fund 2140, \$231.72 from fund 2180, \$812.67 from fund 2290, \$104.71 from fund 5020, \$52.53 from fund 2190, \$10.19 from fund 2275, \$6.37 from fund 2278, \$4.11 from fund 2282, \$5.72 from fund 2160, and \$150.18 from fund 2273, to fund 1000 for printing.
7. The sums of \$37.50 from fund 2180, \$22.79 from fund 2290, \$88.87 from fund 2190, \$47.14 from fund 5020, \$1.40 from fund 2110 and \$1.50 from fund 2160, to fund 1000 for supplies.
8. The sums of \$34.05 from fund 2180, \$88.30 from fund 2290, \$43.31 from fund 2190, \$11.28 from fund 2276, \$7.20 from fund 2430, \$2.95 from fund 5020, \$1.99 from fund 2110 and \$6.00 from fund 2240, to fund 1000 for supplies.
9. The sum of \$73.30 from fund 1000 to fund 2180 for copies.
10. The sums of \$51.80 from fund 1000, \$.05 from fund 2110, \$6.85 from fund 2276, and \$.40 from fund 2160, to fund 2190 for copies.
11. The sums of \$1.95 from fund 2190, \$.70 from fund 5020, and \$4.35 from fund 2240, to fund 1000 for copies.

/s/ Wilbur Visser

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$951.48 as appropriated under general class (2) Maintenance and Support for account 2710-201-410100-352 be transferred to account 2710-201-410100-350 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-372 be transferred to account 2290-245-450400-320 under general class (2) Maintenance and Support.

That the sum of \$125.00 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-335 be transferred to account 2290-245-450400-320 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410333-700 be transferred to account 2180-208-420300-345 under general class (2) Maintenance and Support.

That the sum of \$45.00 as appropriated under general class (2) Maintenance and Support for account 1000-214-410565-380 be transferred to account 1000-201-410100-370 under general class (2) Maintenance and Support.

That the sum of \$13.54 as appropriated under general class (1) Salaries and Wages for account 2240-000-410100-110 be transferred to account 2240-000-410100-140 under general class (1) Salaries and Wages.

That the sum of \$452.82 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-320 be transferred to account 1000-203-410540-345 under general class (2) Maintenance and Support.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430210-345 under general class (2) Maintenance and Support.

That the sum of \$400.00 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-345 under general class (2) Maintenance and Support.

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BE IT FURTHER RESOLVED, that agreeable to this resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 14th DAY OF MAY, 1985

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon S. White

May 16, 1985

Commissioners met in special session to discuss salaries of elected officials and employees for fiscal year 1985-86. Ramon White made a motion to adopt a resolution accepting the salaries for elected officials set by the state legislature, seconded by Jane Jelinski, none voting nay. The motion carried.

After a great deal of discussion on employee salaries, Jane Jelinski made a motion to increase employee salaries by 3%, seconded by Wilbur Visser, Visser and Jelinski voting aye, White voting nay. The motion carried.

Commissioners met with Mary Krum, Acting Administrator of the Rest Home and Pat O'Brien regarding services provided by Ms. O'Brien to the Rest Home.

May 17, 1985

Commissioners met with Duane Johnson regarding the negotiations for the Road Department Union Contract.

Received A101 #7863 from West Yellowstone/Hebgen Basin Refuse District #2 for garbage fees in the amount of \$1,118.64 to the credit of Refuse District #2.

Billie Hathaway was hired as a temporary clerk typist at the County Rest Home.

May 20, 1985

Received the following list of transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$117.94 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-141 be transferred to account 5020-000-440350-122 under general class (1) Salaries and Wages.

That the sum of \$90.69 as appropriated under general class (2) Maintenance and Support for account 5020-000-440350-220 be transferred to account 5020-000-440350-364 under general class (2) Maintenance and Support.

That the sum of \$16.45 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440320-340 under general class (2) Maintenance and Support.

That the sum of \$227.83 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-341 be transferred to account 5020-000-440320-397 under general class (2) Maintenance and Support.

That the sum of \$4,238.48 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$424.29 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-144 be transferred to account 5020-000-440330-143 under general class (1) Salaries and Wages.

That the sum of \$1,144.80 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-145 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

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BOZEMAN, MONTANA

That the sum of \$7.67 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-240 be transferred to account 2430-209-430800-312 under general class (2) Maintenance and Support.

That the sum of \$215.25 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-335 be transferred to account 5020-000-440310-210 under general class (2) Maintenance and Support.

That the sum of \$154.80 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-345 be transferred to account 5020-000-440310-359 under general class (2) Maintenance and Support.

That the sum of \$6.55 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-382 be transferred to account 5020-000-440310-370 under general class (2) Maintenance and Support.

That the sum of \$34.62 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-141 be transferred to account 5020-000-440320-130 under general class (1) Salaries and Wages.

That the sum of \$293.16 as appropriated under general class (1) Salaries and Wages for account 5020-000-440360-143 be transferred to account 5020-000-440360-130 under general class (1) Salaries and Wages.

That the sum of \$101.35 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-356 be transferred to account 5020-000-440340-360 under general class (2) Maintenance and Support.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 1000-214-410565-380 be transferred to account 1000-214-410565-210 under general class (2) Maintenance and Support.

That the sum of \$55.73 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-210 under general class (2) Maintenance and Support.

That the sum of \$197.02 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-220 under general class (2) Maintenance and Support.

That the sum of \$102.53 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-312 under general class (2) Maintenance and Support.

That the sum of \$294.49 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-363 under general class (2) Maintenance and Support.

That the sum of \$1,134.59 as appropriated under general class (2) Maintenance and Support for account 1000-209-420230-351 be transferred to account 1000-209-420230-392 under general class (2) Maintenance and Support.

That the sum of \$7.20 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-240 be transferred to account 2430-209-430800-210 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 17th DAY OF MAY, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon White

TUESDAY THE 21st DAY OF MAY 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Commissioners met with Doug Kosty, County Auditor, regarding his proposed budget for next fiscal year.

Commissioners met with Mike Salvagni, County Attorney, and discussed the County Surveyor position.

May 21, 1985

Routine business this date.

Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for a one year extension of preliminary plat approval for Springvale Subdivision Phase II. In June of 1984, the County Commissioners granted preliminary approval to Phase II of the Springvale Subdivision. The subdivision is located in the Belgrade jurisdictional area, immediately north of Airport Road and west of Springhill Road.

The developer has asked for a one year extension of preliminary approval, which is permissible under the Subdivision Regulations. The Belgrade Planning Director has no objection to the extension.

Work on the central water system has been completed, and road construction is in progress. It appears that the developer is making a sincere effort to meet the conditions.

Jane Jelinski made a motion to grant a one year extension for the preliminary plat approval of Springvale Subdivision Phase II, seconded by Ramon White, none voting nay. The motion carried.

Jane Jelinski read the following Resolution:

WHEREAS, the Board of County Commissioners for Gallatin County, pursuant to Section 67-10-202, MCA, have appointed a board, known as the Gallatin County Airport Board, consisting of three members, with jurisdiction for the improvement, equipment, maintenance and operation of the Gallatin County Airport located in Three Forks, Montana; and,

WHEREAS, Section 67-10-202, MCA, does not limit the number of board members which may be appointed or specify the length of terms to be served by individuals appointed to the County Airport Board; and,

WHEREAS, the Board of County Commissioners for Gallatin County deems it advisable to expand the present Gallatin County Airport Board from three members to five members; and,

WHEREAS, the Board of County Commissioners for Gallatin County deem it advisable to set a length of term that a member of the Gallatin County Airport Board may serve, and specify residence requirements for membership on the airport board;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Gallatin County Airport Board is hereby expanded from a three member board to a five member board.
2. That the five member Gallatin County Airport Board shall be appointed by the Board of County Commissioners for Gallatin County as follows:
  - a. That the members of the initial expanded board shall serve staggered terms for 1, 2, 3, 4, and 5 years respectively;
  - b. That the Board of County Commissioners for Gallatin County shall assign a specific staggered term to those individuals already serving as appointed members of the three member airport board, and shall appoint the additional members to the expanded board to a specific staggered term not already filled by existing board members;
  - c. That the term for the members of the five member Gallatin County Airport Board shall be five years after the terms of the members of the initial expanded board have expired, except that vacancies occurring otherwise than by expiration of the term shall be filled by appointment for the unexpired term by the Board of County Commissioners for Gallatin County.
3. That the five member Gallatin County Airport Board shall consist of at least two members from the City of Three Forks, Montana; one member from the Gallatin Airport Authority Board; and two members from the inhabitants of Gallatin County as the Board of Commissioners for Gallatin County in its discretion may appoint.

DATED THIS 21st DAY OF MAY, 1985.

BOARD OF COUNTY COMMISSIONERS OF  
 GALLATIN COUNTY

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon S. White

Howard Nelson questioned the naming of the Airport Board being concerned with the confusion of the Airport Authority and the Airport Board, and suggested naming the Board the Three Forks Airport Board. Ted Mathis, Airport Manager of Gallatin Field, suggested reference should be made to the Gallatin County Airport Board in Three Forks.

Mike Ward, member of the Gallatin County Study Commission, questioned the rationale of a five member board.

Ramon White explained that the City of Three Forks is making a large contribution by adding additional land and deeding the land to the county for the expansion of the airport and wished to be represented on the board. Mr. White also explained that a member of the Airport Authority is usually on the board.

TUESDAY

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Howard Nelson reported that the City/County organization of the Gallatin County Airport Board was organized July 20, 1942, and was changed to the Gallatin Airport Authority in 1972.

Jane Jelinski made a motion to adopt the resolution for the creation of the Gallatin County Airport Board in Three Forks as read, seconded by Ramon White, none voting nay. The motion carried.

Ramon White read the following resolution:

WHEREAS, the Board of County Commissioners of Gallatin County have established a county airport located at Three Forks, Montana and have appointed the Gallatin County Airport Board to administer and operate the county airport; and,

WHEREAS, the 1981 Three Forks Airport Master Plan calls for certain major improvements and expansion to the airport; and,

WHEREAS, said improvements would necessitate financing and other resources from federal, state, county and city governments; and

WHEREAS, the Gallatin County Airport Board desires to improve and expand the county airport as defined in the 1981 Three Forks Airport Master Plan; and,

WHEREAS, the presence of a sponsoring agency would greatly facilitate the improvement and expansion project; and,

WHEREAS, the Board of County Commissioners of Gallatin County desire to assist the county airport improvement and expansion project by offering Gallatin County as the sponsoring agency for the project;

NOW, THEREFORE BE IT RESOLVED;

1. That the County of Gallatin is hereby named the sponsoring agency to assist the Gallatin County Airport Board in undertaking the improvement and expansion project, as defined in the 1981 Three Forks Airport Master Plan, to the county airport located in Three Forks, Montana.

Tom Anacker, Deputy County Attorney, noted that this resolution is to make Gallatin County the sponsoring agent for the Airport Board. Ramon White made a motion to approve the resolution as read, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser reported that Floyd Schmidt had submitted his application to the Commissioners indicating his interest in serving on the Mosquito Control Board. Jane Jelinski made a motion to appoint Floyd Schmidt to the Mosquito Control Board for the available term, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser released the following press release:

The Board of County Commissioners are accepting applications for the County Surveyor position. Applicant must be a registered engineer in the State of Montana. Applications will be accepted until 12:00 noon on May 28, 1985. Interviews will be May 29, 1985.

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There being no further business, the meeting adjourned at 2:00 P.M.

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ATTEST:

*Gary St. Henry Co*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - - -

PUBLIC MEETING TUESDAY, THE 28th DAY OF MAY, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Shelly M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

No action taken on minutes.

ANNOUNCEMENTS

May 22, 1985

Commissioners Visser and Jelinski attended the Refuse District No. 1 meeting in Manhattan.

Commissioners met with Ken Mosby.

Commissioners met with Hank Wruck, Civil Defense Director and received his proposed budget for next fiscal year.

Commissioners met with Elmer Jerke and discussed dog control enforcement.

Commissioners Jelinski and White attended the Fire Council meeting in Three Forks.

May 23, 1985

Commissioners attended a meeting with the Red Cross. Disaster plans were discussed.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 28th DAY OF MAY 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
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Commissioners met with Mike Salvagni, County Attorney, and reviewed the proposed budget for next fiscal year.

Received A101 #7912 from Motor Vehicle Dept. for title fees and fines collected in the amount of \$1,532.00 to the credit of various funds.

Commissioners met with the Treasurer Loy Carroll and reviewed the proposed budget for next fiscal year.

May 24, 1985

Commissioners met as a Welfare Board.

May 27, 1985

HOLIDAY - MEMORIAL DAY

Jane Jelinski read the following resolution:

WHEREAS, it is in the public interest to maintain full scrutiny of and access to public records; and,

WHEREAS, the public's right to know is essential to ensure good government; and,

WHEREAS, State law authorizes the publication of commissioners journals and claims in "full and complete detail, in summary form, or by reference";

NOW, THEREFORE BE IT RESOLVED, that effective July 1, 1985, Commissioners proceedings shall be published by reference in a newspaper of record as set forth herein:

PUBLIC NOTICE

The Commissioner Proceedings for Gallatin County for the period from \_\_\_\_\_ and ending on \_\_\_\_\_, are now available for public review in the Clerk and Recorder's Office, Courthouse Room 204.

Individual requests for personal copies will be accepted by the Clerk and Recorder, Room 204, Courthouse. Signed this \_\_\_\_\_ DAY OF \_\_\_\_\_, 198\_\_.

BE IT FURTHER RESOLVED that monthly claims will be published in summary form as set forth herein:

PUBLIC NOTICE

The Board of County Commissioners of Gallatin County did this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_ approve claims for payments in the amount of \$ \_\_\_\_\_ for the period beginning on \_\_\_\_\_, 198\_\_, and ending \_\_\_\_\_, 198\_\_.

The full and complete claim list is available for public review in the Clerk and Recorder's Office, Courthouse, Room 204. Individual requests for personal copies will be accepted by the Clerk and Recorder, Room 204, Courthouse.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_.

It is hereby moved, seconded, and carried by the Board of County Commissioners that the resolution be adopted, setting forth the manner in which commissioner proceedings and county claims will be published.

Jane Jelinski explained the meaning of the resolution by stating that Commissioner proceedings can now be summarized, therefore saving County money for publications because of a law adopted by the 1985 legislature. Discussion by the County Commissioners as to where copies of the publication should be placed.

Tom Anacker, Deputy County Attorney, advised the County Commissioners that there are no state statutes that specify certain areas for public review.

Ramon White made a motion to adopt Resolution #595 with the changes in paragraphs 5 and 9 to read: "available for public review in the Clerk and Recorder's Office, Room 204." This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White read the proposed contract with Telecommunications Resources, Inc. with Exhibit "B" being open for public review. Jane Jelinski made a motion to enter into the contract, seconded by Ramon White, none voting nay. The motion carried.

Wilbur Visser read the following resolution:

WHEREAS, House Bill 236 adopted by the 1985 Montana Legislature and referred to as the Video Draw Poker Machine Control Law of 1985 authorizes the Board of County Commissioners for Gallatin County to issue to a person who meets the qualifications of Section 8 of the Video Draw Poker Machine Control Law of 1985 a license for each video draw poker machine to be used on the premises of a licensed establishment not located in an incorporated city or incorporated town of Gallatin County, Montana; and,

WHEREAS, the Video Draw Poker Machine Control Law of 1985 becomes effective on July 1, 1985, and provides that a license for each video draw poker machine expires on June 30 of each year; and,

WHEREAS, the Video Draw Poker Machine Control Law of 1985 authorizes the Board of County



## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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Commissioners for Gallatin County to charge an annual license fee for each license issued under the Video Draw Poker Machine Control Law of 1985 by the Board of County Commissioners in an amount not exceeding \$1,000 for each license; and,

WHEREAS, the Video Draw Poker Machine Control Law of 1985 provides that each licensed establishment may not have on the premises or make available for play on the premises more than five video draw poker machines; and,

WHEREAS, the Board of County Commissioners for Gallatin County adopted Gallatin County Gambling Regulations by Resolution No. 564 on May 29, 1984, which regulations implement the licensing procedures and establish the fees for card games and games of chance authorized by Section 23-5-321, MCA (Montana Card Games Act) and Section 23-5-421, MCA, (Bingo and Raffles Law) but which regulations do not establish fees for the video draw poker machines authorized by the Video Draw Poker Machine Control Law of 1985; and,

WHEREAS, the Board of County Commissioners for Gallatin County desires to establish a licensing procedure and license fee for each video draw poker machine within the jurisdiction of Gallatin County;

NOW, THEREFORE, BE IT RESOLVED:

1. That a person who has been granted a license pursuant to Section 8 of the Video Draw Poker Machine Control Law of 1985 for the placement of video draw poker machines in his licensed establishment by the Montana Department of Revenue shall submit a copy of his license together with such application forms as may be required and the license fee as provided herein to the Board of County Commissioners for Gallatin County.
2. That a license fee for each video draw poker machine in the following amounts shall be paid with the application for license:
3. That in the event an application shall be received after July 1 of any year, the amount of the fee shall be prorated according to the number of months before the next fee is payable.
4. That a licensee shall display his license or proof of license for each video draw poker machine in such manner as may be required by the Board of County Commissioners for Gallatin County.
5. That the Gallatin County Gambling Regulations adopted by Resolution No. 564 shall remain in full force and effect for games authorized under the Montana Card Games Act and Bingo and Raffles Law and the licensing of such games in Gallatin County, Montana.

Randy Leep of D & R Music, reported that Three Forks charges \$250.00 per machine, keno or poker; West Yellowstone charges \$500.00 per initial location and \$250.00 on each machine for keno, there is no fee for poker machines. The cities of Bozeman and Belgrade have not made any decisions regarding their fees, and the Town of Manhattan had not been contacted. Due to the fact that D & R Music owns the machines, the tavern owners will pay half of the licensing fees with D & R Music paying the other half, which includes \$1,500 to the State of Montana, Department of Revenue, for the state's required fees. Mr. Leep stated that the initial investment for a video draw poker machine is somewhere between \$4,000 to \$4,500.

Mike Salvagni, County Attorney, addressed the Commissioners to remind them that the county regulations which will go into effect July 1, 1985, only regard bingo, raffle tickets, keno or card games. They do not regard video draw poker machines. The county license fee is \$500.00 for the annual fee and \$250.00 per machine. No annual license fee will be accepted for the video draw poker machines under the county regulations. Mr. Salvagni explained that the State is doing the investigations and making the conditions for requirements of the video draw poker machines. State law takes precedence over any county regulations.

There was some discussion between the Commissioners regarding concern for small business, revenue collected by the County, and the amount of taxes paid by tavern owners versus other small businesses.

Ramon White made a motion to set the license fee for each video draw poker machine at \$750.00 per year, seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White made a motion to adopt resolution no. 596 on video draw poker machine license fees with the following changes: paragraph one, last line: "not located in an incorporated city or incorporated town of . . .", seconded by Jane Jelinski, none voting nay. The motion carried.

- - - -

Jane Jelinski read the following proclamation:

WHEREAS, Montana Senior Olympics, a part of the United States Senior Sports and Arts Festival, Incorporated, is sponsoring a regional senior Sports & Arts Festival competition; and

WHEREAS, this activity will provide an opportunity for older persons to compete against their peers in regulated events; and

WHEREAS, this activity will focus attention on the importance of regular physical exercise in each person's plan for good health; and

WHEREAS, this activity will help in discouraging the stereotype of the older adult as rocking-chair-bound, fragile and weak; and

WHEREAS, this provides an opportunity for older adults from this region to meet with one another to develop new friendships.

NOW THEREFORE, the steering committee of this Regional Senior Sports & Arts Festival petitions the Gallatin County Commissioners to proclaim the week of June 2-8, 1985 as Senior Sports and Arts Festival Week.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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Jane Jelinski made a motion to proclaim June 2-8, 1985 as Senior Sports and Arts Festival Week, seconded by Wilbur Visser, none voting nay. The motion carried.

There being no further business, the meeting adjourned at 2:50 P.M.

ATTEST?

Clerk

*Gary H. Dingle*

APPROVED:

Chairman

*Wilbur Visser*

PUBLIC MEETING TUESDAY, THE 4th DAY OF JUNE, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

No action taken on minutes.

Wilbur Visser announced that there would not be a public meeting held on June 11, 1985 as the Commissioners would be in Lewistown attending a MACo convention.

Mr. Visser announced that there is a vacancy on the Airport Authority Board. This is a five year term. Howard Nelson's term will expire on June 30, 1985.

ANNOUNCEMENTS

May 28, 1985

Received A101 #7932 from State of Montana Dept. of Highways for fees and taxes collected by the Highway Dept. in the amount of \$25,744.45 to the credit of various funds.

#7929 from First Bank Bozeman for interest earned on CD in the amount of \$2,100.82 to the credit of various funds.

#7931 from First Bank Bozeman for interest earned on CD 21126 in the amount of \$2,120.55 to the credit of rural revolving.

#7930 from First Bank Bozeman for interest earned on CD 21125 in the amount of \$2,113.15 to the credit of Park Fund.

#7928 from First Bank Bozeman for interest earned on CD 21123 in the amount of \$2,102.22 to the credit of various accounts.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$50.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-370 be transferred to account 1000-212-420820-366 under general class (2) Maintenance and Support.

That the sum of \$150.00 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-323 be transferred to account 1000-210-411100-210 under general class (2) Maintenance and Support.

That the sum of \$971.92 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-141 be transferred to account 5020-000-440310-140 under general class (1) Salaries and Wages.

That the sum of \$146.65 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-356 be transferred to account 5020-000-440340-397 under general class (2) Maintenance and Support.

That the sum of \$402.04 as appropriated under general class (1) Salaries and Wages for account 5020-000-440360-122 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

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BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

May 29, 1985

Commissioners met with Clerk and Recorder Gary Pringle and received the proposed budget for next fiscal year.

Commissioners interviewed Art Van'THul, Donald Reichmuth, Donald Brelsford and Earl Best for the County Surveyor's position. At 12:00 P.M. the Commissioners held a special meeting to consider the applicants. Ramon White made a motion to appoint Donald Brelsford, seconded by Wilbur Visser, White and Visser voting aye, Jelinski voting nay. The motion carried. The meeting adjourned at 12:30 P.M.

Commissioners met with architect Wally Riffle from Maxey, Dean, Dale and Dean and were presented with a draft of all of the corrections that need to be considered for the Detention Center.

Commissioners met as a Gaming Board and approved a gambling license and bingo table permit for Ralph Bowden of Country Lanes.

Approved bingo work permit for Robert Porter and Gregory Zeiler at the Country Lanes.

May 30, 1985

Donald Brelsford was sworn in as County Surveyor.

Bridger Canyon Zoning Commission met to consider a variance request for Jerry Carisch. This variance request was granted.

Commissioners met with the Weed Board and received their proposed budget for next fiscal year.

Received the following A101's:

#7975 from Security Bank of Three Forks for interest earned on CD in the amount of \$5,641.64 to the credit of PILT funds.

#7976 from Security Bank of Three Forks for interest earned on CD in the amount of \$2,254.03 to the credit of Rural Revolving.

#7977 from Security Bank of Three Forks for interest earned on CD in the amount of \$2,256.66 to the credit of Revenue Sharing.

#7967 from State of Montana Dept. of Revenue for corporation tax for 1984 for First Bank Bozeman in the amount of \$193,906.32 to the credit of various funds.

#7968 from State of Montana Dept. of Revenue for corporation tax for 1984 for First Security Bank of West Yellowstone in the amount of \$7,485.20 to the credit of various funds.

#7966 from State of Montana Dept. of Revenue for corporation tax for 1984 for Security Bank of Three Forks in the amount of \$327.58 to the credit of various funds.

May 31, 1985

Commissioners met with Gene Surber, County Agent, and received the proposed budget for the Extension Office for next fiscal year.

Received the following A101's:

#7985 from Ralph Bowden for investigative fees in the amount of \$225.00 to the credit of the General Fund.

#7982 from First Security Bank of Bozeman in the amount of \$1,544.47 for interest earned on CD to the credit of various funds.

June 3, 1985

Received report from the Clerk and Recorder showing the items of fees and other collections made in the amount of \$9,800.32 for the month of May.

Received the following list of new employees:

Rose Rogers, Dispatcher, Sheriff's Dept., \$870.65/mo., 5-6-85.

Michael Ryan, Temporary, Bridge Dept., \$6.95/hr., 5-9-85.

Inga Hallett, Nurses Aide, Rest Home, \$4.7174/hr., 5-15-85.

Kimberly Gruber, Nurses Aide, Rest Home, \$4.7174/hr., 5-11-85.

Peggy Kayser, Temporary Secretary, Probation Office, \$6.4755/hr., 5-13-85.

Sherry Kerr, Nurses Aide, Rest Home, \$4.7174/hr., 5-16-85.

June 4, 1985

Routine business.

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Scott Townley, spoke regarding a request for funds for Springvale Park. Mr. Townley stated that the park had been seeded for grass and the residents are ready to develop the

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park. There are 30 homes in the subdivision and 14 lots will also be part of the subdivision. Mr. Townley submitted estimates for having a sprinkler system installed.

Scott Keyser submitted bids for trees. Cashman's bid was lower but drip irrigation will not be provided. Folsel's will be able to provide the trees this year.

Wilbur Visser stated that he would like to see the plot plan of the park. He asked whether the park was dedicated to the public or the homeowners association.

Linda Egbert stated that at one time the homeowners had started the process of dedicating the park to the county; however, the county indicated that they did not want the park dedicated. Ms. Egbert states that at this point the homeowners still own the park. Ms. Egbert states that they are willing to deed the park to the county.

Jane Jelinski stated that dedication to the public and dedication to the county were two different things. She stated that the county did not want the park because then they would be responsible for maintaining it. It needs to be dedicated to the public so that all of the people in Gallatin County have the use of the park.

Tom Anacker, Deputy County Attorney, stated that park fund money could only be dedicated to park land that has been dedicated to the public.

Mr. Townley stated that the homeowners were willing to follow through with the dedication in order to get county funds.

Ramon White asked what other types of things would be included in the park.

Mr. Townley stated that the homeowners are planning to put up a swing set, a back stop and a surface for tennis or basketball or other activities. Mr. Townley submitted bids for the "tennis court" area and fencing.

The bids for the sprinkler system range from \$3,000 to \$3,500, the bids for the trees are about \$4,300 including drip-irrigation, and the bid for the tennis court is about \$12,400 in addition to the fencing bids which range from \$2,200 to \$4,600.

Mr. Keyser states that the top priority this year is to install the sprinkler system. There is a well available to pump the water from.

Jane Jelinski suggested that the Commission defer action on this request until there is an indication of dedication to the public and the Commission has had an opportunity to look at the plan.

Tom Anacker stated that he would be happy to meet with the homeowners regarding the dedication of the park to the public and the requirements of the park plan.

Jane Jelinski made a motion to postpone the decision on the Springvale park funding until the Commission has obtained additional information, seconded by Ramon White, none voting nay. The motion carried.

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Ramon White made a motion to appoint Ann Chase to the Bridger Canyon Rural Fire District Board as recommended by the Bridger Canyon Ladies Club, term to expire in April of 1988, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski read the following proclamation:

WHEREAS, the continuation of the program for peacetime registration for the Selective Service System contributes to National readiness by reducing up to two months the time required for full defense mobilization, and

WHEREAS, the registration program is an important signal to our allies and to our potential adversaries of the dedication of the United States to protect and preserve our freedoms both at home and abroad, and

WHEREAS, over one million United States citizens have sacrificed their lives in military service to protect the rights and freedoms of all Americans and registration for Selective Service is an integral part of current preparedness to preserve these rights and freedoms in the future, and

WHEREAS, Nationwide over 14 million men, representing 96 percent of potential registrants, and WHEREAS, 50,100 young Montana men representing 98.4 percent have registered with the Selective Service System since the resumption of registration and by so registering have enhanced United States National defense preparedness, and

WHEREAS, approximately 8,200 Montana men attain their eighteenth birthday annually and informing each of them of their obligation to register with Selective Service is a continuous, ongoing effort, and

WHEREAS, the Selective Service System has been tasked with assisting in the process of improving our readiness posture by calling upon eighteen year old male citizens to identify themselves by simply registering their name, address, date of birth, and social security number with that System by spending five minutes at a Post Office within thirty days of their eighteenth birthday, and

WHEREAS, there is no penalty for registering after the required time, but there is a severe penalty for failure to register,

NOW, THEREFORE, BE IT RESOLVED that We, County Commissioners of Gallatin County do support continuation of registration with the Selective Service and hereby declare June 1985 as SELECTIVE SERVICE REGISTRATION AWARENESS MONTH in Gallatin County and urge all the young men in our area to express pride in their country and belief in its rights and freedoms

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by registering with the Selective Service System in accordance with the Military Selective Service Act.

Ramon White made a motion to adopt the proclamation, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:10 P.M.

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ATTEST:

Clerk

*Gary St. Pierre*  
Clerk

APPROVED:

Chairman

*Wilbur Visser*  
Chairman

PUBLIC MEETING TUESDAY, THE 18th DAY OF JUNE, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of May 14, May 21, May 28 and June 4, 1985, seconded by Ramon White, none voting nay. The motion carried.

## ANNOUNCEMENTS

June 5, 1985

Commissioners met with Sam Gianfrancisco, Road Superintendent, Bob Jordan, Bridge Foreman and Donald Brelsford, County Surveyor to receive their proposed budgets for the Road and Bridge Departments for next fiscal year.

Received the following list of transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325, further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$500.63 as appropriated under general class (2) Maintenance and Support for account 2180-208-410331-393 be transferred to account 2180-208-410331-312 under general class (2) Maintenance and Support.

That the sum of \$98.00 as appropriated under general class (2) Maintenance and Support for account 2362-000-460450-397 be transferred to account 2362-000-460450-750 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED this 4th DAY OF JUNE, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Granted the Miss Rodeo Montana Foundation permission to hold a raffle from June 1, 1985 through June 22, 1985. This is a non-profit organization.

Received the following A101's:

#8006 from First Bank of Bozeman in the amount of \$2,651.37 for interest earned on CD to the credit of the General Fund.

#8010 from First Security Bank of Bozeman in the amount of \$1,053.84 for interest earned on CD to the credit of PILT and General Funds.

#8011 from First Security Bank of Bozeman in the amount of \$2,651.37 to the credit of PILT funds.

#8009 from First Security Bank of Bozeman in the amount of \$1,060.55 for interest earned on CD to the credit of Bridge and Employer Contributions Fund.

Wilbur Visser attended the Audit Committee meeting.

June 6, 1985

Commissioners met with Jackie Stonnell, Human Services Director, Dr. Edward King, Health Officer and Emery Nelson, Sanitarian to review their proposed budgets for next fiscal year.

Commissioners met with Gael Harris and were updated on the progress of Mountain View Park.

Received the following A101's:

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#8016 from State of Montana in the amount of \$45.00 for reimbursement for workshop to the credit of the General Fund.

#8024 from State of Montana State Auditor in the amount of \$972.34 for reimbursement of the DUI program to the credit of DUI Fund.

#8023 from Tew Distributing in the amount of \$12.00 for vending machine commission to the credit of the General Fund.

Received a report from the Sheriff's Dept. for cost of prisoner board in the amount of \$5,698.00.

Commissioner Jelinski attended the TAC meeting.

June 7, 1985

Commissioners met with Arletta Derleth, County Assessor, and reviewed the proposed budget for the Assessor's Office for next fiscal year.

Received the following A101's:

#8032 from Security Bank of Three Forks in the amount of \$2,668.15 for interest earned on CD to the credit of various funds.

#8030 from Montana Bank of Bozeman in the amount of \$4,935.67 for interest earned on CD to the credit of various funds.

#8028 from Montana Bank of Bozeman in the amount of \$5,621.92 for interest earned on CD to the credit of various funds.

#8033 from Security Bank of Three Forks in the amount of \$1,067.26 for interest earned on CD to the credit of various funds.

#8029 from Montana Bank of Bozeman in the amount of \$16,563.58 for interest earned on CD to the credit of various funds.

#8036 from State of Montana Dept. of Revenue in the amount of \$134.40 for April child support incentive payment to the credit of the General Fund.

Commissioners met with Fair Board members and received their proposed budget for next fiscal year.

June 10, 1985

Commissioners attended the MACo conference in Lewistown from June 10 through 12, 1985.

June 13, 1985

Bridger Canyon Zoning Commission met to hear testimony for a conditional use permit for drilling an exploratory well in Bridger Canyon. Applicant is Sohio Oil Company.

Received the following A101's:

#8059 from VFW Club in the amount of \$225.00 for bingo and investigative fees to the credit of the General Fund.

#8065 from State of Montana Dept. of Revenue in the amount of \$320.94 for wine tax revenue for the month of May to the credit of the General Fund.

#8062 from State of Montana Dept. of Institutions in the amount of \$3,156.00 for distribution of earmarked alcohol tax funds to the credit of Alcohol Funds.

June 14, 1985

Bridger Canyon Planning and Zoning Commission reconvened at 7:00 A.M. to hear additional testimony regarding Sohio's request for a conditional use permit. The meeting recessed at 9:00 A.M. and will be continued on July 29, 1985 at Sohio's request.

Received the following A101's:

#8099 from Montana Bank of Bozeman and First Security Bank of Bozeman in the amount of \$126,007.97 for interest earned on CD to the credit of the General Fund.

#8018 from VFW in the amount of \$22.78 from VFW Club for gambling license fee to the credit of the General Fund.

Commissioners met with John Onstad, Gallatin County Sheriff, and received the proposed budget for next fiscal year.

Commissioners met with Justice of the Peace H. P. Goan and received the proposed budget for next fiscal year.

Received A101 #8098 from Bud Nelson in the amount of \$2.70 for photocopies to the credit of the General Fund.

June 17, 1985

Commissioners and the County Rural Fire Chief, Lee Lewis, attended the Belgrade City Council meeting and presented the county's hazardous materials program.

Commissioners met with Road and Bridge Dept. and discussed various road and bridge problems.

June 18, 1985

Commissioners interviewed Jim Spady for the Rest Home Administrator position.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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Wilbur Visser attended the county school transportation meeting.

Commissioners met with Management Associates and were presented with a draft of their review of the County Rest Home's job descriptions and salary findings.

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Ken Mosby, Administrative Assistant, presented a recap of the bids received for the county's external audit. The Audit Committee has reviewed them and assigned a weighted score to each bid. The bids are as follows:

Peat, Marwick, Mitchell & Co.	FY'85	\$27,500	13.7
	FY'86	28,500	
Coopers & Lybrand	FY'85	\$33,280	11.5
	FY'86	12-15% higher	
Holmes & Turner	FY'85	\$26,500	11.4
	FY'86	inflation plus OMB A-128	
William A. Mumford	FY'85	\$20,000	10.6
	FY'86	20,000	
Newland, Horn, Crippen & Peck	FY'85	\$41,560	9.7
	FY'86	No response	

The Audit Committee has recommended that the bid be awarded to Peat, Marwick, Mitchell & Co.

Jane Jelinski made a motion to award the bid for the external audit to Peat, Marwick, Mitchell & Co., seconded by Ramon White, Jelinski and Visser voting aye, White voting nay. The motion carried, with two for and one against.

- - - -

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

James D. Morton has claimed the occasional sale exemption. Mr. Morton has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the above information, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Francis L. and Madge K. Johnson have claimed the family sale exemption to transfer a one acre tract to their son, Bradley. Mr. and Mrs. Johnson have not previously conveyed a tract to their son. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

Gene Cook, Donald Turner, Gary Ward and Robert Vitt have claimed the exemption to realign a common boundary. Appropriate deeds have been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

Andy A. and Ella K. Droge have claimed the security for construction financing exemption. Mr. and Mrs. Droge have submitted a statement certifying that only one parcel is being created within the original tract. Montana Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

Gary P. McLees has claimed the exemption to realign a common boundary. Mr. McLees' property is located in the Three Forks area. The appropriate deeds have been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for preliminary plat approval for Blue Grouse Hills Subdivision. Wilbur Visser stated that he had the affidavit of publication and the return receipts of certified letters mailed to the adjacent property owners.

Mary Kay Peck requested that her staff report be entered into the record. Ms. Peck displayed a plat of the proposed subdivision.

Blue Grouse Hills Subdivision is a proposed fifty-three acre tract which would consist of twenty-two acres for ten single family lots, eighteen acres for condominiums and 7.5 acres for parks and trails. First phase of development would be the single family homes, phase two would be the condominiums.

The proposed subdivision is located in the Meadow Village at Big Sky.

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The subdivision is intended to be oriented toward persons who are interested in owning or riding horses. Stables, corrals, and a tack building are proposed for the park and will be installed by the developer. A twenty-five foot wide trail for riding winds through the subdivision and connects the three proposed parksites. The developer proposes that the parkland and trail system be dedicated to and maintained by the homeowners' association. This is allowable under the Subdivision Regulations if the following conditions are met:

a. The property owners' association receives a deed which holds the use of the parklands and trail system in perpetuity.

b. The area of land to be deeded to the association shall at least equal the amount of land that would otherwise be dedicated to the public.

2. The site of the subdivision rises 250 feet from the southeast to the northwest, with slopes varying from one to forty percent. Lodgepole Pine and Douglas Fir trees are found in the higher portion of the tract. The site plan is designed to preserve the natural terrain, drainage, trees, and vegetation. The northernmost lot in the subdivision exceeds the county standard for length to width ratio, but preserves the natural environment.

3. Central water and sewer are proposed for the subdivision. Water would be obtained from Lone Mountain Springs, Inc. The system, when completed, would be dedicated to and operated by Lone Mountain Springs, Inc.

Sewage is proposed to be disposed of by connection to the Big Sky Sewer System, RID #305. The District has made a previous commitment to provide service to Blue Grouse Hills; however, a suit has been filed in District Court which challenges the district's authority to allow any new sewer connections. This issue must be resolved and approval for the sewer system must then be obtained from RID #305 and that State Dept. of Health and Environmental Sciences.

Waste disposal will be provided by Three Rivers Disposal. Montana Power will provide electricity, and Three Rivers Telephone Coop, Inc. will supply telephone service. All utilities will be installed underground.

4. Roads will be built to county standards for mountainous terrain. Maintenance of the road will be the responsibility of the homeowners' association. The road will be deeded to the public.

Access to the subdivision is proposed from two existing streets, Pine Drive and Spruce Street, and would require that an amended plat be filed for the extension of Pine Street in West Fork Meadows Subdivision. Access to the unsubdivided lands to the south is proposed to be served by the "future right-of-way" shown on the preliminary plat. This is in conflict with the Subdivision Regulations.

Access to the unsubdivided property to the west is provided by Westfork Overlook. No access is provided to the north, as the steepness of the terrain makes a road continuation unfeasible.

5. Three site characteristics need to be considered. Underlying the site is an ancient landslide deposit. No recent movement can be found, and the toe of the landslide has been stabilized by outwash deposits. The following conditions are suggested to ensure the continued stability of the land.

a. Avoid major cuts in areas where slope exceeds 25 percent.

b. Prohibit the removal of large volumes of material from the toe of the slide.

c. Discourage the saturation of the ground through irrigation or through block or diverted drainage, or through any other practice.

d. Avoid the heavy loading of steep slopes with earth fill or structures.

Surface water is a second site characteristic to be considered. There are two small, intermittent ponds and several areas with seasonally saturated soils. The drainage from the pond must be controlled and the soil saturation eliminated to prevent any problems with the road.

A third concern is soil creep, which is the downward movement of soil in response to gravity. There is some evidence of soil creep on slopes 15-25 percent in the proposed subdivision. The major concern raised by this problem is that all construction footings be located below the creep zone, which can be insured by requiring a foundation study for each building site on a slope greater than 10 percent.

6. The County Weed Control Officer has reviewed the proposed subdivision and suggests that an addition to the covenants to require that county declared noxious weeds be controlled and that the homeowners' association be responsible for maintaining the road right-of-way and controlling weeds.

7. Fire protection is provided by the Big Sky Fire District.

Police protection is provided by the Gallatin County Sheriff Department. Sheriff Onstad has indicated a concern that the effect of approval of the subdivision will require additional officers.

8. The proposed covenants stipulate that they may be amended or modified by 75 percent of the landowners or that variances to the covenants may be granted.

9. The Commission is required to consider the eight public interest criteria when making their decision. The staff comments are as follows:

Need: Big Sky is a developing resort community and it appears there is both a need and demand for additional single family homes and condominiums.



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Public Opinion: Notice was printed in the newspaper and surrounding property owners were notified by certified mail.

Agriculture: The site has been used for pasture land in the past, but should not have a significant impact on agriculture.

Local Services: A concern has been expressed by the Gallatin County Sheriff's Department. Other local service providers, including the Ophir School and Bozeman School District have indicated that the subdivision would present no problems to them.

Taxation: Currently, this parcel generates \$7.00 per year in taxes. Total annual estimated tax revenue at full development is \$84,000 which is a significant increase.

Natural Environment: The subdivision has been designed to protect the natural environment and retain as many natural features as possible.

Wildlife and Wildlife Habitat: A letter from the Department of Fish, Wildlife and Parks indicates that the subdivision will have minimal impact because of existing development in the area. The Department has requested that bear proof refuse handling be required in the area because of the presence of black bear in the area.

Health and Safety: Three possible safety concerns were identified in item 5, which dealt with site characteristics.

The following conditions for preliminary approval are recommended:

1. That legal documentation be reviewed and approved by the County Attorney's Office which reserves the parklands and trail systems in perpetuity. That the documents be filed with the County Clerk and Recorder. That the deed transferring the parklands and trail systems be filed with the County Clerk and Recorder and that a copy be provided to the Subdivision Review Office. That the covenants specifically state that the Homeowner's Association is responsible for park and trail maintenance. That a time-table for installation of recreation improvements be provided by the developer.
2. That approval of water system plans be obtained from Lone Mountain Springs, Inc. and the State Department of Health and Environmental Sciences.
3. That approval of the sewer system plans be obtained from RID #305 and the State Dept. of Health and Environmental Sciences. That the approval be contingent on the District Court's ruling in the case of Westland Enterprises v. Big Sky, et.al.
4. That the covenants require that all refuse be made unavailable to bears. That the disposal company be consulted as to the location of refuse containers.
5. That the condominium developments be submitted for review and approval prior to beginning any construction of them, in accordance with Section 11 of the Subdivision Regulations.
6. That road, drainage, and street sign plans be reviewed and approved by the County Road Office. That the plans include the drainage of seasonally saturated soils. That road names be approved by the County Road Office. That all improvements be installed prior to final approval. That South Fork Road be extended to the south boundary of the subdivision and be constructed with a temporary cul-de-sac.
7. That a \$35.00 per lot fee be paid to the fire department to provide for the initial costs of fire protection.
8. That the uniform standards be met for subdivision plats and certifications, including the current County Examining Land Surveyor's Certificate.
9. That Covenants specify the following:
  - a. That the Homeowners' Association is responsible for road and right-of-way maintenance, and for the control of county declared noxious weeds.
  - b. That fire retardant shingles be used.
  - c. That spark arrestor screens be placed on fireplace and woodstove chimneys.
  - d. That open fires be allowed only in specified areas.
  - e. That no amendments or variance may be granted which is in conflict with these conditions of approval.
10. That to insure the continued stability of the land, the following conditions be adhered to:
  - a. Major cuts are to be avoided in areas where slopes exceed 25 percent.
  - b. Large volumes of material are prohibited from being removed from the toe of the slide.
  - c. The ground is not to be saturated through irrigation, blocked or diverted drainage, or any other practices.
  - d. Steep slopes shall not be heavily loaded with earth fill or structures.
  - e. Foundation studies be completed for each building site on a slope greater than 10 percent. That copies of the foundation studies be provided to the Subdivision Review Office as they are completed.
11. That all cuts and fills be revegetated as soon as possible with native vegetation.
12. That all acceptable building areas be designated on the final plat.

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13. That the articles of incorporation for the Homeowners' Association be filed with the County Clerk and Recorder and a copy be provided to the Subdivision Review Office.

Ramon White stated that he did not feel that condition no. 3 regarding the pending lawsuit should be made a part of the conditions. He asked if in conveying the park to the homeowners' association whether it would be done upon filing the plat or when the lots are sold.

Tom Anacker stated that the park would be dedicated in perpetuity.

Jane Jelinski suggested that condition no. 4 be more specific with regard to the bear-proof garbage containers.

Jane Jelinski questioned the access between the subdivisions. She suggested that an additional condition requiring a second access be included.

Bob Lee of Morrison-Maierle, representing the developer, spoke regarding the roads. Mr. Lee stated that he had no problem with any of the conditions outlined in the staff report. Mr. Lee stated that Spruce Drive would be the primary access, it is a publicly dedicated road. With regard to the second access, Mr. Cronin is negotiating to extend Pine Drive. The other option would be to extend the eastern cul-de-sac to the Big Sky property.

Mike Coil presented a letter written to Paul Cronin from E. K. McBride regarding the right-of-way across Westfork Meadows Subdivision to the proposed Blue Grouse Hills. Mr. Coil states that there was a problem with costs of road maintenance in Westfork Meadows. The property owners in the subdivision are concerned with construction traffic and its impacts on the paved roads in their subdivision.

Mr. Coil also stated that snow plowing costs should be shared between the two subdivisions. The property owners in Westfork would also like to see cattle guards installed on the adjoining roads of the subdivisions so that horses from Blue Grouse Hills do not come into the Westfork Subdivision. Mr. Coil also expressed a concern about bears as Westfork has had problems with them and has to go to a fenced-in central refuse collection point.

Mr. Coil requested that a written agreement regarding the second access be drawn up and that the legal documentation providing the access be submitted to the county attorney's office for review and approval prior to being signed by both parties.

Donald Brelsford, County Surveyor, stated that the Examining Land Surveyor's Certificate was incorrect with regard to the name of the examining land surveyor. He also stated that he would like to see the plans for roads and drainage.

Jim Dobrowski of Morrison-Maierle stated that the road and drainage plans would be submitted to the Road Office in accordance with condition no. 6.

Tom Anacker explained the county's involvement with the lawsuit. He read the following letter into the record from Jim Johnstone:

June 18, 1985

Mr. Thomas Anacker  
Deputy County Attorney

Re: Blue Grouse Hills

Dear Tom:

We have discussed the request that Blue Grouse Hills Subdivision has made on the RID #305 for sewer services.

The district, several years ago told Blue Grouse Hills that the development could hook on the sewer lines. The development is within the district and have in fact built sewer lines anticipating being able to hook on to the district's lines.

However, until Judge Rapkoch makes a decision on the Westland suit, the district does not believe that it can assure any large projects sewer service. The district believes it has adequate capacity to handle the anticipated growth in the future, but does not know if the court will prevent it from allowing future hookups.

If the Court does not restrict who the district can provide service to, the district will certainly provide service for the Blue Grouse Hills Development.

Sincerely yours,

/s/ James A. Johnstone

Ramon White stated that the water system is a separate entity.

Mary Kay Peck stated that there were pressing time constraints with regard to preliminary approval of this subdivision. She suggested the following condition regarding secondary access:

A secondary access be provided and that the legal documentation providing the access be submitted to the county attorney's office for approval.

There was some discussion regarding the second access. Jane Jelinski suggested that it be made a condition for secondary access. Ramon White did not feel that the Commission can put a condition on a second party.

At this time, the item was tabled until the developer could be reached regarding a two week extension of preliminary approval for this subdivision.

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Wilbur Visser spoke regarding renewal of the County Rural Fire Chief Contract. The amount was changed to \$6,000.00. Ramon White made a motion to accept and execute the contract for the next fiscal year with the county rural fire chief under the stipulations as outlined, seconded by Jane Jelinski, none voting nay. The motion carried.

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Don Brelsford, County Surveyor, spoke regarding a request for a typewriter for the County Road Office. Mr. Brelsford is requesting a transfer of \$1,500.00 from Revenue Sharing funds for the purchase of this typewriter. This would be from capitol outlay funds which have not been expended.

Jane Jelinski suggested that this request could wait until the new budget year which is only twelve days away. Mr. Brelsford expressed an urgent need for this typewriter.

Ramon White made a motion that the request be approved, seconded by Jane Jelinski, White and Visser voting aye, Jelinski voting nay. The motion carried, with two for and one against.

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Wilbur Visser spoke regarding a request for annexation into the Belgrade Rural Fire District. He stated that he had the affidavit of publication of the public hearing. The petition has been certified by the Clerk and Recorder. Ramon White read the legal description of the property to be annexed. The property is currently surrounded by land that is served by the Belgrade Rural Fire District.

Jane Jelinski stated that she had spoken with Joe Armstrong-Nelson of the Belgrade Fire District and the Fire District has agreed to this annexation.

Jane Jelinski made a motion to grant the request for annexation to the Belgrade Rural Fire District, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, stated that she had spoken with Mr. Cronin, the developer of Blue Grouse Hills Subdivision, and Mr. Cronin has agreed to a two week extension for preliminary plat approval.

Ramon White made a motion to grant a two week extension of preliminary plat approval, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:25 P.M.

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ATTEST:  
*Gary H. Dingle*  
 Clerk

APPROVED:  
*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY, THE 25th DAY OF JULY, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of June 18, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

Wilbur Visser announced that the Commissioners would be in Three Forks on Wednesday evening, June 26, 1985 to hold a public meeting. The agenda item is a discussion of the county's hazardous materials program.

June 19, 1985

Commissioners met with Personnel Officer Kathy Nowierski and received the proposed budget for next fiscal year.

Commissioners met with Mary Kay Peck, Subdivision Review Officer, and received the proposed budget for next fiscal year.

Commissioners met with members of the Senior Center and received the proposed budget for next fiscal year.

Received the following transfers of funds:

Loy Carroll  
 County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$49.12 from fund 2180, \$66.67 from fund 2190, and \$134.56 from fund 2110, to fund 1000 for gas.
2. The sums of \$244.63 from fund 1000, \$110.03 from fund 2160, \$18.63 from fund 2761, \$93.35 from fund 2190, and \$61.92 from fund 2140, to fund 2110 for gas.
3. The sum of \$39.50 from fund 1000 to fund 2180 for copies.
4. The sums of \$26.40 from fund 2110, \$58.92 from fund 2120, \$15.31 from fund 2140, \$128.43 from fund 2180, \$28.00 from fund 2290, \$9.82 from fund 2190, \$16.70 from fund 2278, and \$103.72 from fund 2272, to fund 1000 for printing.

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5. The sums of \$80.49 from fund 2290, \$78.87 from fund 2190, \$1.20 from fund 5020, \$4.55 from fund 2110, \$10.65 from fund 2240, \$25.50 from fund 2140, and \$56.99 from fund 2120, to fund 1000 for supplies.
6. The sums of \$133.80 from fund 1000, \$.30 from fund 2110, \$9.70 from fund 2276, and \$9.30 from fund 2160, to fund 2190 for copies.
7. The sums of \$6.95 from fund 2190, \$1.70 from fund 5020, and \$27.40 from fund 2240, to fund 1000 for copies.

/s/ Wilbur Visser, Chairman

Received the following letters from Loy Carroll, County Treasurer:

United Bank of Denver  
 First Security Bank of Bozeman  
 County Commissioners

Gentlemen:

At the request of the above named bank, we herewith enclose copies of the following Pledge Receipt:

#259235 \$200,000.00 Evanston, WY HSG Rev Bd due 12/1/90 8.5%

This is your notice to release.

/s/ Loy Carroll

Federal Reserve Bank of Minneapolis  
 Montana Bank of Bozeman  
 County Commissioners

Gentlemen:

At the request of the above named bank, we herewith enclose the following Pledged Receipts:

#300015-16710 \$15,000.00 Butte MT Sch Dist 1 Bldg. due 7/1/85 4.00%  
 #919-19863 \$750.00 Gallatin Cnty MT Sch Dist 22 due 7/1/85 4.10%  
 #918-19276 \$1,000.00 Flathead Cnty MT Sch Dist 54 due 7/1/85 5.75%  
 #917-19343 \$3,200.00 Missoula Cnty MT Sch Dist 20 due 7/1/85 3.70%  
 #916-19265 \$8,000.00 Richey MT HSD 2 Bldg due 7/1/85 5.75%

This is your notice to release above pledged securities.

/s/ Loy Carroll

United Bank of Denver  
 First Security Bank of Bozeman  
 County Commissioners

At the request of the above named bank, we herewith enclose copies of the following Pledge Receipt:

#3377 \$10,788.75 Gallatin Co. Montana SD #3 Building Bond due 7/1/85

This is your notice to release the above pledged security.

/s/ Loy Carroll

June 20, 1985

Commissioners met with Katy Hayes and received the proposed budget for the DUI Program for next fiscal year. This is a grant program.

Commissioners interviewed Doug Lizon for the position of Rest Home Administrator.

Commissioners met with Justice of the Peace B. J. Hultz and received the proposed budget for next fiscal year.

Received the following list of new employees:

Herman VanDyken, Weed Crew, \$5.9002/hr.  
 Richard Warner, Weed Crew, \$5.4726/hr.  
 Donald Brelsford, Surveyor, \$1,766.77/mo., 5-30-85.  
 Jackie Harrison, Account Clerk I, Treasurer's Office, \$817.67/mo., 6-3-85.  
 Sharon Toering, Dispatcher, Sheriff's Dept., \$870.65/mo., 6-3-85.  
 Sharon Christensen, WIC Aide, Health Dept., \$4.7174/hr., 6-4-85.  
 Lana Lightner, Nurses Aide, Rest Home, \$4.7174/hr., 5-23-85.  
 Donald Beadle, Ward Aide, Rest Home, \$4.7174/hr., 5-23-85.  
 Mikie Arnson, Kitchen Aide, Rest Home, \$3.8225/hr., 5-27-85.  
 David Seabury, Detention Officer, Sheriff Dept., \$870.65/mo., 6-10-85.  
 Molly Campbell, Kitchen Aide, Rest Home, \$3.8225/hr., 6-9-85.  
 Carol J. Ritts, Temporary, Judge Olson's Office, \$5.7693/hr., 6-10-85.  
 Gary Balaz, Intern, County Attorney's Office, \$900.00/mo., 6-10-85.

Weed Crew:

James Johnson, \$5.4726/hr., 6-17-85.  
 James Dickerson, \$5.4726/hr., 6-17-85.  
 Gregory Semple, \$5.4726/hr., 6-17-85.

Dianna Hubenthal, \$4.7174/hr., 5-24-85, Nurses Aide, Rest Home.  
 Glenna Nelson, Nurses Aide, Rest Home, \$4.7174/hr., 6-20-85.

June 21, 1985

Commissioners met with Doug Kosty, County Auditor, and received the proposed budget for next fiscal year.

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Commissioners interviewed David King and Florence Marshall for the position of Rest Home Administrator.

Received the approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$260.00 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-340 be transferred to account 2110-307-430230-345 under general class (2) Maintenance and Support.

That the sum of \$5,000.00 as appropriated under general class (3) Capital Outlay for account 2110-307-430230-941 be transferred to account 2110-307-430230-490 under general class (2) Maintenance and Support.

That the sum of \$5,364.00 as appropriated under general class (2) Maintenance and Support for account 2130-307-430244-426 be transferred to account 2130-307-430244-421 under general class (2) Maintenance and Support.

That the sum of \$8.00 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-363 be transferred to account 1000-203-410540-311 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-221 be transferred to account 2180-208-420300-370 under general class (2) Maintenance and Support.

That the sum of \$10.00 as appropriated under general class (2) Maintenance and Support for account 1000-201-410100-320 be transferred to account 1000-201-410100-210 under general class (2) Maintenance and Support.

That the sum of \$650.00 as appropriated under general class (2) Maintenance and Support for account 1000-201-420400-220 be transferred to account 1000-201-420400-364 under general class (2) Maintenance and Support.

That the sum of \$10.00 as appropriated under general class (2) Maintenance and Support for account 1000-205-410580-397 be transferred to account 1000-205-410580-320 under general class (2) Maintenance and Support.

That the sum of \$93.00 as appropriated under general class (2) Maintenance and Support for account 2710-201-410100-352 be transferred to account 2710-201-410100-350 under general class (2) Maintenance and Support.

That the sum of \$24.75 as appropriated under general class (2) Maintenance and Support for account 1000-232-411600-320 be transferred to account 1000-232-411600-360 under general class (2) Maintenance and Support.

That the sum of \$35.90 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-223 be transferred to account 2140-000-431100-370 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 8152-000-440700-397 be transferred to account 8152-000-440700-360 under general class (2) Maintenance and Support.

TUESDAY THE 25th DAY OF JUNE 1985  
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That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 8040-000-430800-220 be transferred to account 8040-000-430800-340 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-361 be transferred to account 1000-254-420600-320 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon S. White

June 24, 1985

Commissioners met with Cliff Halls and discussed the utilization of the one mill levy for county ambulance services.

Commissioners met with David Gates and Judge Joseph Gary and received the proposed budget for Court Services for next fiscal year.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$743.30 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-340 be transferred to account 1000-209-420100-210 under general class (2) Maintenance and Support.

That the sum of \$66.23 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-220 under general class (2) Maintenance and Support.

That the sum of \$156.99 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-312 under general class (2) Maintenance and Support.

That the sum of \$107.78 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-361 under general class (2) Maintenance and Support.

That the sum of \$50.01 as appropriated under general class (2) Maintenance and Support for account 1000-209-420230-380 be transferred to account 1000-209-420230-226 under general class (2) Maintenance and Support.

That the sum of \$1,815.89 as appropriated under general class (2) Maintenance and Support for account 1000-209-420230-351 be transferred to account 1000-209-420230-392 under general class (2) Maintenance and Support.

That the sum of \$30.84 as appropriated under general class (1) Salaries and Wages for account 2430-209-430800-110 be transferred to account 2430-209-430800-190 under general class (1) Salaries and Wages.

TUESDAY

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

That the sum of \$1.08 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-370 be transferred to account 1000-295-470260-210 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

June 25, 1985

Commissioners met with representatives of the Rae Sewer and Water District and discussed delinquent taxes and district assessments.

Commissioner Jelinski attended the PCC meeting.

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Wilbur Visser stated that this was the time for the bid opening for address books.

Ramon White read the bid from Colorworld. They had submitted the bid specs with the stamp "No bid item."

Jane Jelinski read the bid from Artcraft Printers as follows:

200 books printed on 70 lb. offset single sided:	\$17,528.53
400 books printed on 70 lb. offset single sided:	20,167.75
600 books printed on 70 lb. offset single sided:	22,689.53
200 books printed on 70 lb opaque double sided:	13,212.35
400 books printed on 70 lb opaque double sided:	14,887.38
600 books printed on 70 lb opaque double sided:	16,921.35
200 books printed on 80 lb gloss single sided:	18,529.38
400 books printed on 80 lb gloss single sided:	22,175.00
600 books printed on 80 lb gloss single sided:	25,695.78
200 books printed on 80 lb gloss (opaque) double sided:	13,715.48
400 books printed on 80 lb gloss (opaque) double sided:	15,894.57
600 books printed on 80 lb gloss (opaque) double sided:	18,430.74
200 books printed on 130 kimdura or equivalent:	20,678.49
400 books printed on 130 kimdura or equivalent:	28,971.07
600 books printed on 130 kimdura or equivalent:	37,146.41

Delivery will be 60 days after issuance of material to printer. Five percent discount for payment within 20 days of invoice date.

Gale Thompson of the Road Department stated that he had written "Sealed Bid" on the outside of the envelope from Colorworld, assuming that it was a bid.

Ramon White asked what the project consisted of.

Gale Thompson stated that it was the rural addressing project. The books would consist of a map and a listing of addresses and lots showing all of the addresses of residential houses. The map will also show unimproved dirt roads. No names will be listed with the addresses.

Jane Jelinski made a motion to take the bids under advisement for one week, seconded by Ramon White, none voting nay. The motion carried.

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Dr. Edward King spoke regarding a request for a budget amendment for the Health Department. The first was a request in the Maternal Child Health Block Grant Program in the amount of \$12,030.00. These monies will be spent in this budget year, they cannot be carried over into the next budget year. The monies will go toward a small increase in salary, a budget increase in supplies and consulting fees.

Jane Jelinski made a motion to grant the budget amendment in the amount of \$12,030.00 to be expended in the Maternal Child Health Block Grant Program, seconded by Ramon White, none voting nay. The motion carried.

The second request was in the Home Health Services budget. Dr. King stated that when the budget year begins, there is no way of predicting how much of a grant for services there will be. There has been an increase in services provided to allow for payment of services.

Ken Mosby stated that according to the County Attorney's Office, the budget can only be amended for the revenue balance in the amount of \$11,621.13.

Ramon White made a motion to allow a budget amendment for the amount of \$11,621.00, seconded by Jane Jelinski, none voting nay. The motion carried.

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Gael Harris spoke regarding a request for park funds for Mountain View Park, Phase II. Ms. Harris stated that Phase I has been completed, the well has been installed.

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Ms. Harris stated that the location of the park in relation to access is ideal. The park is located right off of old Highway 10. The park is centrally located as a recreational area which supports the park plan. There is a large population within the area surrounding the park.

Ms. Harris states that the homeowner's association has been planning the park for three years and there is a great deal of involvement among the homeowners in planning the park.

Ms. Harris stated that the homeowner's association has been contacted by the Belgrade Fire Department with regard to installation of water tanks in the park for use by the fire department. This would be an excellent location because of the density of the area.

Paul Kinshella of Sanderson, Stewart and Gaston spoke on behalf of the fire department. Mr. Kinshella stated that the water tank was proposed to be located in the northeast corner of the park. It would tie into the well and irrigation piping. A storage tank and fill point would be located at the site. The fire department proposes widening of the road for passage during an emergency. The Belgrade Fire Department has stated that they would install the tank and pay for it.

Douglas Harris spoke regarding the ownership of the park. He stated that it had been dedicated to the public by the homeowners.

Ms. Harris stated that there was \$4,000 left of the original \$16,000 allocated that has not been committed. Funds have been committed for weed control and the pump house.

Ms. Harris proposed installation of an underground sprinkler system for two-thirds of the park area. She stated that 20 people have volunteered to donate labor and 7 people will donate materials. \$9,500 is needed above the \$4,000 not committed to do the sprinkler system.

Jane Jelinski stated that she felt Ms. Harris had made some good points and that this was a long-range project that will benefit Gallatin County. Ms. Jelinski stated that there are more than sufficient funds in the park fund for this project.

Jane Jelinski stated that in the park plan there is a statement regarding the development of a committee for disbursement of park funds. Ms. Jelinski feels that the Commission should develop a board to make priorities with regard to where the funds should go.

Ramon White stated that he had no problem with the park; however, he feels that the Commissioners are not following a plan. He is concerned that he is in a position of making a decision and cannot see the whole picture.

Mr. White stated that there is not that much money left in the park fund and it is deteriorating quickly. Mr. White does not know if it is right to over-commit funds for a project.

Ms. Harris stated that Phase I was completed in good faith. She does not feel that it is fair to cut this project off. She states that the park board could set precedent by what is done in this park.

Jane Jelinski stated that the county had already donated funds to this project and this would literally be dumping water down a well. At this point the park has a well but it is not contributing to the park.

Ramon White wondered how far the park funds should go. He is not sure that they should be used for landscaping. Mr. White stated that he did not approve of the pavilion being used for park funds.

Mike Salvagni stated that the statute says that the money can be used for the acquisition of or initial development of parks. Park fund monies shall be expended according to a park policy or plan. Mr. Salvagni states that the county's park plan is a discretionary document. The Supreme Court has recently ruled that it is discretionary. There is nothing that requires the Commission to develop any park. The Commissioners do not have the responsibility to develop every park in Gallatin County. The park policy and plan was established only as a guideline. The Park Board would act in an advisory capacity to the Commission.

Mr. Salvagni stated that the Commission had established a relationship with this group and this project.

Jane Jelinski stated that she felt that the issue should be addressed in two parts. She feels the Commission should invite applicants to be appointed to the park board; however, she does not feel that this group can wait for the creation of a park board.

Ramon White stated that he would like an itemized statement of committed funds and an outline of what has been expended. Ms. Harris provided these figures.

Jane Jelinski made a motion to grant Mountain View Park park monies not to exceed \$9,500.00 for the purpose of developing Phase II of the park, seconded by Ramon White, Commissioners Jelinski and Visser voting aye, Commissioner White voting nay. The motion carried, with two for and one against.

Jane Jelinski suggested that the Commission schedule an agenda item for the discussion of creation of an advisory board for the park fund.

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Scott Keyser spoke regarding a request for funds for Springvale Park. Mr. Keyser stated that the park would service 60 lots at present and there is easy access to the park. There is a well located in the park that the homeowners have paid for. Culvert and a parking area have been installed. Mr. Keyser submitted a picture and plan of the park, along with the overall design. Mr. Keyser states that it would take in the neighborhood of \$20,000 to develop the park.

Mr. Keyser stated that the first priority would be a sprinkler system and he presented an



COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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FORM 12187-TRIBUNE PRINTING

overlay of the design. \$5,975 was bid for the total system. Mr. Keyser states that the documents for dedication of the park have been submitted to the County Attorney's Office for review.

Mike Salvagni stated that the deed was dated in 1981 and deeded the land to the county. The county would request that the land be deeded to the public and that a covenant be contained in the homeowners agreement for the maintenance of the park.

Ramon White stated that the County Attorney should look over the ownership of the park and how it relates to the county obligation of money.

Jane Jelinski made a motion that on the condition that the park land is owned by the homeowners' association and is dedicated for use as a public park in perpetuity, given those conditions, the County Commissioners commit funds not to exceed \$10,350.00 for Phase I of the Springvale Subdivision Park, seconded by Ramon White, Commissioner Jelinski voting aye, Commissioners Visser and White voting nay. The motion died.

Ramon White made a motion that if in the opinion of the County Attorney's Office the park at Springvale is dedicated and owned by the homeowners' association and is dedicated to the use of the public forever, that the County Commission commit from the park fund the amount not to exceed \$6,000.00 for the installation of a sprinkler system, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski made a motion to renew the agreement with the Humane Society for next year, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that Howard Nelson's term will expire on the Airport Authority Board on June 30, 1985. Mr. Nelson has expressed a desire to be reappointed to this board.

Jane Jelinski made a motion to reappoint Howard Nelson to the board, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:30 P.M.

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ATTEST:

*Gary St. Denig*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 2nd DAY OF JULY, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

No action taken on minutes as they had not been prepared by the Clerk.

ANNOUNCEMENTS

June 26, 1985

Commissioners reviewed the budgets.

Commissioners met with the Library Board and reviewed their proposed budget for next fiscal year.

Commissioners met with representatives of the City-County Planning Board and discussed their proposed budget.

Received the following A101's:

#8173 from State of Montana Dept. of Revenue in the amount of \$119.49 for child support incentive payments to the credit of the General Fund.

#8172 from State of Montana Dept. of Revenue in the amount of \$9,724.12 from Western Bank for corporation tax for 1983 and 1984 to the credit of various funds.

#8170 from State of Montana Dept. of Revenue in the amount of \$11,042.40 for corporation tax for Montana Bank to the credit of various funds.

#8169 from State of Montana Dept. of Revenue in the amount of \$116,307.20 for corporation tax for First Security Bank of Bozeman to the credit of various funds.

Commissioners held their quarterly public meeting in Three Forks.

June 27, 1985

Commissioners met with Mary Krum, Acting Administrator of the County Rest Home.

Commissioners met with Bob Sybrant, Welfare Director, and received the proposed budget for next fiscal year.

Commissioners reviewed budgets.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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Received A101 #8184 from Motor Vehicle Dept. in the amount of \$1,506.00 for title fees and fines collected to the credit of various funds.

Received the following list of transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$55.35 as appropriated under general class (2) Maintenance and Support for account 2180-208-410331-370 be transferred to account 2180-208-410331-320 under general class (2) Maintenance and Support.

That the sum of \$75.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410331-370 be transferred to account 2180-208-410331-363 under general class (2) Maintenance and Support.

That the sum of \$522.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410331-393 be transferred to account 2180-208-410331-312 under general class (2) Maintenance and Support.

That the sum of \$206.31 as appropriated under general class (2) Maintenance and Support for account 2170-000-430300-220 be transferred to account 2170-000-430300-360 under general class (2) Maintenance and Support.

That the sum of \$529.75 as appropriated under general class (2) Maintenance and Support for account 2170-000-430300-340 be transferred to account 2170-000-430300-360 under general class (2) Maintenance and Support.

That the sum of \$159.00 as appropriated under general class (2) Maintenance and Support for account 2170-000-430300-370 be transferred to account 2170-000-430300-360 under general class (2) Maintenance and Support.

That the sum of \$4,004.50 as appropriated under general class (1) Salaries and Wages for account 2160-000-460200-112 be transferred to account 2160-000-460200-110 under general class (1) Salaries and Wages.

That the sum of \$351.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-340 be transferred to account 2160-000-460200-360 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-320 be transferred to account 1000-202-410550-380 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (1) Salaries and Wages for account 1000-202-410600-110 be transferred to account 1000-202-410600-140 under general class (1) Salaries and Wages.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410600-345 under general class (2) Maintenance and Support.

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410900-210 under general class (2) Maintenance and Support.

That the sum of \$38.74 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410900-320 under general class (2) Maintenance and Support.

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That the sum of \$35.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410900-335 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 8040-000-430800-220 be transferred to account 8040-000-430800-210 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 8040-000-430800-220 be transferred to account 8040-000-430800-340 under general class (2) Maintenance and Support.

That the sum of \$114.39 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-360 be transferred to account 1000-210-411100-210 under general class (2) Maintenance and Support.

That the sum of \$9.34 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-360 be transferred to account 1000-210-411100-323 under general class (2) Maintenance and Support.

That the sum of \$13.63 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-360 be transferred to account 1000-210-411100-395 under general class (2) Maintenance and Support.

That the sum of \$244.21 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-380 be transferred to account 1000-210-411100-370 under general class (2) Maintenance and Support.

That the sum of \$316.75 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-345 be transferred to account 1000-210-411100-370 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

June 28, 1985

Commissioners sat as a Welfare Board this date.

Commissioners reviewed budgets.

Granted permission for Superintendent of Schools Margaret Brown to be out of state from July 11 through July 16, 1985.

Commissioner Jelinski attended the Chamber of Commerce Biz Net Forum meeting.

July 1, 1985

Commissioners reviewed budgets.

Received A101 #8251 from State Auditor in the amount of \$2,079.17 for DUI reimbursement to the credit of DUI Fund.

July 2, 1985

Received letter of resignation from Gallatin County Sheriff L. John Onstad effective July 31, 1985.

Commissioners met with Margo Stark regarding a tax assessment problem.

Received a report from the Clerk and Recorder showing the fees collected for the month of June in the amount of \$7,857.90.

Received the following A101's:

#8252 from Western Bank of Bozeman in the amount of \$529.31 for interest earned on CD to the credit of various funds.

#8254 from Western Bank of Bozeman in the amount of \$521.64 for interest earned on CD to the credit of various funds.

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#8244 from American Federal Savings and Loan in the amount of \$2,174.80 for interest earned on CD to the credit of various funds.

The County Assessor's Office will be closed from 1:30 to 3:00 P.M. on July 3, 1985 in memory of Dorothy Thomas.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for preliminary approval for Blue Grouse Hills Subdivision. This request was originally brought before the Commissioners at their June 18, 1985 meeting.

Since the June 18th meeting, the Big Sky Fire District has informed the County that it is their policy to assess \$125.00 per unit for fire protection for new construction outside their district.

Ramon White stated that the proposed subdivision is located within the district.

Ms. Peck suggests the following changes and additions to conditions set forth by her on June 18, 1985.

6. That road, drainage, and street sign plans be reviewed and approved by the County Road Office. That the plans include the drainage of seasonally saturated soils. That road names be approved by the County Road Office. That all improvements be installed prior to final approval. That South Fork Road be extended to the south boundary of the subdivision and be constructed with a temporary cul-de-sac. That a road, constructed with a temporary cul-de-sac, be extended to the north boundary of the subdivision to provide access to the unsubdivided land to the north.

7. That a \$125.00 per lot fee be paid to the fire department to provide for the initial costs of fire protection.

9. That the covenants specify the following:

a. That a Homeowners Association is responsible for road and right-of-way maintenance, and for the control of county declared noxious weeds.

b. That fire retardant shingles be used.

c. That spark arrestor screens be placed on fireplace and woodstove chimneys.

d. That open fires be allowed only in specified areas.

e. That no amendments or variance may be granted which is in conflict with these conditions of approval.

f. That the control and containment of livestock be detailed.

g. That future home owners or condominium owners are responsible for restoring damage to Pine or Spruce Drive (located in Westfork Meadows Subdivision) which occurs from construction activities and traffic related to their projects.

14. That a secondary access to the subdivision be provided either from Pine Drive in Westfork Meadows Subdivision or through the unsubdivided property to the north owned by Big Sky, Inc., and that the legal documentation establishing the access be submitted to the County Attorney's Office for review and approval.

15. That the developer and/or any contractor under his direction restore any portions of Pine or Spruce Drive which are damaged by construction activities or construction traffic within the Blue Grouse Hills Subdivision. That a record be established by the developer which documents the condition of Pine and Spruce Drives prior to beginning construction of improvements. That a copy of the record be provided to the County Road Office. That any necessary repair of Pine and Spruce Drives be completed prior to final approval.

16. That in the event that Pine Drive is extended as a second access to Blue Grouse Hills, the owner shall enter into an agreement with Westfork Properties, Inc. to provide for snow removal on Pine Drive from its intersection with Spruce Drive to the Blue Grouse Hills boundary until such time as Lot #1 of Westfork Meadows is developed. That a copy of the agreement be provided to the Subdivision Review Office.

Bob Lee of Morrison-Maierle suggested that the fire protection fee could be determined by the developer and the fire district. He stated that he had no problem with any of the other conditions.

Ramon White stated that he did not feel that this was a privilege of the developer. He feels it is a County Commission decision.

Tom Anacker stated that the power to assess conditions is the County Commission's authority. They have the authority to charge the impact fees.

Jane Jelinski made a motion to grant preliminary approval to the Blue Grouse Hills Subdivision with the conditions outlined by staff and corrected from the hearing two weeks ago, and the new conditions, with a change in condition no. 7 to read that a \$35.00 per lot fee be paid to the fire department to provide for the initial cost of fire protection and that the developer meet with the Gallatin Canyon Rural Fire District Chief to provide for the availability of fire protection. This motion was seconded by Ramon White.

Ramon White mentioned that the subdivision bothered him to the extent that the secondary access was not agreed upon by the adjacent property owners. He believes the plat is premature.

The motion carried unanimously, with Commissioners Jelinski, Visser and White voting aye.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Katherine Mohr has claimed the family sale exemption. Mrs. Mohr is conveying a 3.5286 acre tract to her daughter, Virginia M. Phillips. This property is within Bozeman's zoning jurisdiction and is zoned for one unit per ten acres. However, a variance has been granted by the Zoning Board of Appeals to allow the creation of this 3.5286 acre tract. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Leroy Ensign has claimed the occasional sale exemption. This parcel is originally one of twenty three tracts, all twenty acres in size, that are referred to as Round Mountain Estates. Mr. Ensign has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the above information, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:10 P.M.

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ATTEST:

*Gary St. Dingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 9th DAY OF JULY, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of June 25, 1985 and July 2, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

July 3, 1985

Commissioners met with Ken Mosby.

Commissioners met with Wally Riffle, the architect for the remodeling of the Detention Center and were presented with the final plans. This project is now ready to go for bid.

Received the following A101's:

#8273 from Montana Bank of Bozeman in the amount of \$1,587.95 for interest earned on CD to the credit of various funds.

#8274 from Montana Bank of Bozeman in the amount of \$9,234.26 for interest earned on CD to the credit of various funds.

#8272 from Employment Security Division of Montana in the amount of \$742.00 for salary reimbursement for job training to the credit of the General Fund.

#8264 from State Dept. of Commerce in the amount of \$63,535.67 for General Services Block Grant to the credit of the General Fund.

Commissioners met with Jim Spady and offered him the position of Rest Home Administrator. Mr. Spady accepted the offer at a salary of \$25,600 per year beginning full time in September.

July 4, 1985

HOLIDAY - INDEPENDENCE DAY

July 5, 1985

Routine business this date.

July 8, 1985

Commissioners met with the Gallatin Development Corporation and discussed goals of the corporation.

Commissioners met with Ken Mosby and reviewed budgets.

July 8, 1985

Commissioners met with Clyde Clark and Steve Herzog and reviewed state plans for Springhill Road.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 9th DAY OF JULY 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for extension of preliminary plat approval for Yukon Subdivision Phase II.

The developers of Yukon Subdivision have asked for a one year extension of preliminary plat approval for Phase II of the subdivision. In July of 1984, the Commission granted preliminary approval of the subdivision. Phase I has since been completed and was given final approval by the Commission in April of 1985. The Belgrade Planning Director has no objection to this extension, and the extension is allowable under the Belgrade Subdivision Regulations.

Jane Jelinski made a motion to grant approval of preliminary plat extension of Phase II of Yukon Subdivision, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for summary review approval for Hebgen Lake Lodge Minor Subdivision. Ms. Peck presented her staff report and displayed a plat of the minor subdivision.

The proposed minor subdivision is a ten acre tract which would be divided into two lots, each five acres in size. The location is generally described as being on Highway 287, approximately eight (8) miles northwest of the intersection of Highways 287 and 191.

Hebgen Lake Lodge Minor Subdivision appears to meet the criteria for summary review and for waiving requirements for a public hearing and environmental assessment.

The property is located in the Hebgen Lake Zoning District and is zoned commercial. This proposal appears to be consistent with the Hebgen Lake Zoning Ordinance.

Access to the subdivision is from Highway 287.

Parkland dedication requirements do not apply to this subdivision. The information submitted generally meets the Subdivision Design Standards. Lot 2 is irregularly shaped, but is shown that way on the original Certificate of Survey. There is a 21.139 acre tract to the northeast of the subdivision which is served by a public access through Hebgen Lake Subdivision No. 2.

The County Weed Control Officer has noted that there is a knapweed problem in the area and has requested that the property owners be responsible for weed control.

The easements for the existing water line should be noted on the final plat.

The impacts on agriculture, the natural environment, and wildlife should be negligible. Additional tax revenues will accrue as a result of the subdivision. Local services should not be greatly impacted. There is no fire district in the area. The public health and safety should be adequately safeguarded by State Department of Health review.

Ms. Peck recommended the following conditions as part of preliminary approval:

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
2. That utility easements be shown or noted on the final plat.
3. That the final plat conform to the Uniform Standards for Final Subdivision Plats, and be accompanied by a certificate of approval from the State Department of Health, a platting certificate, a County Attorney's certificate, and a County Treasurer's certificate.
4. That there be covenants which state that the property owners be responsible for weed control.

Jane Jelinski made a motion to grant the approval of the summary review with the four conditions as outlined by staff, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

George Dusenberry has claimed the family sale exemption. Mr. Dusenberry is conveying a 25.7529 acre tract to his daughter Sharon Dusenberry Tank. Mr. Dusenberry has not previously conveyed a tract to his daughter. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay, The motion carried.

Devere L. and Alice E. Jones have claimed the security for construction financing exemption. Mr. and Mrs. Jones have submitted a statement certifying that only one parcel is being created within the original tract. First Security Bank has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:55 P.M.

ATTEST:

*Gary H. Dingle*  
 Clerk

APPROVED:

*William W. Vissen*  
 Chairman

TUESDAY

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioner Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of July 9, 1985 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

## ANNOUNCEMENTS

July 9, 1985

Routine business this date.

July 10, 1985

Commissioners reviewed budgets.

Commissioners interviewed Ron Cutting and Bob Johnson for the Sheriff position.

Received report of prisoner board billing for the month of June in the amount of \$6,913.00.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$2,019.35 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440350-122 under general class (1) Salaries and Wages.

That the sum of \$139.76 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-121 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

That the sum of \$123.28 as appropriated under general class (2) Maintenance and Support for account 5020-000-440350-229 be transferred to account 5020-000-440350-364 under general class (2) Maintenance and Support.

That the sum of \$439.06 as appropriated under general class (1) Salaries and Wages for account 5020-000-440360-122 be transferred to account 5020-000-440360-130 under general class (1) Salaries and Wages.

That the sum of \$15.50 as appropriated under general class (2) Maintenance and Support for account 5020-000-440370-220 be transferred to account 5020-000-440370-210 under general class (2) Maintenance and Support.

That the sum of \$800.00 as appropriated under general class (1) Salaries and Wages for account 8040-000-430800-110 be transferred to account 8040-000-430800-190 under general class (1) Salaries and Wages.

That the sum of \$89.10 as appropriated under general class (2) Maintenance and Support for account 8152-000-440700-220 be transferred to account 8152-000-440700-210 under general class (2) Maintenance and Support.

That the sum of \$657.94 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-125 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$1,878.85 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440340-220 under general class (2) Maintenance and Support.

That the sum of \$8,046.10 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440340-224 under general class (2) Maintenance and Support.

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That the sum of \$174.75 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-235 be transferred to account 5020-000-440340-356 under general class (2) Maintenance and Support.

That the sum of \$203.79 as appropriated under general class (2) Maintenance and Support for account 5020-000-440340-235 be transferred to account 5020-000-440340-397 under general class (2) Maintenance and Support.

That the sum of \$5,314.23 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-124 be transferred to account 5020-000-440330-123 under general class (1) Salaries and Wages.

That the sum of \$1,137.76 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-126 be transferred to account 5020-000-440330-125 under general class (1) Salaries and Wages.

That the sum of \$4,916.05 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-127 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$653.11 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440330-220 under general class (2) Maintenance and Support.

That the sum of \$959.66 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-121 be transferred to account 5020-000-440340-123 under general class (1) Salaries and Wages.

That the sum of \$471.93 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-122 be transferred to account 5020-000-440320-130 under general class (1) Salaries and Wages.

That the sum of \$205.97 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-122 be transferred to account 5020-000-440320-141 under general class (1) Salaries and Wages.

That the sum of \$174.50 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-341 be transferred to account 5020-000-440320-340 under general class (2) Maintenance and Support.

That the sum of \$187.66 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-341 be transferred to account 5020-000-440320-360 under general class (2) Maintenance and Support.

That the sum of \$771.45 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-341 be transferred to account 5020-000-440320-397 under general class (2) Maintenance and Support.

That the sum of \$403.45 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440310-345 under general class (2) Maintenance and Support.

That the sum of \$75.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-358 be transferred to account 5020-000-440310-359 under general class (2) Maintenance and Support.

That the sum of \$44.96 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-382 be transferred to account 5020-000-440310-370 under general class (2) Maintenance and Support.

That the sum of \$1,098.88 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440310-397 under general class (2) Maintenance and Support.



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That the sum of \$99.19 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440310-368 under general class (2) Maintenance and Support.

That the sum of \$353.50 as appropriated under general class (3) Capital Outlay for account 2710-202-410600-947 be transferred to account 2710-202-410900-947 under general class (3) Capital Outlay.

That the sum of \$162.91 as appropriated under general class (1) Salaries and Wages for account 5020-000-440310-123 be transferred to account 5020-000-440310-122 under general class (1) Salaries and Wages.

That the sum of \$800.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440310-121 be transferred to account 5020-000-440310-190 under general class (1) Salaries and Wages.

That the sum of \$285.22 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440310-210 under general class (2) Maintenance and Support.

That the sum of \$1,257.94 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-220 be transferred to account 5020-000-440310-335 under general class (2) Maintenance and Support.

That the sum of \$414.73 as appropriated under general class (1) Salaries and Wages for account 2415-000-420100-110 be transferred to account 2415-000-420100-190 under general class (1) Salaries and Wages.

That the sum of \$154.07 as appropriated under general class (2) Maintenance and Support for account 2415-000-420100-380 be transferred to account 2415-000-420100-370 under general class (2) Maintenance and Support.

That the sum of \$217.70 as appropriated under general class (1) Salaries and Wages for account 2430-209-430800-110 be transferred to account 2430-209-430800-190 under general class (1) Salaries and Wages.

That the sum of \$6.88 as appropriated under general class (2) Maintenance and Support for account 2710-201-410100-352 be transferred to account 2710-201-410100-210 under general class (2) Maintenance and Support.

That the sum of \$3,092.90 as appropriated under general class (2) Maintenance and Support for account 2710-201-410100-352 be transferred to account 2710-201-410100-350 under general class (2) Maintenance and Support.

That the sum of \$139.74 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-340 be transferred to account 2290-245-450400-320 under general class (2) Maintenance and Support.

That the sum of \$39.45 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-212 be transferred to account 2290-245-450400-320 under general class (2) Maintenance and Support.

That the sum of \$8.27 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-333 be transferred to account 2290-245-450400-334 under general class (2) Maintenance and Support.

That the sum of \$232.49 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-370 be transferred to account 2290-245-450400-345 under general class (2) Maintenance and Support.

That the sum of \$5.28 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-366 be transferred to account 2290-245-450400-345 under general class (2) Maintenance and Support.

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That the sum of \$631.70 as appropriated under general class (2) Maintenance and Support for account 2273-000-440113-350 be transferred to account 2273-000-440113-397 under general class (2) Maintenance and Support.

That the sum of \$18.57 as appropriated under general class (2) Maintenance and Support for account 2276-810-440170-312 be transferred to account 2276-810-440170-210 under general class (2) Maintenance and Support.

That the sum of \$35.15 as appropriated under general class (2) Maintenance and Support for account 2276-811-440170-380 be transferred to account 2276-811-440170-370 under general class (2) Maintenance and Support.

That the sum of \$309.29 as appropriated under general class (2) Maintenance and Support for account 2278-830-440170-320 be transferred to account 2278-830-440170-210 under general class (2) Maintenance and Support.

That the sum of \$79.35 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-340 be transferred to account 2290-245-450400-210 under general class (2) Maintenance and Support.

That the sum of \$47.00 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-370 be transferred to account 2190-216-440110-380 under general class (2) Maintenance and Support.

That the sum of \$36.84 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-370 be transferred to account 2190-217-440160-210 under general class (2) Maintenance and Support.

That the sum of \$209.50 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-370 be transferred to account 2190-217-440160-345 under general class (2) Maintenance and Support.

That the sum of \$2,333.11 as appropriated under general class (2) Maintenance and Support for account 2273-000-440113-350 be transferred to account 2273-000-440113-210 under general class (2) Maintenance and Support.

That the sum of \$81.89 as appropriated under general class (2) Maintenance and Support for account 2273-000-440113-350 be transferred to account 2273-000-440113-370 under general class (2) Maintenance and Support.

That the sum of \$95.93 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-370 be transferred to account 2190-216-440110-210 under general class (2) Maintenance and Support.

That the sum of \$440.16 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-397 be transferred to account 2190-216-440110-312 under general class (2) Maintenance and Support.

That the sum of \$704.04 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-397 be transferred to account 2190-216-440110-320 under general class (2) Maintenance and Support.

That the sum of \$692.63 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-397 be transferred to account 2190-216-440110-345 under general class (2) Maintenance and Support.

That the sum of \$755.37 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-397 be transferred to account 2190-216-440110-370 under general class (2) Maintenance and Support.

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That the sum of \$132.90 as appropriated under general class (2) Maintenance and Support for account 2180-208-410331-370 be transferred to account 2180-208-410331-345 under general class (2) Maintenance and Support.

That the sum of \$24.77 as appropriated under general class (2) Maintenance and Support for account 2180-208-410333-340 be transferred to account 2180-208-410333-210 under general class (2) Maintenance and Support.

That the sum of \$227.45 as appropriated under general class (2) Maintenance and Support for account 2180-208-410333-340 be transferred to account 2180-208-410333-345 under general class (2) Maintenance and Support.

That the sum of \$146.60 as appropriated under general class (2) Maintenance and Support for account 2180-208-410333-340 be transferred to account 2180-208-410333-366 under general class (2) Maintenance and Support.

That the sum of \$91.02 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-320 be transferred to account 2180-208-420300-345 under general class (2) Maintenance and Support.

That the sum of \$14,500.00 as appropriated under general class (3) Capital Outlay for account 2110-307-430230-941 be transferred to account 2110-307-430230-940 under general class (3) Capital Outlay.

That the sum of \$500.26 as appropriated under general class (2) Maintenance and Support for account 2120-222-450110-345 be transferred to account 2120-222-450110-215 under general class (2) Maintenance and Support.

That the sum of \$111.80 as appropriated under general class (2) Maintenance and Support for account 2140-000-431100-231 be transferred to account 2140-000-431100-312 under general class (2) Maintenance and Support.

That the sum of \$.02 as appropriated under general class (3) Capital Outlay for account 2160-000-460200-905 be transferred to account 2160-000-460200-920 under general class (3) Capital Outlay.

That the sum of \$101.92 as appropriated under general class (2) Maintenance and Support for account 2180-208-410331-340 be transferred to account 2180-208-410331-320 under general class (2) Maintenance and Support.

That the sum of \$12.19 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-340 be transferred to account 1000-295-470260-345 under general class (2) Maintenance and Support.

That the sum of \$4.50 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-363 be transferred to account 1000-295-470260-312 under general class (2) Maintenance and Support.

That the sum of \$220.60 as appropriated under general class (2) Maintenance and Support for account 2110-307-430210-366 be transferred to account 2110-307-430210-345 under general class (2) Maintenance and Support.

That the sum of \$87.84 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-340 be transferred to account 2110-307-430230-345 under general class (2) Maintenance and Support.

That the sum of \$10,763.20 as appropriated under general class (3) Capital Outlay for account 2110-307-430230-941 be transferred to account 2110-307-430230-364 under general class (2) Maintenance and Support.

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That the sum of \$89.29 as appropriated under general class (2) Maintenance and Support for account 1000-232-411600-320 be transferred to account 1000-232-411600-312 under general class (2) Maintenance and Support.

That the sum of \$151.21 as appropriated under general class (2) Maintenance and Support for account 1000-232-411600-320 be transferred to account 1000-232-411600-345 under general class (2) Maintenance and Support.

That the sum of \$22.03 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-340 be transferred to account 1000-295-470260-210 under general class (2) Maintenance and Support.

That the sum of \$114.94 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-370 be transferred to account 1000-295-470260-312 under general class (2) Maintenance and Support.

That the sum of \$13.71 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-340 be transferred to account 1000-295-470260-320 under general class (2) Maintenance and Support.

That the sum of \$55.80 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-350 be transferred to account 1000-212-420810-345 under general class (2) Maintenance and Support.

That the sum of \$49.60 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-350 be transferred to account 1000-212-420810-366 under general class (2) Maintenance and Support.

That the sum of \$25.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420820-200 be transferred to account 1000-212-420820-366 under general class (2) Maintenance and Support.

That the sum of \$73.77 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-340 be transferred to account 1000-213-410340-210 under general class (2) Maintenance and Support.

That the sum of \$194.39 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-340 be transferred to account 1000-213-410340-345 under general class (2) Maintenance and Support.

That the sum of \$382.80 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-340 be transferred to account 1000-211-410340-320 under general class (2) Maintenance and Support.

That the sum of \$35.40 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-395 be transferred to account 1000-211-410340-330 under general class (2) Maintenance and Support.

That the sum of \$386.71 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-356 be transferred to account 1000-211-410340-345 under general class (2) Maintenance and Support.

That the sum of \$56.46 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-395 be transferred to account 1000-211-410340-380 under general class (2) Maintenance and Support.

That the sum of \$356.11 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-395 be transferred to account 1000-211-410340-397 under general class (2) Maintenance and Support.

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That the sum of \$6.31 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-340 be transferred to account 1000-210-411100-312 under general class (2) Maintenance and Support.

That the sum of \$12.00 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-340 be transferred to account 1000-210-411100-323 under general class (2) Maintenance and Support.

That the sum of \$440.08 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-345 be transferred to account 1000-210-411100-370 under general class (2) Maintenance and Support.

That the sum of \$72.40 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-356 be transferred to account 1000-211-410340-210 under general class (2) Maintenance and Support.

That the sum of \$17.92 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-363 be transferred to account 1000-211-410340-312 under general class (2) Maintenance and Support.

That the sum of \$22.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-363 under general class (2) Maintenance and Support.

That the sum of \$145.61 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420230-222 under general class (2) Maintenance and Support.

That the sum of \$449.79 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420230-351 under general class (2) Maintenance and Support.

That the sum of \$2,165.36 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420230-392 under general class (2) Maintenance and Support.

That the sum of \$69.87 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-340 be transferred to account 1000-210-411100-312 under general class (2) Maintenance and Support.

That the sum of \$241.86 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-210 under general class (2) Maintenance and Support.

That the sum of \$139.65 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-220 under general class (2) Maintenance and Support.

That the sum of \$49.73 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-222 under general class (2) Maintenance and Support.

That the sum of \$125.98 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-312 under general class (2) Maintenance and Support.

That the sum of \$93.24 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-361 under general class (2) Maintenance and Support.

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BOZEMAN, MONTANA

That the sum of \$163.84 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-340 be transferred to account 1000-202-410900-210 under general class (2) Maintenance and Support.

That the sum of \$142.45 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-340 be transferred to account 1000-202-410900-312 under general class (2) Maintenance and Support.

That the sum of \$19.55 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-363 be transferred to account 1000-202-410900-320 under general class (2) Maintenance and Support.

That the sum of \$3.24 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-363 be transferred to account 1000-202-410900-345 under general class (2) Maintenance and Support.

That the sum of \$616.96 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-363 be transferred to account 1000-203-410540-312 under general class (2) Maintenance and Support.

That the sum of \$3.34 as appropriated under general class (2) Maintenance and Support for account 1000-201-410100-312 be transferred to account 1000-201-410100-210 under general class (2) Maintenance and Support.

That the sum of \$20.18 as appropriated under general class (2) Maintenance and Support for account 1000-201-410100-360 be transferred to account 1000-201-410100-366 under general class (2) Maintenance and Support.

That the sum of \$693.53 as appropriated under general class (2) Maintenance and Support for account 1000-201-410100-335 be transferred to account 1000-201-420400-364 under general class (2) Maintenance and Support.

That the sum of \$6.03 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-320 be transferred to account 1000-202-410550-370 under general class (2) Maintenance and Support.

That the sum of \$40.14 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-320 be transferred to account 1000-202-410600-345 under general class (2) Maintenance and Support.

That the sum of \$30.33 as appropriated under general class (2) Maintenance and Support for account 1000-203-410540-340 be transferred to account 1000-203-410540-345 under general class (2) Maintenance and Support.

That the sum of \$14.16 as appropriated under general class (2) Maintenance and Support for account 1000-204-410531-340 be transferred to account 1000-204-410531-345 under general class (2) Maintenance and Support.

That the sum of \$1,388.07 as appropriated under general class (2) Maintenance and Support for account 1000-205-410580-397 be transferred to account 1000-205-410580-210 under general class (2) Maintenance and Support.

That the sum of \$14.29 as appropriated under general class (2) Maintenance and Support for account 1000-205-410580-397 be transferred to account 1000-205-410580-320 under general class (2) Maintenance and Support.

That the sum of \$119.27 as appropriated under general class (2) Maintenance and Support for account 1000-207-411400-361 be transferred to account 1000-207-411400-370 under general class (2) Maintenance and Support.

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

TUESDAY

THE 16th

DAY OF JULY

19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Received the following A101's:

#8297 from First Security Bank and Montana Bank of Bozeman in the amount of \$39,459.42 for interest earned on repurchase and other accounts to the credit of various funds.

#8300 from Sheriff's Dept. for prisoner board in the amount of \$60.00 to the credit of the General Fund.

#8301 from Sheriff's Dept. for prisoner board in the amount of \$22.00 to the credit of the General Fund.

#8302 from Sheriff's Dept. for prisoner board in the amount of \$40.00 to the credit of the General Fund.

#8303 from State of Montana Dept. of Revenue in the amount of \$363.92 for distribution of wine tax for June to the credit of the General Fund.

#8304 from State of Montana Dept. of Institutions in the amount of \$7,494.00 for distribution of earmarked alcohol tax funds to the credit of the Alcohol Fund.

Wilbur Visser attended the meeting regarding the Springhill Road project.

June 11, 1985

Commissioners met in a special session to appoint the County Sheriff to fulfill the vacancy created by the resignation of L. John Onstad. The decision was made to appoint Ron Cutting to fulfill Sheriff Onstad's term beginning August 1, 1985.

The Commissioners also met in special session to accept the preliminary budget for FY 1985-86. Jane Jelinski made a motion to accept the preliminary budget for FY 1985-86, seconded by Wilbur Visser, Commissioners Jelinski and Visser voting aye, Commissioner White abstaining. The motion carried.

This special meeting was adjourned.

Commissioners met with Mike Salvagni and Tom Anacker of the County Attorney's Office to discuss the Penwell Bridge.

Received the following A101's:

#8314 from Montana Bank of Bozeman in the amount of \$438.43 for interest earned on passbook savings to the credit of the Park Fund.

#8320 from Highway Dept. in the amount of \$5,605.70 for fees and taxes to the credit of various funds.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$249.19 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-147 be transferred to account 5020-000-440330-142 under general class (1) Salaries and Wages.

That the sum of \$1,409.88 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-147 be transferred to account 5020-000-440330-143 under general class (1) Salaries and Wages.

That the sum of \$224.66 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-147 be transferred to account 5020-000-440330-145 under general class (1) Salaries and Wages.

That the sum of \$114.79 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-144 be transferred to account 5020-000-440340-141 under general class (1) Salaries and Wages.

That the sum of \$215.22 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-144 be transferred to account 5020-000-440340-142 under general class (1) Salaries and Wages.

That the sum of \$3.93 as appropriated under general class (1) Salaries and Wages for account 2290-245-450400-112 be transferred to account 2290-245-450400-140 under general class (1) Salaries and Wages.

That the sum of \$179.76 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-240 be transferred to account 2430-209-430800-140 under general class (1) Salaries and Wages.

That the sum of \$3.21 as appropriated under general class (1) Salaries and Wages for account 5020-000-440310-141 be transferred to account 5020-000-440310-142 under general class (1) Salaries and Wages.

That the sum of \$346.34 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-142 be transferred to account 5020-000-440320-141 under general class (1) Salaries and Wages.

That the sum of \$133.28 as appropriated under general class (1) Salaries and Wages for account 5020-000-440330-147 be transferred to account 5020-000-440330-141 under general class (1) Salaries and Wages.

That the sum of \$17.42 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-340 be transferred to account 2160-000-460200-110 under general class (1) Salaries and Wages.

That the sum of \$535.83 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-340 be transferred to account 2160-000-460200-140 under general class (1) Salaries and Wages.

That the sum of \$836.33 as appropriated under general class (1) Salaries and Wages for account 2273-000-440113-140 be transferred to account 2273-000-440113-110 under general class (1) Salaries and Wages.

That the sum of \$278.58 as appropriated under general class (1) Salaries and Wages for account 2281-000-440190-110 be transferred to account 2281-000-440190-140 under general class (1) Salaries and Wages.

That the sum of \$951.24 as appropriated under general class (1) Salaries and Wages for account 2290-245-450400-112 be transferred to account 2290-245-450400-110 under general class (1) Salaries and Wages.

That the sum of \$477.34 as appropriated under general class (1) Salaries and Wages for account 2180-208-410333-110 be transferred to account 2180-208-420300-110 under general class (1) Salaries and Wages.

That the sum of \$298.43 as appropriated under general class (1) Salaries and Wages for account 2180-208-410333-110 be transferred to account 2180-208-420300-140 under general class (1) Salaries and Wages.

That the sum of \$1.90 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-340 be transferred to account 2190-216-440110-320 under general class (1) Salaries and Wages.

That the sum of \$310.08 as appropriated under general class (1) Salaries and Wages for account 2190-217-440160-110 be transferred to account 2190-217-440160-140 under general class (1) Salaries and Wages.

That the sum of \$108.66 as appropriated under general class (1) Salaries and Wages for account 2240-000-410100-110 be transferred to account 2240-000-410100-140 under general class (1) Salaries and Wages.

TUESDAY THE 16th DAY OF JULY 19 85

That the sum of \$245.10 as appropriated under general class (2) Maintenance and Support for account 2110-307-430210-210 be transferred to account 2110-307-430210-110 under general class (1) Salaries and Wages.

That the sum of \$7.79 as appropriated under general class (2) Maintenance and Support for account 2110-307-430210-210 be transferred to account 2110-307-430210-140 under general class (1) Salaries and Wages.

That the sum of \$1,749.64 as appropriated under general class (1) Salaries and Wages for account 2110-307-430230-110 be transferred to account 2110-307-430230-140 under general class (1) Salaries and Wages.

That the sum of \$994.35 as appropriated under general class (1) Salaries and Wages for account 2180-208-410333-110 be transferred to account 2180-208-410335-110 under general class (1) Salaries and Wages.

That the sum of \$31.14 as appropriated under general class (1) Salaries and Wages for account 2180-208-410333-110 be transferred to account 2180-208-410335-140 under general class (1) Salaries and Wages.

That the sum of \$49.07 as appropriated under general class (1) Salaries and Wages for account 1000-211-410340-112 be transferred to account 1000-232-411600-140 under general class (1) Salaries and Wages.

That the sum of \$109.57 as appropriated under general class (1) Salaries and Wages for account 1000-210-411100-110 be transferred to account 1000-254-420600-110 under general class (1) Salaries and Wages.

That the sum of \$244.35 as appropriated under general class (1) Salaries and Wages for account 1000-210-411100-110 be transferred to account 1000-254-420600-140 under general class (1) Salaries and Wages.

That the sum of \$10.74 as appropriated under general class (1) Salaries and Wages for account 1050-201-410100-140 be transferred to account 1050-202-410550-140 under general class (1) Salaries and Wages.

That the sum of \$192.59 as appropriated under general class (1) Salaries and Wages for account 1050-201-410100-140 be transferred to account 1050-202-410600-140 under general class (1) Salaries and Wages.

That the sum of \$4,596.94 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-209-420100-110 under general class (1) Salaries and Wages.

That the sum of \$797.57 as appropriated under general class (1) Salaries and Wages for account 1000-207-411400-110 be transferred to account 1000-209-420230-140 under general class (1) Salaries and Wages.

That the sum of \$2,399.73 as appropriated under general class (1) Salaries and Wages for account 1000-209-420230-110 be transferred to account 1000-209-420100-140 under general class (1) Salaries and Wages.

That the sum of \$218.91 as appropriated under general class (1) Salaries and Wages for account 1000-210-411100-112 be transferred to account 1000-210-411100-140 under general class (1) Salaries and Wages.

That the sum of \$69.87 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-312 be transferred to account 1000-210-411100-210 under general class (2) Maintenance and Support.

That the sum of \$340.07 as appropriated under general class (1) Salaries and Wages for account 1000-203-410540-110 be transferred to account 1000-201-410100-140 under general class (1) Salaries and Wages.

That the sum of \$114.37 as appropriated under general class (1) Salaries and Wages for account 1000-203-410540-110 be transferred to account 1000-202-401550-110 under general class (1) Salaries and Wages.

That the sum of \$18.05 as appropriated under general class (1) Salaries and Wages for account 1000-203-410540-110 be transferred to account 1000-202-410550-140 under general class (1) Salaries and Wages.

That the sum of \$43.98 as appropriated under general class (1) Salaries and Wages for account 1000-203-410540-110 be transferred to account 1000-202-410600-140 under general class (1) Salaries and Wages.

That the sum of \$2,172.55 as appropriated under general class (1) Salaries and Wages for account 1000-203-410540-110 be transferred to account 1000-202-410900-110 under general class (1) Salaries and Wages.

That the sum of \$140.04 as appropriated under general class (1) Salaries and Wages for account 1050-201-410100-140 be transferred to account 1050-204-410531-140 under general class (1) Salaries and Wages.

That the sum of \$2.55 as appropriated under general class (1) Salaries and Wages for account 1050-201-410100-140 be transferred to account 1050-208-420300-140 under general class (1) Salaries and Wages.

That the sum of \$2.94 as appropriated under general class (1) Salaries and Wages for account 1050-201-410100-140 be transferred to account 1050-212-420810-140 under general class (1) Salaries and Wages.

That the sum of \$9.89 as appropriated under general class (1) Salaries and Wages for account 1050-201-410100-140 be transferred to account 1050-214-410565-140 under general class (1) Salaries and Wages.

That the sum of \$6.65 as appropriated under general class (1) Salaries and Wages for account 1050-201-410100-140 be transferred to account 1050-232-411600-140 under general class (1) Salaries and Wages.

That the sum of \$5,198.91 as appropriated under general class (1) Salaries and Wages for account 1000-210-411100-110 be transferred to account 1000-211-410340-110 under general class (1) Salaries and Wages.

That the sum of \$612.51 as appropriated under general class (1) Salaries and Wages for account 1000-211-410340-112 be transferred to account 1000-211-410340-140 under general class (1) Salaries and Wages.

That the sum of \$1.16 as appropriated under general class (1) Salaries and Wages for account 1000-211-410340-112 be transferred to account 1000-212-420810-110 under general class (1) Salaries and Wages.

That the sum of \$17.32 as appropriated under general class (1) Salaries and Wages for account 1000-211-410340-112 be transferred to account 1000-212-420810-140 under general class (1) Salaries and Wages.

That the sum of \$9.57 as appropriated under general class (1) Salaries and Wages for account 1000-211-410340-112 be transferred to account 1000-214-410565-140 under general class (1) Salaries and Wages.

That the sum of \$184.16 as appropriated under general class (1) Salaries and Wages for account 1000-203-410540-110 be transferred to account 1000-202-410900-140 under general class (1) Salaries and Wages.

That the sum of \$1,217.34 as appropriated under general class (2) Maintenance and Support for account 1000-205-410580-397 be transferred to account 1000-203-410540-312 under general class (2) Maintenance and Support.

That the sum of \$456.33 as appropriated under general class (1) Salaries and Wages for account 1000-203-410540-110 be transferred to account 1000-204-410531-140 under general class (1) Salaries and Wages.

That the sum of \$60.09 as appropriated under general class (1) Salaries and Wages for account 1000-203-410540-110 be transferred to account 1000-205-410580-140 under general class (1) Salaries and Wages.

That the sum of \$39.75 as appropriated under general class (2) Maintenance and Support for account 1000-205-410580-340 be transferred to account 1000-205-410580-320 under general class (2) Maintenance and Support.

That the sum of \$244.39 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-144 be transferred to account 5020-000-440350-141 under general class (1) Salaries and Wages.

That the sum of \$131.14 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-144 be transferred to account 5020-000-440350-142 under general class (1) Salaries and Wages.

That the sum of \$224.26 as appropriated under general class (1) Salaries and Wages for account 5020-000-440360-122 be transferred to account 5020-000-440360-142 under general class (1) Salaries and Wages.

That the sum of \$388.66 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-144 be transferred to account 5020-000-440360-143 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

s/ Wilbur Visser  
s/ Ramon S. White

Commissioners attended the special Board of Health meeting.

July 12, 1985

Commissioner Jelinski to be out of state through July 25, 1985.

Commissioners sat as a Welfare Board.

Commissioners toured roads and viewed the new dust control project being applied on Love Lane.



TUESDAY

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAJuly 15, 1985

Commissioners toured the Williams Park area near Goldenstein Lane and viewed the backstop installed with park fund monies.

Received A101 #8330 from State of Montana Dept. of Revenue for child support incentive payments in the amount of \$130.20 to the credit of the General Fund.

Commissioners met with Telecommunications, Inc. representatives and received an update on the progress of the study of the communications system.

July 16, 1985

Commissioners met with Gastrol Company officials and a new card control fuel pump system was explained.

- - - -

Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval of Springvale Subdivision Phase II. Randy Thoreson, Belgrade Planning Director, has forwarded a report to Ms Peck stating that the subdivision does meet all the conditions for final plat recording in terms of compliance with conditions that were imposed on it with a notation that the subdivision meets the conditions based on the completion and acceptability of the County Commission of an improvements agreement for the installation of culverts and reseeding of disturbed areas.

Tom Anacker, Deputy County Attorney, stated that the decision on the improvements agreement must be made prior to any vote on final approval for the subdivision. The agreement applies to the approaches for fourteen lots and also the seeding along the disturbed areas along the irrigation ditch. At the present time, the name of the ditch has not been determined. The agreement sets forth the covenants and agreements by the subdivider to post a \$5,000 bond and sets out a time schedule for the improvements. Mr. Anacker stated that the letter of credit expires in two years; however, the developer could ask for an extension of the improvements agreement.

Wilbur Visser suggested that the ditch be referred to as the "ditch on the west side of Honeysuckle Drive." Tom Anacker stated that this could be written in and initialed by the parties involved.

Ramon White made a motion that the improvements agreement be accepted by Gallatin County for the Springvale Subdivision, Phase II, seconded by Wilbur Visser, none voting nay. The motion carried.

Mary Kay Peck, Subdivision Review Officer, stated that Sam Gianfrancisco, Road Superintendent, had forwarded a letter to her indicating that the roads had been accepted with the provision that the improvements agreement be reached.

Tom Anacker asked Mr. Austin if he would state for the record that he agrees to the conditions that the seeding is covered by the improvements agreement and that if there is no substitution or extension of credit, he understands that the agreement provides that the county has the right to look to the security to install the improvements. Mr. Austin stated that he understood this fully and agreed to it.

Ramon White made a motion to grant final approval to the Springvale Subdivision, Phase II, seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Kenneth LeClair and Mr. and Mrs. Steven Irion have claimed the exemption to realign a common boundary. The purpose of the exemption is to align the boundary for a driveway that was built over the property line, and the appropriate quit claim deeds have been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Darrell and Earline Coates have claimed the security for construction financing exemption. Mr. and Mrs. Coates have submitted a statement certifying that only one parcel is being created within the original tract. Home Federal Savings has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Scott and Susan Lohmuller are claiming the occasional sale exemption. Mr. and Mrs. Lohmuller have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. The Lohmullers would then sell the occasional sale tract to an adjacent property owner, Hugo Schmidt. The Lohmullers and Schmidts are also claiming the exemption to realign a common boundary. Lohmullers would increase their tract by 3.5 acres to include land between their property and an existing road. The Lohmullers are currently growing hay on this land. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the occasional sale exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Ramon White made a motion to grant the exemption to realign a common boundary, seconded by Wilbur Visser, none voting nay. The motion carried.

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 16th DAY OF JULY 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Wayne Moritz and Delmar Richardson have claimed the exemption to realign a common boundary line. Ms. Peck requested that her staff report and the accompanying overlay exhibit be entered into the record.

An Attorney General's Opinion (40 A.G. Op. 16 (1983)) and the Gallatin County Subdivision Regulations provide that the governing body shall evaluate all relevant circumstances in assessing the intent of the person claiming the exemption. These circumstances may include the prior history of the tract in question and the proposed configuration of the tract if the proposed exempt transactions are completed. In addition, Section 2d of Appendix E states that a relocation of a common boundary line may be made once without review; subsequent relocations are subject to subdivision review.

The history of the tract includes a series of land divisions using the subdivision exemptions. An overlay board has been prepared to illustrate the history of the parcel.

These parcels were originally part of a 50.00 acre tract shown on Certificate of Survey (COS) 290, filed September 14, 1979 (Base overlay sheet). On November 30, 1979, Richard D. Blackwood filed COS 290A (second sheet), which created Tract A (20.016 acres), Tract B (20.0121 acres), and Tract C (9.963 acres), which was shown as a remainder. Mr. Moretz and Mr. Richardson filed COS 290 B (third sheet), claimed an occasional sale exemption for Tract B-1 (1.157 acres), and showed Tract B-2 (18.864 acres) as a remainder.

Certificate of Survey 290C (fourth sheet) was then filed on January 29, 1982, and on it, Mr. Moretz and Mr. Richardson claimed an occasional sale for Tract B-4 (1.313A) and showed Tract B-3 (17.551 A) as a remainder. On April 15, 1983, Mr. Moretz and Mr. Richardson filed COS 290D (fifth sheet) and created Tract A-1 (1.27 acres) for occasional sale, with Tract A-2 (18.73 acres) shown as a remainder.

On COS 290E (sixth sheet) Mr. Moretz and Mr. Richardson claimed the exemption to relocate a common boundary. This survey added a portion of Tract A-2 to Tract B-3 to create Tract 1 (22.9820 acres); created Tract 2 (6.4690 acres), as a remainder; and added a portion of COS 427 to create Tract 3 (14.1443 acres). Mr. Moretz and Mr. Richardson also filed COS 290 F (seventh sheet) on June 6, 1983, and created Tract 1-B (13.1897 acres) as an occasional sale, and showed Tract 1-A (9.7923 acres) as a remainder.

After considering the above facts, and any public testimony that may be given, the Commission must decide if this is a proper use of the exemption.

Mary Kay Peck stated that the exemption to relocate a common boundary was used in June of 1983 which included the tract which is being claimed as a relocation of common boundary at this time.

Delmar Richardson stated that the reason for this exemption is that the tract in question has the house on it and they would like to enlarge it to make it more saleable.

Tom Anacker asked Mr. Richardson if he was aware that according to the subdivision regulations only one exemption to realign a common boundary can be claimed on a certificate of survey and any additional realignments must go through the subdivision review process.

Mr. Richardson stated that he was not aware of this.

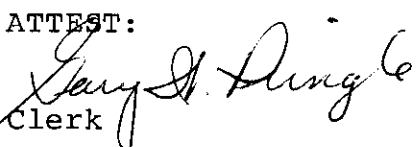
Ramon White stated that this parcel has become a subdivision without any review through occasional sales and relocation of common boundaries. It has had five divisions since 1979 without any review. Mr. White feels that the parcel should have gone into a minor or major subdivision review process.

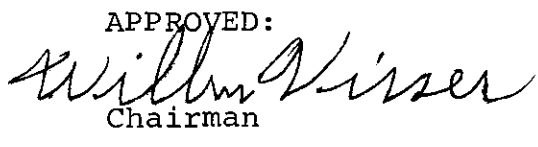
Ramon White made a motion to deny granting the exemption to realign a common boundary line for Wayne Moretz and Delmar Richardson, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:20 P.M.

- - - -

ATTEST:  
  
 Clerk

APPROVED:  
  
 Chairman

- - - -

The following are the quarterly securities submitted by the County Treasurer for the quarter ended June 30, 1985:

\$17,127,772.54 is on deposit in various banks in bonds and interest money.

<u>FIRST BANK OF BOZEMAN</u>	<u>CREDIT BALANCE</u>		
First Bank #005 Checking			\$ -188.59 99,445.84
Gall Cnty 1974	5.90	1/1/87	\$ 40,000.00
Gall MT 1976	8.00	1/1/88	80,000.00
Gall MT 1974	6.00	1/1/89	40,000.00
Co of Cook	5.60	11/1/92	100,000.00
WA Ser A	5.50	4/1/93	50,000.00
Fairfax Cnty	5.20	5/1/93	250,000.00
Park Cnty	5.90	6/15/93	30,000.00
Florida St	5.20	1/1/92	100,000.00
New Jersey	5.10	6/1/92	175,000.00
Cmnwlth of MA	6.20	8/1/93	300,000.00

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 16th

DAY OF JULY

19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAFIRST SECURITY BANK OF BOZEMANCREDIT BALANCE

#089086			\$2,530,566.36
Checking			12,108.00
#500911-1			234,853.62
2861	4.09	6/10/87	2,000.00
2873	4.09	6/10/86	2,000.00
5545	7.875	5/15/86	75,000.00
6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
6725	4.80	6/1/86	200,000.00
20962	5.20	4/1/87	25,000.00
3370		7/1/87	10,788.75
3371		7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3378		7/1/86	10,788.75
3379	5.00	9/1/92	25,000.00
4012	5.35	7/1/86	9,000.00
4013	4.75	12/1/88	10,000.00
4015	5.50	9/1/85	25,000.00
6000	7.25	9/1/88	120,000.00
PL2389	5.25	6/1/86	9,000.00
254044	9.10	12/1/90	250,000.00
317558	9.50	12/1/93	200,000.00
078973	7.25	7/1/94	200,000.00
141642	9.85	9/1/96	270,000.00
239195	12.50	8/1/02	300,000.00
258944	8.50	11/1/02	270,000.00
260601	10.00	12/1/02	300,000.00
014763	6.50	2/1/90	100,000.00
247590	10.375	9/1/90	500,000.00
299138	9.30	6/30/90	300,000.00
136052	7.50	12/1/90	200,000.00

MONTANA BANK OF BOZEMANCREDIT BALANCE

712388			\$2,265,096.12
57729			3,000,000.00
Checking			4,940.39
15609	4.70	12/15/85	14,000.00
19008	5.00	1/1/86	5,000.00
19008	5.00	1/1/86	3,500.00
19256	4.50	7/1/86	15,000.00
19265	5.75	7/1/86	8,000.00
18911	4.50	7/1/86	4,000.00
19276	5.75	7/1/86	1,000.00
19346	4.25	7/1/86	10,000.00
15609	4.70	12/15/86	16,000.00
15612	4.75	12/15/86	7,000.00
23343	4.75	12/15/86	4,000.00
19008	5.00	1/1/87	15,000.00
19008	5.00	1/1/87	3,500.00
19265	5.75	7/1/87	8,000.00
18911	4.50	7/1/87	4,000.00
23343	4.75	12/15/87	4,000.00
15612	4.75	12/15/87	7,000.00
19008	5.00	1/1/88	3,500.00
19008	5.00	1/1/88	15,000.00
5078	5.20	3/1/88	10,000.00
19253	4.70	7/1/88	25,000.00
19265	5.75	7/1/88	8,000.00
21351	5.20	7/15/88	50,000.00
28104	5.00	1/1/89	10,000.00
19265	5.75	7/1/89	8,000.00

WESTERN BANK OF BOZEMANCREDIT BALANCE

\$ 2,162.00

VALLEY BANK OF BELGRADEPLEDGE BALANCECREDIT BALANCE

\$ 670,079.26

\$ 5,874.80

MANHATTAN STATE BANKCREDIT BALANCE

\$ 4,533.90

4912 4.80 2/1/86 25,000.00

SECURITY BANK OF THREE FORKSCREDIT BALANCE

\$ 866.00

333662 11.625 10/31/86 300,000.00

FIRST SECURITY BANK OF WEST YELLOWSTONECREDIT BALANCE

\$ 1,605.15

FIRST CITIZENS BANK OF BOZEMAN

U.S. Treas. 11.75 4/30/86 100,000.00

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 16th DAY OF JULY 1985  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

OTHER BANKS

Commerce Trust	\$ 5,839.28
First Natl Minn.	80,108.33
Norwest	675,755.18
First Trust Bozeman	165,738.40
First Security Bozeman	460.00
First Trust Helena	93,668.75
Cash in Office	697,425.43
School Investments	1,467,603.49
County Investments	5,779,310.09
	<u>\$17,127,772.54</u>

PUBLIC MEETING TUESDAY, THE 23rd DAY OF JULY, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:45 P.M. Also present were Commissioners Ramon S. White, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of July 16, 1985 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

ANNOUNCEMENTS  
July 16, 1985

Commissioner Visser attended the Fairgrounds Development Committee meeting.

July 17, 1985

Commissioners met with Ron Cutting regarding his plans for operation of the Sheriff's Office.

Bridger Canyon Zoning Commission viewed areas applying for a variance.

Commissioner White and Visser attended the Refuse District #2 meeting in West Yellowstone.

July 18, 1985

Commissioner Visser, Paula Stoll of Management Associates and County payroll personnel met at the Rest Home and explained the new job descriptions and pay matrix plan developed for the Rest Home.

Commissioner Visser attended the Refuse District #1 meeting in Manhattan.

July 19, 1985

Routine business this date.

July 22, 1985

Commissioner Visser attended the Weed Board meeting.

Bridger Canyon Zoning Commission met to hear a request for a variance by Emily Swanson. This variance was granted.

Commissioners met with the Belgrade City Council, Belgrade City-County Planning Board and reviewed the new position for a planning director for the Belgrade area.

Don Brelsford, County Surveyor, spoke regarding a recommendation for awarding of the bid for the address books. Mr. Brelsford recommends that the Board accept the bid of Artcraft Printers for 600 addressing books printed on 70 lb. offset single sided, including all specifications at a cost of \$22,689.53.

Ramon White asked what would be done with 600 books.

Wilbur Visser stated that 40 of the books would go to the telephone company, Montana Power has requested copies of the books, and every realtor in Bozeman has requested copies.

Don Brelsford stated that there has been interest from the rural fire companies and the law enforcement community. Mr. Brelsford states that cost-wise per book the charge would be relatively low.

Ramon White made a motion to accept the bid of Artcraft Printers for the printing of 600 rural addressing books, seconded by Wilbur Visser, none voting nay. The motion carried.

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Maurice A. Warner has claimed the exemption to realign a common boundary. Mr. Warner owns Lots 1, 2, and 3 of Block 9, Middle Creek Meadows Subdivision Number 3, and has built his home on Lot 2. His garden is on the south side of his house and is partially located on Lot 1. Mr. Warner would like to realign the boundary between Lots 1 and 2 so that the entire garden is on Lot 2. From the information submitted, this appears to be a proper use of the exemption.

TUESDAY

THE 23rd

DAY OF JULY

19 85

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Ramon White made a motion to grant the exemption to Maurice A. Warner, seconded by Wilbur Visser, none voting nay. The motion carried.

Thelma Thompson has claimed the security for construction financing exemption. Mrs. Thompson has submitted a statement certifying that only one parcel is being created within the original tract. First Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption to Thelma Thompson, seconded by Wilbur Visser, none voting nay. The motion carried.

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Marcia Elkins, Assistant Planner, Bozeman City-County Planning Board, spoke regarding a request for summary review approval of a proposed amended minor subdivision of tract 9 of Longacres Subdivision.

This property is located between Highland Boulevard, south of Kagy. The applicant is proposing to split Tract 9 into two lots of 1.265 and 1.264 acres. The area is currently zoned RS-1. It is unlikely that central sanitary sewer facilities would be provided to the lot or that the property would develop at urban densities.

The proposed lot depth to width ratio exceeds a 4 to 1 ratio. Subdivision Regulations require that it not exceed a 3 to 1 ratio. The proposed lots would have a width of 125 feet. The zoning district requires a lot width of 150 feet. This would require a variance to the Subdivision Regulations if approval is granted. Further, the applicant would be required to go before the Zoning Board of Adjustment to obtain permission to construct on the property.

The Certificate does not reflect the current language with regard to the Examining Land Surveyor's Certificate. This would need to be changed.

The Planning Staff recommends that the applicant pay initiation fees to the Sourdough Volunteer Fire Department.

The County Road Office has informed the Planning Staff that the County does not maintain Highland Boulevard and have asked that a note to that effect be placed on the plat.

The Planning Staff recommends approval of this minor subdivision with the following conditions:

1. That Montana Department of Health and Environmental Sciences approval be granted prior to Final Plat Approval.
2. That the applicant document the payment of initiation fees for both lots to the Sourdough Rural Fire District, prior to Final Plat approval.
3. That the Final Plat will contain a Certificate of Public Service Director and that the language on the Examining Land Surveyor's Certificate will be changed to reflect the language found in Chapter 16.40 of the Bozeman Area Subdivision Regulations.
4. That the applicants obtain a variance for the property from the Bozeman Zoning Board of Adjustment to the minimum lot width requirement of 150 feet in an "RS-1" (Residential Suburban Country Estates) District as per Section 18.12.030.A of the Bozeman Area Zoning Code, prior to Final Plat Approval.
5. The following note shall be placed on the Final Plat:

"Gallatin County is not responsible for the maintenance of Highland Boulevard."

Ramon White made a motion to approve a proposed amended minor subdivision of tract 9 of Longacres with the staff recommendations, seconded by Wilbur Visser, none voting nay. The motion carried.

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Ramon White made a motion to appoint Sam Hofman to the County Weed Board for a five year term, seconded by Wilbur Visser, none voting nay. The motion carried.

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Quarterly securities were checked with the County Treasurer and found to be correct as entered into the minutes on July 16, 1985.

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There being no further business, the meeting adjourned at 2:05 P.M.

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ATTEST:

Clerk

*Gary H. Dingle*

APPROVED:

Chairman

*Wilbur Visser*

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 6th

DAY OF AUGUST 19 85  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of July 23, 1985 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

## ANNOUNCEMENTS

There is a vacancy on the West Yellowstone TV District Board. This is a three year term expiring August 31, 1988.

July 24, 1985

Sent the following letter to Loy Carroll, County Treasurer:

You are hereby authorized to make the following transfers:

1. The sum of \$141.30 from fund 2110 to fund 2420 to correct miscoding.
2. The sum of \$302.95 from fund 1050 to fund 1000 to correct miscoding.
3. The sum of \$71.83 from fund 2271 to fund 2190 to correct miscoding.
4. The sum of \$3,100.00 from fund 8010 to fund 2761 to correct miscoding.
5. The sums of \$13.98 from fund 2180, \$91.77 from fund 2190, and \$145.08 from fund 2110, to fund 1000 for gas.
6. The sums of \$474.14 from fund 1000, \$1.90 from fund 2180, \$133.19 from fund 2160, \$27.24 from fund 2761, \$67.19 from fund 2190, and \$147.41 from fund 2140, to fund 2110 for gas.
7. The sum of \$60.00 from fund 2277 to fund 2273 to correct miscoding.
8. The sum of \$361.00 from fund 2281 to fund 2190 to correct miscoding.
9. The sum of \$108.77 from fund 2276 to fund 2273 to correct miscoding.
10. The sum of \$15.99 from fund 2275 to fund 2273 to correct miscoding.
11. The sum of \$1.00 from fund 2281 to fund 2270 to correct miscoding.
12. The sum of \$38.40 from fund 1000 to fund 2180 for copies.
13. The sums of \$40.85 from fund 2180, \$82.80 from fund 2290, \$27.65 from fund 2190, \$18.20 from fund 2282, \$30.79 from fund 2276, \$25.11 from fund 2110, \$4.15 from fund 2240, \$25.50 from fund 2140, and \$31.68 from fund 2120, to fund 1000 for supplies.
14. The sums of \$40.00 from fund 2120, \$32.26 from fund 2140, \$112.77 from fund 2180, \$196.92 from fund 2290, \$28.12 from fund 5020, \$23.19 from fund 2190, \$29.90 from fund 2273, \$35.75 from fund 2278, and \$104.10 from fund 2282, to fund 1000 for printing.
15. The sums of \$230.45 from fund 1000, \$2.40 from fund 2110, \$6.85 from fund 2276, and \$.30 from fund 2160, to fund 2190 for copies.
16. The sums of \$1.90 from fund 2190 and \$16.75 from fund 2240, to fund 1000 for copies.
17. The sum of \$1,364.26 from fund 2281 to fund 2279 to correct miscodings.
18. The sums of \$89.76 to fund 1000, \$59.15 to fund 2110, and \$54.11 to fund 2190, from fund 2180 to correct miscodings.
19. The sum of \$322.31 from fund 2180 to fund 1000 to correct miscodings.
20. The sum of \$104.03 from fund 2180 to fund 1000 to correct miscodings.
21. The sums of \$192.12 to fund 2190 and \$114.65 to fund 2120, from fund 1000 to correct miscodings.
22. The sum of \$106.55 from fund 1000 to fund 2290 to correct miscoding.
23. The sums of \$2.51 from fund 2180 and \$26.71 from fund 2430 to fund 1000 to correct miscodings.
24. The sum of \$68.94 from fund 1000 to fund 2120 to correct miscoding.

/s/ Wilbur Visser

Received the following list of new employees:

Carol Fullerton, Judge Olson's secretary, \$1,100.00 per month, 6/24/85.  
 Julie Morgan, Nurses Aide, Rest Home, \$4.7174/hr., 6/18/85.  
 Ann Christiansen, Kitchen Aide, Rest Home, \$3.8225/hr., 6/22/85.  
 Phyllis Hunt, Nurses Aide, Rest Home, \$4.7174/hr., 6/24/85.  
 Scott Webster, Weed Crew, \$5.7693/hr.  
 Debbie Akens, Draftsman, Road Department, \$1,138.45/month, 7/1/85.  
 Virginia Dixon, Recording Clerk, Clerk and Recorder, \$977.03/mo., 7/1/85.  
 Marcee Roberts, Secretary, Extension Office, \$906.17/mo, 7/1/85.  
 John C. Story, Janitor, \$977.03/mo., 7/1/85.  
 Michael White, Janitor, \$977.03/mo., 7/1/85.  
 Kelly Kruger, Printer, \$977.03/mo., 7/10/85.  
 David Weller, Maintenance Helper, Rest Home, \$4.36/hr., 7/12/85.  
 Jackie Welch, Nurses Aide, Rest Home, \$5.05/hr., 6/20/85.  
 Kevin S. Ward, Part-Time Janitor, \$5.6368/hr., 7/18/85.  
 Shelley Martell, Laundry Aide, Rest Home, \$4.36/hr., 7/17/85.  
 Jim Spady, Rest Home Administrator, \$2,197.82/mo., 7/18/85.  
 Teresa Gomon, Nurses Aide, Rest Home, \$5.05/hr., 7/19/85.  
 Lois Childress, Housekeeper, Rest Home, \$4.36/hr., 7/18/85.

July 25, 1985

Routine business this date.

July 26, 1985

Routine business this date.

July 29, 1985

Bridger Canyon Zoning Commission reconvened its meeting of June 14, 1985 to hear further testimony regarding the application for a conditional use permit by Sohio Oil Company.

July 30, 1985

Bridger Canyon Zoning Commission continued the conditional use permit hearing for Sohio

TUESDAY THE 6th

DAY OF AUGUST 1985  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Oil Company. The meeting was closed to public testimony and recessed at 5:15 P.M. and will reconvene at 10:00 A.M. on August 26, 1985 for board discussion.

Received the following A101's:

#8422 from Montana Physicians Service in the amount of \$80.56 for health insurance premium refund to the credit of the General Fund.

#8421 from Motor Vehicle Dept. in the amount of \$1,561.00 for title fees and fines collected to the credit of various funds.

July 31, 1985

Commissioners attended a coffee hour at the Sheriff's Office in honor of Sheriff L. John Onstad, who has resigned.

Commissioners met with Joy Nash regarding the bear proof garbage container grant. Mrs. Nash will be the administrator of the grant program.

Commissioners met with Ron Cutting and Dave Dunn regarding the Sheriff's Department budget.

August 1, 1985

Commissioners attended the Board of Health meeting.

Commissioners attended the swearing in ceremony of Ron Cutting as Sheriff of Gallatin County.

Commissioners met with Buzz and Babe Goldenstein regarding the extension of Goldenstein Road to 19th Street to the west.

Commissioners reviewed budgets.

Received the following cancellations of taxes:

#584	Martin Kimm	\$153.79	Property double assessed
#585	Peace Lutheran	\$425.84	Exempted for 1984

Received the following A101's:

#8426 from Security Bank of Three Forks for interest earned on CD in the amount of \$1,582.19 to the credit of the General Fund.

#8427 from Security Bank of Three Forks for interest earned on CD in the amount of \$646.44 to the credit of various accounts.

#8428 from Security Bank of Three Forks for interest earned on CD in the amount of \$646.44 to the credit of County Land Planning and Revenue Sharing.

#8429 from Security Bank of Three Forks for interest earned on CD in the amount of \$1,643.22 to the credit of PILT and Protest Funds.

#8431 from First Security Bank of Bozeman for interest earned on CD in the amount of \$1,582.19 to the credit of the General Fund.

#8432 from First Security Bank of Bozeman for interest earned on CD in the amount of \$1,631.92 to the credit of PILT funds.

#8433 from First Security Bank of Bozeman for interest earned on CD in the amount of \$1,638.70 to the credit of the General Fund.

#8436 from Montana Bank of Bozeman for interest earned on CD in the amount of \$4,791.78 to the credit of various funds.

#8437 from Montana Bank of Bozeman for interest earned on CD in the amount of \$4,560.79 to the credit of various funds.

August 2, 1985

Commissioners reviewed budgets.

Received the following A101's:

#8448 from First Bank Bozeman for interest earned on CD in the amount of \$6,138.91 to the credit of various funds.

#8449 from First Bank Bozeman for interest earned on CD in the amount of \$4,916.10 to the credit of various funds.

Received a report from the Clerk and Recorder's Office for the month of July showing the items of fees collected in the amount of \$13,011.76.

August 5, 1985

Commissioners Visser and White met with the Pat Myers of the Humane Society and discussed possible solutions to dog control.

August 6, 1985

Held Department Head staff meeting.

- - - -

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

TUESDAY THE 6th DAY OF AUGUST 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Myron and Doris Vinger have claimed the occasional sale exemption. Mr. and Mrs. Vinger have not taken a prior occasional sale from this tract or contiguous tracts, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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Marcia Elkins, City-County Planning Board, spoke regarding a request for final approval of the amended subdivision plat of lot 3 of Hyalite Foothills Subdivision No. 2. The three conditions of preliminary plat approval have been met. The planning staff recommends approval of this plat.

Jane Jelinski made a motion to grant final plat approval for the amended subdivision of lot 3 of the Hyalite Foothills Subdivision No. 2, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:45 P.M.

ATTEST:

Clerk

*Gary H. Dingle*

APPROVED:

Chairman

*Wilbur Visser*

PUBLIC MEETING TUESDAY, THE 13th DAY OF AUGUST, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Ramon White and Jane Jelinski, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of August 6, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

##### August 7, 1985

Commissioners met with Judge Gary and discussed the qualifications required in hiring public defenders for the county.

Commissioners held a hearing at 1:30 P.M. on the final budget and Revenue Sharing proposed use. The Bozeman Public Library made a request for increased funding from the county. Jane Jelinski made a motion to raise the mill levy to two mills, seconded by Ramon White, Commissioners White and Visser voting nay, Commissioner Jelinski voting aye. The motion died.

The Rae Sewer and Water District requested a special levy for the district and this was granted.

##### August 8, 1985

Commissioners met with Mary Kay Peck regarding changes to the subdivision regulations.

Commissioners met with Sam Gianfrancisco, Road Superintendent, and representatives of the L-J Crusher Company.

Commissioners met as a Welfare Board.

##### August 9, 1985

Commissioners met with John Montagne regarding a special use permit for Crosscut Ranch. Also present were Mary Kay Peck, Subdivision Review Officer, Arletta Derleth, County Assessor, and Tom Anacker, Deputy County Attorney.

Commissioners attended the ribbon cutting ceremony for the Butler Creek Corporation in Belgrade.

Zoning Commission #2 met to consider creation of an ordinance for the district. The Commission has asked that a citizens study committee be created to draft an ordinance.

Commissioners met with Jim Spady, Rest Home Administrator.

Commissioners White and Visser met with Montana State University President Dr. William Tietz regarding the high-tech park proposal.

Received the following A101's:

#8477 from Montana Bank and Security Bank of Bozeman in the amount of \$35,108.26 for interest earned on repurchase and other accounts to the credit of various funds.

#8483 from Dahl Funeral Home in the amount of \$250.00 for overpayment of veteran's burial to the credit of Burial of Soldiers.

Received the following cancellations of taxes:



TUESDAY

THE 13th

DAY OF AUGUST 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

#586	West Yellowstone Chamber of Commerce	\$949.49	billed at wrong percentage of use in 1982
#587	West Yellowstone Chamber of Commerce	\$861.98	billed at wrong percentage of use in 1983

Received a list of charges for prisoner board billing for the month of July in the amount of \$7,190.00.

August 11, 1985

Commissioner Visser and Project Coordinator Joy I. Nash attended a press conference in West Yellowstone by Secretary of the Interior Hodel and received matching funds for the bear-proof garbage container grant program.

August 12, 1985

Commissioners viewed a proposed road change on Pine Butte South Road.

Commissioners met with Stan Rosenberg and Mary Kay Peck, Subdivision Review Officer, regarding road access to adjoining property in the Wheatland Hills area and the responsibility of maintenance of the road.

Commissioners met with Gene Cook regarding upgrading and graveling of Blueberry Hill and Kagy East Roads.

Commissioners held a special meeting to adopt the FY 1985-86 budget and to set the mill levies. The budgets were unanimously adopted. See attached sheet after end of meeting.

Received the following A101's:

#8501 from State of Montana Dept. of Institutions for earmarked alcohol funds for August, 1985 in the amount of \$7,494.00 to the credit of the Alcohol Fund.

#8499 from First Bank Bozeman in the amount of \$685.90 for interest earned to the credit of Revenue Sharing.

#8500 from State of Montana Dept. of Revenue in the amount of \$1,956.80 for corporation tax for Valley Bank of Belgrade to the credit of various funds.

#8527 from State Dept. of Fish, Wildlife and Parks in the amount of \$2,000.00 for matching funds for the bear-proof garbage container grant program to the credit of garbage grant.

August 13, 1985

Received A101 #8528 from U.S. Government in the amount of \$148,905.00 for revenue sharing payment to the credit of Revenue Sharing.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Gilbert Carter has claimed the family sale exemption. Mr. Carter is conveying a 2.500 acre tract to his son, Jeff. Mr. Carter has not previously conveyed a tract to his son. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

- - - -

Don Gustofson, Director of the Foundation at Montana State University spoke regarding a grant proposal for the high-tech park. The park is about 90 acres in size and is located on land owned by the foundation. The land is located west of 19th Street, west of College. The park would like to attract companies that do research and development. The park will adhere to all state and federal guidelines to comply with environmental and pollution standards. Covenants will be imposed for the park.

There are several reasons why this will be good for the community. There will be an increase in the tax base, new jobs will be created and there will be benefits to other businesses in the county.

Mr. Gustofson states that there have been inquiries from all over the country expressing an interest in the high-tech park proposed for Bozeman. Three companies in the Bozeman area have already expressed an interest because they are anticipating expanding their company and getting into a new facility.

Montana State University is involved in different areas of research. In the past, when the university has developed an idea, they have had to go to an out-of-state company for the development and production of the item. The idea of the high-tech park is that instead of turning these ideas over to someone else, it could be developed locally.

The block grant money that will be applied for is federal money. Mr. Gustofson states that there has been a great interest in the project expressed at the State level.

Mr. Gustofson is requesting the Commission to sponsor the grant application. A consultant has been hired to prepare the grant. There would be no liability to the County in obtaining this grant. As much as \$500,000 could be received as a grant for one year. The grant monies would be used for installing the sewer and the utilities for the park.

At this point the Commissioners would need to appoint a committee to sponsor two public hearings so that the public could comment on the project. The Commission could then vote on whether or not they would sponsor the project.

Jane Jelinski asked what the time parameters were on the grant application. It has been indicated that September 30, 1985 is the deadline. She asked whether the public hearings

TUESDAY THE 13th DAY OF AUGUST 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

would have to be held before this time.

Rob Gilmore, consultant for the project, stated that they would.

Mr. Gustofson stated that there are no economic liabilities to the county in sponsoring the grant.

Wilbur Visser asked if the county would be involved in the revolving loan fund. Rob Gilmore stated that this would be involved in the second year application and he is not sure that this would be a multi-year application.

Don Gustofson stated that they anticipate beginning construction on the project by the first of April of 1986.

Jane Jelinski asked what the consequences would be if the county were to decide not to sponsor the grant.

Mr. Gustofson states that he feels it would convey a message to people that would be negative to the companies that are interested in being in the park. Mr. Gustofson states that perhaps this could be done through another agency in another year but that the project would lose some momentum. He states that this is a good time for the project to be put together.

Wilbur Visser asked if a study had been made with regard to traffic problems.

President Tietz stated that he has had communication with the State and the City regarding the traffic problems. The City and State both have the 19th Street to Oak Street project as their number one priority. It has also been discussed to extend 19th Street north to Baxter Lane and connecting with Jackrabbit and Springhill Roads. The University is interested in putting their influence into that project. Improvements would be made on College and 19th as needed. President Tietz anticipates that half of the park would be occupied in seven or eight years.

President Tietz states that Montana bonds are selling very well; however, they are rated as double A plus, not triple A. This is because the economy of the State is not as broad as it could be. It is dependent on agriculture and natural resources. The State of Montana needs more technical manufacturing and development businesses to improve their bond rating.

President Tietz states that the people trained at the colleges and universities in Montana find employment outside of the State. It is felt that the park could provide opportunity for these people here locally.

Wilbur Visser asked whether the application for the second phase would have to be brought before this board?

Rob Gilmore stated that if it were decided to make application for both public facilities and economic development, it would not be necessary.

Doris Fisher, Executive Director of the Gallatin Development Corporation, read the following statement from the Development Corporation:

"The Gallatin Development Corporation supports the proposed Research/Technology Park. The Park represents an opportunity to create more and better jobs for Gallatin County residents, and a larger tax base for Gallatin County government. It is true that the City of Bozeman and Montana State University stand to gain from this project. But so does Gallatin County and, in fact, the entire State of Montana. We need a business development program that encourages the latest research and technology to be applied in our existing industries. We also need to develop new types of industry in Montana. The Research/Technology Park will make both situations more likely, and the greatest benefits will be to those of us who live in Gallatin County.

We, the Officers and Directors of the Gallatin Development Corporation, ask Gallatin County to lend its support to the Research/Technology Park project. As Commissioners, you have a perfect opportunity to do this. By sponsoring a Community Development Block Grant application for public facility improvements on the Park site, you may very well be the key to getting the project off the ground. As you know, the CDBA application process is a competitive one. There's no guarantee that we'll actually get the grant. But the project is eligible for funding, and the dollars are available. The Block Grant money will be distributed to cities and counties within Montana. And it makes sense for us, as a county, to go after some of it.

The Gallatin Development Corporation offers its assistance to Gallatin County, in making the grant application process and grant administration procedures as simple and straightforward as possible.

Thank you for giving us an opportunity to comment."

Other people speaking in favor of the development of the high-tech park included:

Fred Bell, Cook-Bell Real Estate

Harry Newlon, First Bank Bozeman

Carl Lehrkind, Lehrkind Distributing

Clem Lambrecht, Lambrecht Tire

Leroy Luft, President of the Gallatin Development Corporation

Jane Jelinski stated that she had spoken with the Governor the other day who had indicated his support of the project. The Commission has received indications of support today from many different areas of the community and she cannot think of any reason why the Commission should not support this project.

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Ramon White stated that he still had a lot of unanswered questions regarding the project but that he supported it in concept. He felt that the time element was poor and that more time was needed than six weeks.

Jane Jelinski stated that this would be a good opportunity to improve the tax base for the county especially with the loss of Revenue Sharing funds and the closing of Allen-Bradley plant.

Ramon White stated that this was part of the planning process and that some issues would have to be addressed at the start of the process. He stated that in essence this would be a PUD and that a lot of the planning process of a PUD is being missed in this instance.

Don Gustofson stated that this would be a planned unit development and that a great deal of planning has already been done. This project will go before the Planning and Zoning Commission. Mr. Gustofson states that they are asking that the Commission give this project full consideration through the public hearing process. At that point, the Commission could decide whether or not to sponsor the grant.

Ramon White stated that he was bothered by this format. He states that he has always been able to rely on a staff in the past for guidance in projects like this. He is worried that ten years from now he does not want people to think that the project was not well thought out.

Don Gustofson stated that the Foundation would be willing to get together with the Commissioners to go over the details of the plan for the high-tech park.

Wilbur Visser stated that he felt that the concept of the plan was great; however, he had one real concern which is that this is state land which is annexed into the City of Bozeman and it is being requested that the county endorse the grant. These monies will be expended for the benefit of the City of Bozeman.

Rob Gilmore stated that it was very common for cities and counties who work in partnership to sponsor each others' applications. This is a community development program and is not geographically defined. The project will be under the county's scrutiny throughout the entire project.

Tom Anacker asked Mr. Gilmore whether he felt that there was sufficient time to consider everything within the next six weeks.

Mr. Gilmore stated that in terms of considering the major issues, he felt there was sufficient time. He stated that at the public hearing the preliminary plans will be made available, time frames, and the application process will be addressed.

Darla Joyner, county resident, stated that she would like to have county residents have the opportunity to speak at a public hearing and to hear more about the project and to provide input.

Wilbur Visser stated that he would be in favor of holding the public hearings. Wilbur Visser stated that this did not mean that the county agreed to sponsor the grant. The Commission will decide whether or not to sponsor the grant after the public hearings have been held.

Ramon White stated that he believed this was a good project but that it would have to prove itself. He wondered how it would fit in with the community and the City of Bozeman. He feels that the Commission should look at the total picture of where the project is heading and what it will do to the area. He would like to know how many complexes will be located on the ninety acre tract, how many people it will employ, how much money will be generated, and whether it will be tax exempt because it is on state owned land.

Tom Anacker stated that a lot of the questions that are being raised are anticipated to be addressed in the public hearing. He stated that any commitment today is not a final commitment to be the sponsor for the grant application.

Tom Anacker questioned what the make-up of the committee would be, how many members, etc.

Rob Gilmore suggested there be three to five members but that this was totally at the discretion of the Commissioners as to number and who would comprise the committee.

Jane Jelinski made a motion to establish a committee of five members to conduct public hearings to develop the concept of the application for a CDBG which would provide for some of the infrastructure for the research technology park proposed by the Gallatin Development Corporation.

Ramon White suggested that the Committee be made up of seven members. Jane Jelinski agreed to this amendment of her motion. Ramon White seconded the motion with the amendment, none voting nay. The motion carried.

Jane Jelinski moved that the Commission establish a seven member committee having members representing these entities:

1. County Subdivision Review.
2. City-County Planning Staff or Board.
3. A county resident.
4. Member of the City Zoning Board.
5. Member of the Gallatin Development Corporation.
6. A representative of Montana State University.
7. A city resident.

This motion was seconded by Ramon White, none voting nay. The motion carried.

The Commission will accept applications for this committee until Friday, August 16, 1985. The committee will be appointed at the next public meeting on August 20, 1985 so that the committee would be able to hold their first meeting the following day.

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Jane Jelinski made a motion to appoint Dr. Greg Lovgren to a three year term on the Board of Health, seconded by Ramon White, none voting nay. The motion carried.

There being no further business, the meeting adjourned at 3:20 P.M.

ATTEST:

Clerk

APPROVED:

Chairman

PUBLIC MEETING TUESDAY, THE 20th DAY OF AUGUST, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of August 13, 1985 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

August 14, 1985

Commissioners Visser and Jelinski attended the Interagency Breakfast.

Commissioner Jelinski and Mary Kay Peck, Subdivision Review Officer, met with Governor Schwinden regarding enforcement of conditions by the Oil and Gas Commission.

Commissioners Visser and White attended the Refuse District No. 2 board meeting in West Yellowstone.

Authorized the following transfers of funds:

Loy Carroll  
 County Treasurer

You are hereby authorized to make the following transfers:

1. The sum of \$54.50 from fund 1000 to fund 2180 for copies.
2. The sums of \$67.67 from fund 2110, \$63.65 from fund 2120, \$96.13 from fund 2180, \$72.04 from fund 2190, \$89.47 from fund 2290, \$187.20 from fund 2273, and \$5.57 from fund 2160, to fund 1000 for printing.
3. The sums of \$269.33 from fund 1000, \$137.12 from fund 2160, \$73.34 from fund 2761, \$2.85 from fund 5020, \$133.95 from fund 2190, and \$856.22 from fund 2140, to fund 2110 for gas.
4. The sums of \$21.87 from fund 2180, \$69.03 from fund 2190, and \$201.78 from fund 2110, to fund 1000 for gas.
5. The sums of \$201.75 from fund 1000, \$10.85 from fund 2110, \$4.05 from fund 2276, \$3.40 from fund 2160, and \$81.00 from fund 2440, to fund 2190 for copies.
6. The sums of \$135.89 from fund 2290, \$16.10 from fund 2180, \$130.33 from fund 2190, \$50.95 from fund 5020, \$3.05 from fund 2110, \$9.45 from fund 2240, and \$58.58 from fund 2120, to fund 1000 for supplies.
7. The sums of \$1.35 from fund 2190, \$2.00 from fund 5020, and \$20.10 from fund 2240, to fund 1000 for copies.

Received the following letter from Loy Carroll, County Treasurer:

At the request of the above named bank, we herewith enclose copies of the following Pledge Receipt:

#4015 \$25,000.00 State of Nevada G.O. Park Bond @5.50% due 9/1/85.

This is your notice to release the above pledged security.

August 15, 1985

Commissioner White on vacation until August 26, 1985.

Commissioners went on a Forest Service tour in the Gallatin Canyon.

Ken Mosby opened bids for Airport Road Paving Project. Bids were received from Big Sky Paving in the amount of \$68,943.00 and Long Construction in the amount of \$60,900.00. This bid will be awarded at today's public meeting.

Received A101 #8536 from West Yellowstone Hebgen Basin Refuse District #2 in the amount of \$228.50 for garbage fees to the credit of Refuse District #2.

Commissioners Visser and Jelinski attended Refuse District #1 meeting in Manhattan.

August 16, 1985

Commissioner Visser went to Missoula to pick up the console for the county's central dispatch center.

Jane Jelinski met with Jim Wysocki, Bozeman City Manager, regarding Durston Road and arranging to have the city make street signs for the county.

Jane Jelinski met with Duane Johnson of Management Associates regarding pending arbitration with the Teamsters.

Received A101 #8542 from State of Montana Dept. of Commerce in the amount of \$44,331.00 for financial assistance for District Courts to the credit of 18th Judicial Court.

**COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING**

TUESDAY THE 13TH DAY OF AUGUST 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

AUGUST 12, 1987

A special meeting was called by Chairman Wilbur Visser to adopt the Fiscal Year 1985-1986 budget and to set the mill levies.

Motion by Jane Jelinski to approve and adopt the budget for FY 1985-86 as follows by Resolution #599. Seconded by Ramon S. White. None voting nay. Motion carried.

WHEREAS, the Board of County Commissioners by statute, Section 7-6-2320, MCA 1983, is to determine budgets and set out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid; and,

WHEREAS, by the same statute the Board of County Commissioners shall by resolution approve and adopt the budget as finally determined and enter the budget at length in the official minutes of the Board;

THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby approves and adopts the budgets attached hereto and incorporated by reference as Exhibit "A", for the fiscal year 1985-86 for the County of Gallatin, State of Montana;
2. That the text of this resolution and budget sheets attached hereto as Exhibit "A" shall be entered as approved and adopted on the official minutes of the Board of County Commissioners of Gallatin County.

**EXHIBIT "A"**

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE (Less current liabilities)	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
1000	General	2,843,293	597,033	3,440,326	589,654	1,316,790	1,906,444	1,533,892	3,440,326	24.53
1050	Employer Contribution	299,210	51,074	350,284	126,315	43,000	169,315	218,969	388,284	3.51
2115	Disaster & Emergency	613	-0-	613	613	-0-	613	-0-	613	-0-
2120	Poor	702,450	160,000	862,450	475,696	93,000	568,696	293,754	862,450	4.70
2130	Bridge	337,346	91,993	429,339	181,271	52,200	233,471	195,868	429,339	3.14
2140	Noxious Weed Control	165,255	20,265	185,520	86,937	49,500	136,437	49,083	185,520	.79
2160	Fair	172,752	15,610	188,362	49,531	45,000	94,531	93,831	188,362	1.50
2170	Airport Board	50,156	1,600	51,796	2,191	13,476	15,667	36,129	51,796	.58
2180	18th Judicial Court	519,393	111,000	630,393	80,551	175,075	255,626	374,767	630,393	6.00
2190	Health	234,397	46,000	280,397	65,226	53,980	119,206	161,191	280,397	2.58
2230	Ambulance	62,531	13,640	76,171	16,966	9,200	26,166	50,005	76,171	.80
2240	Study Commission	56,347	-0-	56,347	55,847	500	56,347	-0-	56,347	-0-
2280	Council on Aging	69,900	270	70,170	726	8,200	8,926	61,244	70,170	.98
2290	County Agent	109,693	26,970	136,663	30,766	15,025	45,791	90,872	136,663	1.46
2300	Rural Revolving	152,900	64,639	217,539	167,972	18,300	186,273	31,266	217,539	.50
3020	Law & Justice B&I	260,215	117,522	377,737	128,878	30,000	158,878	218,859	377,737	3.50
7860	Airport Authority	1,784,547	985,131	2,769,678	986,675	1,657,941	2,644,616	125,062	2,769,678	2.00

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE (Less current liabilities)	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
2110	Road	1,044,154	169,569	1,213,723	203,156	500,304	703,460	510,263	1,213,723	15.00
2220	Libraries	58,189	-0-	58,189	-0-	7,150	7,150	51,039	58,189	1.50

Dept. FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE (Less current liabilities)	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
2000	Printer	33,931				7,500				
2001	Fire Marshall	13,353				-0-				
2001	County Commissioners	99,707				-0-				
2002	Clerk and Recorder	286,729				114,093				
2003	Treasurer	223,411				745,312				
2004	Auditor	24,754				24,454				
2005	Administrative Asst.	145,204				73,000				
2006	Building Maintenance	65,792				65,792				
2007	Surveyor	95,523				67,400				
2009	Sheriff	1,291,609				53,400				
2100	County Attorney	170,609				1,600				
2111	Justice of Peace #1	84,211				80,000				
2112	Coroner	26,527				300				
2113	Justice of Peace #2	8,387				7,500				
2114	Personnel	25,418				-0-				
2115	Assessor	26,807				15,950				
2200	Tax Appeal Board	1,832				300				
2332	Supt. of School	60,467				80				

Dept. FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE (Less current liabilities)	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
254	Civil Defense	46,615				14,500				
295	Subdivision Review	38,350				10,552				
900	Misc.	20,000				32,657				
	<b>TOTAL</b>	<b>\$2,843,293</b>				<b>\$1,316,790</b>				

ROAD FUND										
	Road Office	42,372								
	Shop	1,061,782				500,304				
	<b>TOTAL</b>	<b>\$1,044,154</b>								

18th Judicial Crt.										
	Clerk of Court	196,647				175,075				
	Judicial	116,739				-0-				
	Public Defender	58,400				-0-				
	Probation Service	100,435				-0-				
	Court Reporter	47,172				-0-				
	<b>TOTAL</b>	<b>\$519,393</b>				<b>\$175,075</b>				



COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 13TH DAY OF AUGUST 1985

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

4. That the assessment to defray costs of the maintenance of each of the rural improvement districts shall be due and payable with the first half 1985 property taxes and the Board of County Commissioners of Gallatin County hereby directs the Gallatin County Assessor and the Gallatin County Treasurer to take the steps necessary to collect these assessments.

5. That there shall be maintained by the Gallatin County Treasurer a fund for each rural improvement district which will be denominated by the rural improvement district number and entitled "Maintenance Fund". The money in such fund shall be drawn only to defray the expenses of maintaining, preserving and repairing such improvements and for no other purposes but may include the charging of administrative costs including legal services against the maintenance fund.

EXHIBIT "A"

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE (Less current liabilities)	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
7200	Belprade Fire	206,585	23,000	229,585	36,095	37,875	73,970	135,415	209,385	22.64
7206	Manhattan Fire	31,800	1,000	32,800	17,739	-0-	17,739	15,061	32,800	6.61
7207	Sedan Fire	7,497	380	7,877	6,939	-0-	6,939	938	7,877	6.42
7208	Three Forks Fire	11,250	1,000	12,250	6,829	150	6,979	5,271	12,250	2.21
7209	Willow Creek Fire	18,375	1,000	19,375	3,075	1,375	4,450	14,925	19,375	23.04
7210	Story-Mill Fire	9,000	1,753	10,753	1,076	-0-	1,076	9,677	10,753	39.47
7212	Middle Creek Fire	1,100	200	1,300	403	-0-	403	897	1,300	9.95
7213	Gallatin Canyon Fire	67,550	5,000	72,550	13,991	4,500	18,491	54,059	72,550	16.90
7215	Gallatin Gateway Fire	28,068	2,000	30,068	9,215	-0-	9,215	20,853	30,068	12.11
7216	Bridger Canyon Fire	21,393	3,500	24,893	4,669	450	5,119	19,774	24,893	29.51
7217	West Yellowstone TV	21,000	-0-	21,000	5,093	-0-	5,093	15,907	21,000	8.00/Unit
7218	Mount Green Cemetary	5,815	500	6,315	2,555	200	2,755	3,560	6,315	4.00
7219	Meadow View Cemetary	12,080	800	12,880	3,121	-0-	3,121	9,759	12,880	3.51
7220	Royal Village Zoning	73	-0-	73	34	-0-	34	39	73	1.00
7221	South Gall. Zoning	57	-0-	57	4	-0-	4	53	57	1.00
7222	Hebgen Lake Zoning	466	-0-	466	11	-0-	11	455	466	1.00
7224	Bridger Canyon Zon.	821	-0-	821	18	-0-	18	803	821	1.00
7225	Zoning #1	455	-0-	455	35	-0-	35	420	455	1.00
		443,385	40,133	483,518	110,902	46,550	155,452	328,066	460,818	

BARS Form D 35, Nov. 1977

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE (Less current liabilities)	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
7226	Zoning #2	884	-0-	884	28	-0-	28	856	884	1.00
7227	Sipes Cnyn. Zoning #1	53	-0-	53	1	-0-	1	52	53	1.00
7228	Sipes Cnyn. Zoning #2	60	-0-	60	2	-0-	2	58	60	1.00
7229	Wheatland Zoning	75	-0-	75	-0-	-0-	-0-	75	75	1.00
7230	Zoning District #6	35	-0-	35	11	-0-	11	24	35	1.00
7304	West Yellowstone S&W	962	-0-	962	962	-0-	962	-0-	962	-0-
7306	Willow Creek S&W	24	-0-	24	24	-0-	24	-0-	24	-0-
8010	Predatory Animal	3,925	534	4,459	534	-0-	534	3,925	4,459	59c/hd
8011	Bzmn. City/Cnty Plan	52,000	8,349	60,349	8,349	39,240	47,589	12,760	60,349	1.63
8012	Bel. City/Cnty Plan	21,787	791	22,578	791	13,149	13,940	8,638	22,578	2.00
8013	Manh. City/Cnty Plan	235	-0-	235	235	-0-	235	-0-	235	-0-
8020	Soil Conservation	40,509	3,000	43,509	8,997	500	9,497	34,012	43,509	1.18
8040	Refuse District #1	308,696	34,500	343,196	62,350	16,080	78,430	264,766	343,196	R=20.00/Unit C=72.00/Unit
8041	Hebgen Refuse Dist.	212,878	21,295	234,173	60,390	64,038	104,328	129,845	234,173	75.36/Unit
8120	Churchill Lights	2,400	500	2,900	981	-0-	981	1,919	2,900	1522/Ft
8121	Logan Lights	1,200	165	1,365	367	-0-	367	998	1,365	407.35
8122	Riverside Lights	4,300	800	5,100	931	-0-	931	4,169	5,100	135.36
8123	Willow Creek Lights	825	115	940	201	-0-	201	739	940	175.95
		650,848	70,049	720,897	125,054	133,007	258,061	462,836	720,897	

BARS Form D 35, Nov. 1977

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
8140	Madison Dyke	11,385	-0-	11,385	738	-0-	738	10,647	11,385	46.74
8141	Three Forks Dyke	9,300	3,900	13,200	3,858	266	4,124	9,076	13,200	4.37
8152	Mosquito District	35,550	1,450	37,000	21,528	-0-	21,528	15,472	37,000	3.21
8202	Northwestern Drive	10,478	250	10,728	3,107	200	3,307	7,421	10,728	.0049/Sq Ft
8205	Big Sky S & W	48,377	10,675	59,052	10,675	-0-	10,675	48,377	59,052	21.60/Unit
8208	Riverside Roads	11,123	400	11,523	5,265	300	5,565	5,958	11,523	.0048/Sq Ft
8209	Hitching Post Roads	4,598	190	4,788	3,548	125	3,674	1,114	4,788	.0046/Sq Ft
8210	Riverside S/W #310 MT	15,800	1,742	17,542	1,742	-0-	1,742	15,800	17,542	.0129/Sq Ft
8214	Middle Creek Meadows	5,014	350	5,364	1,578	130	1,708	3,656	5,364	.0028/Sq Ft
8215	Fyalite Heights Roads	16,224	600	16,824	12,427	500	12,927	3,897	16,824	.0008/Sq Ft
8216	Hebgen Lake Roads	14,274	1,300	15,574	(5,630)	-0-	(5,630)	21,204	15,574	.0034/Sq Ft
8217	Gardner Park Roads	15,773	550	16,323	11,739	450	12,189	4,134	16,323	.0011/Sq Ft
8218	Big Sky Mdw Vlp. Rds	22,782	1,100	23,882	16,647	500	17,147	6,735	23,882	.0012/Sq Ft
8221	El Dorado Roads	14,254	500	14,754	10,987	400	11,387	3,367	14,754	.0009/Sq Ft
8222	Hebgen Lake S & W	21,300	1,100	22,400	(16,300)	-0-	(16,300)	38,700	22,400	.0153/Sq Ft
8223	Middle Creek Mdw Road	1,260	762	2,022	1,972	50	2,022	-0-	2,022	-0-
8224	Glacier Condo Roads	2,742	-0-	2,742	1,833	50	1,883	859	2,742	.0045/Sq Ft
8226	Sourdough Crk Roads	12,302	450	12,752	8,897	350	9,247	3,505	12,752	.0013/Sq Ft
8227	Silver Bow Con #1 Rds	1,943	-0-	1,943	1,304	50	1,354	589	1,943	.0028/Sq Ft
		274,479	25,319	299,798	95,816	3,371	99,287	200,511	299,798	

\*Special Sheet

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 13TH DAY OF AUGUST 19 85

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE (Less current liabilities)	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
8228	Silver Bow Con. #2 Rds	1,943	-0-	1,943	1,328	50	1,378	565	1,943	.0065/Sq
8232	Rae Subdivision	4,969	200	5,169	3,491	100	3,591	1,578	5,169	.0036/Sq
8236	Sunset Heights Roads	3,471	-0-	3,471	2,499	75	2,484	97	3,471	.0016/Sq
8237	Middle Creek Mdw Rds	4,700	-0-	4,700	4,411	100	4,511	189	4,700	.0021/Sq
8604	West Yellowstone S/W	2,317	-0-	2,317	2,317	-0-	2,317	-0-	2,317	-0-
8606	Willow Creek S/W	-0-	-0-	-0-	(1,493)	1,493	-0-	-0-	-0-	-0-
8608	Riverside	50,970	75,617	126,587	75,617	-0-	75,617	50,970	126,587	*
8609	Hitching Post	7,420	2,091	9,511	2,911	-0-	2,911	6,600	9,511	*
8615	Pyalite Heights	20,075	3,182	23,257	4,957	-0-	4,957	18,300	23,257	*
8616	Hebgen Lake	75,425	-0-	75,425	-0-	-0-	-0-	75,425	75,425	*
8617	Gardner Park	20,075	20,910	40,985	23,385	-0-	23,385	17,600	40,985	*
8618	Rip Sky Mdw Village	78,352	37,775	116,127	37,775	-0-	37,775	78,352	116,127	*
8621	El Dorado Estates	25,577	26,669	52,246	27,046	-0-	27,046	25,200	52,246	*
8622	Hebgen Lake	25,580	-0-	25,580	-0-	-0-	-0-	25,580	25,580	*
8624	Clacier Condo	5,500	2,117	7,617	2,317	-0-	2,317	5,300	7,617	*
8626	Sourdough Creek Rds	10,095	33,709	43,714	17,014	-0-	17,014	26,700	43,714	*
8627	Silver Bow #1	4,170	4,177	8,347	4,547	-0-	4,547	3,800	8,347	*
8628	Silver Bow #2	2,617	1,633	4,250	2,350	-0-	2,350	1,900	4,250	*
		343,166	208,090	551,246	210,382	1,818	212,200	339,066	551,246	

BARS Form D 35, Nov. 1977

\* Special Sheet

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE (Less current liabilities)	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
8631	Middle Creek Mdws	11,128	-0-	11,128	-0-	-0-	-0-	11,128	11,128	*
8632	Rae Roads	3,564	1,473	5,037	1,537	-0-	1,537	3,500	5,037	*
8635	Riverside Well	8,025	4,489	12,514	4,489	-0-	4,489	8,025	12,514	*
8636	Sunset Heights	25,415	2,558	27,973	7,073	-0-	7,073	20,900	27,973	*
		48,132	8,520	56,652	13,099	-0-	13,099	43,553	56,652	

BARS Form D 35, Nov. 1977

\* Special Sheet

Motion by Jane Jelinski to approve Resolution #600. Seconded by Ramon S. White. None voting nay. Motion carried.



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Granted Miss Rodeo Montana Foundation permission to extend the date of their raffle to September 3, 1985.

August 19, 1985

Commissioners, Sam Gianfrancisco, Road Superintendent, and Bob Jordan, Bridge Foreman, viewed the Brackett Creek Road project and the new crusher.

Commissioners attended the Gallatin Council on Aging luncheon in Manhattan.

Commissioners met with John Montagne regarding Crosscut Ranch's road access with the Simpkins and Haggerty property.

August 20, 1985

Commissioners met with Randy Thoreson regarding the subdivisions that are being reviewed at today's public meeting.

Commissioners viewed the Nelson Road oiling project.

Received A101 #8548 from Razzle Dazzles in the amount of \$50.00 for annual gym rental of the Law and Justice gym to the credit of General Fund.

- - - -

Gale Thompson of the Road Department spoke regarding the recommendation on the awarding of the bid for the Airport Road Paving project. This is for 1.4 miles.

Bids received are as follows: Big Sky Paving, \$68,943.00  
Long Construction, \$60,900.00

The Road Department recommends that the Commission accept the bid of Long Construction.

Jane Jelinski made a motion to accept the bid of Long Construction for paving of Airport Road, seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

John and Ardi DeVries have claimed the occasional sale exemption. Mr. and Mrs. DeVries have not taken a prior occasional sale from this tract or contiguous tracts, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Alvin Goldenstein and Gerald Goldenstein have claimed the agricultural exemption. The Goldensteins want to sell this property for pasture land. The parcel would be used exclusively for agricultural purposes. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

Lloyd Flikkema has claimed the family sale exemption. Mr. Flikkema is conveying a 1.00 acre tract to his son, Ted. Mr. Flikkema has not previously conveyed a tract to his son. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval of the Moe/Spraggins Minor Subdivision. This minor subdivision was given preliminary approval in January of 1985. This is a four lot minor subdivision located in the Castle Rock area of Gallatin Canyon. Ms. Peck had the following comments on the thirteen conditions which were imposed.

1. Approval of the subdivision has been obtained from the State Dept. of Health and Environmental Sciences.
2. Copies of the encroachment permit from the State Highway Department have been submitted.
3. The well has been removed from the road right-of-way; a barricade has been constructed and approved by the County Road Office.
4. The power distribution box and all utility easements are shown on the final plat.
5. The utility pole has been relocated from the road right-of-way to the westerly side of the cul-de-sac.
6. A 30 foot easement for Tract A of C.O.S. 825 has been provided along the north line of lot 4.
7. The road improvements, drainage and signs have been approved by the County Road Office.
8. Castle Rock Road has been installed, drainage approved and a street sign ordered.

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9. The subdivision road has been named "Castle Rock Road". A deposit for the street sign has been made.

10. A Road Maintenance Agreement has been included in the covenants.

11. The plat conforms to the Uniform Standards. The following certificates are attached:

- a. Certificate of Subdivision Plat Approval from D.H.E.S.
- b. Platting Certificate
- c. County Attorney's Certificate

The Certificate of the County Treasurer is on the plat itself and has been signed.

12. A check for cash-in-lieu of parkland dedication and a copy of an appraisal were submitted.

13. A Homeowners Association is provided for in the covenants. The covenants also provide for the control of noxious weeds.

It appears that the conditions for final approval have been met.

Jane Jelinski made a motion to grant final approval of Moe/Spraggins Minor Subdivision, seconded by Wilbur Visser, none voting nay. The motion carried.

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Marcia Elkins, City-County Planning Board, spoke regarding a request for final approval of Elk Subdivision. The applicant has complied with the conditions for final approval with one exception. There is some seeding that needs to be accomplished and the applicant has deposited a check with the County Road Office for that seeding. The Planning Staff recommends approval of the final plat.

Jane Jelinski made a motion to grant final approval for Elk Subdivision, seconded by Wilbur Visser, none voting nay. The motion carried.

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Randy Thoreson, Planning Director for the City of Belgrade, spoke regarding a request for summary review approval of Redtail Hawk Minor Subdivision. Mr. Thoreson displayed a plat of the subdivision and submitted his staff report, the minutes of the Belgrade Planning Board meeting, the covenants. The developer is proposing a change in the zoning from A-S to RSM-1. The City Council has approved the rezoning request.

The proposed subdivision is a preliminary plat of 20 acres to be divided into 5 lots. Access will be via a cul-de-sac road off Thorpe Road. There is an irrigation ditch that flows through the proposed subdivision. The Planning Board and City Council have both reviewed the staff report and held public hearings regarding the proposed subdivision. The Planning Board recommends approval of the minor subdivision with the following conditions:

1. That all necessary easements be shown on the final plat (ditch, utility, gas line, etc.)
2. That plans for roads, drainage, culverts and placement of street signs be approved by the County Engineers Office prior to installation of improvements and be accompanied prior to final plat approval.
3. That a \$35.00 per lot fee be paid to the Belgrade Fire District to cover fire protection until lots are built upon.
4. That the covenants be reviewed by the County Attorney's Office prior to final plat approval.
5. That final plat conform to Uniform Standards and be accompanied by the necessary certificates and attachments including a certificate of approval from the Montana Dept. of Health and Environmental Sciences.
6. That the 30 foot easement on Thorpe Road be dedicated to the public.

Jane Jelinski asked that the covenants be more specific with regard to weed control. She requested that the covenants include a provision that all lots be kept free of county declared noxious weeds.

Jane Jelinski also requested that the easement for the irrigation ditch specifically state the right to maintain the ditch. Ms. Jelinski also requested that a homeowner's association be formed and that the articles of incorporation be filed with the Clerk and Recorder's Office prior to final approval.

Ms. Jelinski also requested that the developer obtain an encroachment permit from the County Road Office for access onto Redtail Hawk Drive.

Jane Jelinski made a motion to approve the summary review of Redtail Hawk Minor Subdivision including the five conditions as outlined by the Belgrade City-County Planning Board, the addition of condition no. 6 and the following conditions:

7. That an encroachment permit be obtained from the County Road Office for Redtail Hawk Drive.
8. That a homeowner's association be formed and that the declaration of protected covenants be filed with the Clerk and Recorder's Office prior to final approval.
9. That the covenants include a provision that all lots be kept free of county declared noxious weeds.
10. That the easement for the irrigation ditch specifically state that the right to maintain the ditch is included in the easement.

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Wilbur Visser seconded the motion, none voting nay. The motion carried.

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Randy Thoreson, Belgrade Planning Director, spoke regarding a request for summary review approval of Mumford Minor Subdivision. A plat of the subdivision was displayed. The proposed subdivision is located approximately 1.5 miles east of Belgrade on Tubb Road. It is proposed to be divided into two tracts, consisting of 2.502 acres and 3.969 acres

A waiver of park land or cash in lieu is being requested. However, in discussing this with the subdivider it was relayed that such a waiver is not commonly given unless an on-site park is proposed. The cash-in-lieu requirement still holds true for minor subdivisions.

There is an existing single family residence on tract 1. The proposed use for the newly created tract (tract 2) is for a six bedroom residence for the elderly. Developer of the proposed residence has been made aware and is pursuing necessary permits and compliance with the State Department of Health, State Building Codes Division as well as other local and state agencies. The parcel is outside the City of Belgrade's zoning district and does not lie within any county zoning district.

The overall layout of the tract is somewhat pie-shaped; however, because of the size of the tracts and adequate frontage on Tubb Road, no significant access or design problems are foreseen.

The Planning Board has recommended approval of the minor subdivision based on the following conditions:

1. That unless an on-site park is proposed in conjunction with the six bedroom elderly residence, a cash-in-lieu statement be added to the final plat for park dedication purposes.
2. That any necessary easements for utilities be shown on the final plat.
3. That the final plat conform to Uniform Standards and be accompanied by necessary certificates and attachments including a certificate of approval from the Montana Dept. of Health and Environmental Sciences.
4. That a \$35.00 per lot fee be paid to the Belgrade Fire Department.

Jane Jelinski stated that with regard to the cash-in-lieu of park requirement, Montana State law specifically prohibits parkland in minor subdivisions. Therefore, the Commission could not consider a park on this parcel.

Bill Mumford, developer of the property, agrees that cash-in-lieu of park would be the best approach and would agree to that provision.

Wilbur Visser asked if some type of buffer would be created to reduce the noise from the aircraft landing and taking off nearby.

Mr. Mumford stated that shrubs and hedges would be planted to contribute as a noise buffer.

James Eucorie, Jr. stated that this facility would be caring for ambulatory residents with regard to laundry, food service and a room. Recreational and social activity will also be provided. All of the health and fire regulations will be met.

Jane Jelinski made a motion to grant summary review approval for Mumford Minor Subdivision with the following conditions:

1. Cash-in-lieu statement will be added to the final plat for park dedication purposes.
2. That any necessary easements for utilities be shown on the final plat.
3. That the final plat conform to Uniform Standards and be accompanied by necessary certificates and attachments including a certificate of approval from the Montana Dept. of Health and Environmental Sciences.
4. That a \$35.00 per lot fee be paid to the Belgrade Fire District to cover fire protection until the lots are built upon.
5. That encroachment permits be obtained from the County Road Office for the two driveways onto Tubb Road.
6. That there be covenants which include a provision for the control of county declared noxious weeds.

This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Wilbur Visser made the following comments regarding the public hearing for tax jurisdictions exceeding their certified mill levies.

The mill levies are certified by the State of Montana by using the assessed valuation as recommended to them by the local department and then using a 95% figure, and this is how the certified mill levies are obtained. All of our funds are within the legal limits of the mill levy allowed by statute. The way the established budgets were adopted, they are a slight amount over the certified mill levies of the State.

Jane Jelinski read the following Resolution:

WHEREAS, budgets have been approved in the amounts in excess of the certified mill levies and a public hearing has been held as required by statute for the following budgets: General, Poor, Fair, Airport, Health, Aging, Agent, Belgrade Fire, South Gallatin Canyon Fire, Gallatin Gateway Fire, Manhattan Fire, Sedan Fire, Story Mill Fire, Willow Creek Fire, Three Forks Dyke, Madison Dyke, Zoning District #6, Wheatland Hills, Royal Village,

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Hebgen Lake Zoning, Willow Creek Lighting, Logan Lighting, County Conservation and County Planning; and

WHEREAS, no public testimony was received opposing the certified mill levies;

THEREFORE, BE IT RESOLVED THAT:

The mill levies established in the revised final budget shall be those required to provide adequate resources for the budgets set though in excess of the certified mill levies permitted for application for operation of the above named budgets.

Jane Jelinski made a motion to adopt resolution #602, seconded by Wilbur Visser, none voting nay. The motion carried.

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Jane Jelinski read the list of applicants for the High-Tech Park Grant Subcommittee. Richard C. Conover, an attorney, who is also on the Governor's Advisory Council on Science and Technology; a recommendation was received from President Tietz to appoint Tom Nopper to represent the university; a recommendation was received from the Gallatin Development Corporation to appoint Carl Lehrkind as their representative; Jeffrey K. Rupp, as a representative of the City Zoning Board; Mary Kay Peck, Subdivision Review Officer; Bob Hawks, City-County Planning Board; Dave Sharpe, a county resident, Professor of Community Development with the MSU Cooperative Extension Service; Kenneth Gallik, a city resident; Patricia Crowle, a city resident; Ruthmary Tonn, a city resident; and Riney Bennett, a city resident.

Riney Bennett spoke regarding his application. Mr. Bennett states that the company he works for, Orionics, would like to locate their business in the High-Tech Park. Mr. Bennett is concerned with both the good and bad aspects of a project such as this.

Patricia Crowle spoke regarding her application. Ms. Crowle expressed an interest in the project and stated that she would be glad to serve.

Jane Jelinski recommended Richard Conover as the county representative and Ruthmary Tonn as the city representative. Mrs. Jelinski feels that they would be strong members of the board.

Mr. Bennett expressed a concern that there should be someone on the board who has started a small business.

Jane Jelinski pointed out that Carl Lehrkind, Bob Hawks, Richard Conover and Ruthmary Tonn all operate small businesses of one kind or another.

Jane Jelinski made a motion to appoint the following members to the High-Tech Park Grant Subcommittee:

Mary Kay Peck; Bob Hawks; Richard Conover; Jeff Rupp; Carl Lehrkind; Tom Nopper; and Ruthmary Tonn.

This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

The first meeting will be held on Wednesday, August 21, 1985 at 7:00 P.M. at the Roy Huffman Building.

There being no further business, the meeting adjourned at 2:45 P.M.

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ATTEST:

Clerk

APPROVED:

Chairman

PUBLIC MEETING TUESDAY, THE 3rd DAY OF SEPTEMBER OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Acting Chairman Ramon S. White at 1:35 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of August 20, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

August 21, 1985

Commissioners met with Kathy Nowierski and Tom Anacker regarding the Teamsters grievance hearing.

Commissioners toured Nelson Road oiling project, the Airport Road bridge work, and the new bridge on Penwell Road.

Commissioners attended a meeting in Three Forks with representatives of the City of Three Forks, the State Highway Department, and the State Dept. of Natural Resources Flood Plain Section regarding the dykes on the Madison River.

August 22, 1985

Commissioners met with Don Nell representing the National Historical Society with regard to identification and signing of national historic sites of the Lewis and Clark Trail.

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FORM 12187-TRIBUNE PRINTING

Commissioners met with Lou Jascikoff, owner of the Fifth Ace Saloon, and discussed the issue of 24 hour gambling.

Commissioner Jelinski attended the HRDC board meeting.

Received the following A101s:

#8569 from National Audobon Society in the amount of \$10,000 for matching funds for the bearproof garbage cans to the credit of the Bear Proof Garbage Container Grant.

#8578 from State of Montana in the amount of \$4,992.44 for DUI Reimbursement to the credit of DUI Grant Program.

August 23, 1985

Commissioner Visser attended the Fair Board meeting.

Granted permission for Betty Adams of the Page Gift Shop to hold a raffle. The proceeds of the raffle will be to benefit the Boegli baby.

Commissioners met with Larry Krown and Marc Bell of the U.S. Forest Service, Mike Salvagni and Tom Anacker of the County Attorney's Office, and Dave Dunn of the Sheriff's Office with regard to the Bear Canyon Fire that occurred last Spring and who will be paying the charges in connection with the fire.

August 26, 1985

Commissioner Jelinski attended the Weed Board meeting.

Bridger Canyon Zoning Commission met and discussed Sohio Oil Company's application for a conditional use permit to drill for oil or gas in the Bridger Canyon area. Final decision will be made on September 27, 1985 at 10:00 A.M.

Commissioner Visser to be out of state beginning September 4, 1985 and returning on September 22, 1985.

August 27, 1985

Received the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$512.64 as appropriated under general class (2) Maintenance and Support for account 2310-000-420140-228 be transferred to account 2310-000-420140-110 under general class (1) Salaries and Wages.

That the sum of \$2,500.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-397 be transferred to account 2160-000-460200-190 under general class (1) Salaries and Wages.

That the sum of \$250.00 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-397 be transferred to account 2430-209-430800-190 under general class (1) Salaries and Wages.

That the sum of \$34,692.00 as appropriated under general class (1) Salaries and Wages for account 2440-000-411000-100 be transferred to account 2440-000-411000-110 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 27th DAY OF AUGUST, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Commissioners sat as a Welfare Board.

Commissioner Jelinski attended the legislative hearing on public law #94-142 at Montana State University.

Due to lack of agenda items, no public meeting was held this week.

August 28, 1985

Commissioners went to Helena and met with Dept. of State Lands representatives and Duane Robertson and Jim Leiter of the Solid Waste Bureau regarding the county landfill and methods in acquiring land.

Reviewed applications for the position of public defender. Three qualified applicants were appointed to the position of Public Defender. McKinley Anderson, Richard Nellen and H. Charles Stahmer.

Received the following A101's:

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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#8605 from Tew Distributing in the amount of \$11.00 for commission on vending machines to the credit of the General Fund.

#8594 from State of Montana Dept. of Revenue in the amount of \$110.04 for child support for July to the credit of the General Fund.

#8596 from State of Montana Dept. of Revenue in the amount of \$407.96 for distribution of wine tax to the credit of the General Fund.

#8593 from State of Montana Dept. of Revenue in the amount of \$16,475.24 for distribution of liquor license tax for quarter ending June 30, 1985 to the credit of various funds.

#8597 from State of Montana Dept. of Highways in the amount of \$4,870.75 for fees and taxes collected by the highway dept. to the credit of various funds.

Received the following list of new employees;

Sylvia Ball, Nurses Aide, Rest Home, \$5.05/hr.  
 Twila Kauffman, Homemaker Aide, Health Dept., \$4.85/hr.  
 Patricia Graham, Relief Cook, Sheriff's Dept., \$5.28/hr.  
 Stephanie Brown, Nurses Aide, Rest Home, \$5.05/hr.  
 Carla Christensen, Nurses Aide, Rest Home, \$5.05/hr.  
 Ronaye Erickson, Nurses Aide, Rest Home, \$5.05/hr.  
 Janette Linn, Nurses Aide, Rest Home, \$5.05/hr.  
 Noreen Popp, Nurses Aide, Rest Home, \$5.05/hr.  
 Isabelle Connett, Nurses Aide, Rest Home, \$5.05/hr.  
 Wendy Moos, Laundry Worker, Rest Home, \$4.36/hr.  
 Karen Boecher, Nurses Aide, Rest Home, \$5.05/hr.

A luncheon was held at the County Rest Home for Mary Krum, who is retiring after 12 years as Director of Nursing.

August 29, 1985

Commissioner Jelinski attended opening ceremonies for the school year at Wilson School.

Commissioners met with Bob Donovan of Big Sky regarding emergency medical services on a local basis for Big Sky.

Commissioners met with Gary Mitchell and Del Straub regarding the availability of park land for softball and soccer fields.

Received A101 #8607 from Motor Vehicle Dept. in the amount of \$1,500.00 for fees and fines collected to the credit of various funds.

Commissioner Jelinski attended the screening of the J.T.P.A. film at the Job Service.

Commissioner Jelinski attended the Gallatin Development Corporation meeting regarding the High Tech Park.

August 30, 1985

Commissioner Jelinski met with Gary Peterson from the Job Service regarding the J.T.P.A. program.

Received the following A101's:

#8618 from American Federal Savings and Loan in the amount of \$1,702.06 for interest on CD to the credit of the General Fund.

#8620 from Montana Bank of Bozeman in the amount of \$4,166.43 for interest earned on CD to the credit of the Protest and General Funds.

#8619 from Montana Bank of Bozeman in the amount of \$5,190.07 for interest earned on CDs to the credit of various funds.

#8621 from First Bank Bozeman in the amount of \$4,844.86 for interest earned on CDs to the credit of various funds.

#8622 from First Bank Bozeman in the amount of \$2,430.34 for interest earned on CDs to the credit of various funds.

#8623 from Security Bank of Three Forks in the amount of \$2,409.25 for interest earned on CDs to the credit of various funds.

#8624 from Western Bank of Bozeman in the amount of \$2,428.42 for interest earned on CDs to the credit of various funds.

#8638 from First Security Bank of Bozeman in the amount of \$5,856.50 for interest earned on CDs to the credit of various funds.

#8639 from First Security Bank of Bozeman in the amount of \$1,718.84 for interest earned on CD to the credit of various funds.

8635 from State of Montana Dept. of Commerce in the amount of \$3,132.30 for county land planning to the credit of Land Use Planning.

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Gale Thompson of the Road Department spoke regarding a proposed abandonment of a portion of Second Street in Willow Creek.

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Jane Jelinski read the following viewer's report:

Board of County Commissioners

The viewing committee has viewed the portion of Second Street and the alleys described on petition no. 712 for abandonment. This portion of Second Street and the alleys lead directly into a farm yard and there are no buildings on any of the lots adjacent to the street. The land on the south side is presently being used as pasture and on the north side is being farmed.

This street serves no useful purpose to the townsite of Willow Creek and does not appear that it would in the future as there are a great number of undeveloped lots to the west of this block.

The viewing committee recommends that the abandonment of this portion of Second Street and the alleys be granted.

Sincerely,

/s/ Wilbur Visser  
/s/ Donald Brelsford

Jane Jelinski made a motion to abandon the street as described in road petition no. 712, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for summary review approval of Little Horn Lodge Minor Subdivision. It is a two lot minor subdivision located approximately one-half mile north of the intersection of the Big Sky Road and Highway 191. Ms. Peck displayed a plat of the proposed subdivision. The access to the subdivision has been approved by the State Highway Department. The proposed subdivision is located in the floodplain and would be subject to county floodplain regulations. Ms. Peck recommends the following conditions as a part of preliminary plat approval:

1. That approval of the subdivision be obtained from the State Dept. of Health and Environmental Sciences.
2. That copies of the encroachment permit for the approved access location and any other access requested be submitted to the Gallatin County Subdivision Review Office prior to final approval.
3. That utility easements be shown or noted on the final plat.
4. That the covenants include a provision requiring lot owners to control county declared noxious weeds.
5. That a 100 foot setback from the flood hazard limit be shown for septic systems on the final plat and that such information be included in the covenants.
6. That a \$35.00 per lot fee be paid to the Big Sky Rural Fire Department.
7. That the final plat conform to the uniform standards and have all required certificates.

Ms. Peck requested that her staff report be entered into the record.

Jane Jelinski made a motion to approve summary review of Little Horn Lodge Minor Subdivision, with the seven conditions recommended by staff, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval of Hostetter Minor Subdivision. This is a three lot minor subdivision located about one-third mile east of Highway 191 off Cottonwood Road. Ms. Peck has the following comments regarding the conditions for final approval:

The developer has received approval of the subdivision from the State Dept. of Health and Environmental Sciences. The road plans were approved by the County Road Office prior to construction. All of the improvements have been installed with the exception of the street sign and \$100.00 bond has been posted for the street sign. The payment has been made to the fire department. The utility easements are shown on the final plat. The plat conforms to the Uniform Standards and all the necessary certificates have been acquired. An appraisal of the property has been obtained and \$555.55 was doanted for cash-in-lieu of parkland dedication. The subdivision road has been dedicated as agreed upon and has been named Holland Road. The County Road Superintendent inspected the road and it was built to county specifications. It appears that all of the conditions for approval have been met.

Jane Jelinski made a motion to grant final approval of Hostetter Minor Subdivision, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

David Lyle has claimed the occasional sale exemption. Mr. Lyle has not taken a prior occasional sale from this tract or contiguous tracts, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. This is above Rocky Creek Farms. From the information submitted, this appears to be a proper use of the exemption.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 3rd DAY OF SEPTEMBER 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Jane Jelinski made a motion to grant the exemption for David Lyle, seconded by Ramon White, none voting nay. The motion carried.

There being no further business, the meeting adjourned at 2:00 P.M.

ATTEST:

Clerk

*Gay St. Pingle*

APPROVED:

Chairman

*Ramon White*

PUBLIC MEETING TUESDAY, THE 10th DAY OF SEPTEMBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Ramon S. White at 1:30 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of September 3, 1985 as written, seconded by Ramon S. White, none voting nay. The motion carried.

ANNOUNCEMENTS

September 3, 1985

Held Public Meeting this date.

Commissioners met with Tom Fellows and Don Brelsford, County Surveyor, regarding the magnesium chloride treatment for Durston Road. Dr. Fellows presented the Commissioners with checks in the amount of \$1,850.16 from property owners as their contribution to the project. Additional contributions were received at today's meeting in the amount of \$250.25 and \$112.00. This project is anticipated to be completed next week. Because of the cooperation of the City of Bozeman, the project will be done from 20th Street to Ferguson.

September 4, 1985

Ramon S. White met with Lanette Walker of LaCourier regarding constable service to the county.

Jane Jelinski met with Marilyn Moore regarding problems at the Logan landfill.

Received A101 #8644 from Jane Jelinski in the amount of \$6.00 for copies to the credit of the General Fund.

Received the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made; said transfers to be effective on the date this Resolution is passed:

That the sum of \$45.66 as appropriated under general class (1) Salaries and Wages for account 5020 000 440350 121 be transferred to account 5020 000 440350 130 under general class (1) Salaries and Wages.

That the sum of \$302.88 as appropriated under general class (1) Salaries and Wages for account 5020 000 440350 122 be transferred to account 5020 000 440350 130 under general class (1) Salaries and Wages.

That the sum of \$271.03 as appropriated under general class (1) Salaries and Wages for account 5020 000 440360 122 be transferred to account 5020 000 440360 130 under general class (1) Salaries and Wages.

That the sum of \$45.78 as appropriated under general class (1) Salaries and Wages for account 5020 000 440360 123 be transferred to account 5020 000 440360 130 under general class (1) Salaries and Wages.

That the sum of \$57.59 as appropriated under general class (1) Salaries and Wages for account 5020 000 440320 121 be transferred to account 5020 000 440320 130 under general class (1) Salaries and Wages.

That the sum of \$258.03 as appropriated under general class (1) Salaries and Wages for account 5020 000 440340 121 be transferred to account 5020 000 440340 130 under general class (1) Salaries and Wages.

That the sum of \$28.52 as appropriated under general class (1) Salaries and Wages for account 5020 000 440340 123 be transferred to account 5020 000 440340 130 under general class (1) Salaries and Wages.

That the sum of \$363.60 as appropriated under general class (1) Salaries and Wages for account 5020 000 440340 124 be transferred to account 5020 000 440340 130 under general class (1) Salaries and Wages.

That the sum of \$40.40 as appropriated under general class (1) Salaries and Wages for account 5020 000 440340 125 be transferred to account 5020 000 440340 130 under general class (1) Salaries and Wages.



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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 4th DAY OF SEPTEMBER, 1985

/s/ Jane Jelinski  
/s/ Ramon S. White

Commissioners met with Wally Riffle regarding the Detention Center remodeling.

Jane Jelinski attended the public hearing regarding the proposed grant application for the high tech park at 7:30 P.M. in the Community Room. The next public hearing will be held on September 16, 1985.

September 5, 1985

Commissioners attended the Board of Health meeting. Statutory authority of the county board of health was discussed.

Bid opening was held for the remodeling and renovation of the Detention Center. Sufficient bids were not received for Project "A". Therefore, project "A" will be rebid on October 3, 1985. Bids were opened for Project "B". Three bids were submitted as follows:

Gallatin Construction - \$147,000	120 days
Martel Construction - \$165,000	120 days
Taylor Construction - \$164,000	180 days

The bid for Project "B" will be awarded after Project "A" has been rebid.

Commissioners met with Mary Kay Peck with regard to the zoning violation in Bridger Canyon of Mr. and Mrs. Allen Cook.

Jane Jelinski attended the Chamber of Commerce "Mixer".

Received the prisoner board billing for the month of August for a total of \$7,200.00.

September 6, 1985

Routine business this date.

September 9, 1985

Commissioners met with the Personnel Officer, and Road and Sheriff Dept. personnel regarding personnel matters.

Jane Jelinski met with Don Beatty regarding an encroachment permit issued by the county on West Babcock Street.

Jane Jelinski attended the luncheon at the County Historical Society.

Zoning District #2 Commission met to consider applicants for the creation of a board to develop a zoning ordinance. Those appointed to the board are: Kay Moore, Milton Scheplov, Ruth Metcalf, Don Clark, Charles Kraft, Marilou Bartriam, Richard Roehm, Barbara Boylan and Joel Shouse.

Approved the following cancellations of taxes:

#588 Dave Hinman \$3,091.12 personal property overassessed, adjusted and billed as a supplemental

Received the following Al01's:

#8659 from the State of Montana Dept. of Institutions in the amount of \$7,494.00 for earmarked alcohol tax funds to the credit of the Alcohol Fund.

#8680 from State of Montana Dept. of Revenue in the amount of \$440.88 for distribution of wine tax revenue to the credit of General Fund.

#8678 from Colonial Life and Accident Insurance Co. in the amount of \$51.68 for premium refund to the credit of employer contributions.

Granted permission for the American Association of Medical Assistants to hold a raffle on October 19, 1985. This is a non-profit organization.

Received report from the Clerk and Recorder's Office for items of fees and other collections made in the amount of \$13,084.80.

September 10, 1985

Commissioners met with Attorney Dick Andriolo regarding Detention Center litigation.

Commissioners met with John Schunke of Morrison-Maierle and discussed Hebgen Lake Estates drainage and road problems.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Donald and Joanne Falk have claimed the exemption to realign a common boundary. This is located in Lake Subdivision and originally was recorded in June of 1975 on COS 149. However, when that realignment was done, a small separate parcel was created

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at that time. Mr. and Mrs. Falk now want to realign the property to be in compliance with the regulations now in effect. They are not required to submit quit-claim deeds because they are the owners of all the property that is involved. This appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon S. White, none voting nay. The motion carried.

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Al Lien, Chairman of the County Fair Board, spoke regarding the engineering proposals for installing a water line at the county fairgrounds. This would be for fire protection and to upgrade the distribution system to the livestock complex buildings. The Fair Board has recommended that the proposal submitted by Thomas, Dean and Hoskins be accepted. They have given the Fair Board several alternatives that need to be studied concerning the overall project and some expansion and their fee schedule was felt to be in a wide enough range to cover the study.

Jane Jelinski read the following letter into the record:

Gallatin County Commissioners

At a special meeting of the Gallatin County Fair Board held August 28, 1985 at 7:00 A.M. the Board considered three proposals received from four engineering firms contacted. The Fair Board would like to recommend the firm of Thomas, Dean and Hoskins to engineer the improvement on the water system. The Board based their decision on the statement that alternate locations of a water main or loop will be considered and that their range of fees is such to cover alternate plans. The Board feels the fee range is within our budget and the project is needed. We have listed the project objectives be priority of importance to the overall project as:

1. Fire protection
2. Metering, road, weeds, fairgrounds departments
3. Supply animal complex of buildings
4. Upgrade the current supply and be able to isolate each building for maintenance
5. Consideration of future expansion of the fairgrounds
6. Determine the benefit to the city system of a loop through the fairgrounds
7. Evaluate the cost of the City of Bozeman's portion of that benefit
8. Uninterrupted service for minimum shut off time to the buildings during construction

Enclosed are the engineering proposals for your consideration.

Thank you.

Sincerely,

/s/ Al Lien, Chairman  
 Gallatin County Fair Board

Ramon White stated that the bids received were as follows:

Morrison-Maierle had an estimated fee range of \$3,500 to \$4,500

Thomas, Dean & Hoskins estimated their fee as follows:

Preliminary report: \$500 to \$1,500  
 Construction plans & specs: \$4,000 to \$6,000  
 Construction contract administration: \$2,000 to \$3,000

Sanderson, Stewart and Gaston did not provide a fee schedule.

Jane Jelinski made a motion to grant the bid for engineering of the water line improvements at the County Fairgrounds to Thomas, Dean and Hoskins based on the recommendation of the Fair Board, seconded by Ramon White, none voting nay. The motion carried.

John Schunke of Morrison-Maierle stated that for the record, their proposal did break down their fee ranges as follows:

Design fee: \$3,500 to \$4,500  
 Construction fee: \$3,000 to \$4,000

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Joel Peterson spoke regarding road improvements to Yankee Creek Road. He requested that the road be improved to make it easier to get in and out of. There are five families that live on the road.

Sam Gianfrancisco, Road Superintendent, stated that Yankee Creek and Williams Bridge roads are located south of Gallatin Gateway. The road bed is all natural, just dirt. Yankee Creek Road is two and a half to three feet lower than the surrounding area and there is a problem with snow. Mr. Gianfrancisco has worked up a proposal for improving 2,700 feet of Williams Bridge and 3,000 feet of Yankee Creek. Building both roads to county standard, the cost would be as follows:

Williams Bridge: \$31,000  
 Yankee Creek: \$32,750 plus an additional \$4,735 cost for culvert and drainage work

Both roads would have to be petitioned back to a 60 foot right of way in order for the improvements to be made.

Mr. Gianfrancisco stated that there were not sufficient funds in the budget to do this project. It would have to be done on a cost-sharing basis or as an RID.

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Mr. Gianfrancisco states that there is a serious problem with snow removal in the area. The road must be reconstructed so that there will be somewhere to plow the snow.

Jane Jelinski asked whether the project could be initiated this fall if it were done on a cost-sharing basis. Mr. Gianfrancisco states that the Road Department is currently involved in two other projects so he could not guarantee that it could be started. With regard to the cost-sharing, the county's policy in the past is that the property owners would contribute 65% of the cost and the county would contribute 35%, that being labor. As far as priority in the future with regard to plowing, this would be considered a second class road because it is not a school bus route.

Jane Jelinski stated that she would like to take the matter under advisement and look at all of the implications. If the property owners were able to generate the 65%, that would be a cost of \$46,000. The Commissioners would be willing to look at a Local Improvement District.

The property owners will consult with the County Attorney's Office regarding the creation of a Local Improvement District.

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Ramon White stated that in conversation with some of the property owners on Durston Road it was requested that the speed limit be reduced now that the road is being improved. The minimum that the county can put on a road is 35 MPH.

Jane Jelinski stated that she has been informed that there already is a 35 MPH speed limit on the road which was adopted in Commission Resolution No. 445, dated July 18, 1979. Ms. Jelinski suggests that the signing and enforcement on the road be increased.

Jane Jelinski made a motion to increase the signing on Durston Road and direct the County Sheriff to increase the enforcement of the speed limit, seconded by Ramon White.

Sam Gianfrancisco, Road Superintendent, stated that the city has some 25 MPH signs up and the county has not posted any 35MPH signs in the hopes that people will think the limit is 25 MPH all the way down the road. Sheriff Cutting has stated that the area will be patrolled. The State has found that by putting traffic signs up, the speed limit will actually increase by ten miles an hour. The State's recommendation is to do much less signing. Mr. Gianfrancisco states that the thing that is needed is more patrolling, rather than more signs. It does, however, need to be signed so that when it is patrolled, there is some legal stand to be able to cite people for speeding.

Jane Jelinski left her motion as stated, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:25 P.M.

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ATTEST:

APPROVED:

*Gary H. Dingle*  
Clerk

*Ramon S. White* Chairman

PUBLIC MEETING WEDNESDAY, THE 18th DAY OF SEPTEMBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Ramon S. White at 1:30 P.M. Also present were Commissioners Jane Jelinski and Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

## ANNOUNCEMENTS

September 10, 1985

Ramon White met with Tim Pedderson regarding the fences on Pedderson Road.

September 11, 1985

Jane Jelinski attended the Interagency breakfast.

Jane Jelinski met with Dick Andriolo and the County Attorney's Office regarding Detention Center litigation.

Jane Jelinski met with Administrator Jim Spady regarding the work progress at the County Rest Home.

Jane Jelinski met with Elmer Oakes, Maintenance Supervisor, regarding plumbing problems at the Detention Center.

Jane Jelinski attended the Rest Home indoor picnic.

Jane Jelinski met with Sam Gianfrancisco, Road Superintendent, regarding the Crosscut Ranch road.

Ramon White attended the Refuse District #2 meeting in West Yellowstone.

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 OFFICE OF COUNTY COMMISSIONERS  
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September 12, 1985

Ramon White attended the MACo dues structure meeting in Helena.

Jane Jelinski canvassed votes for the city election.

Jane Jelinski met with George Reich regarding the Willow Creek Fire District.

Received A101 #8697 from B. J. Hultz, Justice of the Peace #2, in the amount of \$4,844.50 for J. P. receipts to the credit of various funds.

#8696 from Montana Bank and Security Bank of Bozeman in the amount of \$33,351.53 for interest earned on repurchase accounts to the credit of various funds.

September 13, 1985

Jane Jelinski met with Sheriff Cutting regarding maintenance problems at the Detention Center.

September 16, 1985

Jane Jelinski attended the JTPA conference in Kalispell.

Received A101 #8730 from West Yellowstone/Hebgen Basin Refuse Dist. #2 in the amount of \$1,292.00 for garbage fees to the credit of the refuse district.

Other routine business this date.

September 17, 1985

Routine business this date.

September 18, 1985

Commissioners met as a Welfare Board.

Commissioners met with Roy Huffman regarding Highland Blvd.

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Jane Jelinski made a motion to approve the minutes of September 10, 1985, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval for the Yates rearrangement in Middle Creek Meadows Subdivision #2. This subdivision consists of a 5.256 acre lot which was divided into nine lots, served by a central water system. Ms. Peck has the following comments regarding the conditions that were attached for final approval:

The covenants have been reviewed by the County Attorney's Office and in the covenants a homeowners association has been established which has the authority and the responsibility to improve, maintain, and repair the well and community water system and the roads and to control county declared noxious weeds within the subdivision.

The utility easements are shown on the final plat.

Arrowhead Lane was built in accordance with the conditions and Arrowhead Road was improved to meet county standards.

Approval of the subdivision was obtained from the State Dept. of Health. There was an existing well that was to be abandoned; however, the State Dept. of Health has approved it to be used only for irrigation, not to be a part of the central water system.

\$35.00 per lot fee has been paid to the Rae Rural Fire Dept.

There was a concern that lots 17, 18, and 19 would not be further divided. There has been a provision in the covenants that those lots not be further divided. A note has been placed on the final plat which restricts those lots from being further subdivided.

The plat does conform to the uniform standards for final subdivision plats and is accompanied by the required certificates.

All the preliminary plat approval conditions that the Commissioners placed on the subdivision have been met; however, it should be noted that there is a discrepancy between the approval that the County Commissioners granted and the approval that was granted by the State Dept. of Health. The Dept. of Health approval is for single family residences on all lots but lots 11, 12, and 13 may also be used for commercial purposes. This was reviewed by the County Commission for single family uses and the Commission may want to ask the developer for a statement that this is the use it will be used for.

Ramon White pointed out that the \$35.00 per lot fee for fire protection should be paid to the Middle Creek Rural Fire District because they contract with the Rae District for fire protection.

Ted Yates, the developer, stated that there was a deed restriction stipulating that in the first three lots they could be used for agricultural purposes only so it is not open for business other than that. Mr. Yates states that it was his intention to sell the three lots to be used as a nursery or some other agricultural business. Mr. Yates states that he has learned from Mary Kay Peck that there was some misunderstanding with regard to this and that he would be seeking a variance. Mr. Yates states that at this point in time it is his intention to use the lots as single

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family dwellings. Mr. Yates states that if he is unable to obtain the variance, the property would be used for single family dwellings.

Nina Johnson asked if the homeowners association would be notified if Mr. Yates were to apply for a variance. Mr. Anacker stated that this would not be an action the County Commission would take, this would entail an amendment to the covenants which the homeowners association would be involved in.

Jane Jelinski made a motion to grant final approval of the Yates Middle Creek Meadows #2 rearrangement, seconded by Ramon White, none voting nay. The motion carried.

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Marcia Elkins, Bozeman City-County Planner, spoke regarding a request for final approval for the amended subdivision of lot 9 of Longacres Subdivision. This property is located between Sourdough Road and Highland Blvd., south of Kagy Blvd., and involves a lot split which would create two lots, each slightly more than one acre in size. Five conditions of approval were placed on the plat and have all been complied with. They have received Montana Dept. of Health and Environmental Sciences approval, they've documented payment of fees to the Sourdough Rural Fire District, they've obtained a variance for lot width requirements of the zone code, they have made changes to the plat including a public service directors certificate which has been added and changing the examining land surveyor's language, and they have also added the note regarding maintenance of Highland Blvd. that was required. The Planning Staff recommends final approval of this subdivision.

Jane Jelinski made a motion to grant final approval to the amended plat of lot 9 of Longacres Subdivision, seconded by Ramon White, none voting nay. The motion carried.

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Don Beatty spoke regarding an encroachment permit that was issued by the county through his property on West Babcock Street. This is for a sewer easement across Mr. Beatty's property. Mr. Beatty states that he has been advised by the County Attorney's Office that this legally can happen. Mr. Beatty protests the fact that the county can do this without notifying the property owners. Mr. Beatty also points out that if the county can take away the right to a person's property and give an encroachment permit, then they should take care of that part of the property. Mr. Beatty states that the weeds have not been sprayed this year.

Tom Anacker states that according to statute, there is a provision as follows: "The Board of County Commissioners shall have the power and authority to grant to any person, association or corporation the right to construct and maintain, in, along, and under any public road or highway within such county any pipeline for the conveyance of natural or artificial gas, water, or any other substance for the use of any county, city or town or the inhabitants thereof." The encroachment permit to which Mr. Beatty refers was issued pursuant to this statute. These permits can be given without the consent of the landowner. Mr. Anacker states that as a matter of courtesy, a policy could be adopted to notify people when these permits are issued.

Reeves Petroff, Weed Supervisor, stated that records are kept of roads that are sprayed each year and the roads that were not sprayed this year will be done first next year. Basically, there is a two year weed control program on every road. West Babcock did not get sprayed this year due to the time element, the hot weather, and the manpower. Mr. Petroff states that it will be one of the first roads to get done next year.

Ramon White states that the law is getting out of hand with utility easements going through with no regard for private property.

Jane Jelinski made a motion to adopt a formal policy requiring that Gallatin County notify all adjacent property owners of an encroachment permit prior to its issuance, seconded by Ramon White, none voting nay. The motion carried.

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Carl Lehrkind, member of the High Tech Park Grant Study Commission, spoke regarding the Commission's consideration of the grant application for the Tech Park. Mr. Lehrkind read the following statement from the Committee:

The Gallatin County Block Grant Study Commission was formed by the Gallatin County Commission to hold two public meetings and received public comments on the use of a block grant to develop a portion of the infrastructure for the proposed Technology Park.

The first public meeting was held September 4, 1985 at 7:30 P.M. in the Courthouse Community Room. The purpose of the first public hearing was to give the public the opportunity to tell the committee what they feel are the major needs and interests in Gallatin County. Needs that were identified were transportation needs of Gallatin County and the City of Bozeman, the needs of low and moderate income persons, water and sewer and the creation of jobs.

A general discussion of the needs identified the first priority as job creation. It was unanimously felt that all of the identified needs could be directly addressed by job creation. Furthermore, it was the Study Commission's unanimous recommendation that the creation of a Technology Park would be the best possible method available to address the needs of job creation. With the closing of Allen Bradley and the talk of possible closing of Gallatin Homes, job creation is more important than ever.

It is unanimously proposed that an application to the State of Montana Community Development Block Grant Program for monies to develop a portion of the infrastructure for the proposed Tecnology Park be prepared.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Jane Jelinski asked if during the public hearings there was an opposition to the proposal. Mr. Lehrkind stated that there was none.

Mary Kay Peck, the county's representative on the Study Committee, stated that it appeared to her during the public hearings that there was a great deal of public support for the grant application. Some of the county's concerns were transportation related issues in the area. She stated that she was assured at the meetings that the improvements that would be necessary for South 19th and for College would be addressed by the City as a part of the application procedure for subdivision review or PUD approval of this project and that it would be phased improvement schedule. The other concern was whether it would be a tax benefit to the county. Ms. Peck stated that there was commitment from the Alumni and Endowment Foundation that they would be willing to enter into an agreement for payment in lieu of taxes if the county felt this would be necessary. Another concern was that road blocks would not be thrown up for individual businesses that would want to locate in the park, that they would not have to go through a hearing each time a new business was proposed. The zoning that would be granted for the park would allow for the various types of businesses to locate there. The covenants and the proposed operations manual for the park address some of the concerns that have been raised such as what will it look like.

Ms. Peck states that the concerns that she had and the concerns relayed to her by the County Commission were addressed.

Jane Jelinski stated that the project showed alot of community support. One of the most critical things the County Commission must prepare for is the future of the economic resources to the county which are in danger of being seriously reduced. She believes that the County should prepare to improve the economic tax base. She stated that she supported the project.

Ramon White stated that his concern is that he does not like to act on something this quickly. He believes that something like this requires more study than this was given. Mr. White stated that he supported the concept. Mr. White asked Mr. Anacker if the Commission acts on this today, is there anything the County Attorney's Office would have to look at and should that be included in any type of motion for approval that might be made? He wondered if the County would be making any type of commitment before the money was awarded that it might have to live up to.

Tom Anacker stated that at this point the commitment is to be the sponsoring agency for the application for the block grant.

Rob Gilmore stated that the list of assurances provided the Commission state that the Commission will follow civil rights in the event the project is funded and Mr. Gilmore recommends that the County Attorney's Office review them.

Jane Jelinski read the proposed resolution as follows:

WHEREAS, the County of Gallatin is applying to the Montana Dept. of Commerce for a Community Development Block Grant needed to construct a technical park;

WHEREAS, Gallatin County has conducted at least two public hearings as part of the application process to solicit and consider citizen comments on community development needs and proposed activities to respond to them;

THEREFORE, BE IT RESOLVED, that the County of Gallatin agrees to conform with the regulations, statutes, terms and conditions described in the CDBG statement of assurances, and that Wilbur Visser is authorized to submit this application to the Montana Dept. of Commerce on behalf of Gallatin County to act on behalf of the County and to provide such additional information as may be required.

Jane Jelinski made a motion that the Commission pass a resolution of intention to adopt this Resolution contingent on approval by the County Attorney's Office of the terms of the statement of assurances, seconded by Ramon White, none voting nay. The motion carried.

Tom Anacker stated that for the record, the Board has been provided with copies of Mr. Lehrkind's statement and the minutes and any other documents should formally be made part of the record.

Ramon White stated that he would like to enter into the record of these proceedings the minutes of the two public hearings, the response and conclusion of the Gallatin County Block Grant Study Commission as submitted by Mr. Lehrkind, and the application summary, appendix F, Statement of Assurances, and the resolution.

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There being no further business, the meeting adjourned at 2:20 P.M.

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ATTEST:

Clerk

*Gary H. Dingle*

APPROVED:

Chairman

- - - -

TUESDAY THE 24th DAY OF SEPTEMBER 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser asked for clarification on an item in the minutes of September 18, 1985 with regard to the adoption of a policy requiring the county to notify adjacent property owners of an encroachment permit. He questioned whether this was for utility easements or driveway easements. Jane Jelinski stated that it was meant for utility easements. Ramon White concurred with this.

Jane Jelinski made a motion to approve the minutes of September 18, 1985 with the suggested change, seconded by Ramon White, none voting nay. The motion carried.

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## ANNOUNCEMENTS

September 19, 1985

Jane Jelinski attended the quarterly meeting of the Board of Directors of the State Advocacy Program in Helena.

Ramon White met with John Nicoletti regarding garbage incineration.

Granted permission to the Bozeman Swim Club and the Beall Park Art Center to hold raffles. These are both non-profit organizations.

September 20, 1985

Routine business this date.

September 23, 1985

Commissioners met with a group of property owners from Bear Canyon area and Sam Gianfrancisco, Road Superintendent, to discuss upgrading of the Bear Canyon Road.

Authorized the following transfers of funds:

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$12.10 from fund 2440, \$19.75 from fund 2110, \$177.79 from fund 2120, \$129.00 from fund 2180, \$489.40 from fund 2290, \$25.33 from fund 5020, and \$221.33 from fund 2190, to fund 1000 for printing.
2. The sum of \$39.90 from fund 1000 to fund 2180 for copies.
3. The sum of \$1,080.00 from fund 2761 to fund 1000 to correct miscoding.
4. The sums of \$163.08 from fund 2180, \$81.45 from fund 2290, \$15.62 from fund 5020, \$64.27 from fund 2190, \$1.15 from fund 2240, \$2.75 from fund 2440, and \$1.00 from fund 2120, to fund 1000 for supplies.
5. The sum of \$73.30 from fund 2190 to fund 2271 to correct miscodings.
6. The sum of \$512.64 from fund 2310 to fund 1000 to transfer wages.
7. The sums of \$68.85 from fund 1000, \$21.70 from fund 2110, \$3.70 from fund 2276, and \$106.15 from fund 2440, to fund 2190 for copies.
8. The sums of \$125.29 from fund 2160, \$223.31 from fund 1000, \$77.05 from fund 2761, \$3.80 from fund 5020, \$81.55 from fund 2190, and \$855.02 from fund 2140, to fund 2110 for gas.
9. The sums of \$15.90 from fund 2180, \$53.67 from fund 2190, \$197.81 from fund 2110, and \$46.72 from fund 2140, to fund 1000 for gas.

/s/ Ramon S. White

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$5,000.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440310-397 under general class (2) Maintenance and Support.

That the sum of \$1,100.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440320-121 be transferred to account 5020-000-440320-130 under general class (1) Salaries and Wages.

That the sum of \$1,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-121 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

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That the sum of \$1,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-122 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$1,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-123 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$1,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-124 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$1,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440340-125 be transferred to account 5020-000-440340-130 under general class (1) Salaries and Wages.

That the sum of \$450.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-121 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

That the sum of \$450.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-122 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

That the sum of \$450.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440360-122 be transferred to account 5020-000-440360-130 under general class (1) Salaries and Wages.

That the sum of \$450.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440360-123 be transferred to account 5020-000-440360-130 under general class (1) Salaries and Wages.

That the sum of \$250.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440370-381 be transferred to account 5020-000-440370-370 under general class (2) Maintenance and Support.

That the sum of \$525.00 as appropriated under general class (2) Maintenance and Support for account 2310-000-420140-226 be transferred to account 2310-000-420140-110 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Received the following A101's:

#8773 from State Auditor in the amount of \$2,055.33 for reimbursement of the DUI Grant Program to the credit of DUI Fund.

#8775 from State of Montana Dept. of Revenue in the amount of \$287.76 for child support payment to the credit of the General Fund.

Received the following list of new employees:

Teri Burrows, Judge Olson's secretary, \$1,133.00 per month, 8/29/85.  
Daniel Keth, Maintenance, Fairgrounds, \$6.0772/hr., 8/27/85.  
Mary Tollefson, Secretary I, County Attorney's Office, \$5.22/hr., 9/9/85.  
Elizabeth Bulmer, Nurses Aide, Rest Home, \$5.05/hr., 9/3/85.



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Kathleen Lee, Registered Nurse, Rest Home, \$8.52/hr., 9/3/85.  
Robyn Ori, Judge Gary's Court Reporter, \$1,500.00/mo., 9/3/85.  
Delia Tallon, Nurses Aide, Rest Home, \$5.05/hr., 8/20/85.  
Jaye Mathisen, Detention Officer, Sheriff's Dept., \$915.65/mo., 8/24/85.  
Ann Drenk, PHN I, Health Dept., \$9.1533/hr., 9/4/85.  
Robert Naert, Deputy Sheriff, \$1,476.30/mo., 9/12/85.  
Laura Spellman, Nurses Aide, Rest Home, \$5.05/hr., 9/9/85.  
Cecilia Yuhas, Laundry Aide, Rest Home \$4.36/hr., 9/8/85.  
Bonita Jackson, Part Time Cook Sheriff's Dept., \$5.2827/hr., 8/22/85.

September 24, 1985

Wilbur Visser attended the Board of Health meeting.

Received A101 #8777 from Soccer Education Foundation in the amount of \$50.00 for gym rental to the credit of the General Fund.

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Commissioners will hold their semi-annual public meeting in West Yellowstone on September 25, 1985 at 1:30 P.M.

There is a vacancy on the County Fair Board due to the resignation of Tennie Bottomly. The term will expire on December 31, 1986.

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Sam Gianfrancisco, Road Superintendent, opened bids for a Highway Mower for the Road Department as follows:

Western Equipment: \$27,500.00 with trade-in

This was the only bid submitted.

Mr. Gianfrancisco requested that he have a chance to look over the bid and make his recommendation at the meeting today.

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Tom Anacker spoke regarding the adoption of a resolution applying for a block grant for the proposed tech park. Mr. Anacker stated that he had reviewed Appendix F, which is a Statement of Assurances. This is a series of federal laws which would be applicable to this project and would be imposed upon the county.

Wilbur Visser read the following Resolution:

Resolution #603:

WHEREAS, the County of Gallatin is applying to the Montana Department of Commerce for a Community Development Block Grant needed to construct a Technical Park;

WHEREAS, Gallatin County has conducted at least two public hearings as part of the application process to solicit and consider citizens comments on community development needs and proposed activities to respond to them, therefore be it resolved;

That the County of Gallatin agrees to conform with the regulations, statutes, terms and conditions described in the CDBG Statement of Assurances, and

That Wilbur Visser, is authorized to submit this application to the Montana Department of Commerce, on behalf of Gallatin County, to act on behalf of the County and to provide such additional information as may be required.

Jane Jelinski made a motion to adopt Resolution 603, seconded by Ramon White, none voting nay. The motion carried, Commissioners Jelinski and White voting aye, Commissioner Visser abstaining.

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Sam Gianfrancisco, Road Superintendent, recommended that the Commissioners accept the bid of Western Equipment in the amount of \$27,500 for a highway mower. \$30,000 was allocated in the budget.

Ramon White made a motion to award the bid to Western Equipment in the amount of \$27,500, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:50 P.M.

ATTEST:

*Gary D. Pringle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Shelley Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of September 24, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

September 25, 1985

Commissioners met with Jim Spady and various items were discussed regarding the Rest Home operations.

Received A101 #8787 from State of Montana Dept. of Highways in the amount of \$2,811.75 for fees and taxes collected to the credit of various funds.

Commissioners attended the semi-annual meeting in West Yellowstone.

September 26, 1985

Commissioners met with Road and Bridge personnel and Tom Anacker regarding the development of a policy for maintenance, snowplowing and cost sharing on roads.

Commissioners met with Tom Anacker and Gary Pringle regarding the consolidation of the Clerk and Recorder and Surveyor's Office.

Granted permission to hold a raffle to the Bozeman Volleyball Association. This is a non-profit organization.

September 27, 1985

Bridger Canyon Zoning Commission met to decide on the application for a conditional use permit of Lloyd and Lucille Moats and Sohio petroleum company for an oil and gas well and temporary mobile homes. The conditional use permit was granted with 33 conditions attached.

September 30, 1985

Received the following list of cancellations of taxes:

#589	R. S. Foster	Property was condemned by Court	\$121.55
#590	R. S. Foster	Property was condemned by Court	\$114.78
#591	R. S. Foster	Tract condemned	\$118.57
#592	R. S. Foster	Tract condemned	\$115.75
#593	R. S. Foster	Tract condemned	\$109.30
#594	R. S. Foster	Tract condemned	\$112.93
#595	McCrea	Refuse charged in error	\$ 75.00
#596	McCrea	Refuse charged in error	\$1,280.00
#597	McCrea	Refuse charged in error	\$1,280.00
#598	McCrea	Refuse charged in error	\$1,280.00

Commissioners met with Sheriff Ron Cutting regarding a request for gambling license reimbursement by Ralph Bawden.

Commissioners met with Gene Surber regarding temporary help while personnel are on vacation and extended sick leave.

Commissioner Jelinski met with Brad Johnson of the Belgrade Fire Department regarding the hazardous materials program.

Commissioner Jelinski attended the Bozeman Area Chamber of Commerce meeting to discuss the Law Enforcement Academy.

Commissioner White, Representative Sales, Senators Boylan and Eck, Dr. Lacy and Bill Black toured the Four Corners and Gateway area to view the spotted knapweed problems. Also the problems of local governments acquiring liability insurance was brought to their attention.

Commissioners attended the Fair Board meeting. Updating of the Fairgrounds facility and future use study was discussed.

October 1, 1985

Routine business this date.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding proposed changes to the Subdivision Regulations. This was duly noticed in the newspaper as a public hearing. Some of the changes are due to new laws passed by the legislature and some are policies that the Commissioners have been following that they felt needed to be included in the regulations.

Page 3: Bl. Preapplication Plan Required: Prior to the submission of a plat of subdivision, the subdivider shall submit to the Subdivision Review Office a preapplication plan, along with the appropriate fee. The preapplication plan may be a free hand sketch, . . .

Ms. Peck states that there is quite a bit of work that goes into a preapplication plan and at the present time there is no fee. City of Bozeman charges a fee and the proposed fee for the county is the same which would be \$100.00.

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Page 7: 2. Preliminary Plat Supplements  
b (1) . . . contracts for sale, Articles of Incorporation for Homeowners Association.

Drafts or copies of the following documents need to be submitted with the preliminary plat submittal.

1. Covenants and restrictions and Articles of Incorporation for a Homeowners Association, if any.

Ms. Peck states that much of the time the information that makes the Homeowners Association responsible for maintenance of roads and other improvements is put in the articles. This would be a good time for the Commissioners to review this matter, rather than making it a condition of final approval.

Page 7: 2b(4) This section would be completely deleted.

Ms. Peck states that the County Commissioners have previously removed all provisions for improvements agreements.

Page 7: 2b(5) Add the following as (5): Provision for maintenance of all streets (including emergency access), parks, and other required improvements.

This is an addition. Ms. Peck states that this has been required as a condition of developers. This would be better if the developer were aware in advance that this was required.

Renumber the rest of section 2b.

Page 14: B. Final Plat Review  
1. Final Plat Submittal . . . or any extension thereto, and no less than ten (10) days prior to the date the final plat shall be presented to the Governing Body for approval.

This would give the Subdivision Review Officer at least ten days to review final plats.

Page 17. DESIGN STANDARDS. Add new A4. as follows: Revegetation. All areas disturbed during construction shall be reseeded with vegetation types approved by the Gallatin County Weed Control Board.

There is a new law which goes into effect October 1, 1985, which is the Montana County Noxious Weed Management Act which provides that revegetation of rights of way and disturbed areas comes under the jurisdiction of the County Weed Control Board and that they have to approve weed control plans.

This has been a condition that has been imposed on subdivisions and it would be good to let developers know this ahead of time.

Ramon White questioned the expertise of the Weed Control Board as far as recommending revegetation types.

Mary Kay Peck stated that the new legislation require that whoever does the disturbance of the ground must submit to the Weed Control Board a written plan specifying the methods to be used to accomplish revegetation and that plan must describe the time and method of seeding, fertilization practices, recommended plant species, use of weed free seed, and the weed management procedures to be used.

Ramon White suggested that the proposed change read Weed Control Board and County Extension Agent.

Page 18: D. Streets. Add 2(a) as follows: Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, in which case a variance must be approved by the Governing Body.

This has been a policy of the County Commission.

Page 20: Add new 3. Relation to Subdivided Areas. The arrangement of streets shall provide for the continuation of streets between adjacent subdivided properties when such continuation is necessary for the convenient movement of traffic, effective provision of emergency services, and efficient provision of utilities.

Renumber 4 through 8.

This has been a policy of the County Commission.

Page 20. Add new 9. Second or emergency access. To facilitate traffic, the provision of emergency services, and the placement of utility easements, all subdivision with six (6) or more lots shall provide a second means of access. If, in the judgement of the Governing Body, a second dedicated right-of-way cannot be provided for reasons of topography or other physical conditions, an emergency access, built to the standards detailed in Section 7D2, may be approved. A second or emergency access may be required for minor subdivisions if the maximum cul-de-sac length standard is exceeded or if topography or physical conditions so warrant.

Renumber 9 through 14.

This has been a policy of the County Commission.

Page 21: #14. Lot Access . . . to be reviewed by the County Road Office and must be constructed as part of the required improvements. (ADD) or security shall be provided to insure the installation of the lot accesses. Such security shall be in the form of a certified check in the amount equal to one hundred fifty percent (150%) of the estimated cost of the lot accesses as approved by the Road Office, to insure that the work is performed according to the plan and design specifications. All lot accesses shall be installed within three (3) years of the date of final approval, or the security shall be used by the Governing Body to install the incomplete lot accesses. The required

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security shall not be reduced or paid out until all lot accesses are complete. The security shall meet all statutory requirements and shall be satisfactory to the County Attorney as to form and manner of execution.

This requires that the culverts and driveways be put in in a new subdivision. This has come about because in some places in the county subdivisions have not put culverts in and the drainage system doesn't work. There have been some complaints about requiring these lot accesses. It is suggested in this section that it would be possible for a developer to provide security so that they would not all have to be installed right away. This is because the developer does not always know where the homeowner will be installing the driveway.

Page 21: 14a. Add section. Lot Access Standards. The top lot access surface shall be a minimum of fourteen (14) feet wide. Lot accesses shall be built to County Road Standard, except for the minimum width. Access plans shall be a part of the road plans which are submitted for review and approval. Where culverts are necessary, in the opinion of the Road Office, they shall be fifteen (15) inch minimum size, sixteen (16) inch galvanized culvert or approved equivalent.

Ramon White asked if there was anything in the Subdivision Regulations which recognize culvert that is installed in private irrigation easements.

Sam Gianfrancisco stated that this was usually addressed when the drainage plans are brought into the road office and an engineering study is done on the culverts. The Road Office requires that the developer obtain permission from the ditch owners and then an engineering study is done on the ditch. Nothing smaller than what is in the existing ditch is allowed.

Ramon White stated that this policy should be in writing either in the Road Office or in the Subdivision Regulations themselves. He stated that it should be a requirement that the developer obtain written permission from the ditch owner.

Sam Gianfrancisco stated that the Bridge Foreman will usually talk to the ditch owner but it has not been a requirement.

Ramon White states that the Road Office does not have the authority to decide what type of culverts should be used. The private land owner should be involved in this decision.

Mary Kay Peck stated that on page 23, number 3 of the subdivision regulations under drainage easements would be a good place to insert a sentence with regard to permission being granted from the ditch owner to install any necessary culverts.

Page 21. New #16. Protection of Existing Improvements. The subdivider, his contractors, and suppliers shall be jointly and severally responsible that existing improvements are not damaged or rendered less useful by the operation of the subdivider, his contractors, or suppliers. This provision is intended to include damage to existing streets and drainage systems. The Governing Body may instruct the subdivider as to the streets to be used for access by construction equipment, and the subdivider shall be responsible for enforcement of this instruction upon his contractors and their suppliers. The Governing Body may require the subdivider to post a surety to guarantee repair of damages.

Ms. Peck stated that this has been a concern that has been brought up by the public.

Page 26. Section 7. Design Improvements. Add New #5. Pre-Construction Meeting. Prior to beginning construction of any required improvements, the developer or a representative, the developer's engineer, and the contractor who will install the improvements shall meet with representatives of the County Road Office to ensure that improvements will be installed in accordance with approved plans and specifications.

Renumber 5 and 6.

This addition was suggested by the County Road Office. This is to insure that road contractors are given all of the information with regard to county road specifications.

Page 40. Section 7D.12 (ADD) Street Sign Standards. Location of street signs shall be designated on road plans which are submitted for review and approval. All metal road posts shall be two inch schedule 40 galvanized steel. All mounting hardware shall be die cast of No. 380 Alloy with tensile strength of 49,000 psi with excellent resistance to corrosion. The brackets shall be smoothly finished free of holes, pits or flaws. All brackets shall have 2 angled gussets, or ribs on each side for extra strength. All sets of brackets shall be tapped and drilled for 10 each 5/16" zinc Dichromate plated Allen-type set screws having self-locking sawtooth ends. Wooden street signs and posts may be approved by the County Road Office, upon submittal of design, which shall include reflective lettering.

Page 65: D. Fee. 1. Regular Subdivisions. Add Preapplication Plan . . . Fee \$100.00

Page 79: Appendix C. (Retitle) Supplementary Documents.

Page 86: Add new Appendix F as follows:

Appendix F Review of Divisions of Land Consisting Exclusively of Parcels Twenty Acres and Larger

1. Authority. In accordance with Section 76-3-505(2), M.C.A., (1985), the Governing Body shall review all divisions of land consisting exclusively of parcels twenty acres or larger.

2. Scope. The Governing Body's review shall be limited to a written determination that appropriate access and easements are properly divided.

3. Procedure. Divisions of land consisting of parcels twenty acres and larger are submitted to the office of the Gallatin County Clerk and Recorder. The Clerk and Recorder

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shall cause the divisions of land to be reviewed by the designated agent of the Governing Body, being the Gallatin County Subdivision Review Officer. After review to evaluate compliance with the requirements contained in Appendix F, the divisions of land shall be forwarded to the Governing Body. The Governing Body shall approve or disapprove the suitability of access and easements within thirty-five (35) days of receiving application.

The Governing Body's review shall be limited to a written determination that appropriate access and easements are properly provided. The review shall provide either:

- (a) That the access and easements are suitable for the purposes of providing appropriate services to the land; or
- (b) That the access and easements are not suitable for the purpose of providing appropriate services to the land, in which case the county, the school district or districts, and other authorities and districts in which the land is located will not provide services that involve use of the unsuitable access and easements. Such services include:
  - a. fire protection;
  - b. school busing;
  - c. ambulance;
  - d. snow removal; and
  - e. similar services as determined by the Governing Body.

(c) The Governing Body shall deliver a copy of the determination of the review to the County Clerk and Recorder to be reflected on the Certificate of Survey or deed of conveyance of the land that was subject to review. A determination that access and easements are suitable does not commit any unit of local government to provide services.

4. Standards. The Standards for determining that access and easements are suitable shall be those standards contained in the Gallatin County Subdivision Regulations. Such standards shall include, but not be limited to, Section 6 and Section 7 of the Gallatin County Subdivision Regulations. Dedication of roads to the public will not be required to meet these standards.

5. Appeals. The Governing Body may, upon application by a landowner, redetermine the suitability of access and easements. If the Governing Body determines that there has been a material change regarding access or easements and the change provides for suitable access and easements for services, it may determine that such land is now suitable as provided in section 4 and shall deliver a copy of such determination to the County Clerk and Recorder to be reflected on the Certificate of Survey or Deed of Conveyance.

(a) The person submitting the division of land may also submit a written, notarized statement that indicates that the road access and easements will not meet the standards, and that a determination of unsuitability is accepted.

Ms. Peck stated that this is in compliance with new State law, 76-3-505-2 requiring that the county commissioners review all divisions of land that exist exclusively of parcels 20 acres or larger and that they be reviewed for appropriate access.

Gary Pringle stated that for the determination to be reflected upon a certificate of survey there is no problem because the certificate of survey is recorded in the office. He asked with regard to it being reflected on the deed of conveyance what would be done with a deed that describes a 20 acre parcel as an aliquot part that has never been described before. Does the Clerk and Recorder hold the deed for up to 35 days to reflect that?

Tom Anacker stated that it is his opinion that any division of land of 20 acres or larger, however divided, would be covered by this legislation and it would be handled just like a certificate of survey delivered to the Clerk and Recorder's Office. It would be given to the Subdivision Review Officer for the same review.

7.D2 Secondary or Emergency Access Standards

- a. The road to be constructed for emergency access would be built to the same construction standards as those shown on the rural subdivision minimum standards for subdivision roads except the finished width will be fourteen (14) feet and the depth will be nine inches of six inch minus compacted pit run.
- b. All plans shall be submitted to the County Road Office for review and approval.
- c. Provisions for maintenance of the secondary or emergency access shall be included.

The Road Office felt that this would provide access for emergency only, not a dedicated right of way.

Ms. Peck stated that there were two alternatives with regard to the Examining Land Surveyor.

Alternative A. This alternative would abolish the requirement that subdivision plats and certificates of survey be checked by an Examining Land Surveyor.

Delete Section 4.B.3., Review by Examining Land Surveyor.  
Delete Section 7, Examining Land Surveyor, from Appendix B.  
Delete Filing Requirements, Appendix D.

Alternative B. Keep the requirement that plats and certificates of survey be examined, and establish the following fee schedule.

Certificate of Survey.	\$25.00 plus \$5.00 per lot
Minor Subdivision.	\$50.00
Subdivision, 6 to 10 lots.	\$75.00
Subdivision, 11 to 25 lots	\$125.00
Subdivision, above 25 lots.	\$125.00 plus \$4.00 per additional lot above 25

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Wilbur Visser questioned with regard to the new legislation of review for tracts 20 acres or larger, if a person were to sell 160 acres it would have to go through the review process even though they were selling it for agricultural purposes.

Mary Kay Peck stated that this was one of the reasons why the option where a property owner could say that a determination of unsuitability is acceptable. This would circumvent the review process.

Ramon White questioned Tom Anacker with regard to review concerning probate and court ordered divisions of land.

Mr. Anacker replied that these are operations of law which make them exempt from the requirement of this law.

Tom Anacker made the following comments regarding the alternatives for the Examining Land Surveyor.

Alternative A is found in Title 76-3-611. This is a discretionary authority, it is not mandatory that they review plats and certificates of survey.

Mr. Anacker states that there has been some question with regard to the legality of alternative B, charging fees for the services of the Examining Land Surveyor. The Supreme Court has determined that since the statutes do not provide for the review of certificates of survey, the county could not require a fee. An issue was raised on appeal to that case that there had been an amendment to the subdivision regulations and that amendment is now reflected in 76-3-611 which provides for discretionary review by an examining land surveyor. That amendment was not considered in the Supreme Court decision. In 1981, the Supreme Court decided another case on this issue and in that case Madison County was charging a fee for the review by the Examining Land Surveyor on certificates of survey. The Supreme Court found that the charging of a review fee for the review of certificates of survey for the purposes of providing the fee for an Examining Land Surveyor was valid.

The fee schedule developed in alternative B was developed in the Surveyor's Office based on the time it takes to review different sized divisions of land.

Mr. Anacker suggested that the third alternative would be to leave things the way they are presently which is that the Board of County Commissioners requires that the Examining Land Surveyor look at certificates of survey and subdivision plats and review them and that this is paid for by the county.

Ramon White stated that this is a duplication of work which creates an additional cost to the county.

Don Brelsford, County Surveyor, stated that with regard to the changes concerning the Examining Land Surveyor, he does not favor leaving it the way it is presently, and he does not favor alternate A which would be to eliminate the requirement. Mr. Brelsford submitted a detailed listing of the services of the Examining Land Surveyor. Mr. Brelsford favors continuance of the Examining Land Surveyor's responsibilities in order to provide that the standards for accuracy and conformity continue.

Ramon White asked if these fees would cover the complete cost of county review. Mr. Brelsford stated that they would not.

Mike Foley, President of the local chapter of the Montana Association of Registered Land Surveyors, stated that the Association has held a meeting and they approve of the concept of an Examining Land Surveyor, but they do not approve of the concept of fees. Mr. Foley does not feel that there is any problem with continuity or accuracy. All plats are done essentially the same in every county. Mr. Foley stated that insofar as the Subdivision Regulations with regard to the review of parcels 20 acres or larger, paragraph 3B, it states that the county will not provide services and Mr. Foley suggests that possibly that should read "may".

Tom Anacker stated that this was part of the statutory language.

Mr. Foley stated that he is not opposed to abolishing the Examining Land Surveyor's position. He stated that this made his job easier because he did not have to be quite as thorough knowing that his work would be checked. Mr. Foley states that with regard to the fees, it presents a problem with billing his clients. These fees would probably be absorbed by the surveyor.

Ramon White made a motion that the Commission defer their action for two weeks, seconded by Jane Jelinski. It was clarified that this would be scheduled for October 16, 1985. The motion carried, none voting nay.

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Ron Cutting, Gallatin County Sheriff, spoke regarding the refurbishing of the locker room at the Law and Justice Center. The Deputy Sheriff's Association has prepared a proposal regarding the need for lockers and other items to bring the locker room up to the standard that is needed for use. The cost projections are included in the proposal.

Jane Jelinski read the proposal as follows:

Dear Sheriff:

As per our agreement the following information is provided to the Sheriff for presentation to the County Commissioners on the renovation of the locker rooms at the Law and Justice Center.

There is alot of work that needs to be done in the locker rooms and the Deputy Sheriff's Association has volunteered to do the labor if the following items can be provided for the renovation.

Lockers. 48 lockers are needed @ \$80.05 each, shipping at \$727.43, totalling \$4,569.83.

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Paint approximately 10 gallons will be needed @\$14.95 per gallon, total \$149.50.

The floors in both locker rooms are in need of repair and renovation. The following are estimates from Pierce Flooring on both locker rooms. The main room is estimated at \$2,600.00 and the other room at \$2,415.00.

We hope this will be the information that the administration needs to make a decision with regard to the locker rooms. If any other information is needed please do not hesitate to contact the Association.

Thank you for your time and consideration in this matter. The Association will be willing to provide any other information requested.

/s/ Michael J. Rand  
President, Deputy Sheriff's Association of Gallatin County.

Ron Cutting stated that this was something that was originally negotiated for in the Deputy Sheriff's agreement. Sheriff Cutting states that the locker room facilities are needed by the deputies for the storage of their equipment.

Ramon White asked if the public would have access to the locker room.

Ron Cutting stated that at the time of the proposal, it was proposed that it would be for the use of anybody within the building. He is not sure if this is still the case.

Jane Jelinski states that there is no question that the facility is needed; however, the timing is unfortunate in that the budget has just been adopted. She questioned where the funds would come from.

Mike Rand, President of the Deputy Sheriffs Association, stated that Ken Mosby had indicated to him that there were funds available that were not specifically earmarked for this project.

Tom Anacker asked if there would be a problem with making the locker room available to the public and if there would be security concerns involved with this.

Mike Rand states that it is his understanding that the locker room would have to be available for all of the employees that work at the Law and Justice Center. The equipment that is issued to the deputies does not fit in the present lockers.

Commissioners will examine the facility and determine what funds are available before a decision will be made.

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Jeff Ball, a county representative of the Pedestrian Traffic Safety Committee, made a request for funds to be used to send letters to the people represented by the Committee. The committee is requesting \$400.00 which will primarily be used for secretarial time in sending information to the entities represented by the committee.

Wilbur Visser asked what benefits are derived from this committee.

Mr. Ball states that the committee has two members which represent county residents and any problems with pedestrian or traffic safety issues of county residents are addressed. Mr. Ball states that there has been some discussion amongst the committee of whether they were actually needed and if the Commissioners felt it was not needed they would dissolve. The committee meets once a month.

Jane Jelinski suggested that perhaps a member of the committee could take the minutes without having to pay them for that service.

Mr. Ball states that funds have been requested from the City of Bozeman. The school district provides paper and the copying costs. The committee was originally formed with funds from a block grant. Mr. Ball states that there is citizen input at the meetings and that real concerns are brought up.

Jane Jelinski suggested that the committee submit an itemized, specific request to the county detailing where the monies will be spent.

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There being no further business, the meeting adjourned at 3:20 P.M.

ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 8th DAY OF OCTOBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of October 1, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

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Commissioners' public meeting will be held on Wednesday, October 16, 1985. Commissioners will be in Whitehall on Tuesday, October 15, 1985 attending the MACo District meeting.

October 2, 1985

Commissioners met with County Surveyor Don Brelsford.

Commissioners met with Ron Nadwornick and Don McAndree of the Soil Conservation Service, and Mary Kay Peck, Subdivision Review Officer. The land evaluation and site assessment system was explained.

Commissioners met with Randy Thoreson and discussed the Shyne Minor Subdivision.

Received report from the Clerk and Recorder for fees collected in the month of September in the amount of \$13,108.50.

Received the following A101's:

#8833 from Security Bank of Bozeman for interest earned on CDs in the amount of \$4,979.11 to the credit of various funds.

#8841 from First Bank Bozeman for interest earned on CDs in the amount of \$5,575.74 to the credit of various funds.

#8840 from First Bank of Bozeman for interest earned on CDs in the amount of \$2,930.13 to the credit of various funds.

#8838 from Montana Bank of Bozeman for interest earned on CDs in the amount of \$3,417.12 to the credit of various funds.

#8832 from First Security Bank of Bozeman for interest earned on CDs in the amount of \$4,427.04 to the credit of various funds.

#8837 from Montana Bank of Bozeman for interest earned on CDs in the amount of \$2,570.54 to the credit of various funds.

#8843 from U.S. Treasury for PILT payment in the amount of \$450,206.00 to the credit of PILT funds.

October 3, 1985

Commissioners met with Dr. King and Jackie Stonnell and discussed health department programs.

Commissioners held a special meeting at 2:00 P.M. to open bids for the Detention Center remodeling. Three bids were received and the bid was awarded to Willo Products of Decatur, Alabama as the low bidder. Gallatin Construction was awarded the bid on project B.

Commissioners met with Jim Spady and Karen Kuster of the Rest Home to discuss budgets and general operation.

Received the following A101's:

#8855 from City of Bozeman in the amount of \$50.00 for rental of the Law and Justice gym to the credit of General Fund.

#8868 from Monte Beck in the amount of \$11.00 for copies to the credit of the General Fund.

October 4, 1985

Commissioners Visser and White and Sam Gianfrancisco, Road Superintendent, toured the Brackett Creek Road project.

Commissioners, County Assessor Arletta Derleth, Clerk and Recorder Gary Pringle, Pete Lineberger and Mike Williams met and discussed tax problem with timber tax that is delinquent.

Commissioners, Arletta Derleth, Gary Pringle discussed methods of putting personal property improvements delinquent tax on real property tax bills.

Commissioners met with Mike Salvagni and approved a new phone system for the County Attorney's Office.

October 7, 1985

Commissioners met with Justice of the Peace Butch Goan and approved a new phone system for his office.

Approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$150.00 as appropriated under general class (2) Maintenance and Support for account 2170-000-430300-370 be transferred to account 2170-000-430300-510 under



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general class (2) Maintenance and Support.

That the sum of \$2,000.00 as appropriated under general class (2) Maintenance and Support for account 8040-000-430800-360 be transferred to account 8040-000-430800-920 under general class (3) Capital Outlay.

That the sum of \$132.50 as appropriated under general class (2) Maintenance and Support for account 8040-000-430800-220 be transferred to account 8040-000-430800-920 under general class (3) Capital Outlay.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 7th DAY OF OCTOBER, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

October 8, 1985

Commissioners met with Road Department personnel and County Surveyor Don Brelsford and discussed computer management in the Road Office and how it will tie to our main frame system.

Received the following notice of cancellation of taxes:

#599 Clarence Keley \$285.87 Double assessment

Received the following Al01's:

#8876 from State of Montana Dept. of Institutions in the amount of \$7,494.00 for earmarked alcohol tax payment to the credit of Alcohol Fund.

#8880 from State of Montana Dept. of Revenue in the amount of \$419.87 for distribution of wine tax to the credit of General Fund.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Merle and Deborah Adams have claimed two uses of the family exemption. Mr. and Mrs. Adams would like to give each of their sons a 3.502 acre tract. Mr. and Mrs. Adams have not previously conveyed a tract to either of their sons. The appropriate deeds have been submitted.

The Commissioners may want to consider the prior history of the tract when making their determination in accordance with appendix E of the Gallatin County Subdivision Regulations. This tract was originally part of a 20.004 acre parcel created by George Cooper and shown on COS 876. In 1980, Mr. Adams and his business partner divided the parcel into a 15.004 acre tract and a 5.00 acre tract. The occasional sale exemption was used for this land division and is shown on COS 876A. The 15.004 acre tract is now proposed for division through the use of the family exemption.

The Commissioners have a copy of COS 876A with the two family sales shown on it.

After considering the above information and any public testimony that may be given, the Commissioners need to determine if this is a proper use of the exemption.

Mike Foley the surveyor of the parcel, stated that the tract is located near the gravel pit on Thorpe Road and that there is an existing road accessing all three tracts.

Ramon White asked why a minor subdivision was not done instead of a Certificate of Survey.

Mike Foley stated that there is no way to get proper access into the tract as far as dedicated roads. The main access is easement rather than dedication.

Merle Adams, the owner of record, stated that the road is also used by an adjacent property owner. There is also a power line easement down the road.

Jane Jelinski expressed a concern that it looks like a subdivision that has not been reviewed and that it has inadequate access.

Tom Anacker stated that with the review of exemptions, the criteria does not include review of the access, although one of the factors that can be considered is configuration and prior history. The exemption allows the owner to use the family exemption to give a division of land to each member of his family that qualifies.

Jane Jelinski stated that it appeared to be an appropriate use of the subdivision regulations. Jane Jelinski made a motion to approve the family sale exemption to Merle and Deborah Adams, seconded by Wilbur Visser, Commissioners Visser and Jelinski voting aye, Commissioner White voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for extension of preliminary plat approval for Scottish Acres Subdivision. Sanderson, Stewart and Gaston has applied for a one year extension. The Commissioners granted preliminary approval to the subdivision on October 23, 1984. Extension of approval is allowable under the Subdivision Regulations.

Ms. Peck states that the developer has been working to meet the conditions. The developer

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has installed all of the improvements and the Dept. of Health certificate has been granted. The developer has not been able to arrange financing nor has he been able to obtain the necessary legal documents to meet the conditions for approval. It does appear that the developer has been making an effort to meet the conditions that were imposed on him.

Jill Stevens, a property owner on the west boundary of the proposed subdivision, stated that she did not feel that Mr. Kelly has done anything with regard to meeting the conditions for final approval. Mrs. Stevens states that Mr. Kelly has not spoken with the adjacent property owners with regard to the termination of the road easement on the west boundary. Mr. Kelly has erected a mobile home on the property which is not on mortar block or concrete foundation. Mrs. Stevens states that there are also families living on the property in old, rusted mobile homes. Mrs. Stevens states that this is in violation of the conditions imposed by the Commission.

Ms. Peck reviewed the conditions for Mr. White's benefit because he was not on the Board when preliminary approval was granted. The condition with regard to the termination of the road easement has not been taken care of. Ms. Peck states that until the property is subdivided, Mr. Kelly has the right to erect any kind of structure he wishes. Ms. Peck points out that the covenants contain a provision that all dwelling units shall be built on mortar block or concrete foundations and that the covenants are not in effect until the property is subdivided.

Dave Stevens states that he has an interest in the 30 foot easement on the west side and has not been contacted by Mr. Kelly. Mr. Stevens states that the easement is currently being used for access to the trailer on the property. Mr. Stevens states that he will not relinquish his right to the easement.

Dennis Foreman, the surveyor for the project, stated that with regard to the rusty mobile home, it is not contained within the proposed subdivision. With regard to the 30 foot easement, this has been turned over to a title company and an attorney and they are now investigating this problem with regard to who has the legal interest in the easement and who the property owners are who will need to be contacted. All of the road improvements have been put in and inspected by the Road Superintendent and approved by him. Mr. Foreman states that the condition with regard to relocating the irrigation ditch has been taken care of. The condition has been met.

Ramon White made a motion to grant a one year extension of preliminary plat approval for Scottish Acres Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski read the following resolution:

WHEREAS, Section 7-4-2305, MCA, provides that a board of county commissioners may initiate the process for the consolidation of county offices by passing a resolution of intent of the board to consider consolidation; and

WHEREAS, the Board of County Commissioners of Gallatin County desires to initiate the procedures to consider the consolidation of the Gallatin County Surveyor's Office with another county office as named in Section 7-4-2203, MCA, which includes:

- a. County attorney
- b. Clerk of the district court
- c. County clerk
- d. Sheriff
- e. Treasurer
- f. Auditor
- g. County superintendent of schools
- h. Assessor
- i. Coroner
- j. Public administrator

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby state their intention to consider the consolidation of the Office of Gallatin County Surveyor with another county office as named in Section 7-4-2203, MCA, which includes:

- a. County attorney
- b. Clerk of the district court
- c. County clerk
- d. Sheriff
- e. Treasurer
- f. Auditor
- g. County superintendent of schools
- h. Assessor
- i. Coroner
- j. Public administrator

That the procedures to be followed in the consideration of the consolidation are set forth in Section 7-4-2203, et seq., MCA.

Tom Anacker stated that the resolution of intent begins the process for public comment. The Commissioners are required to set a date for a public hearing on this resolution of intent.

Jane Jelinski stated that for years and years Gallatin County did not have a County Surveyor and the county did not seem to suffer from the lack of having someone occupy the position.

Ramon White stated that the legislature has made it possible to consolidate this office with another office that does not hold the engineering designation. Mr. White states that this office has been spasmodically filled and the county has not suffered as a result.

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Jane Jelinski made a motion to adopt the Resolution of Intent No. 604 to consider consolidating the Surveyor's Office, seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion to set the public hearing for the proposed consolidation for October 23, 1985 at 1:30 P.M. at the regularly scheduled public meeting of the Commission, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser stated that the Commission had received a petition requesting annexation into the Bridger Canyon Rural Fire District. The land description is as follows: 40 acres, all of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 1, T2S, R6E, MPM. This request for annexation has been approved by the trustees of the Bridger Canyon Rural Fire District. The petition has been certified by the Clerk and Recorder.

Ramon White made a motion to accept the petition and set the date for public hearing on November 5, 1985, seconded by Jane Jelinski, none voting nay. The motion carried.

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Ramon White made a motion to reappoint Gary Evje to a three year term on the West Yellowstone TV District Board, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski made a motion to appoint Sherman Veltkamp to the County Fair Board for what is left of Tennie Bottomly's term, seconded by Ramon White, none voting nay. The motion carried.

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Ramon White made a motion to appoint Ken Gooding to the West Yellowstone/Hebgen Basin Solid Waste District to complete the term of Mike Kowalske, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:45 P.M.

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ATTEST:

*Gary H. Pringle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING WEDNESDAY, THE 16th DAY OF OCTOBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of October 8, 1985 as written, seconded by Ramon S. White, none voting nay. The motion carried.

ANNOUNCEMENTS

Wilbur Visser announced that next week's public meeting will be held on Wednesday, October 23, 1985. The Commissioners will be in Whitehall on Tuesday attending the Weed District meeting.

October 9, 1985

Commissioners met with Mary Ann Kelly and discussed Sohio's drilling plan.

Commissioners met with Treasurer Loy Carroll, Clerk and Recorder Gary Pringle, Assessor Arletta Derleth and Systems Analyst Peaches Sappington and discussed methods of including delinquent personal property improvements taxes on real estate tax notices.

Commissioners toured the Law and Justice building.

Authorized the following transfers of funds:

Loy Carroll  
 County Treasurer

You are hereby authorized to make the following transfers:

1. The sum of \$525.00 from fund 2310 to fund 1000 for salaries.
2. The sums of \$2.05 from fund 2190 and \$3.55 from fund 2240, to fund 1000 for copies.
3. The sums of \$514.63 from fund 2180, \$211.55 from fund 2290, \$10.16 from fund 2415, \$160.56 from fund 2190, \$13.70 from fund 2276, \$12.22 from fund 5020, \$9.71 from fund 2110, \$63.00 from fund 2140, \$115.60 from fund 2120, & \$4.60 from fund 2440, to fund 1000 for supplies.
4. The sums of \$35.70 from fund 2110, \$61.00 from fund 2120, \$61.22 from fund 2140, \$141.77 from fund 2180, \$191.19 from fund 2290, \$310.30 from fund 5020, \$133.84 from fund 2190, \$31.77 from fund 2282, \$6.72 from fund 2273, & \$2.52 from fund 2440, to fund 1000 for printing.
5. The sum of \$39.40 from fund 1000 to fund 2180 for copies.
6. The sum of \$102.50 from fund 1000, \$5.55 from fund 2110, \$9.20 from fund 2276, \$79.00 from fund 2440, & \$.10 from fund 2160, to fund 2190 for copies.

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&. The sums of \$.55 from fund 2190 & \$6.60 from fund 2440, to fund 1000 for copies.

/s/ Wilbur Visser

Received the following A101's:

#8881 from Motor Vehicle Dept. for title fees and fines collected in the amount of \$1,690.00 to the credit of various funds.

#8906 from U.S. Treasury for Revenue Sharing in the amount of \$148,906.00 to the credit of Revenue Sharing.

Commissioner Jelinski met with the Strategic Planning Committee for Certified Cities program.

October 10, 1985

Commissioner Visser met with representatives of Capital Industries of Seattle, Washington and received literature and pricing for bearproof garbage dumpsters. He also viewed a sample of a four yard container.

Commissioner Visser and Ken Mosby attended a computer seminar and received information regarding a computer system that would be compatible with the Rest Home operation.

Commissioner Jelinski gave the welcome address to the State Conference on Developmental Disabilities.

Received A101 #8914 from Cigna Insurance Co. in the amount of \$41,000.00 for settlement of claim for the Penwell Bridge to the credit of Bridge Fund.

Commissioners Visser and Jelinski attended the Interagency breakfast.

October 11, 1985

Commissioners Jelinski and Visser met with Carter Williams, Jim Cummings of Thomas, Dean and Hoskins and Sam Gianfrancisco, Road Superintendent and reviewed the proposed subdivision plan for property on Sourdough Road. Paving of Goldenstein Lane was also discussed.

Received the following A101's:

#8930 from Monforton School in the amount of \$50.00 for annual gym rental fee to the credit of the General fund.

#8929 from Doug McWilliams in the amount of \$12.00 for gym rental to the credit of the General Fund.

Commissioners attended the 4H Banquet this evening.

October 13, 1985

COLUMBUS DAY - LEGAL HOLIDAY

October 14, 1985

Commissioners Visser and White attended the MACo District meeting in Whitehall.

Commissioner Jelinski attended the certified cities task force meeting.

Commissioner Jelinski met with Gary Pringle regarding tax deeds.

October 15, 1985

Commissioners granted Mr. and Mrs. Stredwick permission to redeem their property that was taken for tax deed due to non payment of taxes.

Commissioners Jelinski and Visser attended the City-County Coop meeting.

Commissioners had lunch at the Rest Home.

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Mary Kay Peck, Subdivision Review Officer, reviewed the proposed changes to the Subdivision Regulations.

Don Brelsford, County Surveyor, entered the following memo into the record:

Land developers should be charged a fee for the services of an Examining Land Surveyor, particularly if they come from the office of the County Engineer-Surveyor. Up to this time, this service has been provided by the County Surveyor's Office at no cost to land developers.

The public value and benefit of the Examining Land Surveyor is the review and checking for errors and omissions and to finally verify that the subdivision plats and certificates of survey are accurate and in full conformity to the continuing public records on land properties throughout Gallatin County.

The detailed effort of reviewing, checking and noticing any errors and omissions on submitted plats and certificates is currently done in my office by Norm Stone, Assistant County Surveyor. In this activity, he is under the direction and certification of a Duly Appointed Examining Land Surveyor in Gallatin County; currently either Ron Allen of Allen and Associates or Dennis Foreman of Sanderson, Stewart and Gaston, both of Bozeman, Montana. When errors are finally corrected and verified to the required accurate status, either Allen or Foreman will sign, seal and thereby certify on the original mylars that they are correct for filing in the public record of Gallatin County.

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The proposed fee schedule, to be charged for Examining Land Surveyor services of my office, would be adequate to pay for the time and materials needed in the detailed review, checking and verifying as well as the fees that would be finally paid to the Duly Appointed Examining Land Surveyor for the signing, sealing and certifying services provided.

In the last four months there have been 7 new subdivisions plats, 7 amended subdivision plats and 46 certificates of survey submitted to my office for certification by the Duly Appointed Examining Land Surveyor. It was found that, on the average, 86% of new subdivisions, 29% of amended subdivisions and 33% of certificates of survey had errors. These were all subsequently corrected, verified and certified to be accurate and correct for filing in the County public record.

The elimination of the Examining Land Surveyor requirement in the County Subdivision Regulations would certainly be detrimental to the quality and accuracy of the public record. The negative effects that would undoubtedly result would become quickly apparent because of the extensive land development that is continuing throughout the County.

/s/ Donald L. Brelsford

Dennis Foreman spoke in support of Mr. Brelsford's memo. Mr. Foreman states that he would be willing to continue in his capacity as Examining Land Surveyor until something permanent could be resolved.

Jane Jelinski asked Mr. Foreman how substantial the errors that Mr. Brelsford speaks of in his memo are.

Mr. Foreman states that much of the errors are lot areas, reverse bearings, distances, drafting errors. Mr. Foreman states that Mr. Stone catches many of these errors and it saves the public a lot of time and money if they are caught prior to them going of record. Mr. Foreman states that the proposed fees would be adequate for checking of the plats under the present system.

Ramon White questioned why there were so many errors. He did not think it was reasonable for professional people to make so many mistakes.

Mr. Foreman states that the errors were being made in the drafting, not on the ground. Mr. Foreman states that his objective is to turn in a perfect plat, regardless of what county he files them in.

Ramon White stated that he felt it was a waste of taxpayer's money to have the county go to the expense of reviewing professional work. He does not feel that the fees will cover the cost of doing the work.

Jane Jelinski stated that the testimony she has heard leads her to believe that the fees will cover the cost of checking the plats. She feels that the cost of a lawsuit incurred as a result of a surveying error will be more substantial than the cost of having a surveyor check plats. She feels it is important for the county to maintain accurate records. Mrs. Jelinski states that she would support alternative B. She also agrees with the other proposed changes to the regulations.

Ramon White made a motion to approve the subdivision regulation amendments as submitted by staff including the additional amendments dated October 16, 1985 with alternative A which is the abolishment of the requirement that subdivision plats and certificates of survey be checked by an Examining Land Surveyor.

Jane Jelinski suggested that this be done in two motions.

Ramon White made a motion to approve the subdivision regulations as submitted by the staff including the amendments dated October 16, 1985 and October 1, 1985, seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White made a motion that under the portion of the Subdivision Regulations concerning alternate A and alternate B, Examining Land Surveyor, that alternate A be accepted which is to abolish the requirement that subdivision plats and certificates of survey be checked by an Examining Land Surveyor, deleting section 4b3, section 7, delete filing requirements in appendix D, seconded by Wilbur Visser, Commissioners Visser and White voting aye, Commissioner Jelinski voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey. Elwin L. Kundert has claimed the use of the occasional sale exemption.

The Gallatin County Subdivision Regulations and an Attorney General's Opinion (40 A.G. Op. 16) provide that the governing body shall evaluate all relevant circumstances in assessing the intent of the person claiming the exemption. These circumstances may include the prior history of the tract in question and the proposed configuration of the tract if the proposed exempt transactions are completed.

Ms. Peck displayed certificates of survey 1119, 1119A and the proposed certificate submitted to the Commission. The history of this tract and the adjacent tracts includes a prior occasional sale and four transfers to family members. In June of 1983, Mr. Kundert and his sister divided the family ranch between themselves. At that time, COS 1119 was filed, and Mr. Kundert claimed the occasional sale exemption to transfer tract 5 to his sister and the family exemption to transfer tract 3 to his daughter, Kaye. In September of 1983, COS 1119A was filed and Mr. Kundert claimed the family exemption to transfer tract 4A to his daughter Jeanette, tract 4B to his wife, and tract 4C to his daughter, Marilyn. Tract 4B has since been transferred out of the family. Tract 4D, a 20.666 acre parcel, was retained.

Mr. Kundert has now claimed the occasional sale exemption to divide Tract 4D, and create a 14.683 acre parcel. The remaining portion of tract 4D would thus be a 5.983 acre tract.

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If approved, a total of seven unreviewed parcels will have been created from the original tract. After considering the above facts and any public testimony that may be given, the Commission needs to determine if this is a proper use of the exemption. Cottonwood Canyon Road would separate the two proposed lots. They are naturally separated by the road and are under one ownership presently.

Elwin Kundert stated that if he were to sell the lots, it would be nice to have two separate tracts left. It is too small to keep as part of the ranch and he would like to have it in two parcels since the road divides them through the middle.

Jane Jelinski asked Mr. Kundert why he did not go through subdivision review to divide the tract.

Mr. Kundert states that after his mother died, he gave a parcel to each of his children because this is what his mother wanted. He states that he had not planned on subdividing the land, he was more interested in giving it to his children. However, the land that is left would be hard to do anything with as far as the farm operation. Mr. Kundert states that he does not plan to further subdivide the 15 acre tract; however, Mr. Kundert states that with the way the farm economy is now he may be required to sell it.

Jane Jelinski stated that it may be to Mr. Kundert's advantage to go through subdivision review in the event that he wishes to divide off this parcel.

Ramon White clarified that there is one tract with a county road intersecting it and they are requesting that two tracts be created, one on each side of the road.

Jane Jelinski stated that it seemed reasonable because of the road; however, the subdivision regulations under exemptions state that, "The Governing Body shall declare a proposed subdivision of land as an occasional sale to be an evasion of the Act if it is determined that one or more of the following conditions exist: b. A parcel contiguous to the parcel to be transferred has been previously transferred by the same transferrer as an occasional sale." Ms. Jelinski felt that this described the situation of Mr. Kundert.

Wilbur Visser stated that on the west side of the tracts there is steep terrain that is not a buildable area. Mr. Kundert confirmed this.

Ramon White made a motion to grant the exemption for Elwin Kundert, seconded by Jane Jelinski, Commissioners Visser and White voting aye, Commissioner Jelinski abstaining. The motion carried.

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Joe Baker, Belgrade City-County Planner, spoke regarding a request for summary review approval of Shyne Minor Subdivision. Mr. Baker presented his staff report to the Commission. This is a five lot minor subdivision of Tract 1-Lot B of Cameron Bridge Properties. It is located approximately three miles southwest of Belgrade on Cameron Bridge Road. Mr. Baker also submitted minutes of the Planning Board meeting along with their recommendation for approval, copies of the letter sent to adjoining property owners, proposed covenants for the subdivision, and a plat map.

As proposed, the subdivision entails dividing lot B of Tract 1 into five lots ranging from 1.7 to 1.9 acres in size. An existing 40' easement along the western boundary of the tract has been enlarged to a 60' dedicated right of way with a temporary cul-de-sac. Access to the five lot is via Sunrise Way, directly off Eden Road. Because Cameron Bridge Road is a road by use, the developer is proposing to dedicate that portion of the road to the county. Overall plat design appears to be in order. Utility easements are shown on the plat. There is an irrigation ditch for which a ditch easement has been recommended. There is no wildlife or vegetative habitats that would be disturbed by this subdivision. The area is currently being used for grain production. No slope or surface water problems were noted; however, the Dept. of Health will review the subdivision. It is recommended that cash-in-lieu for park dedication certificate be added to the plat.

With regard to the covenants the subdivision will allow rural residential and agricultural residential land use. It is recommended that single-family residential structures be inserted into the covenants to prevent multi-family developments. There is a statement requiring all lot areas be kept free of noxious weeds. Maintenance of the interior roads by the homeowners association is also needed. A review of the covenants by the County Attorney's Office is recommended.

Although not required by the Belgrade Subdivision Regulations, notification of adjoining property owners has been done. Public hearing is also not required.

Basis of need is difficult to answer. The developer is confident that a rural residential subdivision of this size and character is warranted. In terms of effect on agriculture there is a concern that this subdivision is found on a tract which has been used for grain production. It is debatable whether this small tract is a viable agricultural land unit.

Mr. Baker states that this subdivision did come before the Planning Board and some citizens did express concern about the character of the area turning into a residential, urban environment.

The Planning Board recommends approval of the subdivision with the following conditions:

1. That lots 1 and 2 have access off of Sunrise Way and not Cameron Bridge Road. This is to be stated on the Final Plat.
2. That 30' be dedicated to the County on Cameron Bridge Road and be reflected on the Final Plat.
3. That plans for roads, drainage, culverts, and placement of street signs be approved by the County Road Office prior to the installation of the improvements and be accomplished prior to final plat approval. Roads shall be built to county standards.

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4. That a \$35.00 per lot fee be paid to the Belgrade Fire district to cover fire protection until lots are built upon.
5. That a cash-in-lieu of parks certificate be added to the plat.
6. That all necessary easements be shown on the final plat including utility and ditch easements.
7. That the covenants/homeowners association be reviewed by the County Attorneys Office prior to final plat approval. That statements regarding single family structures as well as covering control of noxious weeds and maintenance of interior roads be included.
8. That the Final Plat conform to uniform standards and be accompanied by the necessary certificates and attachments including a certificate of approval from the Montana Dept. of Health and Environmental Sciences.

Jane Jelinski questioned where the floodplain area was in relation to the subdivision and the main access road. Randy Thoreson stated that there was a problem with flooding to the southwest and southeast. The flooding does cross Cameron Bridge Road. Mr. Thoreson stated that he did not make a review of this when preparing his staff report. Mr. Thoreson states that there is another way out of the area and he does not believe the flooding would directly threaten those homes.

Charlyn Alberda, a property owner to the east of the proposed subdivision, stated that she objected to the subdivision on the basis that each of the property owners in the area bought their tracts of land with the idea that this was a rural residential area. Mrs. Alberda also cited the problem with spreading of weeds should the lots remain vacant. Mrs. Alberda also stated that Cameron Bridge Road is a bad road and there will be an increase in vehicles and traffic. She also cited the problems with flooding of the road.

Michaela Shyne, the developer, stated that she has owned the lot since 1974 and has had it on the market for four years, unable to sell it. Mrs. Shyne states that she intends to take care of weeds on the lots. Mrs. Shyne pointed out additional access should Cameron Bridge Road be flooded.

Ramon White stated that his biggest concern is the weed problem.

Jane Jelinski stated that she would like to see it kept in agriculture and she does not like to put any more building on the road; however, the weed problem is addressed in the conditions and can be enforced. She does not feel that the Commission has any legal basis to deny the subdivision.

Ramon White made a motion to approve summary review of Shyne Minor Subdivision with the staff conditions, seconded by Jane Jelinski, none voting nay. The motion carried.

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Marcia Elkins, Assistant Planner, Bozeman City-County Planning Board, spoke regarding a request for summary review approval for Staker Minor Subdivision. Ms. Elkins submitted her staff report as follows:

The property is described as being on the northeast corner of the intersection of South 19th Avenue and Patterson Road. The applicant is proposing to create a three lot minor subdivision with areas of 16.360, 10.00, and 10.00 acres. Lot 1 would access onto South 19th, lot 2 onto both South 19th and Patterson Road, and lot 3 onto Patterson Road only.

The Master Plan Land Use Plan designates the property as agricultural-vacant. The proposed subdivision would not be in compliance with the Master Plan; however, it would comply with the existing zoning, AS-10.

The applicant has requested a waiver of parkland requirements pursuant to Section 76-3-607 (3)A MCA, 1983. The Montana Subdivision and Platting Act allows that the local governing body may waive dedication and cash donation requirements where all of the parcels in a subdivision are five acres or more in size and where the subdivider enters a covenant to run with the land and revocable only by mutual consent of the governing body and the property owner that the parcels in the subdivision will never be subdivided into parcels of less than five acres, and that all parcels in the subdivision will be used for single family dwellings. The language in the statute appears to leave the decision to the local governing body. The required dedication would amount to 3.03 acres of parkland, and, because the applicant is seeking minor preliminary plat approval, would require a cash-in-lieu payment. The County Commission should determine the appropriateness of the requested waiver.

Payment of a \$35.00 per lot fee to the Sourdough Volunteer Fire Department should be required.

The County Engineer has raised some questions with regard to the location of power and telephone lines in the vicinity. All appropriate utility easements should be shown on the final plat. Dept. of Health and Environmental Sciences approval is also required prior to final plat approval.

The Certificate of Dedication statement on the plat has noted that the north one half of Patterson Road right of way would be dedicated to the public; however, no provisions have been provided for maintenance. A Homeowners Association should be identified. Approach permits should be obtained prior to final plat approval.

#### Public Interest Criteria

**Basis of Need.** The Planning Board has identified an excess of lots in the area. It has been noted that there has been a marked increase in new home construction in the area.

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No significant impacts on agriculture are noted. No public comment has been received. No significant impacts on taxation, local services, natural environment, wildlife and wildlife habitat, and public health and safety are noted.

The Planning Staff recommends approval of the Preliminary Plat with the following conditions:

1. The County Commission shall determine the appropriateness of the parkland waiver. Should the County Commission determine that it is inappropriate to waive the parkland, the applicant shall provide the necessary cash-in-lieu payment and the appropriate certificate shall be provided on the face of the plat.
2. The \$35.00 per lot fee shall be paid to the Sourdough Volunteer Fire Department prior to Final Plat approval.
3. All appropriate utility easements shall be identified on the Final Plat.
4. Montana Dept. of Health and Environmental Sciences approval of the subdivision must be obtained prior to final plat approval.
5. The County Attorney's staff shall review and approve the language of the Certificate of Dedication prior to final plat approval. The language in the Certificates of Surveyor and County Commission shall reflect the language identified in Chapter 16.40 of the Bozeman Area Subdivision Regulations. A Certificate of Public Service Director will be provided on the final plat and the typographical error appearing in the Certificate of Planning Director shall be corrected.
6. The parcels will be identified as lots on the final plat.
7. Appropriate measures shall be provided for maintaining all roads located within the subdivision. Approach permits for each of the lots shall be obtained prior to final plat approval.

The 35 day review period expires on October 22, 1985.

There was some discussion with regard to waiving the cash-in-lieu requirement for parkland dedication.

Jane Jelinski stated that at some time there would have to be a park developed in the area. Looking at the future park needs in that area, it would be in the best interest of the public to require payment of cash-in-lieu.

Ramon White states that with 10 acre tracts it is obvious that they have their own park; however, they may wish to use a park in the area.

Mike Foley, representing the developer, stated that the cash donation in lieu of parkland dedication seems excessive. With regard to condition no. 7, no culverts will be required as there is no drainage along the road. He also has a problem with the requirement that approach permits be obtained.

The cash in lieu payment would be the assessed value of one-twelfth of the park land to be dedicated. In this case it would involve three acres.

Jane Jelinski made a motion to approve the summary review for Staker Minor Subdivision with the first condition requiring cash-in-lieu payment and conditions 2 through 6 remaining the same as recommended by staff, deleting condition 7 requiring an approach permit and inserting that lot 2 shall not build an access onto South Nineteenth, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:20 P.M.

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ATTEST:

*Gary A. Dangle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING WEDNESDAY, THE 23rd DAY OF OCTOBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of October 16, 1985 as written, seconded by Ramon S. White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

October 17, 1985

Commissioners met with Rest Home Administrator Jim Spady.

Commissioner Jelinski attended the Policy Coordinating Committee meeting.

Commissioner Visser attended the Audit Committee meeting.

Received the following A101's:

#8954 from Justice of the Peace B. J. Hultz for receipts for the month of September in the amount of \$735.00 to the credit of various funds.



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#8955 from Rocky Mountain Health Clinic in the amount of \$18.00 for gym rental to the credit of the General Fund.

#8957 from Montana Bank and First Security Bank in the amount of \$32,090.16 for interest earned on repurchase and other accounts to the credit of various funds.

Approved the following cancellations of taxes:

#600 Delbert Kamps \$20.33 cancelled by order of the Commissioners, removed from property  
October 18, 1985

Commissioners and Road Superintendent Sam Gianfrancisco inspected roads.

Received A101 #8972 from Anderson School for gym rental in the amount of \$50.00 to the credit of the General Fund.

Approved the following transfers of funds:

WHEREAS, Section 7-6-2325 Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-345 be transferred to account 1000-254-420600-362 under general class (2) Maintenance and Support.

That the sum of \$52.10 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-345 be transferred to account 1000-212-420810-361 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410550-370 be transferred to account 1000-202-410550-380 under general class (2) Maintenance and Support.

That the sum of \$796.25 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430230-530 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 18th DAY OF OCTOBER, 1985

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

October 21, 1985

Commissioner Jelinski spoke at the Kiwanas Club luncheon.

October 22, 1985

Routine business this date.

October 23, 1985

Commissioners met with Paula Stoll of Management Associates and discussed the procedures for the new classification plan for county employees.

Received the following list of new employees:

Barbara Jensen, Temporary Secretary, Fairgrounds, \$5.51/hr.  
Mona Morgan, Registered Nurse, Rest Home, \$8.52/hr., 9/30/85.  
Jodi Peters, Temporary Microfilmer, Clerk and Recorder's Office, \$4.8589/hr.  
Saralyn Sebern, Temporary Secretary, Judge Olson's Office, \$6.00/hr.  
Brooke Murphy, Housekeeper I, Rest Home, \$4.36/hr., 10/17/85.  
Marcia MacAulay, Registered Nurse, Rest Home, \$8.52/hr., 10/14/85.  
Judy Dickerson, Temporary, Assessor's Office, \$4.52/hr., 10/21/85.  
Helen Anderson, Temporary, Subdivision Review, \$6.07/hr., 10/21/85.  
Patricia Kelsey, Part Time Cook, Sheriff's Dept., \$5.2827/hr., 10/7/85.

Approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$50.00 as appropriated under general class (2) Maintenance and Support for account 1000-200-411800-210 be transferred to account 1000-200-411800-370 under general class (2) Maintenance and Support.

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That the sum of \$650.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-345 be transferred to account 1000-201-420400-345 under general class (2) Maintenance and Support.

That the sum of \$1,567.50 as appropriated under general class (2) Maintenance and Support for account 2310-000-420140-228 be transferred to account 2310-000-420140-110 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 23rd day of October, 1985

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon S. White

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Fred Harrer and Ben Slothower have claimed the exemption to realign a common boundary. The Harrer's house is built over the property line and the purpose of the survey is to realign the boundary so that the house is on one parcel. An agreement correcting the boundary description has been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon S. White, none voting nay. The motion carried.

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Marcia Elkins, Bozeman City-County Planner, spoke regarding a request for preliminary plat approval of amended subdivision plat of block 1 of Rae Subdivision No. 1. This is located north of Chestnut Avenue, east of Gooch Hill Road, south of King Arthur Mobile Home Park. This property was previously subdivided, and in 1981, they requested an amended subdivision for PUD townhouse development. One structure was constructed containing three dwelling units on the property. They are proposing to create four large tracts and a fifth tract would remain where the townhouses are located.

The staff has recommended approval of this request with the following conditions:

1. That the lot lines shall be relocated in a manner to provide the required open space to be dedicated to the homeowners association for the townhouse lots. Documentation of a valid homeowners association be provided.
2. The note regarding multi-family dwellings shall be removed from the face of the plat.
3. The Certificate of Survey should be corrected to reflect the language of section 16-40-050 of Bozeman Municipal Code.
4. A drainage easement shall be delineated on the plat for the perforated drain crossing the site.
5. The title of the plat shall be changed to Second Amended Subdivision of Block 1, Rae Subdivision First Filing.
6. Montana Department of Health and Environmental Sciences approval shall be obtained prior to final plat approval.
7. The applicant shall document the payment of the \$35.00 per lot fee to the Rae Volunteer Fire Department.

The City Commission has agreed to conditionally approve this application.

Mike Foley, representing the developer states that he concurs with the conditions imposed by the staff.

Ramon White made a motion to approve the preliminary plat of the amended subdivision of block 1 of Rae Subdivision #1 with the seven conditions attached, seconded by Jane Jelinski, none voting nay. The motion carried.

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Joe Baker, Belgrade City-County Planner, spoke regarding a request for final approval of Houdashelt Minor Subdivision. This is a split of lot 23 of Bruce Industrial Park into three lots. All of the requirements have been met.

Jane Jelinski made a motion to grant final approval to the Houdashelt Minor Subdivision, seconded by Ramon S. White, none voting nay. The motion carried.

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Tom Anacker spoke regarding the public hearing regarding the establishment of a county road from South Third to South Nineteenth. He stated that the petition had been received; however, the petition is lacking in that it does not contain a statement stating the necessity for and advantage to the petition action. Mr. Anacker states that the petition is defective and he would recommend that the petition be redone so that it complies with the statute and be represented.

No action was taken on this request. The Commission will hold the public hearing when the petition has been presented with the information required according to statute.

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Wilbur Visser read the affidavit of publication for the public hearing for the consolidation of the Surveyor's Office. This was published on October 16, 1985.

Donald Brelsford, County Surveyor-Engineer, spoke in favor of retaining the County Engineer's Office. Mr. Brelsford passed out several handouts to the Commissioners.

Tom Anacker noted that this public hearing was improperly noticed in that it was not published at least ten days prior to the hearing. Mr. Anacker recommends that the process be started over in order that proper notice can be given. The public hearing must be held within twenty days of passing the Resolution of Intent to consolidate the office and must be noticed at least ten days prior to the hearing date.

Don Brelsford requested that the Commission delay their decision until May 1, 1986 so that the Commissioners may have an opportunity to review the services provided by Mr. Brelsford.

Ramon S. White stated that in fairness to anyone who may be considering filing for the office, he would like to act on this prior to January 1st.

Tom Anacker suggested that the Commission pass a resolution of intent to consolidate on Friday, October 25, 1985, and if the resolution is passed the public hearing notice could be published on October 30, 1985 setting the public hearing date for November 12, 1985.

Ramon S. White made a motion that the Board meet on Friday, October 25, 1985 at 8:30 A.M. to consider whether or not to pass a Resolution of Intent to Consolidate the County Surveyor's Office, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2: 15 P.M.

ATTEST:

*Guy H. Dingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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SPECIAL MEETING FRIDAY, THE 25th DAY OF OCTOBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 8:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski read the following Resolution #605:

WHEREAS, Section 7-4-2305, MCA, provides that a board of county commissioners may initiate the process for the consolidation of county offices by passing a resolution of intent of the board to consider consolidation; and

WHEREAS, the Board of County Commissioners for Gallatin County desires to initiate the procedures to consider the consolidation of the Gallatin County Surveyor's Office with another county office as named in Section 7-4-2203, MCA, which includes:

- (a) County Attorney
- (b) Clerk of the District Court
- (c) County clerk
- (d) Sheriff
- (e) Treasurer
- (f) Auditor
- (g) Superintendent of Schools
- (h) Assessor
- (i) Coroner
- (j) Public administrator

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby state their intention to consider the consolidation of the Office of Gallatin County Surveyor with another county office as named in Section 7-4-2203, MCA, which includes:

- (a) County Attorney
- (b) Clerk of the District Court
- (c) County clerk
- (d) Sheriff
- (e) Treasurer
- (f) Auditor
- (g) Superintendent of Schools
- (h) Assessor
- (i) Coroner
- (j) Public administrator

That the procedures to be followed in the consideration of the consolidation are set forth in Section 7-4-2301, et. seq., MCA.

Jane Jelinski made a motion to abandon the process initiated by Resolution #604 because of the time constraints, seconded by Ramon S. White, none voting nay. The motion carried.

Ramon S. White made a motion to adopt Resolution #605, seconded by Jane Jelinski, none

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voting nay. The motion carried.

Wilbur Visser stated that the time for the public hearing will be 3:00 P.M. on November 14, 1985 in the Tax Appeal Board Room of the County Courthouse.

ATTEST:

*Gary H. Dingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

PUBLIC MEETING TUESDAY, THE 29th DAY OF OCTOBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of October 23 and October 25, 1985, seconded by Ramon S. White, none voting nay. The motion carried.

ANNOUNCEMENTS

October 23, 1985

Commissioners Visser and Jelinski and Tom Anacker attended the Refuse District #1 meeting in Manhattan.

October 24, 1985

Commissioners met with Toni Austad who explained the Green Thumb program.

Commissioners met with Jim Monger and were updated on the Fairgrounds development plan.

Commissioner Jelinski attended the Certified Cities Task Force meeting.

Received A101 #9000 from Allen McLean for gym rental in the amount of \$12.00 to the credit of General Fund.

October 25, 1985

Commissioners held a special meeting to consider adopting a resolution of intent to consolidate the Surveyor's Office. Resolution NO. 605 was adopted. Public hearing to be held on November 14, 1985.

Received A101 #9024 from Doug McWilliams for gym rental in the amount of \$15.00 to the credit of the General Fund.

Commissioners met with Justice of the Peace Goan and Tom Anacker and discussed office and court room space if a second Justice of the Peace were allowed for Gallatin County.

October 28, 1985

Commissioners met with Superintendent of Schools Margaret Brown and Auditor Doug Kosty and discussed audit procedures.

Received the following A101's:

#9040 from First National Bank in the amount of \$479.45 for interest earned on CD to the credit of Health, Park and Study Commission Funds.

#9039 from First National Bank in the amount of \$1,198.63 for interest earned on CD to the credit of Protest and Claims Fund.

#9038 from First National Bank in the amount of \$1,198.63 for interest earned on CD to the credit of Protest Fund.

#9037 from First National Bank in the amount of \$1,207.19 for interest earned on CD to the credit of Claims Fund.

#9036 from First National Bank in the amount of \$1,207.19 for interest earned on CD to the credit of PILT Fund.

#9035 from First National Bank in the amount of \$1,198.63 for interest earned on CD to the credit of Revenue Sharing.

#9034 from First National Bank in the amount of \$1,198.63 for interest earned on CD to the credit of Poor and Weed Funds.

#9050 from First Security Bank in the amount of \$482.88 for interest earned on CD to the credit of Hebgen and Riverside RIDs.

#9049 from First Security Bank in the amount of \$479.45 for interest earned on CD to the credit of Rest Home.

#9048 from First Security Bank in the amount of \$479.45 for interest earned on CD to the credit of PILT, Law and Justice, Big Sky RID, and El Dorado RID.

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#9047 from First Security Bank in the amount of \$486.30 for interest earned on CD to the credit of Bridge, Fair and 18th Judicial Court Funds.

#9046 from First Security Bank in the amount of \$486.30 for interest earned on CD to the credit of Bridge Fund.

#9045 from First Security Bank in the amount of \$1,215.75 for interest earned on CD to the credit of Claims Fund.

#9044 from First Security Bank in the amount of \$1,207.19 for interest earned on CD to the credit of Protest Fund.

#9043 from First Security Bank in the amount of \$1,200.34 for interest earned on CD to the credit of PILT Fund.

#9042 from First Security Bank in the amount of \$1,215.75 for interest earned on CD to the credit of Poor Fund.

#9041 from First Security Bank in the amount of \$486.30 for interest earned on CD to the credit of Employer Contributions and Road fund.

#9065 from Security Bank of Three Forks in the amount of \$1,198.63 for interest earned on CD to the credit of Rural Revolving, Gas Tax and County Land Planning Funds.

#9064 from Security Bank of Three Forks in the amount of \$479.45 for interest earned on CD to the credit of Revenue Sharing, County Land Planning and PILT funds.

#9063 from Valley Bank of Belgrade in the amount of \$1,232.88 for interest earned on CD to the credit of General and Employer Contributions Funds.

#9066 from Heritage Christian School in the amount of \$50.00 for gym rental to the credit of General Fund.

#9067 from Bozeman Faith Fellowship in the amount of \$18.00 for gym rental to the credit of the General fund.

Bridger Canyon Zoning Commission met to consider amending the Bridger Canyon Zoning Ordinance to allow bed and breakfast inns as a conditional use in the Agricultural Exclusive District. This amendment was adopted.

The Bridger Canyon Zoning Commission met to consider the application of Patrick O'Neill for a conditional use permit to operate a bed and breakfast inn. This request was granted with six conditions attached.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Nicor Mineral Ventures has claimed the occasional sale exemption. Nicor Mineral Ventures has not taken a prior occasional sale from this tract or contiguous tracts, the tract was not created through the use of the occasional sale exemption, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption to Nicor Mineral Ventures, seconded by Ramon White, none voting nay. The motion carried.

Riverside Development Company has claimed the exemption to realign a common boundary. The purpose of the survey is to relocate common boundaries between adjoining properties, and no additional parcels are created. Appropriate deeds have been submitted. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption to Riverside Development Company, seconded by Ramon White, none voting nay. The motion carried.

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Marcia Elkins, Bozeman City-County Planner, spoke regarding a request for final approval of Staker Minor Subdivision. This subdivision was approved preliminarily with seven conditions. With regard to condition 1, concerning park land requirements, the lots have been increased in size to greater than 10 acres. State statute exempts lots greater than 10 acres in size from the park land requirement; consequently, there is no park land for this plat. All of the other conditions have been met.

Jane Jelinski made a motion to grant final approval to Staker Minor Subdivision, seconded by Ramon White, none votng nay. The motion carried.

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Wilbur Visser stated that according to new legislation the Weed Board members must be reappointed. Terms would expire on January 1 of each year. Terms would run for three years. Mr. Visser pointed out that this would present a problem, however, in that two members' terms would expire at the same time.

Reeves Petroff, Weed Supervisor, spoke to this and stated that he would look into this and come before the Commission again when he had worked out a solution to the problem.

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There being no further business, the meeting adjourned at 2:00 P.M.

ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

TUESDAY THE 5th DAY OF NOVEMBER 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of October 29, 1985 as written, seconded by Ramon S. White, none voting nay. The motion carried.

ANNOUNCEMENTS

October 30, 1985

Jane Jelinski attended the Governor's Council on Aging meeting.

Bridger Canyon Zoning Committee met to consider adoption of amendments to the Bridger Canyon Zoning Ordinance.

Commissioners Visser and White attended the Refuse District meeting in West Yellowstone.

Commissioners met with Welfare Director Bob Sybrant regarding new legislation affecting SRS.

Received the approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$1,500.00 as appropriated under general class (2) Maintenance and Support for account 1000-900-411200-375 be transferred to account 1000-900-411200-376 under general class (2) Maintenance and Support.

That the sum of \$1,500.00 as appropriated under general class (2) Maintenance and Support for account 1000-900-411200-377 be transferred to account 1000-900-411200-376 under general class (2) Maintenance and Support.

That the sum of \$3,000.00 as appropriated under general class (2) Maintenance and Support for account 1000-900-411200-378 be transferred to account 1000-900-411200-376 under general class (2) Maintenance and Support.

That the sum of \$550.00 as appropriated under general class (2) Maintenance and Support for account 1000-206-411260-210 be transferred to account 1000-206-411260-220 under general class (2) Maintenance and Support.

That the sum of \$1,550.00 as appropriated under general class (3) Capital Outlay for account 2210-000-460430-930 be transferred to account 2210-401-460430-930 under general class (3) Capital Outlay.

That the sum of \$17,611.16 as appropriated under general class (3) Capital Outlay for account 2210-000-460430-930 be transferred to account 2210-402-460430-930 under general class (3) Capital Outlay.

That the sum of \$1,232.10 as appropriated under general class (3) Capital Outlay for account 2210-000-460430-930 be transferred to account 2210-403-460430-930 under general class (3) Capital Outlay.

That the sum of \$7,226.00 as appropriated under general class (2) Maintenance and Support for account 8222-000-430600-710 be transferred to account 8222-000-430600-930 under general class (3) Capital Outlay.

That the sum of \$250.00 as appropriated under general class (2) Maintenance and Support for account 2415-000-420100-370 be transferred to account 2415-000-420100-212 under general class (2) Maintenance and Support.

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon S. White

TUESDAY THE 5th DAY OF NOVEMBER 19 85

FORM 12107--TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Jane Jelinski met with Clyde and Candace Clark regarding realignment of Springhill Road.

October 31, 1985

Commissioners met with Pat ODonnell, representative of the Teamsters Union, Tom Anacker and Kathy Nowierski, and Sam Gianfrancisco regarding the status of road crew employees who are uninsurable under the county's liability insurance policy.

Commissioners met with Ron Cutting and Dave Dunn of the Sheriff's Dept.

November 1, 1985

Commissioner Visser and Katy Hayes, DUI Technician, attended the DUI seminar in Missoula.

Received numerous A101's in the amount of \$35,417.22 to the credit of various funds.

November 4, 1985

Commissioners met with Sam Gianfrancisco of the Road Dept. and residents on South Third regarding a maintenance program to oil one mile of the road.

November 5, 1985

Held monthly department head staff meeting.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for vacation of subdivision plat for Lone Peak, Inc. A petition has been filed by Lone Peak, Inc. and Michael Ankeny to vacate an 8.888 acre portion of Sweet Grass Hills Subdivision. Lone Peak, Inc. is selling Mr. Ankeny all of the property it owns in Section 25, Township Six South, Range Three East. Originally, Lone Peak, Inc. was going to retain this 8.888 acre parcel, which is a meadow. In April of 1985, the Commission approved the use of the exemption to realign common boundaries, and this parcel was amended to the open space area of Sweetgrass Hills Subdivision.

Now Lone Peak, Inc. would like to include the 8.888 acre parcel with the parcel it is selling to Mr. Ankeny. If the vacation is approved by the Commission, the 8.888 acre portion of Sweetgrass Hills Subdivision will be vacated and will become a part of the parcel being sold. No new parcels will be created.

The petition for vacation has been reviewed by the County Attorney's Office.

Gary W. Pringle, Clerk and Recorder, stated that with regard to the petition, in paragraph 2 it indicates that the office of the County Clerk and Recorder directed the petitioners to seek the services of Survco, Inc. Mr. Pringle states that the direction his office gave was to seek professional services. In paragraph 5 it indicates that the office of the Clerk and Recorder and Survco gave advice as to filing a warranty deed prior to the vacation of the plat. Mr. Pringle states that in conversation with Survco representatives, he indicated to them that he would record the deed but he did not advise it.

Mike Foley of Survco stated that he concurred with Mr. Pringle's remarks.

Tom Anacker stated that with regard to the verbage of the petition, he feels that the record has been corrected by Mr. Pringle and the representative of the petitioners has agreed to it.

Jane Jelinski made a motion to grant the plat vacation for Lone Peak, Inc., seconded by Ramon S. White, none voting nay. The motion carried.

Tom Anacker states that the order will be prepared for this plat vacation and entered upon the minutes.

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Jane Jelinski read the following Proclamation:

WHEREAS, American Farmers comprise only 2.1% of the United States population, their efficiencies in food production allow the American consumer to purchase their food needs with only 12.7% of their personal income, compared to 33.7% in the Soviet Union and 21.5% in Japan; and

WHEREAS, Gallatin County ranks 9th among all Montana Counties in cash receipts for crops, livestock and livestock products; and

WHEREAS, more than 151,000 acres raise crops in Gallatin County worth in excess of 24.6 million dollars; and

WHEREAS, the livestock industry, made up of beef, dairy, sheep, swine, poultry, horses, and dairy goats have a real farm value in excess of 23.6 million dollars;

NOW THEREFORE, let it be known the Gallatin County Commissioners do hereby proclaim the week of November 10-16, 1985 as AGRICULTURE APPRECIATION WEEK and encourages all people in the county to join in the week's activities organized by the Bozeman Area Chamber of Commerce's Agricultural Committee.

Ramon S. White made a motion to adopt the proclamation, seconded by Jane Jelinski, none voting nay. The motion carried.

There being no further business, the meeting adjourned at 1:50 P.M.

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ATTEST:

*Gary W. Pringle*  
Clerk

APPROVED:

*William Visser*  
Chairman

WEDNESDAY THE 6th DAY OF NOVEMBER 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser announced that this was the appointed time for the public hearing regarding the request by Lloyd and Lucille Moats for annexation into the Bridger Canyon Rural Fire District. Wilbur Visser read the following resolution:

WHEREAS, on February 4, 1985, a petition signed by more than 50% of the freeholders within the area was filed, and

WHEREAS, said petition was duly certified by the County Clerk in accordance with Section 7-33-2125, MCA, and hearing held on November 6, 1985, and there being no or insufficient protests;

NOW THEREFORE, the following described land is hereby annexed to the Bridger Canyon Rural Fire District:

NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 1, T2S, R6E, MPM Forty Acres

There was no public comment heard regarding this annexation.

Ramon White made a motion to annex the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 1, T2S, R6E, MPM Forty Acres into the Bridger Canyon Rural Fire District, seconded by Jane Jelinski, none voting nay. The motion carried.

There being no further business, the meeting adjourned at 1:40 P.M.

ATTEST:

*Jane Jelinski*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

PUBLIC MEETING TUESDAY, THE 12th DAY OF NOVEMBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of November 5 and 6, 1985 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

#### ANNOUNCEMENTS

November 6, 1985

Held public auction of tax deed property. There was no one present interested in buying the property.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$8,607.00 as appropriated under general class (1) Salaries and Wages for account 1000-200-411800-110 be transferred to account 1000-200-411810-110 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 5th DAY OF NOVEMBER, 1985

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon S. White

Commissioners met with Mike Salvagni, County Attorney, and John Dolan and Mike Williams of the Forest Service. Road easements and roads by use were discussed.

Received report from the Clerk and Recorder for fees collected for the month of October in the amount of \$18,275.42.

Received numerous A101's in the amount of \$11,011.97 to the credit of various funds.

Commissioners Visser and White viewed the progress of the remodeling at the Detention Center.

Jane Jelinski attended the Strategic Planning Committee meeting for the Certified Cities program.



TUESDAY THE 12th DAY OF NOVEMBER 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Commissioner Visser attended the Fairgrounds Planning update meeting conducted by Monger and Associates.

Commissioners met with Public Health Officer Dr. King and were updated on the mental health program.

Public Hearing was held to annex forty acres of the Moats property into the Bridger Canyon Rural Fire District.

November 7, 1985

Commissioner Visser and Jelinski canvassed votes with Lorraine VanAusdol and Election Clerks Barbara Clawson and Alice Brennan.

Commissioners met with Ken Mosby and discussed the status of county employees who are uninsurable under the county's liability insurance policy.

Jane Jelinski attended the R.S.V.P. meeting and discussed community surveys to be done as a public service.

November 8, 1985

Authorized the following transfers of funds:

Loy Carroll  
County Treasurer

1. The sum of \$23,275.00 from fund 2130 to fund 2110 to transfer wages.
2. The sum of \$4,223.00 from fund 2130 to fund 1000 to transfer wages.
3. The sum of \$413.00 from fund 2130 to fund 1050 to transfer wages.
4. The sum of \$8,444.00 from fund 2110 to fund 1000 to transfer wages.
5. The sum of \$825.00 from fund 2110 to fund 1050 to transfer wages.
6. The sum of \$3,503.00 from fund 1000 to fund 2110 to transfer wages.
7. The sum of \$450.00 from fund 1050 to fund 2110 to transfer wages.
8. The sums of \$180.52 from fund 1000, \$79.57 from fund 2160, \$97.20 from fund 2761, \$3.97 from fund 5020, \$118.05 from fund 2190, & \$537.43 from fund 2140, to fund 2110 for gas.
9. The sums of \$13.92 from fund 2180, \$93.43 from fund 2190, & \$192.84 from fund 2110, to fund 1000 for gas.
10. The sum of \$1,567.50 from fund 2310 to fund 1000 for wages.
11. The sum of \$36,580.00 from fund 2761 to fund 2710 to correct miscoding.
12. The sum of \$47.50 from fund 1000 to fund 2180 for copies.
13. The sums of \$12.00 from fund 2110, \$35.00 from fund 2180, \$60.95 from fund 2190, \$8.00 from fund 2240, \$59.44 from fund 2273, \$18.84 from fund 2275, \$9.57 from fund 2282, \$316.17 from fund 2290, \$38.16 from fund 2430, \$2.32 from fund 2440, & \$280.70 from fund 5020, to fund 1000 for printing.
14. The sums of \$134.10 from fund 2180, \$31.00 from fund 2190, \$.75 from fund 2430, \$21.77 from fund 5020, \$6.84 from fund 2110, \$59.35 from fund 2190, \$18.98 from fund 2240, \$.63 from fund 2440, & \$84.97 from fund 2120, to fund 1000 for supplies.
15. The sums of \$132.05 from fund 1000, \$.95 from fund 2110, \$9.85 from fund 2276, & \$110.95 from fund 2440, to fund 2190 for copies.
16. The sums of \$2.10 from fund 2190, & \$11.15 from fund 2240, to fund 1000 for copies.

/s/ Wilbur Visser

November 11, 1985

HOLIDAY - VETERANS DAY

November 12, 1985

Commissioner Jelinski is attending National Association of Counties Conference in Atlanta, Georgia. The conference is on economic development.

Commissioners sat as a Welfare Board.

Received numerous A101's in the amount of \$37,058.06 to the credit of various funds.

Received and signed the road agreement with Sohio Oil Company for portion of Kelly Canyon Road and received the bond as agreed in the amount of \$49,000.00.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Mr. and Mrs. William Fraser and Barbara Planalp have claimed the exemption to realign a common boundary. The purpose of the survey is to align the property boundary with an existing ditch. The appropriate deeds have been submitted. From the information submitted, this appears to be an appropriate use of the exemption.

Ramon White asked if the ditch had a recognized easement on it. Mary Kay Peck indicated it was at the discretion of the property owner as to whether or not they wished to show the ditch easement on the plat. Mr. White expressed a concern in that it appeared as though the property line was going down the center of the ditch. Ms. Peck will check on the status of the ditch.

Ramon White made a motion to delay the decision on this exemption for one week, seconded by Wilbur Visser, none voting nay. The motion carried.

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Robert and Lyn Morton have claimed the security for construction financing exemption. Mr. and Mrs. Morton have submitted a statement certifying that only one parcel is being created within the original tract. Valley Bank of Belgrade has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information

TUESDAY THE 12TH DAY OF NOVEMBER 1985  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to approve the exemption, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request by Lonnie Beck to remove an agricultural exemption from a certificate of survey.

In July of 1981, the Commission entered into a covenant with Mr. and Mrs. Lonnie Beck to restrict a 4.812 acre tract to agricultural purposes. The tract is located in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Nineteen (19), Township Two South (T2S), Range Six East (R6E), just north of the Gardner Park Subdivision. Mr. Beck would like to revoke the agricultural covenant, and to do so requires agreement by the Board of County Commissioners.

This request was originally made approximately one year ago. At that time, the Commission asked Mr. Beck to ensure that sanitary restrictions could be lifted on the parcel before considering the request. The restrictions have since been lifted. Mr. Beck has submitted a revocation of declaration of covenant for the Commission to sign.

Ramon White made a motion that the agricultural exemption be removed from the certificate of survey for Lonnie Beck, seconded by Wilbur Visser, none voting nay. The motion carried.

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Mary Martin, Director of the Food Bank, requested that the lease between the county and the Food Bank be renewed at least through April 30, 1986, with the 30 day termination clause. Wilbur Visser indicated that the lease had been rewritten for the period November 1, 1985 through November 1, 1986. Ms. Martin indicated that the building the Food Bank will be moving into is under construction; however, she feels that it will be finished by April 1, 1986. Ms. Martin will provide the county with a copy of their liability insurance policy.

Ramon White made a motion to renew the lease for the Food Bank for the coming year, seconded by Wilbur Visser, none voting nay. The motion carried.

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Ramon White read the following proclamation:

WHEREAS, young people have access to unlimited knowledge at their local libraries; and

WHEREAS, America's libraries are free and open to all people; and

WHEREAS, the quality, diversity and quantity of information provided by local libraries is dependent upon community support; and

WHEREAS, the libraries in Gallatin County are celebrating National Children's Book Week with the theme, "Good Books, Good Times"; and

WHEREAS, that theme encourages our youth to enjoy and use the resources available to them in their libraries to help them succeed in all aspects of life;

NOW THEREFORE, let it be known that Gallatin County Commissioners do hereby proclaim the week of November 11-17, 1985 as NATIONAL CHILDREN'S BOOK WEEK and encourage the citizens of Gallatin County to use our libraries to gain the knowledge they need.

DATED THIS 12th DAY OF NOVEMBER, 1985

Ramon White made a motion to adopt the Proclamation, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:55 P.M.

ATTEST:

Clerk

*Gary St. Dingle*

APPROVED:

Chairman

*Wilbur Visser*

PUBLIC MEETING THURSDAY, NOVEMBER THE 14th, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 3:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Wilbur Visser stated that he had the affidavit of publication noticing the public hearing to consider the consolidation of the County Surveyor's Office.

Don Brelsford, County Surveyor -Engineer, spoke in favor of retaining the office of the County Surveyor. Mr. Brelsford indicated that his duties as County Surveyor have been greatly increased since the beginning of 1985 due to the fact that the number of registered voters exceeded 20,000. Mr. Brelsford states that according to statute the County Surveyor of all counties having a total registered vote of 20,000 or over at the last general election shall be responsible for supervision and direction of all highways, bridges and causeways within his county. He cited numerous examples in which his duties have been expanded.

THURSDAY THE 14th DAY OF NOVEMBER 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Leona Barrish asked who would take on the responsibility of the County Surveyor should the office be consolidated and how would that person be qualified to assume the responsibility.

Ramon White stated that if the County Surveyor were consolidated with another office, that gives that office the privilege and responsibility to hire the appropriate people it takes to do the work on a consulting basis, a retainer or part-time depending on the volume of work to be done.

Mrs. Barrish expressed a concern that if someone were not watching the problem at all times, it could become a crisis management situation.

Mr. White stated that the Road Superintendent and Bridge Foreman were aware of any problems and advised the Commission as to what the problems are.

Jane Jelinski stated that in addition to the Commission's responsibility to maintain safe roads and bridges they also have the responsibility to maintain a budget and not to hire people doing redundant duties. She stated that the Road Superintendent and Bridge Foreman had the responsibility of keeping all highways and bridges free and clear of all obstructions. The Department of Highways regularly surveys all county roads. The county has personnel to take care of grading highways and maintaining them. The county does not engineer and build bridges, they hire someone to do it. When the county needs to have a survey done, which has not been done in quite some time, the work is contracted out. In preparing plans, specifications and estimates, the county hires someone to do this work. The Office Manager in the Road Office keeps accurate cost data. The Road Office approves all claims to be paid. The Road Superintendent employs the Road Crew and the Bridge Foreman employs the Bridge Crew. The purchase of highway and bridge machinery are presented every year in the budget capital outlay requests. The Commission receives all reports and estimates related to highways and bridges and all priority requests from the Road Superintendent and Bridge Foreman.

Wilbur Visser agreed with Ms. Jelinski's comments in that the duties of the County Surveyor have been accomplished for years even when there was not a County Surveyor in office.

Ramon White stated that there were many years when the county did not have a Surveyor. He states that the job is not desirable to most qualified people because the salary is limited by statute. If the county has the option of contracting with qualified people they could be paid what they deserve. At the present time, the county would have to hire the services of a Civil Engineer or Surveyor. Mr. White feels that it would better serve the community to consolidate this office and contract the work out.

Tom Anacker suggested that the Commission discuss which office the Surveyor would be consolidated with and what type of effect it would have on the office.

Ramon White suggested either the County Treasurer or the County Clerk and Recorder.

Jane Jelinski stated that it seemed the County Clerk and Recorder's Office would be the most logical because the offices are located in the same building and the Clerk and Recorder is already responsible for the filing of the plats and the management of records, the Clerk and Recorder manages and supervises a number of people, he utilizes data processing.

Wilbur Visser agreed with Ms. Jelinski that the Clerk and Recorder's Office would be the most logical office to consolidate the Surveyor with.

Jane Jelinski made a motion that the Commission take action to consolidate the Surveyor's Office, seconded by Ramon White, none voting nay. The motion carried.

Ramon White read the following Order:

On October 25, 1985, the Board of County Commissioners of Gallatin County, Montana, passed Resolution of Intent #605, pursuant to Section 7-4-2305, MCA, to initiate the process to consider the consolidation of the Gallatin County Surveyor's Office with another county office as specified in the Resolution of Intent. A public hearing on the matter was held on November 14, 1985.

It appeared to the Board of Gallatin County Commissioners that all parties wishing to appear and comment at said public hearing were afforded an opportunity to be heard. In addition, all written testimony received by the Board of County Commissioners was read and made a part of the record.

The Board of Gallatin County Commissioners being fully advised makes the following order:

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the Board of County Commissioners of Gallatin County finds that the consolidation of the office of Gallatin County Surveyor with the office of Gallatin County Clerk and Recorder is in the best interests of Gallatin County.
2. That pursuant to Section 7-4-2309(2), MCA, and Section 7-4-2310, MCA, the Office of County Surveyor for Gallatin County, Montana, is consolidated with the Office of Clerk and Recorder, for Gallatin County, Montana to become effective on January 5, 1987.
3. That the offices of Gallatin County Surveyor and Gallatin County Clerk and Recorder shall be listed on the June 3, 1986 primary election ballot and on the November 4, 1986 general election ballot as a consolidated office.
4. That this order shall be published in a newspaper of general circulation printed and published in Gallatin County for a period of two consecutive weeks immediately following the date of the making and entry of this order and for two consecutive weeks beginning on April 20, 1986 and continuing through May 4, 1986.

DATED THIS 14th DAY OF NOVEMBER, 1985

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

THURSDAY THE 14th DAY OF NOVEMBER 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Ramon White made a motion that the Commission grant the Order, seconded by Jane Jelinski, none voting nay. The motion carried.

There being no further business, the meeting adjourned at 4:35 P.M.

ATTEST:

Clerk

*Gary H. Dingle*

APPROVED:

Chairman

*Wilbur Visser*

PUBLIC MEETING TUESDAY, THE 19th DAY OF NOVEMBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of last week, seconded by Wilbur Visser, none voting nay. The motion carried.

ANNOUNCEMENTS

November 13, 1985

Commissioner Visser attended the Interagency breakfast.

Commissioners met with Dale Furman of Davis Business Machines, and Ron Cutting and Dave Dunn of the Sheriff's Dept. and discussed the management and maintenance of the dictaphone system at the Sheriff's Office. A maintenance agreement was entered into.

Commissioner Visser and White attended the West Yellowstone/Hebgen Basin Refuse District meeting in West Yellowstone.

November 14, 1985

Bridger Canyon Zoning Commission met to consider the evacuation plan and arbitration agreement for Sohio Oil Company. Plans were discussed and approved.

Bridger Canyon Zoning Commission met to consider a request for a conditional use permit for rock mining by Tom Kramer. This request was denied.

Commissioners held a public hearing to consider the consolidation of the Surveyor's Office with another office. Ramon White made a motion to consolidate the Surveyor's Office with the Clerk and Recorder's Office, seconded by Jane Jelinski, none voting nay. The motion carried.

Commissioner proceedings for the day were attended by Bob Bos, a dairy farmer, as an exchange for Agricultural Appreciation Week. Jane Jelinski will spend November 15th on the Bos ranch.

November 15, 1985

Commissioners met with John Mandeville, Public Administrator, regarding his request to be put on the county's health insurance plan. This request was granted, with the county contributing \$75.00 per month toward Mr. Mandeville's insurance premium.

Received numerous A101's in the amount of \$29,745.68 to the credit of various funds.

Jane Jelinski spent the day on the Bos Ranch as part of the Ag exchange. Mrs. Jelinski also toured Darigold, the ethanol plant, and also visited a veterinary clinic.

November 18, 1985

Commissioners met with Jack Bolender regarding lights at the intersection of Valley Center Road and Highway 10 and the railroad crossing.

Commissioners met John Scully, Arletta Derleth, County Assessor, and Tom Anacker, Deputy County Attorney and discussed methods of prorating taxes on the Milwaukee Railroad property.

Commissioners met with Sam Gianfrancisco, Road Superintendent, County Surveyor Don Brelsford, Kathy Nowierski, Personnel Officer, and the County Attorneys Office to discuss the problem of road department personnel who are uninsurable under the county's liability insurance policy.

November 19, 1985

Granted permission for the Beall Art Center to hold a raffle. This is a non-profit organization.

Received A101 #9255 in the amount of \$36.00 for gym rental to the credit of the General Fund.

Commissioners met with Bob Miller and Craig Swanson of Swanson-Eaton Associates regarding constable services.

Commissioners met with Don Nash regarding Northwestern Drive assessment on road maintenance and repair.

TUESDAY THE 19th DAY OF NOVEMBER 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

John E. and Janet H. Wenderoth and John and Martha Bos have claimed the exemption to realign a common boundary. The Wenderoths seek the realignment for the purpose of obtaining additional grazing area from the Bos's. This is located south of the Hyalite Foothills Subdivision at 19th and Cottonwood. The appropriate deeds have been submitted.

From the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the exemption, seconded by Ramon White, none voting nay. The motion carried.

Wilbur Visser mentioned that the Commission was to have taken action on an exemption claimed by Mr. and Mrs. William Fraser and Barbara Planalp. The plat has not been received so the Commission will act on this request at a later date.

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Jeff Ball spoke regarding a request for funds for the Pedestrian Traffic Safety Committee. The budget request has been received by the Commission.

Jane Jelinski asked why the secretary was paid \$50.00 per month. She stated that on other committees, a member of the committee will take the minutes and have their secretary type up the minutes. She suggested that perhaps the secretary in the Road Office could do the typing.

Jeff Ball stated that this has been brought up at the meetings; however, it was felt that it would be a conflict to have the county do the minutes of a volunteer committee. He states that the committee meets monthly and meetings last 1 1/2 to 2 hours. The secretary is responsible for typing the minutes and mailing them out to various offices. Mr. Ball stated that the item in the budget request for publicity would be used to run ads to let people know of the meetings.

Ramon White questioned if the committee didn't meet with regard to city-related problems and maybe the committee should be a city board rather than a joint board.

Mr. Ball states that county problems have been discussed at the meetings, such as signing on county roads. He does not feel that it is solely a Bozeman committee.

Mr. White states that he would consider funding the committee for another year so that he could review what they accomplish with regard to the county. He does not feel that there is a need for a paid secretary.

Ralph Zimmer, a member of the committee, states that the budget request has also been submitted to the City for their consideration. The secretary in the past has been involved with preparing public relations articles for the newspaper. The Policy Coordinating Committee and the Technical Advisory Committee have both expressed a desire that the Pedestrian Traffic Safety Committee provide a vehicle for citizens to give their input with regard to transportation problems. This would involve better advertisement of meetings and additional members would be added. He feels that the role of the secretary would be expanded to accommodate the expanded role of the committee. The school district provides the meeting room and the stationery for the minutes, and they have funded the pedestrian traffic safety guards at various locations.

Ramon White stated that he would like to review the budget and discuss the possibility of the county providing secretarial assistance. Ramon White made a motion to table this item until next week, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:00 P.M.

- - - -

ATTEST:

*Gary St. Pringle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

The following are the quarterly securities submitted by the County Treasurer for the quarter ended September 30, 1985:

\$12,653,518.04 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

First Bank #005			\$	-105.73
Checking				89,733.08
Gall Cnty	5.90	1/1/87	\$40,000.00	
Gall Ser 1976	8.00	1/1/88	80,000.00	
Gall Ser 1974	6.00	1/1/89	40,000.00	
Co of Cook	5.60	11/1/92	100,000.00	
WA Ser A	5.50	4/1/93	50,000.00	
Fairfax Cty	5.20	5/1/93	250,000.00	
Park Cnty	5.90	6/15/93	30,000.00	
U.S. Treas.	10.375	2/15/88	175,000.00	
Cmnwlth of MA	6.20	8/1/93	300,000.00	
Florida St	5.20	1/1/92	100,000.00	
Maryland St	5.50	7/15/93	200,000.00	

TUESDAY THE 19th DAY OF NOVEMBER 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

FIRST SECURITY BANK OF BOZEMANCREDIT BALANCE

#089086			\$3,114,531.38
#5009111			234,853.62
Checking			12,108.00
2861	4.09	6/10/87	2,000.00
2873	4.09	6/10/86	2,000.00
5545	7.875	5/15/86	75,000.00
6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
6725	4.80	6/1/86	200,000.00
20962	5.20	4/1/87	25,000.00
3370	4.70	7/1/87	10,788.75
3371	4.70	7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3378	4.70	7/1/86	10,788.75
3379	5.00	9/1/92	25,000.00
4012	5.35	7/1/86	9,000.00
4013	4.75	12/1/88	10,000.00
6000	7.25	9/1/88	120,000.00
PL2389	5.25	6/1/86	9,000.00
254044	9.10	12/1/90	250,000.00
317558	9.50	12/1/93	200,000.00
078973	7.25	7/1/94	200,000.00
141642	9.85	9/1/96	270,000.00
239195	12.50	8/1/02	300,000.00
258944	8.50	11/1/02	270,000.00
260601	10.00	12/1/02	300,000.00
014763	6.50	2/1/90	100,000.00
247590	10.375	9/1/90	500,000.00
299138	9.30	6/30/90	300,000.00
136052	7.50	12/1/90	200,000.00

MONTANA BANK OF BOZEMANCREDIT BALANCE

#712388			-\$302,063.62
57729			1,782,436.00
Checking			18,026.05
15609	4.70	12/15/85	14,000.00
19008	5.00	1/1/86	3,500.00
19008	5.00	1/1/86	5,000.00
19346	4.25	7/1/86	10,000.00
19265	5.75	7/1/86	8,000.00
19276	5.75	7/1/86	1,000.00
19256	4.50	7/1/86	15,000.00
18911	4.50	7/1/86	4,000.00
15612	4.75	12/15/86	7,000.00
15609	4.70	12/15/86	16,000.00
23343	4.75	12/15/86	4,000.00
19008	5.00	1/1/87	3,500.00
19008	5.00	1/1/87	15,000.00
19265	5.75	7/1/87	8,000.00
18911	4.50	7/1/87	4,000.00
15612	4.75	12/15/87	7,000.00
23343	4.75	12/15/87	4,000.00
19008	5.00	1/1/88	3,500.00
19008	5.00	1/1/88	15,000.00
5078	5.20	3/1/88	10,000.00
19253	4.70	7/1/88	25,000.00
19265	5.75	7/1/88	8,000.00
21351	5.20	7/15/88	50,000.00
28104	5.00	1/1/89	10,000.00
19265	5.75	7/1/89	8,000.00

Repurchase Agreement

U.S. Notes	10.625	8/31/85	100,000.00
Fed Home Loan	11.70	9/25/85	300,000.00
Fed Home Loan	9.620	11/1/85	300,000.00
TIGR's	8.450	11/15/85	209,000.00
TIGR's	8.70	11/15/85	205,000.00
U.S. Notes	14.125	12/31/85	500,000.00
TIGR's	8.63	2/15/86	215,000.00
TIGR's	9.40	4/15/86	109,250.00
TIGR's	10.850	5/15/86	204,250.00
Treas. Inv.	10.850	5/15/86	114,000.00
U.S. Treas.	12.625	5/31/86	300,000.00
Fed Natl Mort	7.950	7/10/86	300,000.00
Fed Natl Mort	11.050	2/10/87	240,000.00

WESTERN BANK OF BOZEMANCREDIT BALANCE

\$ 2,162.00

VALLEY BANK OF BELGRADEPLEDGE BALANCECREDIT BALANCE

\$670,079.26

\$ 8,338.49

MANHATTAN STATE BANKCREDIT BALANCE

\$ 8,571.95

Hawaii Cnty 4.80 2/1/86 25,000.00

TUESDAY THE 19th DAY OF NOVEMBER 1985

FORM 12107-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

SECURITY BANK OF THREE FORKS

CREDIT BALANCE

\$ 5,224.50

333662 11.625 10/31/86 300,000.00

FIRST SECURITY BANK, WEST YELLOWSTONE

CREDIT BALANCE

\$ 17,320.20

FIRST CITIZENS BANK OF BOZEMAN

9465 11.75 4/30/86 100,000.00

EMPIRE FEDERAL SAVINGS OF LIVINGSTON

8340 13.00 5/26/87 100,000.00  
9847 9.25 12/2/85 105,000.00

OTHER BANKS

Commerce Trust 5,839.28  
Norwest 691,102.18  
First Natl Minn 80,108.33  
Southgate State 1,741.25  
First Trust Bozeman 215,448.40  
First Security Bozeman 21,840.00  
First Trust Helena 93,668.75

Cash In Office 212,618.50  
School Investments 1,282,694.09  
County Investments 5,057,321.34

\$12,653,518.04

PUBLIC MEETING TUESDAY, THE 26th DAY OF NOVEMBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon White, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of November 19, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

November 20, 1985

Commissioners met with Paula Stoll of Management Associates and discussed the classification plan and procedures for county employees.

Commissioner Visser attended the Audit Committee meeting.

Commissioner Visser and Jelinski and Deputy County Attorney Tom Anacker attended the Refuse District No. 1 meeting in Manhattan.

November 21, 1985

Commissioners met with Richard Andriolo, Mike Salvagni and Tom Anacker and discussed the litigation proceedings on the Detention Center.

Commissioners met as a Welfare Board.

Commissioners met with Doug Haberman regarding a tax problem.

Commissioner Jelinski attended the HRDC board meeting.

November 22, 1985

Commissioners met with Jim Kalitowski of the Dept. of State Lands, Jim Larson, Bill and Joe Skinner and Sanitarian Emery Nelson and discussed possible lands available for trade with the State for landfill use.

Commissioner Jelinski attended the Weed Board meeting.

Received the following list of new employees:

Bradley Johnson, Fairgrounds Administrative Assistant, \$1,138.45/mo, 11/12/85  
Pamela Threlkeld, Secretary I, Subdivision Review, \$1,053.36/mo, 11/5/85  
Peggy Borntreger, Housekeeper, Rest Home, \$4.36/hr., 10/25/85  
Georgina Clark, Temporary Secretary, Youth Probation Office, \$6.00/hr  
William Murdock, Assistant Planner, Subdivision Review, \$1,445.45/mo, 11/18/85  
Terri Connors, Nurses Aide, Rest Home, \$5.05/hr., 11/5/85  
Jeffrey Hill, Nurses Aide, Rest Home \$5.05/hr., 11/11/85  
Kristine Nellis, Nurses Aide, Rest Home, \$5.05/hr., 11/11/85  
Patricia Moore, Nurses Aide, Rest Home \$5.05/hr., 11/4/85.  
Dorothy Smith, R.N., Rest Home, \$8.52/hr., 11/19/85  
Pamela Ross, LPN, Rest Home, \$7.13/hr., 11/12/85

November 25, 1985

Commissioners met with Pat O'Donnell, representing the Teamsters Union, and Kathy

TUESDAY THE 26th DAY OF NOVEMBER 19 85  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Nowierski, Personnel Officer and discussed the discharge of two road office employees and grievance proceedings begun by the Teamsters Union.

Commissioners met with County Assessor Arletta Derleth and Systems Analyst Peaches Sappington and discussed downloading of the new appraisal on the county's computer system.

Commissioners met with Doris Fisher of the Gallatin Development Corporation and were given an update on the operation of the Gallatin Development Corporation.

November 26, 1985

Bridger Canyon Zoning Commission met to consider a request for a conditional use permit for Crosscut Ranch. This request was granted.

Received numerous A101's in the amount of \$7,125.00 to the credit of various funds.

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Ralph Zimmer of the Pedestrian Traffic Safety Committee spoke regarding the committee's request for funds. Mr. Zimmer states that to some degree it is in the hands of the County Commission with regard to the committee meeting the needs of county residents.

Jane Jelinski stated that Pat Nash, the secretary in the Road Office, has agreed to type the minutes for the committee; however, she would not be able to do the advertising. Mrs. Jelinski stated that she would be willing to fund the request to give the committee an opportunity to become more active.

Ramon White stated that he would be willing to fund the costs for postage, supplies and publicity; however, he would not be willing to fund a secretary. The county would furnish the typing service for the minutes that should be taken by a member of the committee.

Ramon White made a motion that the county fund \$44.00 for postage, \$25.00 for secretarial supplies, and \$25.00 for publicity as their share of the funding and that they will furnish a secretary to type the minutes, seconded by Jane Jelinski, none voting nay. The motion carried.

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Quarterly securities were checked with the County Treasurer and found to be in order as entered into the minutes on November 19, 1985.

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There being no further business, the meeting adjourned at 1:45 P.M.

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ATTEST:

*Gary St. Pringle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 3rd DAY OF DECEMBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White stated that he would like to make a correction to the minutes. In the announcements dated November 25, 1985 where it refers to the meeting discussing the discharge of two road office employees and arbitration proceedings begun, he feels it should read grievance proceedings.

Jane Jelinski made a motion to approve the minutes of November 26, 1985 as amended, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

November 27, 1985

Commissioners met with Jerry Brown, Manager of Lagerquist Elevators, regarding the maintenance contract on the elevators at the Courthouse and Law and Justice Center. Commissioners entered into a maintenance contract for these two buildings.

Commissioners met with Jim Bottomley and Bob Jordan regarding ice problems on a county road that caused water to flow on the Bottomley ranch.

Commissioners met with Dave Bos regarding his tax assessment.

Commissioners met with Jim Smith and Harry Noel of First West Insurance regarding personal liability insurance policies for the employees that were discharged from the Road Department.

Received numerous A101's in the amount of \$28,813.42 to the credit of various funds.

November 28, 1985

HOLIDAY - THANKSGIVING DAY



TUESDAY THE 3rd DAY OF DECEMBER 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANANovember 29, 1985

Routine business this date.

December 2, 1985

Commissioner Visser and Joy Nash met with Chris Deveny of the Dept. of Natural Resources in Helena regarding the grant for the bear proof dumpsters.

Commissioners granted permission to the Retired Senior Volunteer Program to hold a raffle.

Commissioners met with Garth Sime regarding Scottish Acres Subdivision.

Commissioner White attended the Three Forks City Council meeting regarding the golf course project.

December 3, 1985

Held department head staff meeting.

Commissioners met with the Clerk and Recorder and discussed procedures for creating special districts.

Received report from the Clerk and Recorder showing the items of fees and other collections made during the month of November in the amount of \$11,551.79.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Maurice Klabunde has claimed the exemption to realign a common boundary. Klabunde seeks the realignment for the purpose of including a pond he uses for garden irrigation and wildlife in a tract on which he intends to build. The realignment is located in the NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 1, T2S, R4E, P.M.M.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

N. R. and Shawna D. Halsey have claimed the family sale exemption. Mr. and Mrs. Halsey would like to give her father, Leo Woodbury, a 5.111 acre parcel. Mr. and Mrs. Halsey have not previously conveyed a tract under the family sale exemption. The appropriate deed has been submitted. The tract is located in the NW $\frac{1}{4}$  of Section 3, T3S, R5E, M.P.M.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

William Smith has claimed an exemption for the purpose of an occasional sale. Mr. Smith has not taken a prior occasional sale from this tract or contiguous tracts and the tract was not created through the use of the occasional sale exemption. The Gallatin County Subdivision Regulations (Appendix E) no longer allow the creation of two parcels to be shown on one COS. The parcel was originally surveyed in 1979 before the law was in effect and has been in court until now. The Commission needs to determine if the application is acceptable in this form. The property is located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  & NE $\frac{1}{4}$  of Section 36, T3S, R4E, P.M.M. This appears to be a proper use of the exemption; however, since this was done in 1979, it shows two parcels on a certificate of survey which is not allowed by the current regulations so the Commission has to determine whether or not they will accept the certificate showing two parcels and whether or not they will grant the exemption.

Tom Anacker stated that it needed to be determined whether the intent of the regulation was to require all surveys after the regulation change to conform to the new regulation. The change to the regulation occurred in August of 1983. Mr. Anacker stated that the certificate of two parcels did not violate state law.

Jane Jelinski asked what kinds of difficulties would be created by accepting two parcels on a single certificate.

Ms. Peck stated that before the amendments were made, surveys were being brought in with four occasional sales and a remainder, creating five parcels at once. Until the deeds were filed, the parcels were not actually created. It became an administrative nightmare to follow the deeds. This is why the change was made. Ms. Peck feels that in this particular instance, it would not cause a problem.

Jane Jelinski made a motion to grant the occasional sale exemption to William Smith and that the Commission allow two parcels to be shown on one certificate of survey, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review for determination of suitability of access. This is in accordance with the law passed, section 76-3-505. Maurice Klabunde has submitted a certificate of survey to the Commission for a determination of suitability of access. This survey shows a 76.250 acre tract located on Monforton School Road. State law provides that the Commission's review will be limited to a written determination that appropriate access and easements are provided. Because this parcel is located on a County road that is dedicated to the public, it appears to meet the criteria for suitable access. There is a certificate which would be filed and referenced on the plat and filed at the Clerk and Recorder's Office.

Ramon White stated that it was his understanding that when the Commission amended the subdivision laws pertaining to this section that the Commission would allow the Subdivision Review Officer to make the determination and the Commission would accept it. Mr. White does not feel that the Commission should be setting a precedence today of reviewing each

TUESDAY THE 3rd DAY OF DECEMBER 1985  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

request at a public meeting. He believes this is an administrative procedure rather than a public hearing procedure. He does not believe that this was the intent of legislature.

Tom Anacker stated that according to Section 76-3-609, a public hearing is not required. The Commission can decide whether it should be done in the public hearing format or whether it is an administrative function. Each request must be reviewed by the Commission and it must be determined whether or not the access is adequate based upon the recommendation of the Subdivision Review Officer.

Wilbur Visser and Jane Jelinski agreed that it is an administrative function.

Ramon White stated that the request of Mr. Klabunde met the criteria as recommended by staff and it has adequate access and should be so noted on the plat.

Tom Anacker stated that this decision should be made by a consensus vote.

Ramon White made a motion that the Chairman sign a certificate stating that there is adequate access to this parcel of land and that it be noted on the public record, seconded by Jane Jelinski, none voting nay. The motion carried.

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Marcia Elkins, Bozeman City-County Planning, spoke regarding a request by Jerry Perkins for a Master Plan Amendment. He is requesting a change from Medium Density Residential to Light Industrial and General Highway Commercial on portion of tracts 2 and 3 of COS #1215 in Section 1, Township 2 South, Range 5 East, M.P.M. Ms. Elkins submitted her staff report along with minutes of the Planning Board meeting of November 14, 1985 and the proposed master plan amendment prepared by Sanderson, Stewart and Gaston. The applicant's proposal requests that approximately 13.7 acres in the northeast portion of the property be designated for development as Light Industrial and that approximately 11.8 acres in the southeast portion of the property be designated for development as General Highway Commercial. A request for annexation of this parcel and two other properties is currently being reviewed by City Staff.

The City Commission reviewed this application at their meeting last night and they have tabled a decision for two weeks. The Planning Board has recommended denial of the application. Some concerns expressed at the Planning Board meeting included:

The relocation of Baxter Road as proposed would reduce the pressure experienced at the Baxter Road and North Seventh Avenue intersection.

The second area of concern is the amount of commercially zoned property in the area. The groundwater table in the area is also an area of concern. There was also a concern expressed with regard to the possible buffering of residentially developed property to the south from the interstate.

The City-County Planning Board has recommended denial based on the fact that they did not find that a mistake or oversight had occurred in the determination of the original Master Plan land use designation or that significant changes had occurred or that additional information was available which would indicate a need for the requested Master Plan amendment.

Jane Jelinski commented that the streets that are shown as major access to the proposed development do not exist and it is unlikely that they will be constructed any earlier than seven to ten years.

Ms. Elkins states that both in this application for the Master Plan Amendment and from the annexation report the applicants have indicated that they realize the problems and they understand that they would have to construct some of the roads to provide access. The access problems would be addressed during the request for approval of the subdivision or PUD. The Planning Board has made the developer aware that development would be keyed on having access roads in place. The developer is aware that Oak Street would have to be constructed.

Paul Kinshella of Sanderson, Stewart and Gaston spoke on behalf of the owner. Mr. Kinshella states that this is the only area of town that has residential designation along the interstate. Mr. Kinshella made some comments with regard to the traffic concerns. Mr. Kinshella states that the developer will be dedicating 80 feet of right-of-way to the city for the development of Oak Street.

Ms. Elkins states that of the industrial zoned property to the north, 1/3 of it has been developed.

Ramon White questioned whether North Seventh could handle the traffic at Oak even if Baxter is realigned.

Jane Jelinski stated that she had not had time to go through the staff report and that she would like to defer a decision until the December 30, 1985 public meeting.

Ramon White stated that one of his biggest concerns is that he would hate to load the extensions of the streets before they are ever built. He also has a concern with the property to the north being compatible with the type of development that is being proposed today. Mr. White also mentioned that the Master Plan is not that old and it is not felt that a mistake was made when the Plan was adopted.

Jane Jelinski mentioned that because of the water problem there that the type of building being proposed is unique and probably appropriate to the kind of water problem whereas residential buildings could have a problem with the water. This change may also contribute in a substantive way to accelerating the development of Oak and North 19th.

Jane Jelinski made a motion to postpone a decision on this request until December 30, 1985, seconded by Ramon White, none voting nay. The motion carried.

- - - -

TUESDAY THE 3rd DAY OF DECEMBER 19 85

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser announced that the Commission had received a petition requesting that the Trident Rural Fire District be annexed into the Three Forks Rural Fire District.

Ramon White made a motion to accept the petition and act on it at the December 17, 1985 public meeting, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser announced the following vacancies on county boards:

- Belgrade City-County Planning Board, two vacancies, two year terms
- Manhattan City-County Planning board, two vacancies, two year terms
- Bozeman City-County Planning Board, two vacancies, two year terms
- Fair Board, two vacancies, three year terms
- Tax Appeal Board, one vacancy, three year term
- Mount Green Cemetery Board, one vacancy, three year term
- Meadow View Cemetery Board, one vacancy, three year term
- Pedestrian Traffic Safety Committee, one vacancy, two year term
- Three Forks Rural Fire District Board, one vacancy, three year term
- Mosquito Control District Board, one vacancy, three year term

These terms will all expire on December 31, 1985. Interested citizens wishing to serve on these boards, may apply at the Commissioners' Office.

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Wilbur Visser announced that the Commission would not hold a public meeting the week of December 23, 1985 and the following week the meeting will be held on December 30, 1985.

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There being no further business, the meeting adjourned at 2:35 P.M.

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ATTEST:

*Gary J. Dingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 10th DAY OF DECEMBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of December 3, 1985 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

December 3, 1985

Commissioners Visser and Jelinski helped serve at the Big Brothers and Sisters Christmas banquet.

Commissioner Jelinski attended the Certified Cities Strategic Planning Committee meeting.

December 4, 1985

Bridger Canyon Zoning Commission toured the Bridger Canyon area and viewed the sites where requests for amendments to the zoning ordinance and requests for conditional use permits have been made.

Commissioners met with Sam Gianfrancisco regarding capital outlay purchases.

Commissioners met with Ron Cutting and Dave Dunn of the Sheriff's Dept. and discussed the remodeling of the dispatch center and the dispatch operation.

Commissioners met with Pat Robbins regarding taxes.

December 5, 1985

Bridger Canyon Zoning Commission met to consider a request for an amendment to the Bridger Canyon Zoning Ordinance allowing tipis as temporary dwelling units. This amendment was passed with five conditions.

Bridger Canyon Zoning Commission met to consider a request for a variance by Allen and Renee Cook. This request was denied.

Bridger Canyon Zoning Commission met to consider a request for an amendment to the Bridger Canyon Zoning Ordinance to allow bed and breakfast inns in the RF District. This request was denied.

Granted permission to the American Legion Post to hold a raffle. This is a non-profit organization.

December 6, 1985

Commissioners met with Duane Johnson of Management Associates who will represent the Commission during the grievance proceedings brought by two road office employees.

TUESDAY THE 10th DAY OF DECEMBER 19 85  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Duane Johnson of Management Associates, Kathy Nowierski, Personnel Officer, and Tom Anacker Deputy County Attorney met with Pat O'Donnell of the Teamsters Union regarding the grievance filed by two road office employees.

Commissioners met with John Mandeville regarding the request for a Master Plan Amendment by Jerry Perkins.

Commissioner Jelinski met with Gary Refsland and Ted Becker regarding sanding of intersections of subdivision and county roads.

Commissioner Jelinski spoke to two 9th grade classes concerning county government.

December 9, 1985

Received a letter of intention to resign from County Auditor Douglas Kosty. This will be official on December 31, 1985.

Commissioners met with Richard Nellen, Charles Stahmer, McKinley Anderson and Leanne Schraudner, Public Defenders, regarding administrative functions of the office of public defender.

Received numerous Al01s in the amount of \$7,924.98 to the credit of various funds.

December 10, 1985

Commissioners met with property owners on the Bear Canyon Road who asked to have the road put on the county's priority list for 1986.

Commissioners met with Sam Gianfrancisco and Doug Alexander and discussed new legislation affecting the monitoring of fuel tanks and pumps.

Margaret Brown will be out of state December 23, 1985 through January 3, 1986.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Jim DeJong has claimed the occasional sale exemption. This parcel was given preliminary approval for subdivision by the Commission in November of 1984. Preliminary approval has expired. Mr. DeJong has previously used the occasional sale exemption to transfer a contiguous tract, which is defined as an evasion in Appendix E of the Subdivision Regulations. However, Mr. DeJong has submitted documentation to show that the deed for this tract was executed in 1979, before exemption criteria were adopted. Mr. DeJong did not want to file the deed until the property was paid for. The Commission must determine if the supporting documentation is sufficient to make this a proper use of the occasional sale exemption.

Ramon White stated that he believed the date of the instrument has precedence over the date of filing.

Ramon White made a motion that the exemption be approved, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser stated that it was time to renew the lease for the Worthy Cause Store. The lease is identical to last years' lease. Mr. Visser stated that proof of insurance must be furnished. This lease is for the period January 1, 1986 through December 31, 1986.

Gary Gullickson, interim manager of the Worthy Cause Store, stated that he understood the conditions of the lease and would like to have it renewed for the coming year.

Jane Jelinski made a motion to renew the lease with the Worthy Cause Store, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that the Commission had received a petition requesting creation of the Sourdough Rural Fire District and a public hearing on this request will be held on December 23, 1985 at 1:30 P.M.

Jane Jelinski noted that the Commission had previously announced that there would be no public meeting Christmas week. There will now be a meeting held on December 23, 1985.

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There being no further business, the meeting adjourned at 1:50 P.M.

- - - -

ATTEST:

*Gary H. Dingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 17th DAY OF DECEMBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of December 10, 1985 as written, seconded

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by Ramon White, none voting nay. The motion carried.

## ANNOUNCEMENTS

December 11, 1985

Commissioners Visser and Jelinski attended the Interagency breakfast.

Commissioner Jelinski attended the Council of Commissioners meeting in Helena to discuss the Job Training Partnership Act.

Commissioner Visser met with Wally Riffle, of Maxey, Dean/Dale and Dean, and discussed the progress of the Detention Center remodeling.

Commissioner Visser attended Refuse District #2 meeting in West Yellowstone.

December 12, 1985

Bridger Canyon Zoning Commission met to consider a request by Patrick O'Neill to modify terms of his conditional use permit. Modification was granted with three conditions.

Commissioner Visser met with Greg Conniff, F.L. Dye, Howard's Heating and Plumbing, and Elmer Oakes at the Law and Justice Center and reviewed the heating system at the building.

December 13, 1985

Commissioner Jelinski attended board meeting of the Montana Advocacy Program.

December 16, 1985

Commissioners met with Peaches Sappington, Systems Analyst.

Commissioners toured the King Tool Plant in Belgrade.

Received numerous A101's in the amount of \$30,149.02 to the credit of various funds.

December 17, 1985

Commissioners met with Administrative Assistant, Ken Mosby.

Commissioners met with representatives of the Dept. of State Lands, Montana Highway Dept., Sanitarian Emery Nelson, Harvey VanDyken, and Bob Brownell and discussed proposed land trades for the landfill in Logan.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Frank Norman, Jr. for Norman Ranches, Inc. has claimed the occasional sale exemption. Mr. Norman has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski questioned whether there weren't actually three parcels being created on this certificate.

Jane Jelinski made a motion to postpone the decision on this exemption for one week, seconded by Ramon White, none voting nay. The motion carried.

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Bill Murdock, Assistant Planner, spoke regarding a request for summary review approval of Ryan Minor Subdivision. Mr. Murdock submitted his staff report as follows:

This is a one lot minor subdivision which consists of a tract which would be divided to create a 15.01 acre lot. It is located approximately one mile west of the Springhill pavilion. The proposed subdivision appears to meet the criteria for summary review and for waiving the requirements of a public hearing and preparing an environmental assessment.

The potential access will be provided by a proposed encroachment on Forswall Road, which is a county road. The Road Superintendent has inspected the parcel and notes that a logical access point exists. Three concerns have been raised with regard to the access location. Forswall Road does not meet county standards for width. Twenty additional feet of right of way are needed on the west side. The east side of the road would be less desirable for expansion of the right of way. The driveway from this access might have to cross a creek to reach the proposed homesite, which would require a 310 permit if a bridge is built. Sam Gianfrancisco, Road Superintendent, has observed a possible drainage problem on the west side of the road. This will require a culvert to ensure proper drainage.

Basis of need: Subdivision activity in the area is minimal.

Expressed public opinion: None has been expressed.

Effects on Agriculture: The proposed minor subdivision is in a predominantly agricultural area, however there are other divisions of land nearby which have homes on them. The proposed homesite area is not considered accessible for farming or grazing. The largest portion of the lot will be used as pasture.

Effects on local services will be minimal.

Additional tax revenues will accrue as a result of the subdivision.

Effects on natural environment will be slight. Other dwellings are in close proximity.

Effects on wildlife and wildlife habitat should also be slight.

Effects on public health and safety should be few. The area is not in a floodplain.

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However, there is no fire district in the area and as mentioned, the county road width requirements are not met by Forswall Road.

The lot does not meet county design standards because of its irregular shape; however, the southern boundary follows the shape of the stream.

The minor subdivision does not have to meet park land dedication requirements.

If the County Commission determines Ryen Minor Subdivision to be in the public interest, the following conditions should be considered:

1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval.
2. That an access be located according to County Road Office recommendation, and that a copy of an encroachment permit for this access be submitted to the Subdivision Review Office prior to final approval.
3. That the designated access be constructed to County encroachment standards and a culvert installed as required by the County Road Office before final approval.
4. That 20 feet right of way running the length of the lot's east boundary on Forswall Road be dedicated to the County to allow the road to meet county standards.
5. That the final plat conform to the Uniform Standards for Final Subdivision Plats and be accompanied by the required certificates.
6. Any disturbed vegetated areas on the county road right of way, the accesses, encroachment and driveway be revegetated according to county weed control standards.

Wilbur Visser raised a question with regard to whether or not there was an easement on the creek since the property line is shown going down the middle of the creek.

Ray Center, the surveyor of the property, stated that the existing boundary of COS 538 is the center line of the creek; therefore, the boundary of the proposed subdivision abuts the boundary of the COS.

Ramon White questioned the reason why the 20 feet of right of way was being dedicated on the west boundary of Forswall Road.

Bill Murdock stated that it was quite swampy to the immediate east of the road.

Ramon White questioned whether it was a reasonable request to ask the property owner on the west side of the road to dedicate twenty feet. He was concerned that property owners to the north would be running into the same problem when the road was further widened to the north.

Mary Kay Peck, Subdivision Review Officer, stated that she believed the road was swampy all the way up and that the twenty feet of right of way would have to be obtained from the property owners on the west side of the road.

Ray Center stated that the west side of the road appears dry; however, some holes were excavated and there was quite a bit of spongy material. If the road were to be widened on the west side, to have a good stable base, there would have to be something more than nine inches of pit run and three inches of gravel. Mr. Center states that it may be a little bit better on the west side, but not a lot.

Jane Jelinski made a motion to approve the Ryen Minor Subdivision with the six conditions defined in the staff report, seconded by Ramon White, none voting nay.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval for Emmelkamp Subdivision. This subdivision was given preliminary approval in June of 1984. The encroachment permit has been obtained for lot 6. A statement has been put on the final plat that restricts access for lot 8 to either Emmelkamp Circle or Pleasant Street.

The second condition was that an easement for access to Pleasant Street from Emmelkamp Circle to Churchill Road be obtained and filed in the Clerk and Recorder's Office prior to final approval and that the section of Pleasant Street from Emmelkamp Circle to Churchill Road meet county road standards prior to final approval. The reason for that condition was that when Pleasant Street was part of Pleasantview Subdivision, which was approved in 1950, on the plat for that subdivision it stated that no streets, alleys, parks, or playgrounds be required to be set aside or dedicated. At that time, Pleasant Street was not dedicated to the public. The plat was amended in 1978, and there was a statement on the plat that said that no new land is offered for public dedication by this rearrangement. At that time, the condition was put on that the status of Pleasant Street be cleared up.

Ray Center, the representative of the Emmelkamps, has submitted a letter with his opinion that Pleasant Street has become a subdivision road by use. Since the road was platted in 1950, he has not been able to find any records of taxes being paid on the road, or of any ownership on the road. It is Mr. Center's contention that this road has become a subdivision road by use and that it is open to the public. It has been certified as meeting county road standards.

The third condition was that the covenants provide for a homeowners association to maintain Emmelkamp Circle and the water system. This condition has been complied with. The utility easements have been provided for. Approval has been obtained for the central sewer system to hook up to the Churchill Sewer District and the State Dept. of Health has given their approval. Cash-in-lieu of parkland dedication in the amount \$369.80 has been submitted. The road drainage and street sign plans were approved.

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by the county road office. The road has been built to county standards and a deposit for the street signs has been received. The uniform standards for final subdivision plat have been met.

If the Commission feels that the information submitted on Pleasant Street meets condition no. 2, then it appears that all of the conditions have been met.

Ms. Peck entered her staff report into the record.

Ray Center provided a document from the Assessor's office showing the road as a separate piece of property, as a road. The road was not being taxed and it was not recorded under anyone's name and it had been in use by the people in Churchill for 35 years. This appears to fulfill the requirements as a road by use.

Sam Gianfrancisco, Road Superintendent, stated that the road was not listed in the road records of the county. Mr. Gianfrancisco states that it has been considered as a subdivision road. It has been maintained by the homeowners in the past. He states that the road has been used by the general public for years.

Ramon White made a motion to grant final approval for the Emmelkamp Subdivision because they have met the eight conditions imposed by the Commission in preliminary plat approval and he would like the Commission to go on record that Pleasant Street is a public road by use, seconded by Jane Jelinski, none voting nay. The motion carried.

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At this time, the Pledge of Peace was presented by a group of Campfire girls. Barb Wheeler stated that the presentation was part of a national campfire project called A Gift of Peace. The project was designed to teach our children about the qualities needed to create a peaceful world, caring, responsibility, ability to resolve conflict, and hope for our future. The symbol of the presentation is a purple ribbon which is wrapped around each candle and worn by each girl. The color purple symbolizes loyalty, dignity and the love of truth. The girls have signed a pledge of peace proclamation which says, "As a legacy and a gift to the children who will be born and live on this planet Earth, I hereby commit myself to fostering peace. I promise to do everything I can to help create a common future of peace for all human beings." This pledge will be sent to Washington, DC where it will be put on a laser disc and sent up on the space shuttle January 22, 1986. Upon its return to Earth, the laser disc will be on display at the United Nations in New York City.

After the completion of the presentation by the girls, the Commissioners signed the pledge of peace proclamation.

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Wilbur Visser spoke regarding a request for annexation into the Three Forks Rural Fire District by the Trident Fire District. The Three Forks Fire District Board has approved this annexation.

Dave Miller, representing Ideal Cement Company, stated that he was in favor of the annexation.

Jane Jelinski made a motion to approve the annexation into the Three Forks Rural Fire District of Trident Fire District, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that he had the resolution to reduce the speed limit on Bear Canyon Road to 35 MPH; however, he had not received a written request by the residents to reduce the speed limit.

Sam Gianfrancisco states that the road is presently posted at 35 MPH but an official resolution has never been adopted by the Commission. The residents on the road have indicated to Mr. Gianfrancisco that they will be submitting a written request.

Wilbur Visser stated that he would be more comfortable acting on this request with a written request.

Jane Jelinski stated that the Commission had met with several residents of the area who had verbally requested a reduction in the speed limit. Mrs. Jelinski stated that she would feel comfortable acting on the request today whether or not it was on paper.

Ramon White stated that the Commission should follow a policy with regard to whether these types of requests should be written or verbal.

Mr. Gianfrancisco stated that a traffic study was done in the area and all of the criteria have been met to reduce the speed limit.

Wilbur Visser stated that he would like to set forth a policy that in the future, written requests shall be submitted for this type of petition.

Jane Jelinski made a motion to reduce the speed limit on Bear Canyon Road to 35 MPH by adopting the resolution, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:40 P.M.

ATTEST:

*Gary St. Pringle*  
Clerk

APPROVED:

*Ramon White*  
Chairman

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The meeting was called to order by Acting Chairman Ramon S. White at 1:35 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of December 17, 1985, seconded by Ramon White, none voting nay. The motion carried.

## ANNOUNCEMENTS

December 18, 1985

Commission met with Sam Gianfrancisco regarding snowplowing and if early-hour plowing on bus routes can be accomplished.

Commissioners met with Jim Wysocki and Dick Holmes of the City of Bozeman regarding a proposed Master Plan Amendment.

December 19, 1985

Commissioners sat as a Welfare Board.

Annual Christmas buffet for employees was held.

Commissioners met with Soil Conservation Service Board and discussed a new statute requiring that an SCS member be a member of the Planning Boards of the county.

December 20, 1985

Commissioners met with Gene Rau of Montana State University, Arletta Derleth, Assessor, Loy Carroll, Treasurer, and Kathy Nowierski, Personnel Officer regarding the needs of the county in its computer operations.

December 23, 1985

Commissioner Jelinski met with Rob Gilmore regarding the high-tech park grant that has been awarded to Gallatin County.

Received numerous Al01's in the amount of \$2,301.62 to the credit of various funds.

Received the following list of new employees:

Lois Jeske, Temporary Secretary, Judge Gary's Office, \$6.00 per hour.  
 Karen Weinert, Clerk Typist, Rest Home \$5.40/hr., 11/19/85.  
 Marilyn Kundert, Detention Officer, Sheriff's Dept., \$915.65/mo., 12/10/85.  
 Elizabeth Bayuk, Temporary Nutrition Aide, Health Dept., \$4.52/hr., 12/10/85.  
 Barbara O'Leary, Clerk Typist, Fairgrounds, \$5.2280/hr., 12/16/85.  
 Diane Nalty, Accountant I, Clerk and Records Office, \$1,332.75/mo., 12/16/85.  
 Cynthia Hertzog, Recording Clerk, Clerk and Recorder's Office, \$977.03/mo., 12/16/85.  
 David Penwell, Jr., Microfilmer, Clerk and Records Office, \$4.8589/hr., 12/16/85.  
 Dinah Bowen, Nurses Aide, Rest Home, \$5.05/hr., 11/21/85.  
 Marietta Gripp, Part Time Cook, Sheriff's Dept., \$5.28/hr., 12/19/85.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey. This is a continuation from last week of the request by Frank Norman. The Commission was concerned about the proposed configuration of the lot.

Mark Knops, a surveyor with Morrison-Maierle, stated that he had worked on layout of the tract and the configuration was done under the direction of the buyer of the tract. He requested that the property be situated on the north side of the ditch. Mr. Norman is aware of the configuration of the lot and is also aware that he will have to go through subdivision review for any further subdivision of this tract of land.

Jane Jelinski made a motion to grant the occasional sale exemption to Mr. Norman, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval of Rabel Minor Subdivision. This subdivision was given summary approval in May of 1985. It is a five lot subdivision located in Gallatin Gateway. All of the twelve conditions imposed for final approval have been met.

Jane Jelinski made a motion to grant final approval to Rabel Minor Subdivision, seconded by Ramon S. White, none voting nay. The motion carried.

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Ramon S. White read the public notice for the public hearing to consider a request to create the Sourdough Rural Fire District.

Gary Pringle, Clerk and Recorder, stated that 1,039 signatures were qualified to sign the petition out of a possible 1,972. This is a majority. An estimated land mass based on the petition that was submitted, totalled 11,880 acres. The signatures that were qualified totalled 6,152 acres which is a majority. Mr. Pringle stated that he had an affidavit of publication and an affidavit of posting and mailing. Letters were mailed to all freeholders within the district.

Ramon White read the following letters into the record:

"December 23, 1985

I, Robert D. Braun, want my name taken off of the fire district of Sourdough. My address



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is 4270 S. 3rd.

/s/ Robert D. Braun"

"December 16, 1985

To: Gallatin County Commissioners  
Bozeman, Montana

Re: Proposed Tax District for the Sourdough Volunteer Fire Company

Dear Sirs:

Having attended the recent district meeting of the Sourdough Volunteer Fire Company (December 12) it seems that the move to be come a tax supported district is hard and fast and a foregone conclusion that such will be the case.

The case presented is that at least 50% of the homes in the area have been canvassed, and that at least 50% of the land in the area would support that move.

However, since no opposing group has been formed to counter such a proposal, it would seem that this would be an easy effort to convert to a tax-supported district.

Further, it seems that the greatest cause for such a move would be the uplift of the morale of the volunteer fire fighters in their behalf, noting however, that they responded to only 16 fire calls in the past year, hardly a case for being over-extended or over-worked (The Belgrade Volunteers reportedly responded to 200 fires in the same period). It does speak well through, for fire-conscious people in the area to help prevent fires.

Another thought expressed at the meeting was that there are 714 families presently subscribed at \$40.00 per year in the district. If a tax-supported district is attained, that would bring in another approximately 325+ households into the paying district, plus any others who might choose to build in the area. This seems to be a problem for fire-fighters who may be called to fight a fire for non-subscribers, but who also have the option of joining or not.

There is an apparent paranoia for some of the present board of directors who feel that they may become personally liable for damages if a fire is not contained for a non-subscriber. I believe State statutes do not allow incorporated fire companies, their directors or volunteers to become personally liable, except in the case of gross negligence by some member.

As a former member of the charter board of directors of SVFC, I proposed a non-subscribers form and release at the instant of arriving at a fire for non-subscribers to sign and allow fire-fighters to do their job, and then allow that person to become an automatic member with a promise to pay the initiation fee. This was shot down by the faint-hearted who maintained that this was signing under duress, as such it is, but saving a \$40-\$60,000 home seems a small? matter compared to the ethics of such a situation.

Since the formation of SVFC in March of 1970, the district has been able to chose a station site, build two fire station buildings, housing at least four fire fighting vehicles, and providing living quarters for two live-in quick-response operators.

With a tax supported district, I am wondering what a new board of directors will consider as vital in our growth as a volunteer fire company. Left unanswered is what new type of equipment is essential for further moderate growth. No budget has been proposed or projected to my knowledge. No designation of mill levy has been proposed to support the no-budget situation. No one knows for certain what the tax dollars will be on top of current county taxes.

The proposed three-member large-land owner segment of a new five-member board seems to be composed of three rather recently established persons who appear to be wealthy in their own right, as compared to a possible selection of large landowners who have been in the area for many years as pioneer farmers and ranchers. What their taxes will be is yet to be assessed.

In addition to the larger landowners, I suspect that there are a considerable number of new home builders who feel they can't afford more taxes and are willing to take an option of not becoming subscribers, but will become saddled with more tax debt if such action is passed.

A question of turning over all assets of the fire company to the County Commissioners also raises questions that will have to be handled by that body, moreso than just being money collectors, including who will be responsible for maintenance and upkeep of fire trucks and fire-fighting equipment, operation costs, insurance, utility bills, etc., or does the new board propose to hire someone to handle these matters, possibly including a salaried fire chief, since there will be tax dollars to support their directions (with little or no community input-so they (present board) contend).

Therefore, in light of what is evident at this time, I propose that the petition for a tax-supported district be set aside, since the possibility of ever changing back is very remote, and cost-conscious citizens know that they, their sons, and their grandsons will be taxed extra for many years to come.

Respectfully submitted,

/s/ Don G. Lee  
2892 Sourdough Road  
Bozeman, Montana"

Ramon White stated that he had received a phone call from Darla Boyer who lives in Shadow Subdivision. Mrs. Boyer did not sign the petition but questioned what would happen to the \$80.00 that has already been paid for protection for this year. She wondered whether she would be reimbursed for any portion of this. She also questioned why the people who

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did not belong in the past will now have full access to the equipment that has been furnished by the members of the subscription district previously.

Tom Anacker stated that he felt that the petition should be reviewed in light of Mr. Braun's request to be removed from it to determine whether or not that would affect the certification of the petition.

Gary Pringle determined that Mr. Braun owns .6 acres so it would not be detrimental to the petition.

Ramon White stated that no petitions have been filed asking to be withdrawn from the district.

Tom Anacker stated that any requests to be added or withdrawn from the district would have to be in writing.

Ray Myers stated that he owned 160 acres within the fire district on the east boundary. Mr. Myers protest the formation of this district until the law can be changed to tax only buildings, not personal property. He has no complaints against the subscription district, but he will withdraw if it becomes a tax district. Mr. Myers will submit his written request to be withdrawn from the district.

Arletta Derleth, County Assessor, stated that nothing had been established with regard to mill levy to calculate the fire district tax. Fire district taxes are based on all personal property, real estate, homes, horses, cows, etc. within the district. It is hard to estimate at this time what the cost per person will be until a budget has been established and a mill levy is determined.

Billy Odneal, questioned the legality of not fighting a fire for a non-subscriber. He questioned whether the homeowner was able to obtain homeowners insurance without subscribing to a fire district.

Tom Anacker stated that those questions would have to be answered by legal counsel for the subscription district. The County Attorney's office does not represent subscription districts.

Jim Cashell, a volunteer fireman with the Sourdough Fire Company, and chairman of the drive to create the district, spoke in favor of the creation of the district. With regard to the question of cost, approximately three years ago, the County Assessor's Office ran a taxable valuation report for the proposed district. At that time, one mill would raise \$2,115. Three proposed budgets were submitted: \$20,000, \$25,000, and \$30,000. Based on these budgets, a small 1,200 square foot house would cost from \$17.61 to \$26.40 per year. In a larger home, the cost would range from \$31.29 to \$62.12. The larger landowners ranged from \$103.27 to \$315.72. It must be kept in mind that these figures were calculated over thirty months ago.

Mr. Cashell states that the major reason for creation of the district comes down to liability. The government looks at a private fire company as a private business. The fire company is required to pay taxes. As a private company, the question of personal liability for board members or firemen for their actions is also at risk.

Mr. Cashell states that with regard to the people that have already paid their \$80.00 fee, it would not be reimbursed because all of the assets of the fire company would be turned over to the fire district. They cannot take the time to divide up all the assets at \$80.00 apiece and give them back to everybody that has paid. This would eliminate any cash balance that would carry the district over when it is being formed.

Mr. Cashell states that several meetings were held with regard to creation of the proposed district. These meetings were advertised on the radio and flyers were sent out as well. This has not been a hidden project. The only vocal opposition to the project has surfaced within the last three days. Any person who wishes to withdraw from the district will be given an opportunity to do so.

Ramon White asked whether the board of directors and the firemen were immune from personal liability once a fire district has been created. Mr. Cashell stated that he believed the immunity was gained by the simple fact that you eliminate the problem of the decision of whether or not to fight a fire. You go to every fire and put the fire out.

Ramon White stated that there was a bill introduced during the last legislature that would allow flat fees to be paid to a fire district rather than an assessment being made. The bill did not even make it out of committee.

Mel McFetridge stated that the taxable valuation figures were obtained from the County Assessor's Office. It was based on an estimate, the County Assessor's Office indicated that the taxable valuations could not be done individually.

Ramon White stated that he did not recall the incidence, possibly he would have provided them with a comparable cost from another district.

Mr. McFetridge states that as long as the subscription company is in effect, there will always be the problem of deciding whether or not to fight a fire. Mr. McFetridge believes it is an unnecessary problem that can be eliminated.

John Fisher, President of the Sourdough Volunteer Fire Company, stated that acquiring and maintaining qualified volunteer fire fighters is a problem the district has had to face. Mr. Fisher believes that a fire tax district is fair and equitable and is widely accepted. The only inequity is in the matter of including livestock in the tax base. Mr. Fisher is encouraged in bringing about this change in the legislation. Mr. Fisher furnished the Commission with a list of people who would be interested in serving on the Board of Trustees of the proposed district, should it be approved.

Mike Coil brought out the point that if the subscription district starts to fight fires of non-subscribers due to the fire endangering other paid subscribers in the district, they may have a legal obligation in the future to do the same for other non-subscribers. There

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will also be less incentive for the people who are currently paying their dues to the district to continue to do so. Mr. Coil points out that Section 7-33-2208 deals with the liability of a tax district. His interpretation is that the persons fighting the fire would be protected from any liability. He does not feel that this is the case with the subscription district that is currently in effect. Mr. Coil is concerned about the erosion of morale among the fire fighters of the district. He is in favor of creating the tax district.

Howard Billips spoke in favor of creating the tax district.

Harold Bell stated that he is in favor of the tax district.

Harold Moss spoke in favor of creation of the tax district.

Nick Shrauger stated that he is in favor of the tax district.

Jane Jelinski asked if the Commission only had the authority to act on the petition with the legal description that has been presented or could land be withdrawn as requested by Mr. Myers?

Tom Anacker stated that the Board may adjust the boundaries of the proposed district to reflect any freeholders written request for subtraction or annexation adjacent to the boundary line. It would be possible to subtract upon a written request from Mr. Myers and would cause the district boundary line to be redrawn.

Jane Jelinski stated that she would propose, seeing as the Commission does have a certified petition with more than sufficient acreage and more than sufficient freeholders signing it, that the Commission move on this and give Mr. Myers an opportunity to submit a written request to be excluded from the district.

Ramon White stated that he has spoken with the Assessor regarding the creation of this district and she is willing to let the Commission act on this request until after the first day of January and still be able to get it on the 1986 tax roll. Ramon White would suggest that the Commission act on this around the 15th day of January to give an opportunity to anyone who wishes to be withdrawn from the district.

Tom Anacker stated that the statute requires that the written request for annexation or subtraction from the proposed district be submitted to the Board prior to or on the date set for the hearing on the petition. The decision on whether or not to create the district must be made within thirty days of the public hearing date. Any subtraction or addition to the district must be done today on the date of the hearing.

Jane Jelinski made a motion that the Commission accept the petition to create the tax district as described except excluding Mr. Ray Myers' property from the district upon receipt of his written request to do so this day. Mrs. Jelinski withdrew her motion and made the following motion: That the Commission adopt an Order to establish the Sourdough Rural Fire District and that the boundaries of said district will exclude Mr. Ray Myers' property upon receipt of his written request to withdraw it today and that the boundaries will otherwise be the same as requested in the petition, seconded by Ramon White, none voting nay. The motion carried.

Tom Anacker stated that the Board of Trustees did not need to be appointed today but as soon as possible so that they can organize and adopt the bylaws and facilitate the transfer from the subscription district to the rural fire district.

Jane Jelinski proposed that the Commission set two weeks from today as the hearing when the Commission will appoint the Board of Trustees and that people who wish to apply are invited to do so. Ramon White agreed to this.

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Larry Bailey, Manager of the Covered Wagon and Bridger Court Mobile Home Parks, spoke regarding animal control problems. Mr. Bailey questioned what he and his wife are to do when they receive a complaint from a resident and capture an animal. The Humane Society does not open until noon. He wondered if the courts could be patrolled and fines assessed and the monies would be donated to animal control or the Humane Society. Mr. Bailey is agreeable to a dog control district being formed in his area. The residents are wondering if they have the authority to shoot a dog that is in their yard as has been brought up at previous public hearings.

Ramon White stated that he would like to talk with the Humane Society to see what could be worked out.

Tom Anacker states that there is a statutory authorization to shoot dogs when they are endangering livestock. With regard to working something out with regard to fines, the only way this would work is through an ordinance or through legislation making a criminal penalty for dogs-at-large, etc. Mr. Anacker states that if there is a dog that is a public nuisance to a substantial part of the neighborhood, this could be reported to the Sheriff as a public nuisance. No private arrangements with the courts could be done as far as Mr. Anacker is concerned without legislation or an ordinance. The County does not control the Humane Society.

Jane Jelinski wanted to let the record show that the Commission does not in any way condone the discharge of firearms in trailer courts and will not be held responsible for this action.

Ramon White stated that the Commission was leaning toward the creation of an animal control district ordinance. He was under the impression that the Humane Society was going to work with the county on this.

Jane Jelinski stated that it took alot of time to create a carefully thought out ordinance.

Ramon White stated that he did not have a problem with problem districts, but he did have a problem in creating a county-wide district.

Mary Lou Jones was in favor of creating a district in her area.

Harold Moss stated that it was a problem in subdivisions in that the residents do not want

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to fire a gun. He suggested the use of a tranquilizer gun.

Jane Jelinski stated that an ordinance would have to be in effect to be used in conjunction with the use of a tranquilizer gun.

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There being no further business, the meeting adjourned at 3:40 P.M.

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ATTEST:

*Gary H. Dingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

- - - -

PUBLIC MEETING MONDAY, THE 30th DAY OF DECEMBER, 1985 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 PM. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

December 24, 1985

Commissioners met with Dave Dunn, Ron Cutting and Dave Morrow to discuss the needs of the dispatch center.

Commissioners met with Ken and Walt Mosby and Peaches Sappington of Applied Business Systems and County Attorney Mike Salvagni to discuss contracting services for the county's computer operations.

December 25, 1985

CHRISTMAS DAY - HOLIDAY

December 26, 1985

Routine business this date.

December 27, 1985

Received numerous A101's in the amount of \$18,661.83 to the credit of various funds.

December 30, 1985

Commissioners interviewed four applicants for the position of County Auditor. John Nehring, Pete Ault, Patsy Johnson, and John J. Earll.

Received numerous A101's in the amount of \$4,552.89 to the credit of various funds.

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Steve Lere, Bozeman City Planning Director, spoke regarding a request by Jerry Perkins for a Master Plan Amendment. The City Commission did vote unanimously to approve the request for a Master Plan Amendment and are in the process of processing the annexation request. The requirements for the annexation procedures are as follows: to dedicate 80 feet of right of way for Oak Street, providing half the right of way for 19th Street from Oak to the northern portion of the annexation and then the west side of 19th from that portion to Baxter. This would give the full 100 feet of right of way for 19th. They would also be giving the dedication for the realignment of Baxter Lane. They are also required to dedicate water rights. The staff would change their position on the light industrial designation because it is being realigned. The staff still does not see a major justification for designating the area highway commercial along Oak Street. For this property to develop, it would be required that Oak Street be built to this property for an access.

Paul Kinshella, representing the applicant, spoke regarding the application for annexation.

Jane Jelinski stated that there are a number of issues that need to be considered with regard to this request. The property seems more appropriate for use as light industrial and highway commercial than residential. There is already commercial development in the area. Water table problems seriously limit the kind of residential building that can occur in that area. The entire proposal offers an opportunity to accelerate some of the highway construction projects that have been discussed for years and were not anticipated to be completed for at least another ten years. She believes that there is a lot of long-term benefit to be gained by approving this request.

Wilbur Visser also believes that this land would only be suitable for light industrial use. He believes that the Master Plan was in error when it was approved with a residential designation.

Jane Jelinski made a motion to approve the request for a Master Plan Amendment by Jerry Perkins, seconded by Ramon White, Commissioners Visser and Jelinski voting aye, Commissioner White voting nay. The motion carried.

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Wilbur Visser spoke regarding the reappointment of members to the County Weed Board. This must be done according to the new legislation now in effect. Pete Fay, Doug Polette, William Kober and Sam Hofman are presently serving on the board. Robert Miller has submitted his letter of resignation. Pete Fay's first term would end December 31, 1986, Doug Polette's

MONDAY

30th

THE

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first term would end December 31, 1987, William Kober's first term would end December 31, 1988, and Sam Hofman's term would end December 31, 1989. According to the statute, all terms must be three years.

Tom Anacker stated that the statute provides for a three year term and that when a Weed Board is initially established, if it is a five member board, two of the members shall serve terms of one year, two shall serve terms of two years, and the final one will serve a term of three years. Following that, the terms are for three years.

Ramon White does not see any sense in reappointing a whole board when some of the members already have their appointments in order and are not out of compliance. Mr. Fay, Mr. Polette, and Mr. Kober are all in place. Mr. White proposed that Mr. Hofman be moved from a four year appointment to a two year appointment and the vacancy created by the resignation of Mr. Miller could be for one year.

Ramon White made a motion to reappoint Sam Hofman to a two year term and to leave the rest of the board members in the terms that they now hold and that we fill the board with an additional member for a one year appointment, seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski made a motion to reappoint John Miller and Eugene Graf, III to two year terms to the Belgrade City-County Planning Board, term expiring December 31, 1987, seconded by Ramon White, none voting nay. The motion carried.

Jane Jelinski made a motion to reappoint Al Lien and Jim Storey to three year terms on the Fair Board, terms expiring December 31, 1988, seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion to reappoint Regina Lindvig to a three year term on the Tax Appeal Board, term expiring December 31, 1988, seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White made a motion to reappoint George Reich to a three year term on the Mount Green Cemetery Board, term expiring December 31, 1988, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski made a motion to reappoint Louis Eblen to a three year term on the Meadow View Cemetery Board, term expiring December 31, 1988, seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion to appoint William Bodle to a two year term on the Pedestrian Traffic Safety Committee, term expiring December 31, 1987, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:10 P.M.

ATTEST:

*Gary D. Dingle*  
Clerk

APPROVED:

*Ramon S. White*  
Chairman

PUBLIC MEETING TUESDAY, THE 7th DAY OF JANUARY, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

ANNOUNCEMENTS

December 31, 1985

Commissioners interviewed John Garwin and Ken Gilbertson who have indicated their interest in serving on the Bozeman City-County Planning Board.

January 1, 1986

NEW YEARS DAY - HOLIDAY

January 2, 1986

Commissioners interviewed Stuart Westlake, Bill Myers, and Christopher Bakwin who have indicated their interest in serving on the Bozeman City-County Planning Board.

Commissioners met with Don Gustofson regarding the High Tech Park and management of the grant.

Received a report from the Clerk and Recorder's Office for fees collected for the month of December in the amount of \$20,469.52.

Commissioners held a special meeting to elect a Chairman for the Board for 1986. Commissioner Visser was again elected Chairman. Wilbur Visser will serve on the Board of Health, Jane Jelinski and Wilbur Visser will serve on the Refuse District #1 Board, Wilbur Visser and Ramon White will serve on the West Yellowstone/Hebgen Basin Refuse District #2 Board, Ramon White will serve on the Area IV Council on Aging Board, Wilbur Visser will serve on the Audit Committee, Jane Jelinski will serve on the HRDC Board, Jane Jelinski will serve on the TAC Committee, and in advisory capacities, Wilbur Visser will meet with the

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Fair Board and the Central Communications Advisory Committee, and Jane Jelinski will meet with the Weed Board.

January 3, 1986

Commissioners met with Treasurer Loy Carroll, Assessor Arletta Derleth, Computer Operator Gwen Marty, and consultant Don Stanfield regarding data processing. The Commissioners entered into a contract with Don Stanfield to program and write documentation for the county's computer system.

Commissioners received a resume from Carolyn Hartsog indicating her interest in the Auditor position.

Commissioners met with Darrell Kurk of the Dept. of State Lands regarding the purchase of the King radios.

Commissioners met with George Reich of the Willow Creek Rural Fire District regarding the annexation of land into the district.

January 6, 1986

Commissioners met with Greg Jackson and Lee Ault of the Montana Highway Dept., and Road Superintendent Sam Gianfrancisco. A presentation regarding factors that influence safety was shown.

Commissioners interviewed Carolyn Hartsog for the Auditor position.

Commissioners met with Sheriff Cutting and Dave Dunn regarding Detention Center remodeling.

January 7, 1986

Commissioners held a staff meeting.

Commissioners interviewed Mike Shyne who has indicated her interest in serving on the Bozeman City-County Planning Board.

Received numerous A101's in the amount of \$17,173.25 to the credit of various funds.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for summary review approval of YB Partners Minor Subdivision. This is a five lot minor subdivision located 700 feet south of Three Forks on Bench Road between the Three Forks Airport and the talc plant. Ms. Peck displayed a plat of the proposed subdivision. This is a 20 acre tract which would be divided into five lots.

YB Partners Minor Subdivision appears to meet the criteria for summary review and for waiving the requirements for public hearing. Access will be provided by a proposed encroachment on Bench Road and an interior street ending in a cul de sac. Bench Road is built to adequate standards. The Road Superintendent is concerned that the interior road be properly constructed due to the high water table in the area. Testing has been done to determine the water level in the area, it has been found to be about 80 inches, which is sufficiently deep for county septic tank requirements. It generally appears to meet subdivision design standards. The site does not lie within a floodplain designation. All lots will have adequate access and utility easements are provided. It is felt that access should not be provided to the airport to the west. The proposed subdivision is surrounded by commercial and industrial activities. These land use activities are not particularly compatible with residential development; however, there is a problem as to where residential growth can occur in this area because of the floodplain. The minor subdivision is located adjacent to the Three Forks Airport. The Airport is used mainly by single engine planes. The greatest noise producing aircraft are the crop sprayers, which are used mainly in the spring and summer months. As the airport is improved, the traffic for the crop spraying planes will be directed from Gallatin Field to the Three Forks Airport, increasing the traffic. It is not felt that this subdivision will be a safety hazard to the airport, nor will it restrict its growth. It is suggested that conditions be imposed to restrict building height and setback. Noise levels do not exceed 65 decibels. The County Weed Supervisor has noted that there is a problem with noxious weeds and has asked that noxious weed control be addressed in the covenants.

The public interest criteria apply and following are comments regarding those:

Effects on natural environment would be slight. Effects on wildlife would be negligible. Twenty acres of land would be removed from pasture. The public health and safety may be adversely affected by the adjacent industrial uses and the airport. There appears to be a need for this subdivision, because of the floodplain surrounding the area and the limited amount of development. Additional tax revenues would accrue. Demands on local services will increase, but should be minimal. No express public opinion has been received because a public hearing has been waived.

If the County Commission determines YB Partners Minor Subdivision to be in the public interest, the following conditions should be considered as a part of preliminary plat approval:

1. That approval of the subdivision be obtained from the State Dept. of Health and Environmental Sciences prior to final approval.
2. That a copy of the encroachment permit for the proposed subdivision road be submitted to the Subdivision Review Office prior to final approval.
3. That the developer meet with the County Road Office for a pre-construction meeting to assure that the interior road and cul de sac be built to county standards. That plans for roads, drainage and placement of street signs be approved by the County Road Office prior to final approval. That all improvements be installed prior to final approval. That 30 feet of Bench Road be dedicated to the public.

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4. That cash in lieu of parkland dedication be donated prior to final approval, and that the developer provide an appraisal of the fair market value of the unsubdivided, unimproved property to determine the amount of payment.

5. That all disturbed vegetated cover be revegetated according to County Weed Control Standards.

6. That copies of covenants and Homeowner's Association articles be submitted for review and approval. That the Association assume the responsibilities for road maintenance and control of county declared noxious weeds within the road right of way. That the Articles state that individual owners are required to control county declared noxious weeds on their lots.

7. That a \$35.00 per lot fee be paid to the Three Forks Fire District.

8. That the final plat conform to the Uniform Standards for Final Subdivision Plats and be accompanied by the required certificates.

9. That the road name be approved by the County Road Office prior to final approval.

10. That a 100 foot setback for residential construction from the west boundary of lot 3 be shown on the final plat. That a provision be added to the Homeowners Articles that all structures shall comply with Federal Air Regulations (FAR) Part 77, which is a federal guideline for height restrictions for land within and adjacent to airports.

Dennis Foreman of Sanderson, Stewart and Gaston, representing the developer, stated that they had no problem in meeting the conditions.

Jane Jelinski made a motion to grant summary review approval to YB Partners Minor Subdivision conditional on the ten conditions outlined by staff, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that the Commission had received a list of potential trustees for the Sourdough Rural Fire District Board. They are as follows: Helen Boyd, Milton DeWitte, Alvin Goldenstein, Charles Kraft, and Nick Shrauger. The Commissioners have received the application of Don Clark indicating his interest in serving on the Board.

Jane Jelinski made a motion to appoint to the Board of Trustees for the Sourdough Rural Fire District those requested by the people who petitioned for creation of the fire district two weeks ago which are: Helen Boyd, Milton DeWitte, Alvin Goldenstein, Charles Kraft, and Nick Shrauger, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that the Commission had received applications from Stuart Westlake, Ken Gilbertson, John Garwin, Bill Myers, Christopher Bakwin, and Mike Shyne indicating their interest in serving on the Bozeman City-County Planning Board. There are currently two vacancies on the board.

Jane Jelinski read the following letters into the record:

"January 7, 1986

Dear Mr. Visser:

I am writing to urge your careful consideration of the appointment of members to the City-County Planning Board.

My first concern that representation of the suburban areas appears to be left out of the process of selection of new members. The area immediately adjacent to the city limits is most urgently affected by land use decisions being made by the board. The numbers of your constituents living in the suburban areas is second only to those living within the city. Those thousands of county tax-paying residents deserve representation. If the suburban applicants for the board positions have been ruled ineligible, please reopen the application process to allow other suburban residents to apply.

My second and paramount concern about the appointment process is that the new members of the Planning Board should express support of the planning process. Many hours, months, and years of volunteer work have been devoted by dedicated board members toward developing a workable Master Plan. The process included wide community input and participation. Those who live in the areas included in the Plan are counting on adherence to the adopted Plan. Of course, it can be adapted to changing conditions, but ONLY as part of a public process that reflects the will of the majority electorate. Planning is a process that can affect the quality of life and the future costs of development for all of us and generations to come. Please appoint persons who believe in the process of minimizing costs for all of us, not just for narrow interest groups.

Thank you for your thoughtful consideration of my concerns.

/s/ Phyllis J. Wells"

"Dear County Commissioners:

I respectfully request that you postpone appointments to the City-County Planning Board and advertise for people to fill these positions.

To take away representation from the thousands of suburbanites and to replace them entirely with ag interests would contradict the principal of representation for all.

To appoint a city resident like Mike Shyne, who has also applied, would be a slap in the face of all suburbanites who deserve representation.

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The city has its representatives, chosen by the City Commission.

Thank you very much.

Sincerely,

/s/ Helen Kerr  
 117 Sourdough Ridge Road"

"January 7, 1986

Gallatin County Commission:

As a county resident near Bozeman I would urge you to include reasonable representation for myself and similar citizens on the City County Planning Board.

I cannot vote for the Bozeman City Commission. You three Commissioners are my sole elected representatives at the local level. In spite of your personal beliefs, it would appear you have a duty to insure fair representation and the opportunity for participation by all the people of the county.

If we intend to operate as a democracy, the many suburban residents around Bozeman must be adequately represented on boards effecting their lives and property. We are your constituents as much as any other group. Do not turn your backs on us.

Sincerely,

/s/ George Mattson  
 47 Hitching Post Road"

Jane Jelinski stated that the statements she had been hearing lately regarding the conflict between agricultural interests and the city interests simply are not valid. She believes that agricultural interests and the interest of the City of Bozeman are integrated and what is good for one is almost always good for the other. She agrees that they should both be adequately represented on the Board, she does not feel that they are antagonists. She would expect that anyone who is on the Board would be open-minded and be interested in planning that would benefit the entire community.

Wilbur Visser agreed that they must work together for the benefit of both.

Jane Jelinski brought out the point made by Mr. Mattson that the City Commission can only appoint persons within the city. The County Commission has received applications from a number of people who live within the city. She feels that the Commission should consider that county residents should have representation. Mrs. Jelinski stated that Stuart Westlake's application is an exception in that he lists his address as a city address; however, he is employed in a family agricultural operation outside the city. There are no suburbanites serving on the board at present, and none have applied. Mrs. Jelinski suggests that the Commission appoint one person who lives outside the city limits, being either Mr. Myers or Mr. Westlake and recruit an applicant from a subdivision.

Ramon White feels that this has been discussed since the middle of December and the appointments should have been made during the month of December. The first meeting of the Board is this Thursday. The Commission has received six applications and people are aware that the Commission has been looking for them. Mr. White feels that the appointments should be made today.

Wilbur Visser agreed that the appointments should be made at today's meeting.

Jane Jelinski made a motion to appoint Stuart Westlake to the Board because she feels that Mr. Westlake's real property interests are outside the city and that he is experienced in the area of planning and she feels that he will bring a diversity of informed views to the Board. This motion was seconded by Ramon White, none voting nay. The motion carried.

Ramon White made a motion to appoint Bill Myers to the City-County Planning Board, seconded by Jane Jelinski, Commissioners Visser and White voting aye, Commissioner Jelinski voting nay. The motion carried.

The first meeting of the City-County Planning Board is Thursday, January 9, 1986 at 7:00 P.M.

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Wilbur Visser stated that the Commission had received two applications for appointment to the Three Forks Rural Fire District Board, one from Lloyd Pyfer and one from David Miller. David Miller lives within the town of Three Forks. Mr. Visser believes that the rural fire district appointment should be a rural person.

Tom Anacker stated that the qualifications for election or appointment to the board of trustees for a fire district would be the same qualifications for casting a ballot if there were an election; therefore, they must reside within the district or have title to land within the district.

Ramon White made a motion to appoint Lloyd Pyfer to the Three Forks Rural Fire District, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:15 P.M.

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ATTEST:

*Gary St. Dingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

- - - -



TUESDAY

THE

14th

DAY OF

JANUARY

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of December 23, 1985, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski made a motion to approve the minutes of December 30, 1985, seconded by Ramon White, none voting nay. The motion carried.

Jane Jelinski made a motion to approve the minutes of January 7, 1986, seconded by Ramon White, none voting nay. The motion carried.

## ANNOUNCEMENTS

January 7, 1986

Commissioners met with NCR Sales Representative Gene Leigh.

January 8, 1986

Commissioner Visser and Jelinski attended the Interagency breakfast.

Commissioner Visser met with representatives of Service Electric at the Law and Justice Center regarding electrical service in the dispatch center.

Jane Jelinski met with Paul Peterson regarding Fairgrounds development.

Commissioners met with Sam Gianfrancisco regarding the flooding problems in the Old Town area.

Commissioners met with Gary Pringle to review job surveys of personnel in his office.

Commissioner Jelinski met with Jim Moore and Harold Lindvig regarding Fair Board appointments.

Commissioners reviewed job surveys.

Commissioner Jelinski attended the Fair Board meeting.

January 9, 1986

Commissioners interviewed Julie Swibold, Alyce Hager, and John Story for the Printer position. Alyce Hager was offered the position and accepted.

Commissioners met as a Welfare Board.

Commissioners met with Al Lien regarding Fair Board business.

Commissioners attended the Weed Information Day luncheon at the Fairgrounds.

Commissioners attended the County Study Commission public hearing.

January 10, 1986

Commissioners appointed Carolyn Hartsog to fulfill the term of Doug Kosty as County Auditor.

Commissioners met with Deputy County Attorney Tom Anacker and Consultant Don Stanfield regarding data processing.

Commissioners met with Dennis Davies of Gallatin Construction regarding the remodeling at the Detention Center.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

-That the sum of \$256.22 as appropriated under general class (2) Maintenance and Support for account 8152-000-440700-397 be transferred to account 8152-000-440700-360 under general class (2) Maintenance and Support.

-That the sum of \$4,302.00 as appropriated under general class (3) Capital Outlay for account 8152-000-440700-940 be transferred to account 8152-000-440700-905 under general class (3) Capital Outlay.

-That the sum of \$873.60 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-360 be transferred to account 2160-000-460200-920 under general class (3) Capital Outlay.

-That the sum of \$241.67 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-397 be transferred to account 5020-000-440320-122 under general class (1) Wages & Salaries.

-That the sum of \$2500.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440310-123 under general class (1) Wages & Salaries.

-That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440310-210 be transferred to account 5020-000-440310-143 under general class (1) Wages & Salaries.

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- That the sum of \$41.50 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-320 be transferred to account 1000-254-420600-397 under general class (2) Maintenance and Support.
- That the sum of \$1,327.96 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430230-590 under general class (2) Maintenance and Support.
- That the sum of \$26.70 as appropriated under general class (2) Maintenance and Support for account 2710-201-440610-389 be transferred to account 2710-000-510100-360 under general class (2) Maintenance and Support.
- That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-360 be transferred to account 2160-000-460200-335 under general class (2) Maintenance and Support.
- That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-360 be transferred to account 2160-000-460200-338 under general class (2) Maintenance and Support.
- That the sum of \$65.50 as appropriated under general class (2) Maintenance and Support for account 1000-204-410531-370 be transferred to account 1000-204-410531-397 under general class (2) Maintenance and Support.
- That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-221 be transferred to account 1000-209-420100-222 under general class (2) Maintenance and Support.
- That the sum of \$547.42 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-361 be transferred to account 1000-209-420100-226 under general class (2) Maintenance and Support.
- That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-312 be transferred to account 1000-209-420100-363 under general class (2) Maintenance and Support.
- That the sum of \$461.06 as appropriated under general class (1) Wages & Salaries for account 2430-209-430800-110 be transferred to account 2430-209-430800-190 under general class (1) Wages & Salaries.
- That the sum of \$1441.00 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-312 be transferred to account 2430-209-430800-510 under general class (2) Maintenance and Support.
- That the sum of \$808.99 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-360 be transferred to account 2430-209-430800-510 under general class (2) Maintenance and Support.
- That the sum of \$196.75 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-210 be transferred to account 2430-209-430800-510 under general class (2) Maintenance and Support.
- That the sum of \$712.50 as appropriated under general class (2) Maintenance and Support for account 2310-000-420140-228 be transferred to account 1000-209-420100-110 under general class (1) Wages & Salaries.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

January 13, 1986

Commissioners met with Rest Home Administrator Jim Spady regarding Rest Home operations.

Commissioners met with Maintenance Supervisor Elmer Oakes and Personnel Officer Kathy Nowierski to discuss staffing of the Maintenance Department.

Commissioners met with Bill Grabow to discuss the feasibility of decking the Community Room for additional office space.

Received numerous A101's in the amount of \$147,209.89 to the credit of various funds.

Received the following applications for cancellations of taxes:

#607	Bob Jackson	11/19/85	\$208.47	new mobile, should have been prorated for 5 mos.
#606	Leonards Kitchen	11/19/85	\$1,384.38	cancel by order of Co. Comm., now Martin's Cafe
#604	Harrison Photographer	11/15/85	\$39.37	cancelled, out of business
#603	Gary Palmer	11/15/85	\$389.74	exempt entity now owns
#602	Gary Palmer	11/15/85	\$411.17	exempt entity now owns
#601	Gary Palmer	11/15/85	\$102.38	exempt entity now owns

Commissioner Jelinski met with newly appointed County Auditor Carolyn Hartsog to discuss the duties of the office.

TUESDAY THE 14th DAY OF JANUARY 1986

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
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Wilbur Visser stated that the Commission had received a letter from the Manhattan Town Council recommending the appointment of Mark Eisenbeis and William Rider to the Manhattan City-County Planning Board. Mr. Eisenbeis and Mr. Rider submitted their application to the Commission for consideration.

Jane Jelinski made a motion to appoint William Rider and Mark Eisenbeis to two year terms on the Manhattan City-County Planning Board, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that the Commission had received a letter from the West Yellowstone Town Council recommending Kent Wilhelm as the council representative on the West Yellowstone/Hebgen Basin Refuse District Board to fulfill the term of Ken Davis, who was elected Mayor of West Yellowstone. Ramon White made a motion to appoint Kent Wilhelm to fill out the board appointment of Ken Davis on the West Yellowstone/Hebgen Basin Refuse District Board, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:45 P.M.

ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

PUBLIC MEETING TUESDAY, THE 21st DAY OF JANUARY, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of January 14, 1986, seconded by Ramon S. White, none voting nay. The motion carried.

ANNOUNCEMENTS

January 15, 1986

Commissioners met with Kathy Nowierski, Personnel Officer, regarding personnel matters and staffing changes.

Commissioners met as a Zoning District Board with Arletta Derleth, County Assessor, and Don Brelsford, County Surveyor and Subdivision Review Officer, Mary Kay Peck. Ramon White was elected Chairman of the zoning districts, Ms. Peck was designated secretary of the boards.

Commissioner Jelinski met with Bill Murdock, Assistant County Planner, regarding an inventory of county parks and development of criteria for disbursing park monies.

Commissioner Jelinski met with Chronicle Editor Rob Dean regarding land use planning.

Commissioner Visser attended Refuse District #1 meeting.

January 16, 1986

Commissioners attended the swearing in ceremony for County Auditor Carolyn Hartsog.

Commissioners met with Personnel Officer Kathy Nowierski regarding personnel.

Commissioners met with AT & T representatives John Menyhart and Dean Stensland to review the county's telephone service.

Commissioners met with Gene Hawkes and Bob Garner from the Public Land Access Association, Inc.

Commissioners met with Lorna Roy to review her job description and duties.

January 17, 1986

Jane Jelinski met with Rod Bruner from the Job Service regarding JTPA.

Commissioners met with Gary Pringle regarding a proposed budget amendment for Hebgen Lake Estates.

Commissioners met with Consultant Don Stanfield regarding data processing and the programs he is developing for Gallatin County.

Commissioners met with Pam Threlkeld and Alyce Hager regarding the operation of the Central Stores.

Jane Jelinski attended the Weed Board meeting.

Received numerous A101's in the amount of \$49,888.56 to the credit of various funds.

Received the following applications for cancellation of taxes:

#608	William Sloversky	\$79.89	moved out of county
#609	Gerald Hicks	\$84.82	mobile home was junked
#610	Terry Finch	\$38.43	moved out of county
#611	Big Sky Balloons	\$262.19	not in county
#612	Larry and Susan Jervik	\$183.54	paid taxes in Missoula before moving mobile home here
#613	Leonard Reed	\$89.11	double assessed

TUESDAY THE 21st DAY OF JANUARY 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

January 20, 1986

Commissioners attended a hearing in Helena in front of the State Board of Lands regarding acquisition of property for the landfill.

Commissioner Jelinski attended the Fairgrounds Development meeting at the Fairgrounds.

January 21, 1986

Commissioner Jelinski delivered baby Hanna Jane Gullickson at 3:40 A.M.

Commissioners met with Vern Albertson of Northwestern National Insurance Company to review the county's liability insurance coverage.

Commissioners interviewed Yvonne Poore and Diane Steffan for the Computer Operator position.

Commissioners met with residents in the Sedan area and County Road Superintendent Sam Gianfrancisco regarding the road to Flathead.

Received and approved the following transfers of funds:

January 15, 1986

Loy Carroll  
 County Treasurer

You are hereby authorized to make the following transfers:

1. The sum of \$402.48 from Fund 8122 to Fund 8123 to correct coding error.
2. The sum of \$3,255.78 from Fund 2761 to Fund 1000 because all funds have been expended or no appropriations had been made.
3. The sum of \$535.45 from Fund 1000 to Fund 1050 because no appropriations had been made.
4. The sum of \$1,151.25 from Fund 2140 to Fund 2170 to correct coding error.
5. The sum of \$1,246.01 from Fund 2761 to Fund 1000 because all funds have been expended.
6. The sum of \$255.36 from Fund 1000 to Fund 1050 to correct coding error.

January 6, 1986

Loy Carroll  
 County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$20.05 from Fund 2240, and \$.95 from Fund 2190, to Fund 1000 for November C&R Copy expense.
2. The sums of \$143.55 from Fund 2290, \$6.53 from Fund 2440, \$95.42 from Fund 2190, \$6.00 from Fund 2276, \$12.24 from Fund 2180, \$41.40 from Fund 5020, and \$73.80 from Fund 2120, to Fund 1000 for November Supplies expense.
3. The sums of \$110.40 from Fund 2180, \$94.35 from Fund 2290, \$35.40 from Fund 2415, \$31.04 from Fund 5020, \$3.00 from Fund 2110, \$23.04 from Fund 2190, \$4.35 from Fund 2240, \$35.40 from Fund 2120, and \$20.00 from Fund 2160, to Fund 1000 for December Supplies expense.
4. The sums of \$184.70 from Fund 1000, \$2.95 from Fund 2110, \$3.85 from Fund 2270, \$40.20 from Fund 2440, and \$2.00 from Fund 2362, to Fund 2190 for November Savin expense.
5. The sums of \$129.40 from Fund 1000, \$1.70 from Fund 2110, \$10.90 from Fund 2270, \$.75 from Fund 2440, and \$1.05 from Fund 2362, to Fund 2190 for December Savin expense.
6. The sums of \$151.15 from Fund 2120, \$11.00 from Fund 2180, \$36.39 from Fund 2190, \$19.44 from Fund 2273, \$5.85 from Fund 2276, \$310.72 from fund 2290, \$100.82 from Fund 5020, and \$198.28 from Fund 2280, to Fund 1000 for November Printing expense.
7. The sums of \$8.28 from Fund 2110, \$11.37 from Fund 2120, \$13.54 from Fund 2190, \$320.13 from Fund 2290, \$5.57 from Fund 2415, \$34.33 from Fund 5020, and \$254.76 from Fund 2280, to Fund 1000 for December Printing expense.
8. The sums of \$88.46 from Fund 2190, and \$186.39 from Fund 2110, to Fund 1000 for October Gasoline.
9. The sums of \$54.55 from Fund 1000, \$53.56 from Fund 2180, \$84.23 from Fund 2160, \$56.54 from Fund 2761, \$75.29 from Fund 2190, and \$38.64 from Fund 2140, to Fund 2110 for October Gasoline.
10. The sums of \$50.55 from Fund 2415, \$85.30 from Fund 2190, and \$250.83 from Fund 2110, to Fund 1000 for November Gasoline.

TUESDAY THE 21st DAY OF JANUARY 1986

FORM 12187-TRIBUNE PRINTING

11. The sums of \$66.09 from Fund 2160, \$51.76 from Fund 2761, \$112.26 from Fund 2190, \$7.95 from Fund 1000, and \$72.52 from Fund 2140, to Fund 2110 for November Gasoline.
12. The sum of \$46.80 from Fund 1000 to Fund 2180 for November Copy expense.
13. The sum of \$9,712.00 from Fund 1000, to Fund 2190 for Wages and Contributions for Pam Threlkeld.
14. The sums of \$2.50 from Fund 2190, and \$26.05 from Fund 2240, to Fund 1000 for December C&R Copy expense.
15. The sum of \$36.70 from Fund 1000, to Fund 2180 for December Copy expense.

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$99.65 as appropriated under general class (2) Maintenance & Support for account 2110-307-430230-345 be transferred to account 2110-307-430210-345 under general class (2) Maintenance & Support.

That the sum of \$206.48 as appropriated under general class (2) Maintenance & Support for account 1000-209-420100-361 be transferred to account 1000-209-420100-226 under general class (2) Maintenance & Support.

That the sum of \$9.45 as appropriated under general class (2) Maintenance & Support for account 2430-209-430800-240 be transferred to account 2430-209-430800-226 under general class (2) Maintenance & Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance & Support for account 2430-209-430800-370 be transferred to account 2430-209-430800-510 under general class (2) Maintenance & Support.

That the sum of \$262.55 as appropriated under general class (2) Maintenance & Support for account 2430-209-430800-240 be transferred to account 2430-209-430800-510 under general class (2) Maintenance & Support.

That the sum of \$5000.00 as appropriated under general class (2) Maintenance & Support for account 2410-208-420300-397 be transferred to account 2410-208-420300-530 under general class (2) Maintenance & Support.

That the sum of \$1000.00 as appropriated under general class (2) Maintenance & Support for account 2410-208-420300-397 be transferred to account 2410-208-420300-220 under general class (2) Maintenance & Support.

That the sum of \$400.00 as appropriated under general class (2) Maintenance & Support for account 2410-208-420300-397 be transferred to account 2410-208-420300-345 under general class (2) Maintenance & Support.

That the sum of \$1200.00 as appropriated under general class (2) Maintenance & Support for account 2410-208-420300-397 be transferred to account 2410-208-420300-340 under general class (2) Maintenance & Support.

That the sum of \$64.15 as appropriated under general class (2) Maintenance & Support for account 1000-211-410340-380 be transferred to account 1000-211-410340-370 under general class (2) Maintenance & Support.

That the sum of \$21.40 as appropriated under general class (2) Maintenance & Support for account 2430-209-430800-312 be transferred to account 2430-209-430800-510 under general class (2) Maintenance & Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

DATED THIS 21st DAY OF JANUARY, 1986

/s/ Wilbur Visser  
/s/ Jane Jelinski  
/s/ Ramon S. White

Wilbur Visser stated that there was one vacancy on the Weed Board and one vacancy on the Fair Board that needed to be filled.

TUESDAY THE 21st DAY OF JANUARY 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Bill Murdock, Assistant County Planner, spoke regarding a review of exemptions claimed on certificates of survey. Gordon and Una Mae Schlack have claimed the security for construction financing exemption. The Schlack's have submitted a statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. Western Federal Savings and Loan has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:45 P.M.

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ATTEST:

*Gary H. Pringle*  
 Clerk

APPROVED:

*William Visser*  
 Chairman

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PUBLIC MEETING TUESDAY, THE 28th DAY OF JANUARY, 1986 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Ramon S. White at 1:35 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. Commissioner Visser is in Great Falls attending a seminar on workmen's compensation and Fair Labor Standards Act.

The following proceedings were had to wit:

Commissioner Jelinski made a motion to approve the minutes of January 21, 1986 as written, seconded by Ramon White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

##### January 22, 1986

Commissioners met with Wally Riffle, Sheriff Cutting and Dave Dunn regarding the progress of the Detention Center remodeling.

Commissioners met with Gary Pringle, Clerk and Recorder, regarding the Accountant position in his office.

Bear Canyon Zoning Commission met to consider a motion to establish a Citizens Study Committee. This motion passed unanimously.

Commissioner Jelinski spoke to a university class on county government.

Commissioner Jelinski attended the Fire Council meeting.

##### January 23, 1986

Jane Jelinski met with Don Gustofson regarding the High Tech Park.

Commissioners met as a Welfare Board.

Commissioners Jelinski and White attended a meeting with area legislators and persons interested in changing the legislation concerning fire district taxation.

Commissioners met with Duane Johnson and Kathy Nowierski regarding the grievances filed by two road office employees. The grievance hearing was held and will now proceed to step 3 of the grievance procedure, which is arbitration.

Commissioner Visser met with Fairgrounds Administrative Assistant Brad Johnson regarding fairgrounds development.

Commissioners met with Mary Kay Peck, Subdivision Review Officer, regarding a determination of suitability of access for Michael and Kathryn Seeburg. Tract A-1A of the certificate of survey was determined to have suitable access. Tract A-2A was determined to have unsuitable access.

##### January 24, 1986

Commissioners met with Weed Supervisor Reeves Petroff regarding the operation of his department in relation to the county's liability insurance coverage.

Commissioners met with Pam Threlkeld and Alyce Hager regarding the operation of the Central Stores.

Commissioners met with Assessor Arletta Derleth, Computer Consultant Don Stanfield, and Dept. of Revenue representatives regarding the reappraisal downloading.

Commissioner Jelinski introduced the Winter Fair volunteers at the kick-off dance for the Winter Fair.

##### January 27, 1986

Commissioners met with Dave Dunn and Ron Cutting to discuss the organization of the Dispatching Center.

TUESDAY THE 28th DAY OF JANUARY 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Commissioners toured the Cameron Bridge site with Bridge Foreman Bob Jordan and Road Superintendent Sam Gianfrancisco.

Commissioners met with Bob Jordan, Sam Gianfrancisco, and Gale Thompson to discuss road and bridge priorities for the coming year.

Commissioners judged the Media Chocolate Chip Cookie Bake Off at the Winter Fair.

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Gale Thompson of the County Road Office opened the bids for culvert. One bid was received from Roscoe Steel & Culvert in the amount of \$21,578.84. Gale Thompson stated that he and the Bridge Foreman would like a week to review the bid.

Jane Jelinski made a motion to postpone a decision on the bid until next Tuesday, seconded by Ramon White, none voting nay.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

Bill Chaney has claimed the exemption for security for construction financing. Mr. Chaney has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. American Federal Savings and Loan has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption to Bill Chaney, seconded by Ramon White, none voting nay. The motion carried.

Michael and Kathryn Seeburg have claimed the occasional sale exemption. Mr. and Mrs. Seeburg have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption to Michael and Kathryn Seeburg, seconded by Ramon White, none voting nay. The motion carried.

James B. Peter has claimed the family exemption to transfer a 17.247 acre parcel to his daughter, Christine. In considering whether this is a proper use of the family exemption, an Attorney General's Opinion (40 A.G. Op. 16) and the Gallatin County Subdivision Regulations (Appendix E, Section 1f) provide that the governing body shall evaluate all relevant circumstances in assessing the intent of the person claiming the exemption. These circumstances may include the prior history of the tract in question and the proposed configuration of the tract if the proposed exempt transactions are completed.

Ms. Peck explained the prior history of the tract and displayed several certificates of survey. On January 28, 1982, Lone Mountain Guest Ranch filed Certificate of Survey #1033, which created two parcels, both over twenty acres. Parcel B (68.111 acres) was transferred from Lone Mountain Guest Ranch to J. William Maloney and James B. Peter by warranty deed recorded June 18, 1982. It appears that further subdivision was contemplated at this time, as the deed includes the following statement: "Further subject to the restriction that said property may not be divided into more than seven (7) parcels, no one of which shall be less than seven (7) acres, and not more than one (1) family residence may be located on any one parcel (Film 70, page 838-840, Gallatin County Clerk and Recorder)."

Certificate of Survey 1033A was recorded for Mr. Peter and Mr. Maloney on August 30, 1983, to create two parcels of land over twenty (20) acres. Tract B-1 was 24.370 acres; Tract B-2 was 43.869 acres. Tract B-1 was subsequently transferred by warranty deed from Mr. Peter and Mr. Maloney to W. Bruce Cook. The warranty deed was recorded September 16, 1983. An agreement between Cook, Maloney and Peter was recorded October 1, 1984, which again appears to contemplate further subdivision. The agreement reads, in part: "The Maloney tract may be divided only into parcels which do not exceed five (5) in number and which result in acreage limitations of not less than seven (7) acres per parcel. Only one residence may be constructed upon each permissible parcel created on either the Maloney tract or the Cook tract (Film 84, page 3918, Gallatin County Clerk and Recorder)."

Certificate of Survey 1033-B was filed on January 3, 1985, and Mr. Peter and Mr. Maloney claimed the occasional sale exemption to create tract B-2A (8.312) acres. On September 26, 1984, Mr. Peter and Mr. Maloney claimed the family sale exemption and created tract B-2B (9.997 acres).

Tract B-2B was transferred by warranty deed on September 26, 1984, to Jean Maloney, J. William Maloney's wife. Mrs. Maloney transferred Tract B-2B by warranty deed to Wayne and Karen Finnegan on October 29, 1984.

The tract which is proposed for transfer to James B. Peter's daughter is 17.247 acres in size and would be the third use of exemptions to divide this parcel by Mr. Peter and Mr. Maloney. After considering the above facts and any public testimony that may be given, the Commission needs to determine if this is a proper use of the family exemption.

Ron Allen, of Allen and Associates, stated that at the time of filing certificate 1033B, the Commission was approached with the possibility of creating a subdivision. One of the requirements for subdivision is that the parcel must front on a public road. The Commission determined that it did not want to set a precedent by allowing this subdivision without proper access. The subsequent division of land by a certificate of survey was the only route that could be taken.

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Jane Jelinski made a motion to deny the family sale exemption, seconded by Ramon White, none voting nay. The motion carried. Jane Jelinski stated that the reasons for her motion to deny the request for an exemption is that it appears that there is an attempt to evade subdivision review. Ms. Jelinski based this on the history of the land division as presented by Ms. Peck. Mr. White concurred with Ms. Jelinski's comments.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for summary review approval for an amended plat of West Church Hill Subdivision. Ms. Peck entered her staff report into the record. Henry and Karen Dyksterhouse and Mountain States Telephone and Telegraph have requested this approval. The subdivision is generally described as being just southeast of the intersection of Amsterdam and Churchill Roads.

One additional lot will be created if the amendment is approved. Ms. Peck displayed a proposed plat of the subdivision. Three lots are involved in the proposed subdivision. There is a telephone substation on one lot, owned by Mountain States Telephone and Telegraph. Amsterdam Lumber Company is on one lot, owned by Mr. and Mrs. Dyksterhouse. The proposed new lot will be 4,500 square feet in size.

The plat amendment is subject to subdivision review. The regulations provide that the plat shall be entitled "Amended Plat of the \_\_\_\_\_ Subdivision", and that the reason for the amendment be stated on the plat. The plat states that this is a minor subdivision. The plat incorporates an amended plat of a lot and also a tract. The amended plat appears to meet the criteria for waiving the requirement for a public hearing. The purpose of the subdivision is to provide for a lot for the Manhattan Rural Fire District to build a substation. Current fire protection for the Churchill community is located in Manhattan. Access is directly to Churchill Road, and an encroachment permit must be obtained. Sam Gianfrancisco, Road Superintendent, has expressed concern about the safety of fire trucks entering traffic in such proximity to the intersection. Mr. Gianfrancisco suggests that signs warning of emergency vehicle use would make for safer conditions. The current speed limit is 45 mph and it is felt that it may also be necessary to lower the speed limit in the area of the fire house.

Sewer service will be provided by the Amsterdam Sewer District. Water service will be provided by an existing well. Easements for the water line must be obtained and a maintenance agreement for the water system must be formulated. The information submitted generally appears to meet the subdivision design standards. The County Weed Superintendent has requested that lot owners be responsible for weed control and that areas disturbed by construction be revegetated. Park dedication and cash in lieu requirements do not apply.

Following are comments on the public interest criteria:

The property has been previously subdivided, no agricultural land will be removed from production. Effects on the natural environment would be slight and wildlife habitat will not be disturbed. There is a need for a lot for a fire department substation because of the increased growth of the community. Public health should be properly protected by Dept. of Health review. Negative impacts on public safety can be mitigated by the conditions proposed by staff. There will be a decrease in tax revenues because the fire department is exempt.

The following conditions are suggested for consideration as a part of preliminary approval:

1. Approval of the subdivision must be obtained from the State Department of Health prior to final approval; easements for the water lines shall be shown on the final plat; and a copy of a maintenance agreement for the water system shall be submitted to the Subdivision Review Office prior to final approval.
2. The developer pay the cost for three warning signs, including the cost of installation. The signs shall read "Emergency Vehicles Ahead", and shall have a speed tab attached. The location of the signs shall be determined by the County Road Office.
3. A copy of the encroachment permit shall be submitted to the Subdivision Review Office prior to final approval.
4. The wording on the final plat be approved by the Gallatin County Clerk and Recorder prior to final approval.
5. Covenants for the property shall assign responsibility for the control of county declared noxious weeds to the lot owners. A revegetation agreement shall be entered into with the Gallatin County Weed Control Department. A copy of the covenants and revegetation agreement shall be submitted to the Subdivision Review Office prior to final approval.
6. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and be accompanied by the required certificates.

Tom Anacker, Deputy County Attorney, felt that the Clerk and Recorder should have input as to how best to label this plat so that it can be found in the Clerk and Recorder's Office.

Sam Hofman, Secretary-Treasurer of Manhattan Fire District, stated that the Fire District needed a place to store their water truck. Mr. Hofman does not feel that it is necessary to reduce the speed limit in the area of the fire house. The traffic is not that heavy on the road. Mr. Hofman does not feel that it would be relevant to have a sign warning of emergency vehicles.

Jane Jelinski made a motion to approve the summary review for the amended plat or minor subdivision including the six conditions as recommended by staff with a change to the second condition adding that the signs will be erected prior to the completion of the fire station, seconded by Ramon White, none voting nay. The motion carried.

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TUESDAY THE 28th DAY OF JANUARY 1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Bill Murdock, Assistant Planner, spoke regarding a request for final approval of Hebgen Lake Lodge Minor Subdivision. This minor subdivision was given preliminary approval by the Commission on July 11, 1985. The applicants have asked that the subdivision now be given final approval. All of the conditions for final approval have been met. This subdivision is located about eight miles west of the intersection of 287 and 191 on the north end of Hebgen Lake.

Jane Jelinski made a motion to grant final approval to Hebgen Lake Lodge Minor Subdivision, seconded by Ramon White, none voting nay. The motion carried.

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Tom Anacker, Deputy County Attorney, spoke regarding a proposed budget amendment for Hebgen Lake Estates. This was thought to be needed because of some expenses incurred for drilling of the test wells to determine the number of sewer hook ups for this land prior to it being sold. Hebgen Lake Estates is currently held by Gallatin County who has taken tax deed to the property. The county is intending to offer the property at auction, after receiving approval from the State Dept. of Health and Environmental Sciences. The costs incurred in acquiring that approval in preparation of sale are costs that are properly charged to the county rather than the rural improvement district. The rural improvement district is set up initially to bear the cost of the construction of the improvement and thereafter to bear the cost of maintenance and repair. These costs of preparing the land for sale could possibly be recouped. It is Mr. Anacker's opinion that a budget amendment would not be necessary.

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Jane Jelinski proposed that Gallatin County flags be lowered to half mast for the next week in honor of the people who died in the space shuttle today. Jane Jelinski made this a motion, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:20 P.M.

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ATTEST:  
*Gary St. Dingle*  
Clerk

APPROVED:  
*Ramon S. White*  
Chairman

PUBLIC MEETING TUESDAY, THE 4th DAY OF FEBRUARY, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of January 28, 1986 as written, seconded by Ramon S. White, none voting nay. The motion carried. Mr. White noted that he would like to review the minutes with regard to the activities of the Commission. He felt that Commissioners' social activities were being reflected rather than any Commission action.

January 28, 1986

Commissioner Visser is in Great Falls attending a two-day seminar on how to reduce workers' compensation claims against the county and the recent changes in the Fair Labor Standards Act due to the Garcia ruling.

Commissioner Visser and Jelinski attended the Board of Health meeting.

Commissioner Jelinski met with Jeff Rupp of HRDC regarding the JTPA program.

Commissioners Jelinski and White attended the Manhattan Rural Fire District meeting.

January 29, 1986

Commissioner Jelinski attended a meeting at the Chamber of Commerce regarding the Law Enforcement Academy.

Commissioners attended a meeting regarding the Dispatch Center.

Received the following list of new employees:

- Joanna Hays, Special Care Aide, Rest Home, \$4.36/hour, 12/19/85.
- Diane Meier, Nurses Aide, Rest Home \$5.05/hour, 1/2/86.
- Kimberly Baker, Medical Secretary I, Health Dept., \$977.03/mo., 1/7/86.
- Alyce Hager, Printer, \$977.03/month, 1/13/86.
- Carolyn Hartsog, Auditor, \$1,828.35/mo., 1/16/86.
- Donna Morgan, Temporary Secretary, Extension Office, \$5.2280/hr.
- John J. Earll, Accountant I, Clerk and Recorder's Office, \$1,332.75/mo., 1/27/86.
- Diane Steffan, Computer Operator, \$977.03/mo., 1/27/86.
- Rene Hall, Secretary I, County Attorney's Office, \$5.22/hour, 1/29/86.

January 30, 1986

Commissioners met with Belgrade Planner Joe Baker regarding new development in the Belgrade area.

Commissioners met with Personnel Officer Kathy Nowierski regarding the implementation of the employee performance appraisal system.

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Commissioners met regarding a proposed job description for an Assistant to the Commission.

Commissioners met with Rural Fire Chief Lee Lewis regarding the King Radios.

Commissioner Visser met with Bridger Ridge Radio Users and United States Forest Service regarding the maintenance of the site and user agreement.

January 31, 1986

Commissioners met with Sheriff Ron Cutting, Dave Dunn, and Dave Morrow to discuss the operation of the Dispatch Center.

Commissioners met with Bill Wright regarding the proposed improvement of Forswell Road.

February 3, 1986

Commissioners met with Tom Anacker, Mary Kay Peck, and John Schunke of Morrison-Maierle to discuss the status of Hebgen Lake Estates in relation to delinquent taxes and RIDs, and the aggregation of lots.

Commissioners met with Blue Cross representatives Tom Erdie and Vern Veltkamp regarding alternative health insurance plans for county employees.

Commissioners met with Sam Gianfrancisco, Mary Kay Peck, Tom Anacker and John Schunke of Morrison-Maierle to discuss road design in Blue Grouse Hills Subdivision and a proposed amendment to the subdivision regulations regarding road design.

Commissioners met with Public Defender Leanne Schraudner and Lorraine VanAusdol regarding district court reimbursements for public defender services.

Commissioners met with Maintenance Supervisor Elmer Oakes regarding the furnace at the Law and Justice Center.

Commissioner Jelinski met with Rob Gilmore regarding the CDBG grant and an economic development grant for King Tool.

Commissioner Visser met with Jim Smith of First West Insurance regarding liability insurance coverage for road crew employees.

Received a report from the Clerk and Recorder's Office showing the items of fees and other collections made for the month of January, 1986 in the amount of \$12,213.39.

Received numerous A101's in the amount of \$36,572.42 to the credit of various funds.

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Bob Jordan spoke regarding the award of bid for culvert. Mr. Jordan recommended that the bid be awarded to Roscoe Steel. The amount of the bid was \$21,578.84 and it was the only bid received.

Ramon White made a motion to accept the bid of Roscoe Steel, seconded by Jane Jelinski, none voting nay. The motion carried.

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Bill Murdock, Assistant Planner, spoke regarding a review of exemptions claimed on certificates of survey.

Lee and Judy Stokes have claimed the security for construction financing exemption. The Stokes have submitted a statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. First Bank of Bozeman has certified that creation of the mortgage parcel is necessary to secure the construction loan. This property is located on Cottonwood Road, about one mile north of Anderson School. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption for Lee and Judy Stokes, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:45 P.M.

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ATTEST:

Clerk

*Gary H. Ring*

APPROVED:

Chairman

*Wilbur Visser*

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PUBLIC MEETING TUESDAY, THE 11th DAY OF FEBRUARY, 1986 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of February 4, 1986 as written, seconded by Ramon S. White, none voting nay. The motion carried.

Wilbur Visser announced that the Courthouse would be closed on February 12 and 17, 1986 for the President's birthday holidays.

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BOZEMAN, MONTANA

## ANNOUNCEMENTS

February 4, 1986

Commissioners met with Clerk and Recorder Gary Pringle and Deputy County Attorney Tom Anacker regarding a proposal for an RID for Goldenstein Lane.

Commissioners met with Fairgrounds Administrative Assistant Brad Johnson regarding the payment for a fairgrounds feasibility study done by Monger and Associates.

Bridger Canyon Zoning Commission met and voted to advertise for a petroleum drilling expert to conduct the inspections at the Sohio well site.

Commissioner Jelinski attended the Strategic Planning Committee meeting.

February 5, 1986

Commissioner Jelinski attended the Interagency breakfast.

Routine business this date.

February 6, 1986

Commissioners met as a Welfare Board.

Commissioners met with representatives of the Sheriff's Dept. regarding the Junk Vehicle budget.

February 7, 1986

Commissioners met with Mary Kay Peck, Subdivision Review Officer, regarding the vacation of lots in Hebgen Lake Estates.

Commissioners met with AT & T representatives regarding telephone service provided to the County.

February 10, 1986

Commissioner Jelinski met with members of the fire legislation committee.

Commissioners met with Hank Wruck, Civil Defense Director, to review the Disaster and Emergency Plan.

Commissioner Jelinski met with Mark Farentino and Cliff Halls of Halls Emergency, Inc. regarding qualifications for ambulance attendants.

Commissioners met with Bill Murdock, Assistant Planner, regarding a determination of suitability of access for Logan Land & Livestock. This is for a 130 acre parcel on Logan/Trident Road. This tract of land was determined to have suitable access.

Approved an application for cancellation of taxes for Shannon Blakely in the amount of \$6,886.32. This will be billed as a supplemental in 1986 for 1984 for real estate only. Personal property was cancelled off.

Received numerous A101's in the amount of \$15,586.58 to the credit of various funds.

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Bill Murdock, Assistant Planner, spoke regarding a review of exemptions claimed on certificates of survey. Ralph Aaker has claimed the occasional sale exemption. Mr. Aaker has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the occasional sale exemption, seconded by Ramon White, none voting nay. The motion carried.

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Tom Anacker, Deputy County Attorney, spoke regarding a request for aggregation of lots in Rainbow Subdivision. The Commissioners' minutes reflect that there was an abandonment of the road subject to a condition that the amended plat be prepared to aggregate the lots that prior to the abandonment would have fronted on both sides of the road. There is some uncertainty as to whether or not an actual abandonment has taken place. Mr. Anacker feels it would be appropriate to clarify the record.

Ramon White made a motion that that portion of Central Avenue that was described in the petition that was submitted to the County Commissioners in March of 1985 and acted on the 9th day of April, 1985 be abandoned, seconded by Jane Jelinski, none voting nay. The motion carried.

Tom Anacker stated that notice of public hearing was published regarding this road abandonment, a hearing was held, and it was abandoned subject to the condition.

Bill Murdock, submitted his staff report regarding this request for aggregation. In March of 1985, a petition was received to abandon a portion of Central Avenue. A viewer's report followed, recommending that Central Avenue be closed on the condition that a Certificate of Survey be prepared and filed with the County Clerk and Recorder's Office rearranging all lots bordering the portion of Central Avenue to be abandoned into one tract. This appears to be a proper use of the exemption. This is an aggregation of seventeen lots into one lot.

Tom Anacker stated that this division of land is required to be surveyed but not reviewed.

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Ramon White pointed out that this tract is labeled "A" and he wondered whether there were other lots in the subdivision that were possibly labeled "A".

Bill Murdock will check with the Clerk and Recorder's Office to insure that there are no other tracts labeled "A" in this subdivision.

This item was tabled at this time.

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Wilbur Visser stated that the Commission had received two applications for appointment to the County Fair Board, one from Pat Brewer and one from Bud Burkhart.

Jane Jelinski made a motion to appoint Bud Burkhart to the Fair Board. Mr. Burkhart has a lot of experience in working with the Winter Fair and he has been involved in the Fairgrounds for many years. Ms. Jelinski added to her motion that this is to fulfill the term of Jim Moore, who has resigned. This motion was seconded by Ramon White, none voting nay. The motion carried.

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Gary Pringle, Clerk and Recorder, spoke regarding a petition requesting paving of Goldenstein Lane. Out of a possible 309 freeholders, 134 signatures have been certified, which is 43 percent. Mr. Pringle does not have the figures as to what percentage of the total acreage the signatures represent.

Tom Anacker, Deputy County Attorney, stated that with the new legislation regarding the creation of an RID, a percentage of signatures of freeholders in the proposed district is not a requirement. The statute now requires that whenever the public interest or convenience may require, the Board of County Commissioners is authorized and empowered to order and create such an improvement district outside the limits of incorporated towns and cities. Mr. Anacker pointed out that at today's public meeting, the Commissioners would be discussing their current RID policy in an attempt to create some criteria to look for as a guide in determining the public interest or convenience.

Mr. Anacker stated that should the Commissioners pass a Resolution of Intent to Create the District, there is a period prior to the public hearing in which persons may protest the creation of the district. If there is protest by owners of the property to be assessed for more than 50 percent of the cost of the proposed work, that is a sufficient number to bar the proceedings and prevent the district from being formed.

Mr. Anacker stated that before the Commissioners consider whether or not to adopt a Resolution of Intent, there are some other matters that have been raised by this petition. Goldenstein Lane is apparently a county road which has been created by petition, and therefore is maintained by the county. The petition proposes that an RID be created to pay for the cost of an improvement. The signatures on the petition were gathered on the representation that there would be no yearly maintenance assessment made against the district. Mr. Anacker states that the county has an obligation to maintain petitioned roads. Under the RID statute, the County Commissioners, after creating the RID, have a mandatory duty to levy an annual assessment.

Andy Rykels, of Thomas, Dean & Hoskins, stated that when the petitions were created, they were aware of the revision in the statute that petitions were no longer required. They circulated the petitions to demonstrate an interest in the project. Mr. Rykels stated that of the 142 signatures obtained, these signatures represented over 61% of the land within the district. Mr. Rykels states that the RID method was chosen because it was believed that this would be the most equitable method to finance the improvement. The Local Improvement District method was looked at; however, it was not felt that this would be an appropriate method of assessment within this subdivision. Mr. Rykels states that they have not computed any figures in relation to a Local Improvement District. Mr. Rykels states that the extended portion of the district would be within one mile of the road, being the north end of Gardner Park. According to the Local Improvement District statutes, this district would consist of a half-mile zone and a mile zone.

Tom Anacker stated that the question is can a Rural Improvement District be imposed on a petitioned road and if so, can the obligation to levy a maintenance fund annually be waived.

Ramon White stated that he been shown proof that there is a need and he does not have a problem endorsing a resolution of intention; however, he does have a problem in putting the county into the responsibility of maintaining the road if it is created as an RID. He believes the responsibility lies with the RID.

Jane Jelinski felt that this presented the problem that the people who signed the petition did so with the understanding that they would not have to assume the cost of maintenance.

Tom Anacker stated that he is of the opinion that a Rural Improvement District cannot be put on a county petitioned road.

Wilbur Visser agreed that the need is there but the legality of creating an RID on a petitioned road has to be determined.

Andy Rykels stated that he felt it would be appropriate to table the request until they have had an opportunity to consult with their attorneys.

Wilbur Visser and Jane Jelinski agreed to this.

Mrs. Jelinski suggested that Mr. Rykels develop some figures for a Local Improvement District.

This item will be deferred until Mr. Rykels has had an opportunity to consult with legal counsel.

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Wilbur Visser stated that he would prefer to wait for a discussion regarding the county's current RID policy until the Subdivision Review Officer returns from vacation.

Tom Anacker felt that this should be given public exposure to give an opportunity to the people that operate with the county policy to get their perspective. There needs to be some updating done to reflect the current statute. He also feels that some guidelines should be established to determine the public interest or criteria.

Ramon White suggested that the Commission direct the Subdivision Review Office to notify all of the known engineering firms in the area to submit any comments that they may have concerning the RID policy and suggestions they might have for improving it.

Jane Jelinski made a motion to defer discussion on the RID policy for a month so that the staff can prepare some recommendations and solicit input from the surveyors and engineers, and that the Commission hold a public hearing in approximately a month to discuss the policy, seconded by Ramon White, none voting nay. The motion carried.

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Bill Murdock stated that there were no other lots labeled tract "A" in Rainbow Subdivision.

Jane Jelinski made a motion to grant the exemption to aggregate the lots in tract "A" of Rainbow Subdivision and accept the amended subdivision plat, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:35 P.M.

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ATTEST:

*Gary S. Hingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 18th DAY OF FEBRUARY, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

No action taken on minutes as they had not been prepared by the Clerk.

February 11, 1986

Commissioners attended the kick-off of the fund raising for the bear-proof garbage containers at the Main Mall.

Commissioners presented awards at the Rest Home Volunteer Appreciation Day ceremony.

February 12, 1986

LINCOLN'S BIRTHDAY - HOLIDAY

February 13, 1986

Commissioners met with Grace Bates and Wilbur Spring of the County Historical Society regarding the renewal of the lease for the Historical Society.

Jane Jelinski met with Mary Ann Kelly regarding the hiring of an inspector for the Sohio well.

Bear Canyon Zoning District met and appointed the following persons to the citizens advisory committee: Frank Morgan, Normax Fox, Roy Metcalf, George Woods, and James Kurk.

Commissioner Visser and Deputy County Attorney Tom Anacker attended the Refuse District #2 meeting in West Yellowstone.

February 14, 1986

Commissioners met with Planner Bill Murdock regarding an inventory of county parks and the development of criteria for awarding park funds.

Jane Jelinski attended a meeting at the Chamber of Commerce regarding Law Enforcement Academy.

Commissioners met with public defenders and Clerk of Court Lorraine VanAusdol regarding salaries for public defenders and accounting procedures.

Received numerous A101's in the amount of \$38,965.52 to the credit of various funds.

Authorized the following transfers of funds:

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Loy Carroll  
 County Treasurer

You are hereby authorized to make the following transfers:

1. The sum of \$712.00 from Fund 2310 to Fund 1000 for wages transferred
2. The sum of \$59.70 from Fund 2761 to Fund 1000 because funds have been expended.
3. The sum of \$650.00 from Fund 2270 to Fund 2277 to correct posting error.
4. The sum of \$6.40 from Fund 2273 to Fund 2278 to correct posting error.
5. The sum of \$4,643.65 from Fund 2761 to Fund 8222 to correct coding error.
6. The sum of \$453.04 from Fund 1000 to Fund 2280 to correct coding error.
7. The sum of \$3.05 from Fund 2190 to Fund 2362 to correct posting error.
8. The sum of \$14.75 from Fund 2276 to Fund 2270 to correct posting error.
9. The sum of \$52.50 from Fund 1000 to Fund 2180 for January copies.
10. The sums of \$42.80 from Fund 1000, \$29.86 from Fund 2180, \$85.69 from Fund 2160, \$175.05 from Fund 2761, \$74.64 from Fund 2190, and \$23.89 from Fund 2140, to Fund 2110 for December Gasoline.
11. The sums of \$14.34 from Fund 2180, \$45.06 from Fund 2190, and \$161.79 from Fund 2110, to Fund 1000 for December Gasoline.
12. The sums of \$22.11 from Fund 2415, \$265.09 from Fund 2110, and \$99.43 from Fund 2190, to Fund 1000 for November Gasoline.
13. The sums of \$25.88 from Fund 1000, \$48.29 from Fund 2160, \$84.56 from Fund 2190, \$202.82 from Fund 2761, and \$35.79 from Fund 2140, to Fund 2110 for November Gasoline.
14. The sums of \$208.60 from Fund 1000, \$4.50 from Fund 2276, and \$4.20 from Fund 2440, to Fund 2190 for January Savin.
15. The sums of \$4.80 from Fund 2110, \$10.00 from Fund 2120, \$7.50 from Fund 2180, \$62.30 from Fund 2190, \$64.00 from Fund 2290, and \$4.55 from Fund 5020, to Fund 1000 for January Printing Expense.
16. The sums of \$80.40 from Fund 2290, \$171.08 from Fund 2190, \$3.54

from Fund 2276, \$17.32 from Fund 2180, \$41.70 from Fund 5020, \$17.51 from Fund 2110, \$8.55 from Fund 2240, and \$63.15 from Fund 2120, to Fund 1000 for January Supplies.

17. The sums of \$3.80 from Fund 2190, and \$35.65 from Fund 2240, to Fund 1000 for January Copies.
18. The sum of \$46.83 from Fund 1000, to Fund 2110 to correct coding error.
19. The sum of \$5,380.00 from Fund 2761, to Fund 2160 to correct posting error.

February 17, 1986

WASHINGTON'S BIRTHDAY - HOLIDAY

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Wilbur Visser stated that he had the affidavit of publication advertising county park land to be leased. This is for two parcels, one located in the Ross Creek Subdivision, and the other being land known as the Rest Home Annexation. This is for the period March 1, 1986 through February 28, 1987.

Mr. Visser stated that the Commissioners had received one bid. Jane Jelinski read the bid as follows:

Board of County Commissioners  
 Gallatin County

Dear Sirs:

I hereby offer a \$500.00 bid to lease the approximately twelve acres of land in the Ross Creek Subdivision, constituting that portion of the old Milwaukee Railroad right-of-way, same terms as last year.

Sincerely yours,

/s/ Joe France

Wilbur Visser suggested that an additional paragraph be added to the lease in item 6. He suggested inserting the following: "That the lessee shall control the noxious weeds."

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Reeves Petroff, County Weed Control Supervisor, concurred with Mr. Visser's suggestion.

Jane Jelinski made a motion to grant the lease for the park land in the Ross Creek Subdivision to Joe France with the insertion in the lease that Chairman Visser suggested, that the lessee shall control all noxious weeds, for \$500.00, seconded by Ramon S. White, none voting nay. The motion carried.

There being no bid received for the park land at the Rest Home, the Commissioners will contact the present lessee to give him an opportunity to bid on the land. If he does not wish to renew the lease, the land will be advertised for bid again.

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Bill Murdock, Assistant Planner spoke regarding a review of exemptions claimed on certificates of survey.

Tim McMahon has claimed the family exemption to transfer a 3.16 acre tract to his wife, Cynthia Montange. Mr. McMahon has not previously conveyed a tract to his wife. Transfers between spouses are allowable under an Attorney General's Opinion.

However, a later Attorney General's Opinion, and the Gallatin County Subdivision Regulations provide that the governing body shall evaluate all relevant circumstances in assessing the intent of the person claiming the exemption. These circumstances may include the prior history of the tract in question and proposed configuration of the tract if the proposed exempt transactions are completed.

The history of the tract is as follows:

This parcel is located just north and east of Smith's bridge on Highway 191 down Gallatin Canyon, approximately three miles north of the Big Sky entrance. Mr. Murdock displayed certificates of survey showing the prior history of the tract in question.

In 1978, four tracts were created, all twenty acres, and they have subsequently been further divided by using additional exemptions to the Subdivision Regulations. McMahon's property was originally part of Tract E of COS 570. In October of 1981, COS 570B was recorded, and claimed four parcels for occasional sale.

The Certificate of Survey submitted by Mr. McMahon would split Tract E into two equal parcels, E-3 and E-4. E-4 is the tract for which Mr. McMahon is claiming the family exemption, and would be transferred to his wife, Cynthia Montagne.

After considering the information and any public testimony, the Commission needs to decide if this is a proper use of the exemption.

Mike Foley stated that the previous land division had been done by Montana Contractors Mortgage. The seven acres of land that Mr. McMahon owns, is the only piece of ground he owns in Gallatin County. Mr. McMahon has owned the property for approximately two years.

Ramon White felt that this was a subdivision that has not gone through review. This has occurred through no fault of Mr. McMahon's but by a series of events.

Tom Anacker stated that the Commission should look at the intention of the applicant for the exemption in determining intent. It is his intent that is relevant to the Board's decision.

Jane Jelinski agreed that this was a subdivision without review but she did not feel that it was a consequence of Mr. McMahon's actions.

Tom Anacker stated that the basis to deny an exemption is where there are facts which establish an intent to evade the purposes of the exemption.

Ramon White made a motion to deny the exemption, seconded by Jane Jelinski.

Jane Jelinski stated that she had difficulty in discussing the intent of Mr. McMahon because this is his first attempt to divide the land. She stated that in the context of what has occurred she would agree that there is an unreviewed subdivision and she does not condone that. However, she does not feel that the history of the surrounding area is Mr. McMahon's responsibility.

Mike Foley stated that he did not know what the applicant's intention was if the division were to be approved.

Wilbur Visser asked for a vote on Mr. White's motion. Commissioner White voted for the motion, Commissioners Visser and Jelinski voting nay. The motion died.

Jane Jelinski made a motion to approve the exemption for Mr. McMahon, seconded by Ramon White, Commissioners Visser and Jelinski voting aye, Commissioner White voting nay. The motion carried.

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Bill Murdock, Assistant Planner, spoke regarding a request for final approval of Ryen Minor Subdivision. This minor subdivision was given preliminary approval on December 13, 1985. Mr. Murdock has reviewed the conditions for final approval and it appears that all of the conditions have been met.

Ramon White made a motion to approve Ryen Minor Subdivision, seconded by Jane Jelinski, none voting nay. The motion carried.

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Joe Baker, Belgrade Planner, spoke regarding a request for final approval for Mumford Minor Subdivision.

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This is a 6.5 acre parcel located 1.5 miles east of Belgrade on Tubb Road. The County Commissioners granted preliminary approval on August 20, 1985 subject to six conditions.

All of the conditions for approval have been met. The Planning Director recommends that the project be granted final approval.

Jane Jelinski made a motion to grant final approval to the Mumford Minor Subdivision, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for final approval for Cimarron Subdivision. Cimarron Subdivision No. 2 was given preliminary approval by the Commission in February of 1984.

It appears that all of the conditions for approval of Cimarron Subdivision No. 2 have been met. Ms. Peck entered her staff report into the record.

Ramon White asked who had the responsibility of maintaining the roads. Mary Kay Peck stated that the Homeowners' Association had the responsibility and it was stated in the covenants. Ms. Peck stated that the drainage system had received approval from the County.

Jane Jelinski read the following letter into the record:

April 13, 1979

Ms. Jessie Nelson  
 PO Box 278  
 Bozeman, MT 59715

Dear Ms. Nelson:

A majority of the Gallatin County Commissioners have agreed to accept the streets in the Cimarron Subdivision into the Gallatin County Road Maintenance Plan. The Gallatin County Road Department will provide maintenance on these streets as its schedule permits.

Sincerely,

/s/ Michael J. Lilly  
 Deputy County Attorney

Tom Anacker stated that there should be a search conducted to see if there was a petition submitted to create a petitioned county road to see if there is a mandatory duty to maintain those roads. If a petition was not submitted, the County Commissioners could, under their discretionary authority, do maintenance on other roads.

Ramon White stated that he had a concern with how Cimarron No. 1 Cimarron No. 2 tied together as far as the roads.

Tom Anacker stated that a review of the road records would be in order before any final decisions were made with respect to the letter written by Mr. Lilly. Mr. Anacker stated that if the Board felt that all of the conditions had been met, the developer was entitled to approval of Cimarron Subdivision No. 2. The road issue could be settled at a later time.

Jane Jelinski made a motion to grant final approval to Cimarron Subdivision in view of the fact that all of the conditions have been met, seconded by Ramon White, none voting nay. The motion carried.

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Marcia Elkins, Assistant Planner for the City of Bozeman, spoke regarding a request for summary review approval of minor amended subdivision plat of tract 8 of Longacres Subdivision. The applicant is proposing to split tract 8 into two lots with areas of 1.285 and 1.265 acres. The tract is located between Sourdough Road and Highland Boulevard. The Master Plan designates this area as low density residential which allows development of up to seven units per acre. However, because of the physical constraints of the property, it is unlikely that sanitary sewer facilities would be extended to the property. The applicant has applied for a zoning variance to the lot width requirement. The proposed lots have a width of 125 feet, whereas the zoning regulations require a width of 150 feet. The applicant is not meeting the subdivision regulations with regard to the lot width to depth ratio. The staff would support the variance because it is eliminating a double frontage lot. The staff report outlines the eight public interest criteria and the staff recommends approval with conditions as follows:

1. That Montana Department of Health and Environmental Sciences approval be obtained, prior to Final Plat Approval.
2. That the applicants obtain a variance for the property from the Bozeman Zoning Board of Adjustment to the minimum lot width requirement of 150 feet in an "RS-1" District as per Section 18.12.030.A of the Bozeman Area Zoning Code, prior to Final Plat Approval.
3. That an Examining Land Surveyor Certificate be added to the face of the plat, and the reference dates are removed from all certificates prior to final plat approval.

In addition, the staff would recommend approval of the subdivision variances and that should be noted in any action that the Commission might take.

Ramon White noted that there was a notation in the staff report that the \$35.00 per lot fee to the fire district would no longer be required since Sourdough is now a tax district. The County Commissioners' position is that this does not make any difference as far as the impact fee because the property is not put on the tax rolls until the following year.

Ms. Elkins noted that this should be added as a condition.



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Access to the lots would be from both Sourdough and Highland Roads. It has already been noted that the county will not maintain Highland.

Jane Jelinski made a motion to grant summary review approval of the minor amended subdivision plat of tract 8 of Longacres Subdivision with the three conditions recommended by staff plus a fourth condition that there will be a \$35.00 per lot fee paid to the Sourdough Fire District, seconded by Ramon White, none voting nay. The motion carried.

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Dr. Edward King spoke regarding a request for budget amendments to the County Health Department budget. The Health Department received an additional \$7,400 from the Maternal and Child Health Block Grant from the State Dept. of Health. That money was not budgeted in the program for expenditures this year. The Health Department is requesting an amendment to the budget so that it can be used for services during this fiscal year. The monies will be used for printing, travel and consultation fees.

The other request is for an additional \$3,000 in revenue for the Homemaker Aide project. This is the Title III federal program. These monies will be budgeted for travel.

Jane Jelinski read Resolution #609 as follows:

WHEREAS, pursuant to Section 7-6-2218(1) MCA 1985, a board of county commissioners has the power and authority to appropriate money received from state government, regardless of the time the money is received, by formal resolution; and

WHEREAS, The Gallatin County Health Department has received a grant from the State of Montana in the amount of \$7,601.00 to be used for the Maternal Child Health program; and,

WHEREAS, the Gallatin County Health Department has received a grant from the State of Montana in the amount of \$3,000.00 to be used for the Homemaker Aide program; and,

WHEREAS, the Gallatin County Health Department requests that the Board of County Commissioners of Gallatin County appropriate the state grant in the amount of \$7,601.00 to the Gallatin County Health Department budget, Fund #2273, to be spent by the Gallatin County Health Department pursuant to any state requirements specified in state legislation; and,

WHEREAS, the Gallatin County Health Department requests that the Board of County Commissioners of Gallatin County appropriate the state grant in the amount of \$3,000.00 to the Gallatin County Health Department budget, Fund #2279, to be spent by the Gallatin County Health Department pursuant to any state requirements specified in state legislation;

NOW, THEREFORE, BE IT RESOLVED,

1. That the Board of County Commissioners of Gallatin County hereby appropriate the sum of \$7,601.00 from the State of Montana grant to the Gallatin County Health Department to be credited to the budget of the Gallatin County Health Department in Fund #2273, to be spent by the Gallatin County Health Department pursuant to any state requirements specified in state legislation.

2. That the Board of County Commissioners of Gallatin County hereby appropriates the sum of \$3,000.00 from the State of Montana grant to the Gallatin County Health Department to be credited to the budget of the Gallatin County Health Department in Fund #2279, to be spent by the Gallatin County Health Department pursuant to any state requirements specified in state legislation.

3. That pursuant to Section 7-5-2201(1), MCA 1985, this resolution shall be effective immediately upon adoption by the Gallatin County Commission.

Jane Jelinski made a motion to adopt Resolution #609, seconded by Ramon White, none voting nay. The motion carried.

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Gary Mitchell of the Gallatin Valley Softball Association updated the Commissioners on the progress of the Softball Association in acquiring land and development of a proposed softball complex. Mr. Mitchell provided the Commission with a proposed diagram of the complex. The Association has approached the Valley Unit Subdivision Homeowners regarding the use of twelve acres of land the subdivision had proposed to dedicate to the City of Bozeman. The subdivision homeowners have agreed to allow the Softball Association to build a sports complex at the site. The Softball Association will be meeting with the Park and Recreation Board today to formally ask for their approval of the project. The Association will also come before the City Commission to ask their approval.

Mr. Mitchell requested financial assistance from the County in completing this project and to assist with the construction of the complex. The cost estimates for this project are vague at this time. Mr. Mitchell asked to come before the Commission in approximately a month to give a more detailed report as to what will be required.

Jane Jelinski asked if there would be a legal problem with contributing funds toward a park that would be a city park.

Bill Parker of the Association stated that as far as use, the softball complex would be used by people from all over the county. The Gallatin Valley Softball Association would administer the complex.

Mr. Mitchell states that the City has seemed very interested in cooperating with the Association and the County in completing the project.

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There being no further business, the meeting adjourned at 2:45 P.M.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 18th DAY OF FEBRUARY 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Attest:

*Gary St. Dingle*  
 Clerk

APPROVED:

*Ramon S. White*  
 Chairman

PUBLIC MEETING TUESDAY, THE 25th DAY OF FEBRUARY, 1986 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of February 11, 1986 as written, seconded by Ramon S. White, none voting nay. The motion carried.

## ANNOUNCEMENTS

February 18, 1986

Bridger Canyon Zoning Commission met to consider a request by Flaming Arrow Lodge as a special events facility and an accessory use as a hostel. The request was granted with certain conditions.

Commissioners met with Belgrade Planner Joe Baker regarding a proposed development in the Belgrade area.

Commissioners met with Don Cape and Lowell Springer regarding the Law Enforcement Academy. The Commissioners have sent a letter to Mr. Cape endorsing the siting of the Law Enforcement Academy in Bozeman.

Received and approved the following transfers of funds:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

-That the sum of \$590.00 as appropriated under general class (2) Travel for account 2450-000-420730-370 be transferred to account 2450-000-420730-397 under general class (2) Contracted Services.

-That the sum of \$150.00 as appropriated under general class (2) Office Supplies for account 2450-000-420730-210 be transferred to account 2450-000-420730-397 under general class (2) Contracted Services.

-That the sum of \$712.50 as appropriated under general class (1) Salaries and Wages for account 1000-209-420100-110 be transferred to account 2310-000-420140-228 under general class (2) Drug Buys.

-That the sum of \$20.46 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-210 be transferred to account 2190-216-440110-363 under general class (2) Maintenance and Support.

-That the sum of \$4000.00 as appropriated under general class (1) Salaries and Wages for account 1000-205-410580-110 be transferred to account 1000-205-410580-397 under general class (2) Maintenance and Support.

-That the sum of \$60.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-360 be transferred to account 2160-000-460200-335 under general class (2) Maintenance and Support.

-That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-360 be transferred to account 2160-000-460200-338 under general class (2) Maintenance and Support.

-That the sum of \$1600.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-360 be transferred to account 2160-000-460200-345 under general class (2) Maintenance and Support.

-That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 8222-000-430600-345 be transferred to account 8222-000-430600-350 under general class (2) Maintenance and Support.

-That the sum of \$9.08 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-395 be transferred to account 1000-213-410340-210 under general class (2) Maintenance and Support.

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

-That the sum of \$2000.00 as appropriated under general class (2) Maintenance and Support for account 8141-000-431200-360 be transferred to account 8141-000-431200-352 under general class (2) Maintenance and Support.

-That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-220 be transferred to account 1000-254-420600-370 under general class (2) Maintenance and Support.

-That the sum of \$181.60 as appropriated under general class (2) Maintenance Support for account 5020-000-440320-360 be transferred to account 5020-000-440310-364 under general class (2) Maintenance and Support.

-That the sum of \$248.34 as appropriated under general class(2) Maintenance and Support for account 5020-000-440320-360 be transferred to account 5020-000-440360-130 under general class (1) Salaries and Wages.

-That the sum of \$1,111.31 as appropriated under general class (2) Maintenance and Support for account 5020-000-440360-220 be transferred to account 5020-000-440320-220 under general class (2) Maintenance and Support.

-That the sum of \$5000.00 as appropriated under general class (2) Maintenance and Support for account 2761-900-411200-360 be transferred to account 2761-900-411200-378 under general class (2) Maintenance and Support.

-That the sum of \$15,000.00 as appropriated under general class (2) Maintenance and Support for account 2761-900-411200-360 be transferred to account 2761-900-411200-376 under general class (2) Maintenance and Support.

-That the sum of \$2,000.00 as appropriated under general class (2) Maintenance and Support for account 2761-900-411200-360 be transferred to account 2761-900-411200-375 under general class (2) Maintenance and Support.

-That the sum of \$3,000.00 as appropriated under general class (2) Maintenance and Support for account 2761-900-411200-360 be transferred to account 2761-900-411200-377 under general class (2) Maintenance and Support.

-That the sum of \$43.15 as appropriated under general class (2) Maintenance and Support for account 1000-213-410340-395 be transferred to account 1000-213-410340-312 under general class (2) Maintenance and Support.

-That the sum of \$25.00 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430230-370 under general class (2) Maintenance and Support.

-That the sum of \$12.15 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-226 under general class (2) Maintenance and Support.

-That the sum of \$304.77 as appropriated under general class (2) Maintenance and Support for account 8152-000-440700-397 be transferred to account 8152-000-440700-360 under general class (2) Maintenance and Support.

-That the sum of \$193.00 as appropriated under general class (2) Maintenance and Support for account 8152-000-440700-397 be transferred to account 8152-000-440700-513 under general class (2) Maintenance and Support.

-That the sum of \$900.00 as appropriated under general class (2) Maintenance and Support for account 1000-207-411400-210 be transferred to account 1000-207-411400-370 under general class (2) Maintenance and Support.

-That the sum of \$2,500.00 as appropriated under general class (3) Capital Improvements for account 2430-209-430800-905 be transferred to account 2430-209-430800-360 under general class (2) Maintenance and Support.

-That the sum of \$200.00 as appropriated under general class (3) Capital Improvements for account 2430-209-430800-905 be transferred to account 2430-209-430800-370 under general class (2) Maintenance and Support.

-That the sum of \$300.00 as appropriated under general class (3) Capital Improvements for account 2430-209-430800-905 be transferred to account 2430-209-430800-361 under general class (2) Maintenance and Support.

-That the sum of \$500.00 as appropriated under general class (3) Capital Improvements for account 2430-209-430800-905 be transferred to account 2430-209-430800-940 under general class (3) Capital Outlay.

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 BOZEMAN, MONTANA

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

/s/ Wilbur Visser  
 /s/ Jane Jelinski  
 /s/ Ramon S. White

Granted permission for the Bozeman Quilters Guild to hold a raffle.

February 19, 1986

Commissioners met with County Extension Agent Gene Surber and Dale Bergland of the Cooperative Extension Service regarding the effects of federal budget cuts on the Extension Service program.

Commissioners met with Bridge Foreman Bob Jordan concerning a response to a letter to the Dept. of Fish, Wildlife and Parks regarding the riprap and flooding problems in the area of Shedd's Bridge.

Commissioners met with Gene Gibson and Ken Gallik of the Forest Service and were updated on the progress of the improvements being made to Hyalite Road.

February 20, 1986

Commissioners met with Ron Cutting and Dave Dunn regarding the operations of the Dispatch Center.

Commissioners met with Mary Kay Peck, Don Gustofson and Jerry Gaston regarding the CDBG grant for the high tech park.

February 21, 1986

Commissioners met with Computer Consultant Don Stanfield regarding computer programs developed by Gallatin County that are being used in Roosevelt and Dawson County.

Commissioners met with NCR representative Wendell Wisner regarding computer programs and possible updating of computer hardware.

February 24, 1986

Commissioners met with Sheriff Cutting and Dave Dunn regarding the operation of the Dispatch Center.

Commissioners met with Bob Matheson regarding the renewal of his lease of park land known as the Rest Home Annexation. The Commissioners will renew this lease for the period March 1, 1986 through February 28, 1987 for the amount of \$500.00.

Commissioner Jelinski met with County Attorney Mike Salvagni to develop new legislation for the taxation of fire districts.

Commissioners met with Ray Tocci and Jack Schunke to discuss the improvements being made to the Three Forks Airport.

Received the following list of new employees:

Connie Mathison, Dispatcher, Sheriff's Dept., \$915.65/month, 2/2/86.  
 Pamela Ohs, PHN I, Health Dept., \$1,445.45/month, 2/10/86.  
 Melinda Wilson, Laundry Aide, Rest Home, \$4.36/hour, 1/26/86.  
 Beth Mehrer, RN, Rest Home, \$8.52/hour, 1/28/86.

Granted permission for the Irving School Parent Council to hold a raffle.

Received numerous A101's in the amount of \$27,160.61 to the credit of various funds.

Wilbur Visser announced that the Commissioners would be appointing members to the Gallatin County Airport Board at next week's meeting. Anyone interested in being appointed to the Board may make application at the Commissioners' Office.

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Bill Murdock, Assistant Planner, spoke regarding a review of exemptions claimed on certificates of survey.

N. R. and Shawna Halsey have claimed the security for construction financing exemption. The Halsey's have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. First Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon S. White, none voting nay. The motion carried.

Graham and Marcia Taylor have also claimed the security for construction financing exemption. The Taylor's submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Valley Bank of Belgrade has certified that the creation of this parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption.

Ramon S White made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

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Devere and Alice Jones have claimed the occasional sale exemption. Mr. and Mrs. Jones have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon S. White, none voting nay. The motion carried.

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Wilbur Visser stated that this was the time for the public hearing regarding a petition to open a portion of road from South Third to South Nineteenth. Mr. Visser stated that he had the affidavit of publication, the petition and the viewer's report. Mr. Visser read the petition #713. Ramon S. White read the viewer's report into the record.

Wilbur Visser read the following letter into the record:

"Dear Honorable Commissioners:

We are opposed to Petition #713 for a road from S 19th to S 3rd because of the following reasons:

1. S 19th is already carrying a heavy load of traffic making it nearly impossible to move equipment from one field to another.
2. There is an existing road only one-half mile south of the proposed road.
3. We feel it would benefit more people to spend the funds on extending N 19th to Baxter Lane.
4. We feel that this Petition is being proposed to enhance a proposed subdivision. Who will benefit by this enhancement of the subdivision?
5. Maintenance - how will this road be maintained when the existing roads cannot be maintained properly.

Thank you for taking the time to take this appeal into consideration.

/s/ Ray Kraft  
/s/ Karleen Kraft  
4999 S. 19th  
Bozeman, MT 59715"

Tom Anacker asked if the Clerk and Recorder had certified the petition. Wilbur Visser stated that the Clerk and Recorder had certified the petition and that there were sufficient signatures to petition the Board of County Commissioners.

Tom Anacker stated that the Board has discretion on deciding whether or not to grant the petition to action. If the Board does grant the petition to action, the statutes require that if the petition is for the opening of a county road, the Board shall proceed at once to have it opened to the public and declare it to be a county road. Further, the Attorney General has offered an opinion as follows: That the County must bear the entire cost of the improvements which are petitioned under Section 7-14-2601, and the Board is required to take immediate steps if it decides to grant the petition.

Don Brelsford, County Engineer, stated that he was not aware of an immediate need to have the road constructed; consequently, he has not prepared an estimate of the cost of improving the road.

Sam Gianfrancisco, Road Superintendent stated that he had done some preliminary cost figures, calculating the full mile. This would cost approximately \$80,000 to \$100,000 to complete the road to county standards. It costs \$12.00 per foot plus culvert and fabric. This project is not on the priority list. Mr. Gianfrancisco does not feel it should be at this time, but that it will probably be needed in the future.

Jane Jelinski asked what the advantage was to voting on this now and proceeding on it if the county does not have the funds to improve this. She wondered if it would be better to indicate support of the project but postpone it until it can be put on a priority list.

Wilbur Visser stated that the land was for sale at this time. Jane Jelinski asked if the right of way could be purchased at this time with the intention of opening the road in the future.

Tom Anacker stated that the Commission has been petitioned to purchase the right of way and open it up as a county road. He would like to have an opportunity to study the question of whether it would have to be improved immediately upon acquisition of the right of way.

Ramon White made a motion for postponement of this item for one week, but to allow anyone who wishes to comment at this time to do so, seconded by Jane Jelinski, none voting nay. The motion carried.

Bill Quinn, the adjacent land owner to the west of the proposed petition, spoke in opposition and presented the following letter:

"Dear Commissioners:

On behalf of my wife and myself as adjacent landowners to the Road Petition No. 713, I speak in opposition to the Petition. Both my wife and I have made this opposition known to you previously both by letter and in conversations.

At best, this proposal is a poor business decision and at its worst, is irresponsible use of public funds. We will not sell a right of way across our property which means that the petition will not provide a connection between South 3rd and South Nineteenth Road. What

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purpose does this serve the taxpayers of Gallatin County?

The fact that this road conforms with the Bozeman Master Plan is a lame excuse for land acquisition, at this time! Certainly, there are several other county projects of higher priority and need. Extension of Kagy Avenue to South 19th and South 3rd through the Bering Place (Graf) and the blacktopping of Nash Road come to mind as more worthy projects for this decade.

The second reason given for this proposal is to lessen traffic on South Third Road; why? Are we to believe that South 3rd is unable to handle the usual traffic? If South Third cannot handle the traffic, why isn't the road repaired?

There already is a connecting road between South 3rd and South 19th within one-half mile of this proposed road, i.e. Patterson Road. This proposal ignores Patterson Road which could easily be upgraded to handle the traffic for a lot less money than this Petition. The Petition would place two roads within one-half mile of each other, a foolish duplication when one considers that it is 2½ miles to the next crossing access at Lincoln Road.

The final reason is to provide a more direct route for the Sourdough area to the college. This doesn't make any sense at all. This reasoning ignores the fact that the shortest distance between two points is a straight line. Or perhaps this means that the Sourdough area is going to some other college rather than MSU.

Remarks by Mr. White and Mr. Visser published in the Bozeman Daily Chronicle of November 1, 1985 state that a new tax for building and repairing roads is not needed and that the rural people would be against it. These and other similar comments lead us to believe that both Mr. White and Mr. Visser are fiscally conservative and conscientious stewards of county funds. I challenge you to act in accordance with your words and reject this Petition for failing to meet the basic requirement of need at this time.

Thank you.

/s/ William J. Quinn  
 /s/ Barbara J. Quinn"

Clark Robinson, a resident on Sundance Drive, stated that he is in favor of extending the road through to South Nineteenth and would use it on numerous occasions.

Don Brelsford suggested that a simple dirt road may be adequate by definition of the term road. Mr. Brelsford stated that in the event the road would have to be improved to county standards, he would not recommend acceptance of the petition at this time because of other priorities.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for approval of Blue Grouse Hills Subdivision road plans. Preliminary approval was granted to this subdivision in June of 1985. In accordance with the conditions for approval, road plans were submitted to the County Road Office for review and approval. Because part of the subdivision is located in mountainous terrain, the engineers have not been able to design a road that meets all County specifications. This subdivision is located in Meadow Village at Big Sky.

Since the Road Office cannot approve the road plans, there is an alternate to the problem. The County Commission does have the authority to approve any reasonable changes, alterations, amendments and additions to the road standards so long as the changes do not exceed 25% of the cost of the work. The Road Office has submitted a memo to the Commission summarizing the proposed changes.

Sam Gianfrancisco, Road Superintendent, stated that the standards call for a backslope of 4 to 1 with a variable foreslope. Mr. Gianfrancisco displayed the plans that had been submitted by the engineer for the project.

Tom Anacker asked Mr. Gianfrancisco if he thought that the alteration proposed could be done without detriment to the health, safety, and welfare of the public? Mr. Gianfrancisco stated that he believed it could.

Jim Dobrowski of Morrison-Maierle stated that if an engineer were hired to design the road, he would probably design something steeper as a standard practice; however, he is agreeable to the proposed alteration.

Jane Jelinski made a motion to approve the Blue Grouse Hills Subdivision road plans as presented by staff, seconded by Ramon White, none voting nay. The motion carried.

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Tom Anacker spoke regarding a request by the City of Belgrade for services of the County Attorney's Office for the Belgrade Police Commission. He read the following letter:

"February 24, 1986

Dear Members of the Commission:

The Belgrade City Council is requesting that the Gallatin County Commissioners consent to the City of Belgrade retaining the services of Michael Salvagni, Gallatin County Attorney, for the purposes of giving legal advice to the City of Belgrade Police Commission on evidentiary matters on March 6, 1986 Police Commission hearing. Enclosed you will find a consent form that has been prepared for signature in the event the Commission approves the City of Belgrade's request.

Sincerely,

/s/ David W. Lazarow  
 Council President"

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The consent form reads as follows:

"We, the Board of Gallatin County Commissioners hereby consent pursuant to Section 7-4-4606, MCA, to the City of Belgrade retaining the services of Michael Salvagni, Gallatin County Attorney, for the purpose of giving legal advice to the City of Belgrade Police Commission on evidentiary matters at the March 6, 1986 Police Commission hearing. This consent is limited to services to be provided for the Police Commission hearing. There shall be no charge to the City of Belgrade for the County Attorney's services.

/s/ Barbara Snider, Mayor"

Michael Salvagni, County Attorney, stated that he has been advised by the Chairman of the Police Commission that the hearing may not occur on March 6, 1986, that it may be continued to a later date. Mr. Salvagni states that he has no objection to assisting the Police Commission in this matter. He asks that the authority be given regardless of the time the hearing would be held.

Jane Jelinski made a motion to grant the request and enter into the agreement, seconded by Ramon White, none voting nay. The motion carried.

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Jane Jelinski made a motion to appoint Jon Alberda to the County Weed Board, seconded by Ramon White, Commissioners Visser and Jelinski voting aye, Commissioner White voting nay. The motion carried.

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There being no further business, the meeting adjourned at 2:40 P.M.

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ATTEST:

*Gary H. Dingle*  
Clerk

APPROVED:

*Ramon White*  
Chairman

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The following are the quarterly securities submitted by the County Treasurer for the quarter ended December 30, 1985:

\$17,279,905.32 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

First Bank #005  
Checking

\$ -105.73  
227,589.03

Gall Cnty	5.90	1/1/87	40,000.00
Gall Cnty	8.00	1/1/88	80,000.00
Gall Cnty	6.00	1/1/89	40,000.00
Co of Cook	5.60	11/1/92	100,000.00
WA Ser A	5.50	4/1/93	50,000.00
Fairfax Cnty	5.20	5/1/93	250,000.00
Park Cnty	5.90	6/15/93	30,000.00
Cmnlwth of MA	6.20	8/1/93	300,000.00
Maryland St	5.50	7/15/93	200,000.00
Illinois St	5.25	5/1/93	200,000.00
Florida St	5.20	1/1/92	100,000.00

FIRST SECURITY BANK OF BOZEMAN

CREDIT BALANCE

#089086  
#5009111  
Checking

\$3,000,000.00  
2,375,291.46  
12,108.00

2861	4.09	6/10/87	2,000.00
2873	4.09	6/10/86	2,000.00
5545	7.875	5/15/86	75,000.00
6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
6725	4.80	6/1/86	200,000.00
20962	5.20	4/1/87	25,000.00
3370	4.70	7/1/87	10,788.75
3371	4.70	7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3378	4.70	7/1/86	-10,788.75
3379	5.00	9/1/92	25,000.00
4012	5.35	7/1/86	9,000.00
4013	4.75	12/1/88	10,000.00
6000	7.25	9/1/88	120,000.00
PL2389	5.25	6/1/86	9,000.00
254044	9.10	12/1/90	250,000.00
317558	9.50	12/1/93	200,000.00
078973	7.25	7/1/94	200,000.00
141642	9.85	9/1/96	270,000.00
239195	12.50	8/1/2002	300,000.00
258944	8.50	11/1/2002	270,000.00
260601	10.00	12/1/2002	300,000.00
014763	6.50	2/1/90	100,000.00
247590	10.375	9/1/90	500,000.00
299138	9.30	6/30/90	300,000.00
136052	7.50	12/1/90	200,000.00
440228	9.375	5/15/86	1,000,000.00
444640	11.875	9/30/86	1,000,000.00
444638	11.625	10/31/86	1,000,000.00

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 BOZEMAN, MONTANA

MONTANA BANK OF BOZEMAN

CREDIT BALANCE

#712388 \$ 106,894.69  
 #57729 3,000,000.00  
 Checking 13,288.25

19346	4.25	7/1/86	10,000.00
19265	5.75	7/1/86	8,000.00
19276	5.75	7/1/86	1,000.00
19256	4.50	7/1/86	15,000.00
18911	4.50	7/1/86	4,000.00
15612	4.75	12/15/86	7,000.00
15609	4.70	12/15/86	16,000.00
23343	4.75	12/15/86	4,000.00
19008	5.00	1/1/87	3,500.00
19008	5.00	1/1/87	15,000.00
19265	5.75	7/1/87	8,000.00
18911	4.50	7/1/87	4,000.00
15612	4.75	12/15/87	7,000.00
23343	4.75	12/15/87	4,000.00
19008	5.00	1/1/88	3,500.00
19008	5.00	1/1/88	15,000.00
5078	5.20	3/1/88	10,000.00
19253	4.70	7/1/88	25,000.00
19265	5.75	7/1/88	8,000.00
21351	5.20	7/15/88	50,000.00
28104	5.00	1/1/89	10,000.00
19265	5.75	7/1/89	8,000.00
Yell. Co	4.70	1/15/87	20,000.00
Willmar Go	5.90	2/1/87	70,000.00
Arvada Go	5.20	1/1/90	50,000.00
Oregon St	4.75	9/1/90	50,000.00
Hawaii St	6.50	11/1/91	75,000.00
Cascade Co	5.10	1/1/92	50,000.00
Milbank Go	5.70	11/1/92	50,000.00
Benton Co	6.10	1/1/94	50,000.00
Mass Mun	5.00	7/1/96	100,000.00

Repurchase Agreement

TIGR's	8.45	11/15/85	205,000.00
U.S. Treas	11.89	12/31/85	500,000.00
TIGR's	8.63	2/15/86	215,000.00
TIGR's	9.40	4/15/86	109,250.00
TIGR's	10.85	5/15/86	204,250.00
TIGR's	10.85	5/15/86	114,000.00
U.S. Treas	12.67	5/31/86	300,000.00
Fed Farm CR	7.69	7/8/86	200,000.00
Fed Natl Mort	9.10	7/10/86	300,000.00
Fed Home Loan	8.38	7/28/86	200,000.00
Fed Natl Mort	11.05	2/10/87	240,000.00
TIGR's	8.54	2/15/87	225,000.00
U.S. Treas	8.69	2/28/87	200,000.00
TIGR's	9.60	11/15/88	136,500.00

WESTERN BANK OF BOZEMAN

CREDIT BALANCE

\$ 2,162.00

VALLEY BANK OF BELGRADE

PLEDGE BALANCE

CREDIT BALANCE

\$ 657,218.66

\$ 4,521.40

MANHATTAN STATE BANK

CREDIT BALANCE

\$ 3,850.35

4912 4.80 2/1/86 25,000.00

SECURITY BANK OF THREE FORKS

CREDIT BALANCE

\$ 1,396.10

333662 11.625 10/31/86 300,000.00

FIRST SECURITY BANK, WEST YELLOWSTONE

CREDIT BALANCE

\$ 1,285.35

FIRST CITIZENS BANK OF BOZEMAN

9465 11.75 4/30/86 100,000.00

OTHER BANKS

Commerce Trust	5,839.28	Cash in Office	220,253.14
First Natl Minn	244,695.83	School Investments	806,974.74
Norwest	942,232.68	County Investments	5,608,571.60
Southgate State	20,982.50		
Yellowstone Laurel	1,020.00		\$17,279,905.32
First Trust Boz	564,615.90		
First Sec Boz	22,770.00		
First Trust Helena	93,668.75		



## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 4th DAY OF MARCH 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Ramon S. White at 1:40 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. Wilbur Visser is attending the Peace Officers Association meeting in Billings.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of February 18 and February 25, 1986 as written, seconded by Ramon White, none voting nay. The motion carried.

## ANNOUNCEMENTS

February 25, 1986

Commissioner met with Wally Riffle, the architect for the Detention Center remodeling, representatives of Willo Products, Sheriff Cutting and Dave Dunn, and Richard Andriolo, regarding the progress of the Detention Center remodeling.

Commissioners met with Bill Murdock, Assistant Planner, regarding a request for a determination of suitability of access for William and Evelyn Brainard. This is an 80 acre tract without existing access. It was determined that this tract of land did not have suitable access.

Commissioners attended the Montana Woolgrowers Annual Dinner.

February 26, 1986

Commissioners met with Don Stanfield, Gwen Marty, and Diane Steffan of the county's Data Processing Center to discuss the operation of the Data Processing Center.

Commissioners met with Dean Stensland and John Hubley of AT & T regarding the county's telephone system.

Commissioners met with representatives of the Cowen-Skinner Ranch Company and agreed upon a purchase price of \$138,500 to be inserted into the option to purchase agreement between Gallatin County and Cowen-Skinner Ranch Company which was executed on January 27, 1986. The terms of the payment of the purchase price if the county exercises the option to purchase were agreed to be 40 percent of the purchase price upon closing, and the balance to be paid on December 1, 1986, and the amount unpaid in closing shall bear interest at the rate of 10 percent per annum. Gallatin County also agreed to pay the legal closing costs of this transaction.

Commissioners met with Mike Salvagni and Tom Anacker of the County Attorney's Office, and Mary Kay Peck, Subdivision Review Officer, regarding the lots taken for tax deed in Hebgen Lake Estates.

Commissioners met to consider a request for determination of suitability of access for property the County will own for the Three Forks Airport. The parcels are now part of the airport and appear to have suitable access.

February 27, 1986

Commissioners met as a Welfare Board.

Commissioners went to Helena and met with Secretary of State Jim Waltermire, State Auditor Andrea Bennett, and Superintendent of Schools Ed Argenbright regarding the proposed land exchange for the expansion of the Logan Landfill.

Commissioner Jelinski attended the Strategic Planning Committee meeting for the Certified Cities program.

February 28, 1986

Commissioners met with Jim Lether, Norm Connors, Russ Westlake, and Art Van'tHul regarding expanding and funding the search and rescue unit.

Bridger Canyon Zoning Commission met and reviewed the applications that had been submitted for the Drilling Inspector for the Sohio well.

March 3, 1986

Commissioner Visser is in Billings attending the Peace Officers Conference.

Commissioners met with members of the Fair Board regarding water line installation, landscaping at the Fairgrounds, and the proposed Beer Garden and other alcohol consumption at the Fairgrounds.

Commissioner Jelinski met with the Fire Tax Committee.

Commissioner White met with Vern Kallestad of Mountain Bell regarding phone service of the county.

Received report from the Clerk and Recorder's Office for the month of February showing the items of fees and other collections made in the amount of \$10,710.55.

Received numerous Al01's in the amount of \$1,313,965.49 to the credit of various funds.

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Bill Murdock, Assistant Planner, spoke regarding a review of exemptions claimed on certificates of survey.

Ron Moss has claimed the security for construction financing exemption. Mr. Moss has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. American Federal Savings and Loan has certified that the creation of the mortgage parcel is

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necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the security for construction financing exemption for Ron Moss, seconded by Ramon White, none voting nay. The motion carried.

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Ramon White asked for public comment regarding the opening of a road from South Third to South Nineteenth. This item was continued from the Commissioners' meeting of last week.

John Fisher, Secretary-Treasurer of the Sourdough Rural Firefighters Association, stated that the eventual extension of Goldenstein to Nineteenth Street would substantially improve fire fighting capabilities for the Sourdough Fire Company.

Sam Gianfrancisco gave an engineer's estimate done by Thomas, Dean and Hoskins in March of 1985 of the costs of improving the road. For 3,500 feet built to county standards, gravel only, the cost would be \$70,795. If it was to be paved it would be \$123,000. This would be the entire stretch and would include any additional work that needed to be done including the fabric material. It does not include the cost of acquiring the right of way.

Bill Quinn, stated that since last week's meeting, he and Buzz Goldenstein have been discussing the relative merits of trading easement and working something out. Mr. Quinn states that the easement on his land is for the land adjacent and it would not be available to the county to use at the present time. Mr. Quinn states that he and Mr. Goldenstein would have to arrive at some sort of agreement to arrive at a workable solution.

Mr. White closed the hearing for public comment.

Tom Anacker stated that last week he gave an opinion that if the County Commission passed or approved the road petition and opened that portion of the road, that the Board would have to proceed at once to open that road to the public and declare it to be a county road. Mr. Anacker further concludes that the county can only obtain right of way for a county road through the petition process and through that process if the County Commission does approve the petition, they do become obligated to expend the money to acquire the right of way. There is an alternative solution to this issue to obtain this property. There is a statute that authorizes the Board of County Commissioners to purchase property. The Commission is required to have the property appraised by three disinterested citizens of the county who are appointed by the District Judge. Once the appraisal has been made, the County Commissioners are authorized to purchase that property. Under that procedure, the county could obtain the property in question; however, it would be purchasing the property with an ownership interest rather than a right of way interest. Before that property could be developed into a county road there would have to be a subsequent petition for a county road which would give the Commissioners the authority to open it as a county road. Mr. Anacker also states that there are no specific standards set forth in the statute for county road standards. It is his opinion that the type of standards that the Commission should apply to these roads would be a standard that would allow these roads to be used safely by the public. He cited the road standards contained within the county subdivision regulations and the standards that the State of Montana uses as a guideline in constructing this road.

Jane Jelinski stated that because the county has not budgeted to build a road from South Third to South Nineteenth, does not have the funds available, and has not placed that construction on its priority list at this time, she would move that the petition be denied requesting that the Commission acquire right of way for the construction of a county road, seconded by Ramon White. Mrs. Jelinski stated that she believes it would be in the public interest in the future to construct the road when it is financially possible. Commissioners Jelinski and White voting aye on the motion, none voting nay. The motion carried.

Jane Jelinski made a motion to submit to Judge Joseph Gary a request to appoint three appraisers to appraise the value of the property so that the Commission can consider purchasing it so that in the future it will be available to Gallatin County because there has been ample testimony that there will be a need in the future to construct the road, seconded by Ramon White, none voting nay. The motion carried.

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Dave Dunn, Gallatin County Undersheriff, stated that he had recently received a letter from the County Attorney's Office regarding the funding for a Search and Rescue Unit. The letter reads in part as follows:

"In your memo dated January 15, 1986, you have asked to meet with me concerning the procedures and requirements for organizing a search and rescue unit so that the Commissioners can levy a tax for funding the unit. I am writing this letter to acquaint you and the County Commissioners with new law. The 1985 Montana Legislature adopted a law which provides that a county may establish or recognize one or more search and rescue units within the county. The Search and Rescue Unit and its officers are under the operational control and supervision of the Sheriff. The legislature also provided that a county, may, after approval by a majority of the people voting on the question in an election held throughout the county, levy an annual tax of not more than one mill on each dollar of taxable value of all taxable property within the county to support one or more search and rescue units established and recognized."

Dave Dunn stated that it is his understanding that the Commission would have to pass a Resolution to get this on the ballot. This must be made by March 20, 1986 because it must be submitted to the Clerk and Recorder more than 75 days before the primary election. The funding that has been budgeted in the past usually runs out before the end of the year. There are numerous organizations that are available for search and rescue. The Sheriff's Posse is one arm of search and rescue. Mr. Dunn feels that Gallatin County is very fortunate in having these well organized groups as part of their search and rescue unit. There is a lot of equipment that is needed and the volunteers should not be expected to furnish the equipment that is needed for search and rescue efforts.

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The Sheriff's Department does not have the man hours available to devote time to search and rescue efforts. Mr. Dunn asks that the Commission pass a resolution to have this put on the ballot in June and ask for the approval of the voters to fund Search and Rescue.

Jane Jelinski stated that in discussing this issue, it was recommended that there would be an advisory board created with representatives from each organization that would advise the Sheriff's office of their equipment needs and procedural continuity.

Dave Dunn would agree to the creation of this advisory board and he and Sheriff Cutting have already discussed calling a meeting in early Spring. It should be done on a committee basis so that everyone involved can have their say.

Jane Jelinski asked if the committee would be able to meet and develop a preliminary budget before March 20th so that in passing a Resolution, the Commission could give a ballpark figure as to the kinds of expenditures that would be anticipated for the coming year.

Dave Dunn stated that he felt that this could be submitted to the Commission by their March 18th public meeting.

Tom Anacker stated that for purposes of the Resolution, it would not be necessary to have an exact dollar amount. The Commission has the authority to levy up to one mill. It may be valuable information to the Commission in making a decision to have a preliminary budget.

Art Van'tHul of the Sheriff's Posse, stated that it costs a lot of money to keep the Sheriff's Posse going. They do receive donations and each year have a fund raising drive at the Winter Fair; however, these funds are not adequate to fund the Posse. The other groups involved in search and rescue do not have this type of organization set up to raise funds for their equipment and other items needed.

Jane Jelinski thanked Mr. Van'tHul and the members of the Sheriff's Posse for all of the time and effort they have given to Gallatin County.

Janet Swenson of the Nordic Ski Patrol stated that they had tried many ways in which to raise money for radios and were unsuccessful in doing so. Money was donated after one of the rescue workers was killed during a rescue attempt and they were able to purchase radios at that time. However, once the radios are purchased, the upkeep of them is a tremendous expense. Ms. Swenson states that it is important to be able to train the community so that additional volunteers can be used during a rescue effort. She suggested that the funding be used for training through the Sheriff's Office. Helicopter searches are an essential factor in search and rescue and this can be very expensive.

Ramon White stated that through recent discussions the Commission has had with the Sheriff's Office and some of the other organizations involved in Search and Rescue, he believes the Commission is in agreement that this is a very worthwhile venture. Mr. White stated that he believes there is a problem with the timing insofar as educating the voters of the need for search and rescue funding. His thoughts would be to fund it with non-tax revenues for the first year to get a feel for what the costs would be.

Jane Jelinski mentioned that the President is asking for an 8% reduction in PILT funds and if Gramm-Rudman is in effect it would reduce it by another 2 to 4%. Given the situation at the Detention Center, Ms. Jelinski is concerned that the PILT fund will be exhausted. She believes that if there is a funding mechanism for a needed service she is concerned that the voters should at least be given an opportunity to discuss it and decide on it.

Jane Jelinski made a motion that the Commission will recognize a search and rescue unit that would be administered by the Sheriff's Office and direct the Sheriff's Office to recruit representatives from each of the organizations that would be involved to develop a preliminary budget for the Commission's consideration prior to March 20, 1986, seconded by Ramon White, none voting nay. The motion carried.

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Marcia Elkins, Bozeman City-County Planning Board, spoke regarding a request for amendment to the Bozeman Area Subdivision Regulations. The Planning Board has reviewed the amendments and has recommended approval of them. Eighteen items are clarified in a resolution adopted by the Board.

1. Number of copies required for preliminary plat submittals. It is being requested to increase the number of copies to insure that all of the entities involved receive a copy.
2. Elimination of exemption review fees as referred to in section 1628020B.
3. Formalizes the role of the Division of Parks and Playgrounds and Recreation Advisory Board and the review of parkland located within the city limits. This is the process currently being used but it is being included in the subdivision regulations.
4. Recognizes the provisions of state statute with regard to single lot divisions. Where one additional lot is being provided, no park land is required.
5. Clarifies the reasons for relocation of common boundary lines and the exemptions therein.
6. Clarifies the treatment of aggregation of lots and the proper use of the exemption.
- 7 and 8 Deletes the 1983 reference dates. The City Attorney has advised the Board that the most recent version of the code available would be the one applicable during the preliminary plat review.
9. Provides the definition of comprehensive plan or master plan.
10. Deletes the 1983 reference dates.

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- 11, 12, and 13. They would provide for uniformity in reference to state statutes.
14. Provides for a Treasurer's certificate.
15. Provides a correction within the certificate of Clerk and Recorder.
16. Eliminates references to COS's, which are not reviewed by the governing body except for the exemption.
17. This section recognizes the additional policies of the city or county regarding SID's or RID's, requires that the SID or RID be to the contract stage, and requires 150% security for improvements.
18. Recognizes that the county no longer has an Examining Land Surveyor. This does require that there be an Examining Land Surveyor certificate on all subdivisions which are within the city or within the city zoning area. The language has been amended within the certificate to eliminate references to the monumentation requirements.

Jane Jelinski asked what the change was with regard to no. 18 in view of the fact that the City presently required an Examining Land Surveyor to review all plats and certificates.

Ms. Elkins stated that it was eliminating it from the jurisdictional area which is outside the zoning boundaries.

Ms. Jelinski stated that the resolution was essentially housekeeping tasks, they did not represent any change in policy unless the change in policy was already in effect.

Ramon White stated that he did not understand why an Examining Land Surveyor was required in the zoned area and not the jurisdictional area.

Ms. Elkins states that the way the subdivision regulations are currently set up, the local governing body with jurisdiction in the in-between area requires both local governing bodies to sign off on it. The city feels that if they are going to be signing a subdivision, they would like to have an examining land surveyor review it.

Jane Jelinski stated that she agreed the City should have an examining land surveyor and she believes the county should too. She voted against the elimination of the examining land surveyor requirement for the county. Ms. Jelinski states that she would like to vote against no. 18 in the proposed amendments; however, she would not like to keep the City from requiring the examining land surveyor.

Tom Anacker stated that it was being presented as a package, in one resolution, which is the form in which the city has passed it.

Jane Jelinski stated that she would not vote against it because it would do more harm than good but she would state for the record that she contends that Gallatin County should have an examining land surveyor as well.

There was no public comment regarding this.

Jane Jelinski made a motion to approve the resolution proposed by the Bozeman City-County Planning Board recommending amendments to the Bozeman Area Subdivision Regulations, seconded by Ramon White, Commissioner Jelinski voting aye, Commissioner White voting nay. The motion failed for a lack of a majority vote.

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Ramon White stated that there had been a reorganization of the Gallatin County Airport Board, due to the expansion of the Three Forks Airport. The Board has been expanded from three to five members, two members must be represented from the City of Three Forks, two members from the county, and one member to be a dual member from the Airport Authority Board. The terms must be staggered.

Jane Jelinski made a motion to appoint Zales Ecton to the Gallatin County Airport Board as the representative from the Airport Authority, seconded by Ramon White, none voting nay. The motion carried. Jane Jelinski made a motion that Mr. Ecton's term will be for four years, seconded by Ramon White, none voting nay. The motion carried.

Jane Jelinski made a motion to appoint Ray Tocci to a two year term as a county representative, seconded by Ramon White, none voting nay. The motion carried.

Jane Jelinski made a motion to appoint William Fairhurst to a five year term as a city representative, seconded by Ramon White, none voting nay. The motion carried.

Ramon White stated that the Commissioners had received an application from Lewis Rafferty, indicating his interest in serving on the board. Mr. White states that Mr. Rafferty is also the manager of the Three Forks Airport. Mr. White feels that there could be a conflict. Jane Jelinski agreed, stating that this was a clear conflict of interest and she would disqualify the application.

Jane Jelinski made a motion to appoint Phil Hangas to a three year term as a city representative, seconded by Ramon White, none voting nay. The motion carried.

At this time, there is a vacancy on the Gallatin County Airport Board for a one year term for a county representative.

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Bill Crowley of G. T. Murray Co. requested adoption of a Deferred Compensation Plan for county employees. G. T. Murray Co. administers deferred compensation plans for other public employers throughout the State of Montana. The County currently has a deferred compensation plan for its employees through the National Association of Counties; however, there is no local representation for administration of this plan. There has been some interest from county employees in having G. T. Murray Co. administer the Deferred Compensation Plan. There is no charge to the county for this service other than

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the cost of payroll administration. The employees who are currently participating in the NACo Deferred Compensation Plan would be able to transfer their funds to the new plan. Mr. Crowley request formal adoption of the Deferred Compensation Plan by way of a Resolution that the Commission would act on. The County would have to appoint a committee of employees to act on financial hardship requests.

Mr. Crowley requests an endorsement from the County Commissioners so that he may present his program to county employees at an informational meeting.

Ramon White stated that he would prefer not to act on this request at today's meeting, he would prefer to take it under consideration.

Gary Pringle, Clerk and Recorder, stated that at the present time, part of the benefits offered to county employees included the availability of a Deferred Compensation program. D. A. Davidson no longer administers the plan that the county is currently enrolled in. Gary Pringle has contacted the employees who are enrolled in the current plan, and they have indicated a desire to transfer their funds to the new plan.

Jane Jelinski felt that this was a benefit that should be provided to county employees. She feels that the reputation of the company is very solid.

The Commissioners will act on this request when they have a full board present. Mr. Crowley was encouraged to present his plan to county employees.

There being no further business, the meeting adjourned at 3:30 P.M.

ATTEST:

*Gary H. Pringle*  
Clerk

APPROVED:

*Ramon S. White*  
Chairman

PUBLIC MEETING TUESDAY, THE 11th DAY OF MARCH, 1986 OFFICE OF COUNTY COMMISSIONERS, BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

Chairman Visser closed the bidding on the gravel crusher.

Jane Jelinski made a motion to approve the minutes of March 4, 1986 as written, seconded by Ramon S. White, none voting nay. The motion carried.

## ANNOUNCEMENTS

March 4, 1986

Held monthly department head staff meeting.

Commissioners met with Auditor Carolyn Hartsog and Clerk and Recorder Gary Pringle regarding temporary staffing needs of their offices.

Commissioner Jelinski attended the Strategic Planning Committee meeting of the Certified Cities program.

March 5, 1986

Bridger Canyon Zoning Commission met with Sohio representatives regarding the duties of the well inspector.

Commissioners toured the Sohio well site in Bridger Canyon.

Granted permission for the Residents Hall Association to hold a raffle.

Quarterly securities were checked with the County Treasurer and were found to be in order as entered into the minutes.

March 6, 1986

Jane Jelinski is in Helena attending the DDMAP conference.

Routine business this date.

March 7, 1986

Jane Jelinski met with Attorney General Mike Greely regarding the landfill.

Routine business this date.

March 8, 1986

Commissioner Jelinski judged the 4H demonstration projects.

March 10, 1986

Commissioner Jelinski gave the welcome address to the DES conference.

Commissioners met with Gary Pringle, Clerk and Recorder, and Loy Carroll, Treasurer, regarding records retention schedules for their offices.

Commissioners met with Mary Kay Peck, Subdivision Review Officer, regarding revision of the county's RID policy.

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Commissioner Jelinski attended the meeting concerning the FEMA program at the United Way office.

Received numerous A101's in the amount of \$65,044.57 to the credit of various funds.

Wilbur Visser announced the following board vacancies:

Sedan Fire, two vacancies, three year terms  
Bridger Canyon Fire, two vacancies, three year terms  
Willow Creek Fire, two vacancies, three year terms

- - - -

Gale Thompson of the Road Office opened the bids received for the gravel crusher as follows:

Cay Manufacturing, Moscow, Idaho - Open circuit: \$154,100.00 FOB Moscow  
155,600.00 FOB Bozeman

With cone: 194,100.00 FOB Moscow  
195,600.00 FOB Bozeman

Closed circuit: 162,980.00 FOB Moscow  
164,480.00 FOB Bozeman

With cone: 202,980.00 FOB Moscow  
204,480.00 FOB Bozeman

Hall-Perry Machinery, Billings - Open circuit:  
New cone: 231,690.00  
-75,000.00 trade in  
156,690.00 FOB factory  
159,402.00 FOB Bozeman

Rebuilt: 210,690.00  
-75,000.00 trade in  
135,690.00 FOB factory  
138,402.00 FOB Bozeman

Closed circuit:  
New cone: 241,940.00  
-75,000.00 trade in  
166,940.00 FOB factory  
169,136.00 FOB Bozeman

Rebuilt: 220,940.00  
-75,000.00 trade in  
145,940.00 FOB factory  
148,136.00 FOB Bozeman

Rimrock, Billings -

Complete crusher system capable of being operated in a complete open or closed circuit configuration.  
296,000.00  
167,933.00 with trade in, FOB Bozeman  
163,000.00 with trade in, FOB factory

Bid #2 -  
rebuilt portable crusher and screening plant  
(open and closed circuit) 136,000.00 with trade in, FOB Bozeman

Bid #3 -  
1984 factory rebuilt portable plant 123,000.00 with trade in, FOB Bozeman

Bid #4 -  
Used crusher 106,000.00 with trade in, FOB Bozeman

Bid #5 -  
Used portable feeder and jaw crusher plant 39,000.00 FOB Bozeman

Bid #6 -  
Used crusher 27,500.00 FOB Bozeman

Tri-State Equipment, Billings - Closed circuit: 354,340.00  
-82,720.00 trade in  
271,620.00 FOB Bozeman  
267,420.00 FOB factory

Open circuit: 281,455.00  
-64,815.00 trade in  
216,640.00 FOB Bozeman  
213,040.00 FOB factory

General Steel & Supply, Billings - 156,455.00  
-35,455.00 trade in  
121,000.00  
20,000.00 with screen  
141,000.00 total price

Sam Gianfrancisco, Road Superintendent, stated that in view of the number of bids that had been received, he would like two weeks to study them before making a recommendation to the Board. The Commissioners agreed that they would make a decision on this in two weeks.

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Wilbur Visser stated that the Commission would be making the appointments to the Manhattan Rural Fire District Board at next week's public meeting.

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Bill Murdock, Assistant Planner, spoke regarding a review of exemptions claimed on certificates of survey.

Chas Anderson has claimed the security for construction financing exemption. Mr. Anderson has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Beneficial Montana Bank of Missoula has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the exemption for Chas Anderson, seconded by Ramon White, none voting nay. The motion carried.

Armean and Barbara Schneiter have claimed two exemptions, a family sale for one tract and an agricultural exemption for another tract. The Schneiter's are selling both tracts to a daughter. The agricultural tract will be used exclusively for agricultural purposes. From the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve both exemptions, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser read the following petition requesting annexation into the Belgrade Rural Fire District:

We the undersigned persons are owners of all the privately owned lands in the adjacent area proposed to be annexed and constitute a majority of the taxpaying freeholders in the anticipated area to be annexed whose names appear on the last completed assessment role. We respectfully request annexation into the Belgrade Rural Fire District in accordance with section 7-33-2125, MCA, 1983.

/s/ Robert and Barbara Paugh

Wilbur Visser stated that the chief of the Belgrade Fire District had submitted a statement of agreement to this annexation.

Jane Jelinski made a motion to accept the petition for annexing the Paugh's property into the Belgrade Rural Fire District and that the hearing date be set for April 8, 1986, seconded by Ramon White, none voting nay. The motion carried.

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Jane Jelinski spoke regarding the hiring of an Administrative Assistant for the county. On April 30, 1981, the Commissioners adopted Resolution #508, creating the position of Administrative Assistant. Ms. Jelinski read the Resolution into the record. Ms. Jelinski stated that because there have been some substantial changes in the departments of Gallatin County and the county has acquired a Personnel Officer and a Computer Programmer and Operators, she does not believe that those capacities should be included in the position. Because the position was created by Resolution, the Commission needs to either rescind or amend the Resolution, or hire a new Administrative Assistant. Ms. Jelinski proposes the following Resolution:

WHEREAS, on April 30, 1981, the Board of County Commissioners of Gallatin County adopted Resolution #508 which created the position of Administrative Assistant to the Board of County Commissioners of Gallatin County, Montana, and which set forth the qualifications, duties, responsibilities and salary for the position;

WHEREAS, the Board of County Commissioners of Gallatin County continues to recognize the need for an Administrative Assistant to assist the Board in the performance of its duties;

WHEREAS, the Board of County Commissioners of Gallatin County recognizes that the administrative structure of Gallatin County's operation has changed since Resolution No. 508 was adopted, which requires a restructuring of the duties of the Administrative Assistant;

WHEREAS, Section 7-3-415(2), MCA, provides that a board of county commissioners may appoint one or more administrative assistants to assist them in the supervision and operation of the local government;

WHEREAS, Section 7-5-2107, MCA, authorizes a board of county commissioners to employ such persons as it deems necessary to assist the board in the performance of its duties;

NOW, THEREFORE, BE IT RESOLVED:

1. That pursuant to Sections 7-3-415(2) and 7-5-2107, MCA, the Board of County Commissioners of Gallatin County hereby creates an administrative assistant position to be known as Assistant to the County Commission.

2. That the position of Assistant to the County Commission shall be directly under the supervision of the Board of County Commissioners of Gallatin County.

3. That the Assistant to the County Commission shall be an advisor and assistant to the Board of County Commissioners of Gallatin County and the Board in creating this position does not abrogate or delegate any of its decision making authority to the Assistant to the County Commission.

4. That the Assistant to the County Commission shall have the duties, responsibilities, qualifications and experience as listed in the job description attached hereto as "Exhibit A"

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and incorporated by this reference as though fully set forth.

5. That the Assistant to the County Commission shall be covered by the Personnel Policy of Gallatin County and the position description shall be subject to change and review pursuant to Section 300 of the Personnel Policy. The Assistant to the Commission shall be entitled to receive the same benefits as other county employees under the policy.

6. That the salary of the Assistant to the County Commission is hereby established as Grade \_\_, Step \_\_, pursuant to the Gallatin County pay matrix in effect at the time of the adoption of this resolution. The Assistant to the County Commission shall be paid monthly as with the other salaries of county employees.

7. That this resolution supercedes and replaces Resolution No. 508 passed by the Board of County Commissioners of Gallatin County on April 30, 1981, upon the effective date of this resolution.

8. That this resolution will become effective 30 days from the date of its passage.

Jane Jelinski proposed a Grade 15, Step 1 for this position because the education and experience requirements for the position are consistent with other county positions at that grade and step.

Jane Jelinski read the following letters into the record:

"Dear Commissioners:

The above Administrative Assistant position has been beneficial to both the Commissioners and the County in the past and could work again in the future.

I feel this position should have a good and clear job description which would enable both parties to understand the working relationship of each party.

I encourage the Commissioners to consider hiring an Administrative Assistant.

Thank you,

/s/ Joy I. Nash  
 Former Gallatin County Commissioner"

"TO: Gallatin County Commissioners

FROM: Gallatin County Extension Agents

We support the concept of an assistant to the County Commissioners as we feel there needs to be one person in charge of the budgeting process and given the time to do a thorough job.

This person could be someone already employed by the County or a new hiree. However, if it is designated to a present employee, they must be given the time to do the job and not just an addition to other duties.

This person should be knowledgeable in governmental budgeting procedures and advisory to the Gallatin County Commissioners.

/s/ Gene W. Surber  
 /s/ Beverly B. Wallace  
 /s/ Terry L. Wolfe"

Gary Pringle, Clerk and Recorder, stated that he was in support of a position of aide or assistant to the County Commissioners.

Lorraine VanAusdol, Clerk of the District Court, is concerned that all of the good investment programs and all of the good things that have happened in the last four years in taking care of the county's finances may be lost.

Carolyn Hartsog, County Auditor, stated that in efficient management, the manager does not try to do all the work himself. The work is delegated to people who are knowledgeable and who have the time do the research that needs to be done before decisions are made. Ms. Hartsog advocates the hiring of an assistant for the Commission.

Dick Boylan wondered why the Study Commission could not study this issue.

Jane Jelinski stated that she had copies of the minutes from when this position was created before. She quoted from the minutes as follows: "Lyle Davis, member of the County Government Study Committee in 1975 and 1976, stated that the findings of that study had indicated that there may be a need for such a position, but that public response was opposed unless the position was a substitute for some of the Commissioner time."

Mike Ward, an elected member of the County Study Commission, stated that he is unaware of any position the study commission has taken with regard to this position.

Barbara Paugh, an elected member of the County Study Commission, spoke today as a private citizen. She stated that she favored the Commission having an assistant.

Bill Black stated that perhaps the thing to do would be to leave the investment funds in the taxpayer's pocket and let them invest it.

Jane Jelinski stated that according to Section 7-3-415(2) MCA, the Commission may appoint one or more administrative assistants to assist them in the supervision and operation of the local government. Ms. Jelinski cited the following problems that need to be taken care of: \$6,000,000 in repurchase agreements that bids need to be let for very soon; questionnaires and surveys that need to be answered; the county needs to prepare alternatives for the insurance crisis; the Commission needs to prepare for a meeting on March 17th in front of the State Land Board concerning the landfill; Ms. Jelinski would like some projections on the economic consequences of the state revenue shortfall for Gallatin County and for



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each department of the county; cost comparisons need to be done for telephone systems; there are alot of special districts that need a contact person to teach them how to do their budgets; the county needs someone to file the necessary papers to insure that we receive the reimbursement on district court costs; requests for proposals need to be written; there needs to be a repair survey done on this building and the Law and Justice Building; the Commission needs a contact person to follow up on the minor details of day to day operations. She does not support hiring someone and letting them make the decisions, she needs help in getting better information so that the Commission can make better decisions.

Wilbur Visser does not feel that this should be done by Resolution. He does not feel that county employees should be employed by resolution.

Jane Jelinski agrees; however, the law requires that once a resolution has been created, it must be dealt with. She states that the Resolution she has proposed would negate the requirement for one in the future.

Ramon White states that he would prefer to abolish the original resolution and establishing a position in the same light as the Personnel Director, Subdivision Review Officer, and Computer Analyst have been created. Mr. White is not in a position at this time to endorse this as a full time position and to establish a salary when he is not sure of all of the duties that might be related to the job. Mr. White feels that if the position were created, he would like to see it come under Section 7-3-401 which states that the County Commissioners shall appoint the heads of departments. He would refer to this as an Administrative Clerk rather than an Administrative Assistant. From the testimony he has heard today, Mr. White hears references to finance. Five years ago Mr. White was in favor of creating the position and felt that it should have been called a Finance Director. Mr. White does not want recommendations made to him. He would prefer to know all of the facts and figures and make his own decision. Mr. White would like to go through the proposed job description and "debate" it before making a decision. Mr. White states that he would lean toward a part-time position to start with so that the duties could be established.

Ramon White proposes to introduce a motion to rescind Resolution 508 and personally go on record as being very receptive to looking into an aide to the County Commissioners in a focus that he could accept and the rest of the Commission could endorse.

Jane Jelinski stated that she was willing to negotiate the position and make any changes in the proposed resolution and job description.

Ramon White stated that he did not feel there was enough time to hire someone this year that would be able to assist the Commission with budgets.

Wilbur Visser stated that he agreed with Mr. White, he was leaning toward hiring someone; but the preparation of the budgets has begun and someone new would be unable to be of assistance to the Commission. He stated that the Commission would sit down together and come up with a solution.

Ramon White made a motion to dissolve Resolution 508 as adopted by the County Commissioners on April 30, 1981, seconded by Jane Jelinski, Commissioners Visser and White voting aye, Commissioner Jelinski voting nay. The motion carried.

Ramon White stated that the Commission should sit down and discuss this and come up with a decision. Wilbur Visser stated that the Commission would set aside Friday morning to discuss this. Jane Jelinski requested that Mr. White and Mr. Visser develop an alternative proposal.

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Ramon White stated that he did not want the county to rent out the gym at the Law and Justice Center and expect the taxpayers to pick up the loss of operating the gym. The lights alone cost \$20.00 an hour and the facility is being rented for \$6.00 an hour, which does not include the maintenance of the facility. Mr. White believes it needs to be cost effective.

Wilbur Visser stated that he believed the schools, cities, county and federal agencies rental fee could be increased from the \$50.00 annual fee they are currently paying. The county needs to at least get the cost of operation out of it. Mr. Visser states that users of the gym are not complying with the rules for the use of the gym such as turning off lights upon leaving the gym and closing the windows.

Ramon White proposes charging \$20.00 an hour but he is aware that users will not want to see this. He feels that the rural schools should be able to bear this expense if they budget for it. Ramon White proposes discussing the fees with the major users of the gym to come up with a solution before the Commission takes action.

Jane Jelinski agreed that this would be a good way to approach it. Taxpayers bought the gym and there is a terrific demand for the use of it.

There being no further business, the meeting adjourned at 3:15 P.M.

ATTEST:

*Gary St. Pierre*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

PUBLIC MEETING TUESDAY, THE 18th DAY OF MARCH, 1986 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski, Deputy County Attorney Tom Anacker, and Barbara Clawson, Deputy Clerk and Recorder, Acting Clerk to the Board. The following proceedings were had to wit:

No action taken on minutes as they had not been prepared by the Clerk.

ANNOUNCEMENTS

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March 11, 1986

Commissioner Jelinski attended the Strategic Planning Committee meeting of the Certified Cities program.

Commissioners White and Visser attended the SCS dinner.

Other routine business this date.

March 12, 1986

Bridger Canyon Zoning Commission interviewed Roman Piernick for the position of inspector for the Sohio well.

Commissioners Visser and White attended the Refuse District #2 meeting in West Yellowstone.

March 13, 1986

Commissioners met with Wendell Wiser of NCR to discuss upgrading of the county's computer system.

Commissioners met as a Welfare Board.

Bridger Canyon Zoning Commission interviewed representatives from M & Z Engineering and Jack Ihli for the position of inspector for the Sohio well.

Commissioner Jelinski met with Gary Curtis of the Job Service regarding the JTPA program.

Commissioner Jelinski attended the panel discussion on Welfare at the University.

March 14, 1986

Commissioners met with Belgrade Planner Joe Baker regarding new development in the Belgrade area.

Commissioners met to consider the qualifications of and need for an Assistant to the Commission position.

Bridger Canyon Zoning Commission interviewed A. Scovil Murray for the position of inspector for the Sohio well.

Commissioners met with Gale Thompson and Gary Pringle regarding the rural addressing book and costs to be charged.

March 17, 1986

Commissioner Jelinski is in Helena attending the JTPA conference.

Commissioners White and Visser attended the State Board of Lands hearing and presented the Board with a letter regarding the proposed land exchange for the landfill.

Received numerous A101's in the amount of \$3,551.90 to the credit of various funds.

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Bill Murdock, Assistant Planner, spoke regarding a review of exemptions claimed on certificates of survey.

Ken and Jane Walker have claimed the security for construction financing exemption. The Walkers have submitted a statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. Western Federal Savings and Loan of Bozeman has certified that creation of the mortgage parcel is necessary to secure the construction loan. This property is located northeast of Springhill Road about one and one half mile north of Wheatland Hills. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the security for construction financing exemption for Ken and Jane Walker, seconded by Wilbur Visser, none voting nay. The motion carried.

John Brittan of the Norhamp Corporation has claimed the occasional sale exemption. Mr. Brittan has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. This property is located south of Dry Creek School Road bordering the East Gallatin River. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the occasional sale exemption for John Brittan, seconded by Wilbur Visser, none voting nay. The motion carried.

Greg and Susan Leach have claimed the occasional sale exemption. The Leach's have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created.

An Attorney General's Opinion, 40 A.G. Op 16 (1983), and the Gallatin County Subdivision Regulations provide that the governing body shall evaluate all relevant circumstances in assessing the intent of the person claiming the exemption. These circumstances may include the prior history of the tract in question and proposed configuration of the tract if the proposed exempt transactions are completed.

The history of the tract is as follows:

The tract in question is in Dry Creek Estates, on the east side of Dry Creek Road, about eight miles north of Belgrade. Dry Creek Estates, a limited Montana partnership, purchased

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the subject tract and contiguous tracts in 1978. Gloria and Don Leach, and Tammy and Craig Leach are members of the partnership.

In 1983, the Dry Creek Estates partnership, of which Gloria Leach is a partner, sold Tract 12 to Gloria Leach. Gloria then used the occasional sale exemption to create Tract 12a, which was then sold, and 12b which she retains.

In 1984, the Dry Creek Estate partnership, of which Tammy Leach is a partner, sold Tract 13 to Tammy Leach. Tammy then took the occasional sale exemption to create Tract 13a, which was then sold, and 13b which she retains.

In November of 1984, Don, Gloria, Craig and Tammy Leach sold Tract 14 to Gregory and Susan Leach. Although Gregory is the present owner of record requesting the occasional sale, Gloria Leach has indicated that Tammy Leach will repurchase one of the tracts. This is further substantiated by Tammy Leach's signatures on State Health Department forms as the owner of record of Tracts 14 a and b. The County Subdivision Rules do not allow a parcel contiguous to the parcel to be transferred if it has been previously transferred by the same transferrer as an occasional sale (2.b.(3)(b) p. 87).

After considering the above information and any public testimony that may be given, the Commission needs to decide if this is a proper use of the occasional sale exemption.

Gloria Leach stated that she was advised by her real estate agent that she would have no problem in selling twenty acre lot parcels in 1981. In 1982, they were unable to sell any of the lots because of the economy. In 1983, they were able to sell 12b and 13a by subdividing them. They built a log house on 13b and were unable to sell it which forced them to sell their own property and move into the log house. They are now requesting to be able to sell a tract to their nephew which would split the twenty acre tract into two ten acre tracts.

Jane Jelinski asked why Mrs. Leach did not go through subdivision review when she saw that she would be unable to sell the twenty acre tracts.

Mrs. Leach stated that this would be too costly to do.

Jane Jelinski stated that aside from the fact that this was a subdivision without review, there was the problem of improper access to the back ten acres that is requesting to be split.

Mrs. Leach stated that her plans for the remaining twenty acre parcels would be to leave them in twenty acre increments and sell what they could.

Tom Anacker stated that the review of access was not proper in the case of exemption review.

Jane Jelinski stated that the history of the transfer and the division of this property indicates to her that there is an attempt to evade the subdivision regulations. This is essentially creating an unreviewed subdivision. Ms. Jelinski stated that the long-term consequences would be not in the best interest of the people of Gallatin County.

Tom Anacker states that in making their decision today, the Board should rely on the subdivision exemption regulations, the Attorney General's opinion and should make the fact finding on whether or not the individual who is claiming the exemption is entitled to the exemption or if it is an attempt to evade the regulations.

Jane Jelinski made a motion to deny the exemption, in keeping with the directives from the Attorney General's opinion and the interpretation of the subdivision regulations, it appears that there is an attempt to evade the subdivision regulations from the history of the configuration of the tracts since 1983. This motion was seconded by Wilbur Visser, none voting nay. The motion carried.

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Dave Dunn, Gallatin County Undersheriff, spoke regarding Search and Rescue funding. Mr. Dunn has submitted a letter to the Commission citing the items needed for search and rescue and their costs. An estimate of funding for the first year would be approximately \$60,000, which would equal about 1 mill. After the first year, the amount would be less because of equipment costs. The Search and Rescue Unit currently owns minimal equipment that could be used in a search operation. In this first year, \$40,000 would be used to purchase equipment. It is felt that \$20,000 should be budgeted per year for operational and maintenance costs. In the last search in Bear Canyon, approximately \$2,900 was expended by the volunteers which did not include lost time from their jobs. In 1984, there were 34 search and rescue operations conducted in the canyon area. In 1985, there were 24 searches conducted.

Mr. Dunn states that he checked with the Assessor's Office, and a person with a \$75,000 home would have a \$3.00 increase in their taxes to pay for Search and Rescue funding.

Jane Jelinski stated that she supported the work of Search and Rescue and the need for money for training, supplies, etc. She questioned whether there was any way of getting compensation from the person that was in need of Search and Rescue services due to their own negligence.

Mr. Dunn states that it is the responsibility of the Sheriff by law. Tom Anacker stated that he was not aware of any mechanism by which to bill people. The legislature has recently provided a way to fund the Search and Rescue unit.

Captain Goodwin of the Salvation Army stated that they are asking for a partial reimbursement for their expenses. The Salvation Army has in the past provided the food for Search and Rescue operations.

Jane Jelinski read the following Resolution:

WHEREAS, Section 7-32-235, MCA, provides that a county may, after approval by a majority of the people voting on the question at an election held throughout the county, levy an annual tax of not more than 1 mill on each dollar of taxable value of all property

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within the county to support one or more Search and Rescue Units, and;

WHEREAS, the Board of County Commissioners of Gallatin County has recognized several Search and Rescue Units within Gallatin County, and;

WHEREAS, the Board of County Commissioners of Gallatin County has been requested to submit the question of levying an annual tax of not more than 1 mill on each dollar of taxable value of all taxable property within Gallatin County to support Search and Rescue Units within Gallatin, and;

WHEREAS, the Board of County Commissioners deems it advisable to refer the question of levying an annual tax up to 1 mill to support Search and Rescue Units to the voters of Gallatin County;

NOW THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby refers to the voters of Gallatin County the question of levying an annual tax of not more than 1 mill on each dollar of taxable value of all taxable property within Gallatin County to support Search and Rescue Units within Gallatin County.

2. That the Gallatin County Clerk and Recorder shall place the above question on the ballot to be submitted to the voters of Gallatin County at the primary election to be held on June 3, 1986.

Jane Jelinski stated that the Commission is not setting a budget, they are asking the voters if they would give the Commission the authority to levy a tax not to exceed one mill for the purpose of Search and Rescue. Jane Jelinski stated that the need for assistance with equipment and costs is clearly there and she feels that the voters should be given an opportunity to tax themselves if they choose to do so.

Wilbur Visser stated that with the increase in population and use of the recreational areas by people, there is a need for this Search and Rescue Unit. He stated he would like to see the Search and Rescue Units statewide present a proposal to legislature whereby the persons who are in need of the service could be charged for it rather than having it placed on all of the taxpayers.

Jane Jelinski made a motion to adopt the Resolution, seconded by Wilbur Visser, none voting nay. The motion carried.

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Sam Gianfrancisco, Road Superintendent, spoke regarding the placement of load and speed limits on county roads due to the spring break-up. Mr. Gianfrancisco requests that load limits along with a speed limit of 35 MPH be placed on all county roads in the areas where they are needed. Tom Anacker, Deputy County Attorney, has drafted a proposed Resolution. Mr. Gianfrancisco states that he would like to make some revisions to the proposed Resolution.

Tom Anacker, Deputy County Attorney, read the following Resolution:

WHEREAS, Section 7-14-2127, MCA, provides that a board of county commissioners may in its discretion limit or forbid, temporarily, any traffic or class of traffic on the county roads or any part thereof when it is necessary in order to preserve or repair such roads, and;

WHEREAS, Section 61-10-128(2), MCA, provides that a local road authority by ordinance or resolution may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speeds are reduced, and;

WHEREAS, pursuant to Section 61-10-147(1), MCA, it is a misdemeanor for a person, firm, or corporation to violate any of the provisions of Section 61-10-128(2), MCA, and;

WHEREAS, the Gallatin County Road Department has requested that a load limit of 400 pounds per inch of tire width and a speed limit of 35 miles per hour be imposed on all county gravelled roads and has requested that a speed limit of 35 MPH be imposed on all county oiled roads except Gooch Hill Road in order to prevent excessive break-up of the county roads due to frost heaves and other conditions created by winter weather, and;

WHEREAS, the Gallatin County Road Department has requested a weight limit of 400 pounds per square inch of tire width and a speed limit of 35 miles per hour on Gooch Hill Road in order to prevent excessive break-up of that road due to frost heaves and other conditions created by winter weather, the Gallatin County Road Department has requested a weight limit in addition to the speed limit on this oiled county road and not on other oiled county roads because this road receives additional interstate truck traffic caused by trucks avoiding the state weigh station located near Four Corners on U.S. Highway 191, and the State of Montana imposes a 400 pounds per inch of tire width weight limit on state highways which is currently being imposed, and;

WHEREAS, the Gallatin County Road Department requests that an emergency resolution be passed because immediate and severe damage would be caused to the county roads without weight and speed limits which would cause hazardous driving conditions which could adversely affect the health and safety of those individuals driving upon the county roads, and;

WHEREAS, Section 7-5-2201(2), MCA, grants the board of county commissioners the authority to pass emergency resolutions which may be effective immediately upon the passage of such resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby sets a load limit of

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400 pounds per inch of tire width and a speed limit of 35 MPH on all vehicles on all county gravelled roads in Gallatin County, Montana. The Board of County Commissioners of Gallatin County hereby sets a speed limit of 35 MPH on all vehicles on all county oiled roads in Gallatin County, Montana except that a limit of 400 pounds per square inch of tire width and a speed limit of 35 MPH is hereby set on all vehicles on the Gooch Hill oiled road located in Gallatin County, Montana.

3. The above described limits shall take effect upon the date of this resolution and shall remain in effect through June 15, 1986 unless sooner rescinded.

4. That pursuant to Section 61-10-147(2), MCA, a person, firm, or corporation first convicted of a misdemeanor for a violation of any of the provisions of Section 61-10-128(2), MCA, shall be punished by a fine of not less than \$10 or more than \$50 or by imprisonment in the county or municipal jail for not less than 5 days or more than 25 days. For a second conviction within one year, the person, firm, or corporation shall be punished by a fine of not less than \$50 or more than \$200 or by imprisonment in the county or municipal jail for not less than 25 days or more than 100 days or by both this fine and imprisonment. Upon a third or subsequent conviction within one year after the first conviction, the person, firm, or corporation shall be punished by a fine of not less than \$200 or more than \$500 or by imprisonment in the county or municipal jail for not less than 100 days or more than 6 months or by both this fine and imprisonment.

5. That the Gallatin County Road Department is hereby directed to place appropriate signs upon the county roads of Gallatin County advising the public as to the weight and speed restrictions imposed thereon.

Wilbur Visser stated that he would like to see a change in the section referring to Gooch Hill Road as being the only oiled road with a load limit. He would like to see all of the oiled roads in the county with a 400 pound per square inch tire load.

Sam Gianfrancisco stated that he would like to see this change also because there are other oiled roads that are having problems. Mr. Gianfrancisco states that the State Highway Department has some criteria whereby they judge tire widths and he would like to have that possibly added to the Resolution.

This item will be tabled to give Mr. Anacker an opportunity to make the appropriate changes to the Resolution so that it may be voted on today.

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Jane Jelinski read the list of applicants interested in being appointed to the Manhattan Rural Fire District Board. John Kamp, Joe Verwolf, Sam Hofman, Henry Hayes, Chet Sinnema, Iwy Obrigewitch, Jeff Younkin, Ron Chaney, Martin Kimm, Charlie Younkin, Arnold Kallestad, Robert Yadon, Phil Verwolf have all applied.

Jane Jelinski stated that she felt it would be appropriate to consider the area covered so that the entire district is represented and to consider the recommendations of the fire fighters as well.

Jane Jelinski made a motion to appoint Chet Sinnema to the Manhattan Rural Fire District Board, term expiring in 1986, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski made a motion to appoint Martin Kimm to the board, term ending in 1987, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski made a motion to appoint Henry Hayes to the board, term ending in 1987, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski made a motion to appoint John Kamp, to a term ending in 1988, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski made a motion to appoint Jeff Younkin to a term ending in 1988, seconded by Wilbur Visser, none voting nay. The motion carried.

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Tom Anacker proposed the following addition to the Resolution concerning load and speed limits on county roads:

2. That for purposes of calculating the number of pounds per inch of tire width the following table shall be used to determine the number of inches allowed per tire based on tire size:

The chart that Mr. Gianfrancisco referred to would be included at this point. In addition, the following sentence would be added: For tires sized larger than 12-24.5 the number of inches per tire allowed shall be determined by measuring the actual tire tread width in contact with the road surface.

Mr. Anacker states that the first, second, and third paragraphs of the Resolution he read would remain the same. The fourth paragraph would read as follows:

WHEREAS, the Gallatin County Road Department has requested that a load limit of 400 pounds per inch of tire width and a speed limit of 35 miles per hour be imposed on all county roads in order to prevent excessive break up of the county roads due to frost heaves and other conditions created by winter weather.

The fifth paragraph has been eliminated, the next two paragraphs would remain the same. In the fourth line of subparagraph 1, the word gravelled has been eliminated. Paragraph 2 has been eliminated and replaced with what Mr. Anacker has proposed above. Paragraphs 3, 4, and 5 have been unchanged.

Mr. Gianfrancisco states that at this time there are not enough 35 MPH speed limit signs

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to post. Tom Anacker stated that it would have to be posted on either end of a 35 MPH zone. The existing 55 MPH signs would have to be taken down or covered. The signs are used for enforcement purposes.

Wilbur Visser requested that a notice be put in the newspaper to acquaint the public with these load and speed limits.

Jane Jelinski made a motion to adopt the Resolution with the amendments as proposed by Tom Anacker, seconded by Wilbur Visser, none voting nay. The motion carried.

Jane Jelinski requested that Mr. Gianfrancisco arrange for advertising on the radio as well as in the Bozeman Chronicle.

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There being no further business, the meeting adjourned at 3:15 P.M.

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ATTEST:

*Gary H. Pringle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY, THE 25th DAY OF MARCH, 1986 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioner Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board. Commissioner Jelinski was on vacation and therefore absent from the meeting.

The following proceedings were had to wit:

Ramon S. White made a motion to approve the minutes of March 11, 1986 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

ANNOUNCEMENTS

March 18, 1986

Commissioners met with Lanette Walker of La Courier regarding service rates and schedules.

Jane Jelinski met with Lin Turman regarding cancellation of taxes.

Wilbur Visser and Sam Gianfrancisco met with representatives of Telsmith regarding the purchase of a gravel crusher.

Jane Jelinski met with the Strategic Planning Committee for the Certified Cities program.

Commissioners met with Planner Bill Murdock regarding a request for determination of suitability of access for Duane Aughney. This 58.141 acre tract is located on the east border of Trident Road. This tract was determined to have suitable access.

March 19, 1986

Commissioners met with Superintendent of Schools Margaret Brown regarding records retention schedule for her office.

Commissioners met with Wally Schumacher and Dave Dunn and received a report on the Peace Officers Conference and the effect it will have on the operations of the jail.

Commissioners met with Ed Tharpe regarding loan of a tanker truck for the Manhattan Rural Fire District.

Commissioner Jelinski served on a panel discussion for the Institute of Municipal Clerks.

Bridger Canyon Zoning Commission met and made a decision to hire Jack Ihli as the ongoing inspector for the Sohio well.

March 20, 1986

Bridger Canyon Zoning Commission met and made a decision to hire Scovill Murray as the initial evaluation inspector for the Sohio well. The Commission also approved the drilling plan.

Jane Jelinski attended the Fire Tax committee meeting.

Commissioners met with Sam Gianfrancisco regarding the bids received for the gravel crusher.

Commissioner Visser attended the Audit Committee meeting.

Commissioner Jelinski attended the HRDC board meeting.

Commissioners Visser and White and Sam Gianfrancisco met with representatives of the El-Jay Company regarding the gravel crusher.

Commissioners Visser and Jelinski attended the Refuse District #1 meeting in Manhattan.

Commissioner Jelinski addressed the Noon Optimist Club meeting.

March 21, 1986

Commissioners met with Dennis Davies of Gallatin Construction regarding the progress on the remodeling at the Detention Center and retainage of fees for Mr. Davies.

Commissioners met with Dennis Hemmer and Kelly Blake of the Department of State Lands regarding the proposed land exchange for the landfill. The Commissioners agreed to abandon consideration of Section 2 and agreed to evaluate the appropriateness of the West half of Section 6 for landfill expansion. The Commissioners agreed not to exercise the option to purchase the Skinner property.

Commissioners met with Bobbi Balaz and Mary Kay Peck regarding the CDBG grant.

Commissioner Jelinski attended a speech given by Alec Hanson regarding legislative issues in conjunction with the Institute of Municipal Clerks.

Commissioners Visser and Jelinski attended the Belgrade Centennial dinner.

March 22, 1986

Commissioner Visser and Road Superintendent Sam Gianfrancisco viewed the gravel crusher at the Telsmith plant in Denver, Colorado.

March 24, 1986

Commissioner Visser and Road Superintendent Sam Gianfrancisco viewed the gravel crusher at the El Jay plant in Eugene, Oregon.

Commissioner White met with Mountain Bell representative Dave Dover.

Commissioner White met with George Cook regarding River Road.

Received the following list of new employees:

- Marnie Bowen-Cranston, Nurses Aide, Rest Home, 2-24-86, \$5.05/hr.
- Virgil Forster, Groundskeeper, Rest Home, \$4.36/hr., 2-19-86.
- Yvonne Jelberg, Motor Vehicle Clerk, Treasurer's Office, 842.19/mo., 3-17-86.
- Gail Kiefer, Temporary, Clerk of Court, \$5.00/hr.
- Janet Hyatt, Judge Olson's secretary, \$1,000.00/mo., 3-11-86.
- Emily Matthews, Nutritionist, Health Dept., \$8.3393/hr.
- Barbara Winchester, Nurses Aide, Rest Home, \$5.05/hr., 3-15-86.
- Valerie Hellickson, Nurses Aide, Rest Home, \$5.05/hr., 3-4-86.

Received numerous Al01's in the amount of \$13.42 to the credit of various funds.

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Wilbur Visser closed the bidding on the weed chemicals.

Gene Surber, County Extension Agent, read the following bids:

Darrel & Debbie Flikkema:	APSA 80 Spreader Sticker, 30 gallon drum	\$575.00
	12 2.5 gallon containers	\$720.00
Churchill Equipment Co.:	30 gals. Activator 90	\$10.19/gal.
	200 gals. 2,4-D Amine	6.10/gal.
	2100 lbs Banvel 10G	2.19/lb.
	150 lbs Karmex 80% WP	3.67/lb.
	5 gals Roundup	68.99 gal
	100 gals Tordon 22K	72.01/gal.
	4000 lbs Tordon 2K	1.14/lb
	50 gals Banvel Weedmaster	15.74/gal.
AgriBasics Company:	Activator 90, 30 gal.	10.15/gal.
	4# Amine, 200 gal.	6.06/gal.
	Banvel 10G, 2100 lb.	2.18/lb.
	Karmex 80% WP, 150 lbs	3.65/lb.
	Roundup, 5 gal.	68.89/gal.
	Tordon 22K, 100 gal.	72.10/gal
	Tordon 2K, 4,000 lbs.	1.12/lb.
	Weedmaster, 50 gal.	15.65/gal.
Harvest States Coop:	Tordon 22K, 100 gal	74.16/gal.
	2,4-D Amine, 200 gal.	6.49/gal.
	Tordon 2K, 4000 lbs.	not available
	Banvel 10G 2,100 lbs.	2.12/lb.
	Banvel Weedmaster, 50 gals.	17.10/gal.
	Spreader Sticker, 30 gals.	11.54/gal.
	Karmex 80% WP, 150 lbs.	3.07/lb.
	Roundup, 5 gals.	72.62/gal.
Cargill:	100 gal Tordon 22K	73.25/gal.
	WECO Amine, 200 gal.	6.48/gal.
	Tordon 2K,	no bid
	400 lb. Banvel 10G	2.12/lb.
	50 gal Weedmaster	17.00/gal.
	30 gal Spreader	11.53/gal.
	300 lb Karmex	3.06/lb.
	10 gal Roundup	70.85/gal.
Gallatin Farmers:	100 Gal Tordon 22K	71.50/gal.
	200 Gal 2,4-D Amine	6.05/gal.
	4,000 lbs Tordon 2K	1.16/lb.
	2,100 lbs Banvel 10G	2.04/lb.
	50 gals. Banvel Weedmaster	15.74/gal.
	30 gals. Spreader Sticker	10.20/gal.
	144 lbs Karmex 80%	3.60/lb.
	5 gal. Roundup	66.15/gal.

Mr. Surber stated that he would request that the Weed Board be given an opportunity to review

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the bids for one week.

Ramon White made a motion to award the bids at next week's meeting, seconded by Wilbur Visser, none voting nay. The motion carried.

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Bill Murdock, Assistant Planner, spoke regarding a review of exemptions claimed on certificates of survey.

Mary Wagner has claimed the security for construction financing exemption. Mrs. Wagner has submitted a statement certifying that only one parcel is being created within the original tract and that they will retain title to and possession of the original tract. Western Federal Savings and Loan of Bozeman has certified that creation of the mortgage parcel is necessary to secure the construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption for Mary Wagner, seconded by Wilbur Visser, none voting nay. The motion carried.

Mike Delaney has claimed the occasional sale exemption. Mr. Delaney has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption for Mike Delaney, seconded by Wilbur Visser, none voting nay. The motion carried.

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Ed Sedivy, representing James B. Peter and J. William Maloney, requested that the Commission reconsider their decision on a family sale exemption that was denied on January 28, 1986.

Ron Allen displayed plats showing the prior history of the tract and explained the history of the area. In 1983, after the regulations were passed regarding review of exemptions claimed on certificates of survey, Mr. Allen met with the Commissioners and Mary Kay Peck to review the tract in question. The parcel fronted on a private road, rather than a public road. The possibility of subdividing the parcel by the subdivision review process was discussed; however, it was felt that this would not be possible to do due to the access problem. At that time, it was suggested that the tracts be reviewed through the exemption process. Mr. Allen stated that this parcel of land has had considerable planning, covenants have been developed. Mr. Allen states that dedicating a public road to the parcel would be a near impossibility because it would involve splitting approximately eight additional tracts along the way which would be a violation of the covenants. Mr. Allen stated that it was his understanding that it was acceptable to convey a tract to each family member as stated in the regulations.

Tom Anacker asked Mr. Allen if starting in August of 1983 he had had some discussion with the County Commissioners regarding a minor subdivision of this property.

Mr. Allen stated that he had discussed the regulations with regard to public road access. The regulations stated that a parcel must front on a public road. At that time, they were discussing the possibility of a five parcel minor subdivision if the Commission would allow it.

Tom Anacker asked if the Commission at that time recommend that the applicant go through the exemption process or if this was a decision made by the landowner. Mr. Allen states that he is unsure, possibly it was brought up by Mary Kay Peck. Mr. Allen explained further the problem of dedicating a public road to access this parcel of land.

David Hyde, also spoke regarding the history of the tract and how Mr. Maloney and Dr. Peter came to own the property. Mr. Hyde states that with regard to the 68 acre tract, it was proposed to be divided into seven homesites and the covenants were changed from a five acre minimum tract to a seven acre minimum tract. Mr. Hyde states that it was their understanding that the property could not be divided through the subdivision review process because it did not front on a public road; however, there was the availability of using the occasional and family sale exemption method of dividing the land. Mr. Hyde states that it was never the intent to avoid any regulations. They were willing to go through minor subdivision review had it been a possibility. Mr. Hyde pointed out that the use of the land surrounding the parcel is similar and that the covenants have been very thoroughly thought out.

Mr. Sedivy distributed copies of covenants and agreements to the Commission. Mr. Sedivy stated that the covenants were developed in 1977 and are not to be construed as planning on the part of his clients. Mr. Sedivy states that his clients have made an effort to plan this parcel of land rather than dividing it in a hodge-podge fashion. Mr. Sedivy submitted documents showing the Dept. of Health's approval of the tracts. Mr. Sedivy pointed out that in appendix E of the subdivision regulations it provides that each newly created parcel less than 20 acres shall have a certificate of exemption. Certificates of survey showing the creation of new parcels of land pursuant to exemptions for gifts or sales . . . Mr. Sedivy points out that the regulation uses the plural, which gives him the assumption that the Commission expected more than one. The regulations also go on to say that the proper use of the family sale exemption is to convey one parcel of land to each member of the landowner's family. It also refers to an occasional sale as a sale of a parcel of land within any twelve month period. Mr. Sedivy states that this is the third use of an exemption on this parcel which would not be a violation of the language in the regulations.

Tom Anacker asked Mr. Sedivy if Dr. Peters' daughter would subsequently be conveying the property. Mr. Sedivy stated that she probably would, but that she could do what she wanted to with it. Mr. Sedivy stated that a potential sale was available.

Ramon White stated that he appreciated the planning that was done on this property but it is up to the government to do the reviewing of the planning according to the regulations.



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To subdivide property through covenants is not a proper way to subdivide property. Mr. White states that the prime objective of this division of land is to create a complete subdivision of lots without having the opportunity to review roadways, utility easements, adequate access, etc. It appears that this parcel of land cannot be subdivided. A restriction exists in that the half-section was conveyed without adequate access. Mr. White is comfortable with his decision of the first hearing that this exemption be denied.

Wilbur Visser stated that in all fairness, this should be heard by a full board.

Mary Kay Peck stated that she did not have complete recollection of the incidents of discussion regarding the access problem that Mr. Allen spoke of. There was a general discussion of policy at that time and it was explained that the Commission did require dedicated access into subdivisions. She does recall speaking with Mr. Allen subsequent to that regarding the Commission's stand on exemptions. She states that it was difficult at that time because it was a new regulation. Ms. Peck states that she does not advise people that the Commission would approve a certain exemption.

Ramon S. White made a motion that the request for reconsideration of the family sale exemption claimed by James Peter be denied, seconded by Wilbur Visser, Commissioner White voting aye, Commissioner Visser voting nay. The motion did not pass due to a lack of a majority vote.

Mr. Sedivy stated that he would like to have Mrs. Jelinski review the testimony and make a decision with a full board based on what was presented at today's meeting.

Tom Anacker stated that any further discussion among the board or further questions and testimony should be taken at a public meeting.

This matter will be heard at the Commission's public meeting in two weeks to give Mrs. Jelinski an opportunity to review what has been presented today.

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Marcia Elkins, Bozeman City-County Planning Board, spoke regarding a request for final approval of the amended subdivision tract of lot 8 of Longacres Subdivision. The preliminary plat was granted approval on February 7, 1986 with four conditions. All of the conditions have been met. The Planning Board recommends approval of the final plat.

Ramon S. White made a motion to grant final approval, seconded by Wilbur Visser, none voting nay. The motion carried.

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Wilbur Visser spoke regarding land acquisition for the Three Forks Airport. He stated that the county is acquiring grant of possession documents from each of the landowners to acquire land for the runway. In doing this, the cost will be more than the appraisal that was done. By doing this, the county will be assured of the grant. The county must assure the FAA that it will pick up the difference between the appraised value and what will be settled on.

Tom Anacker stated that the grant of possession documents had not been obtained from the landowners and would have to be considered at a later time. The letter will give assurance to the FAA that the county is committed to acquiring the land and committed to continuing with the project so that the FAA will continue to hold the grant funds for the construction of the facility.

Wilbur Visser read the letter as follows:

James Houghton  
FAA Airport District Office  
Helena Regional Airport  
Helena, MT 59601

Dear Mr. Houghton:

Gallatin County is presently pursuing the acquisition of land for the Three Forks Airport as recommended in the 1979 Airport Master Plan. The County understands that it is very important to this improvements project to complete this land purchase as quickly as possible.

At this time, we are acquiring "Grant of Possession" documents from each of the individual land owners. The document enters the land owner into a stipulation consenting to a finding of public use and necessity. This being the first step in condemning the land, we feel that this will expedite the legal process if required.

We assure you that the County will do everything possible to acquire all land necessary to complete this project. We understand that Federal participation in settlement and litigation expenses will be handled on a case-by-case basis, depending on the sponsor compliance with its commitments to accomplish airport development under an A.I.P. Project.

Please let us know if you have any questions or require additional information. Thank you for your continued support on this project.

Ramon S. White made a motion to approve the signing and sending of the letter, seconded by Wilbur Visser, none voting nay. The motion carried.

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Tom Anacker stated that Gallatin County has acquired by tax deed certain lots in a subdivision known as Hebgen Lake Estates. When the county took the land for tax deed, there were some negotiations taking place between the former owner and the Dept. of Health and Environmental Sciences regarding change in the number of lots which would be approved for the subdivision. There was an increase from 116 dwelling units to 162 dwelling units. The State Dept. of Health has stated that they would be agreeable to revising the certificate of plat approval from 116 dwelling units to 162 dwelling units on three conditions:

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1. That the owner and the county come to an agreement as to which lots will be unused and how the assessments on these lots will be handled.
2. That the monitoring requirements and the approval be updated. This may mean some new monitoring wells.
3. That a county resolution be approved which states that the county will be responsible for sampling and testing in accordance with the revised monitoring requirements if the owner fails to monitor.

In order for the Dept. of Health and Environmental Sciences to certify this subdivision and allow the county to sell it, the county must complete the conditions imposed. Mr. Anacker has prepared the following resolution:

WHEREAS, Gallatin County has taken certain lots in the subdivision known as Hebgen Lake Estates, Gallatin County, Montana, by tax deed pursuant to Sections 15-18-203 and 205, MCA, and;

WHEREAS, Gallatin County is required to offer land acquired by tax deed for sale at public auction pursuant to Section 7-8-2301, MCA, and;

WHEREAS, the State of Montana Department of Health and Environmental Sciences is responsible for regulating sanitation in subdivisions within the State of Montana pursuant to Section 76-4-101, eq seq., MCA, and;

WHEREAS, the Department of Health and Environmental Sciences will not approve the sale of the lots taken by tax deed at Hebgen Lake Estates unless Gallatin County complies with the conditions imposed by the Department for the subdivision, and;

WHEREAS, the Department of Health and Environmental Sciences has required by letter dated March 14, 1984, that Gallatin County approve a resolution which states that the county will be responsible for sampling and testing the sanitary facilities in accordance with the revised monitoring requirements if the owner fails to monitor;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby states that Gallatin County, through its Health Department, will be responsible for collecting and submitting water samples for water quality testing from the monitoring wells located in the subdivision known as Hebgen Lake Estates, Gallatin County, Montana, in accordance with the revised monitoring requirements of the State of Montana Department of Health and Environmental Sciences if the owner fails to monitor.

Ramon S. White made a motion to approve the Resolution, seconded by Wilbur Visser, none voting nay. The motion carried.

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Ramon S. White made a motion to appoint Jene Hendrickson to the Sedan Rural Fire District Board for a three year term, seconded by Wilbur Visser, none voting nay. The motion carried.

This leaves one vacancy on the Sedan Fire District Board.

Ramon S. White made a motion to appoint Robert Smith to a three year term on the Bridger Canyon Rural Fire District Board, seconded by Wilbur Visser, none voting nay. The motion carried.

This leaves one vacancy on the Bridger Canyon Fire District Board.

Ramon S. White made a motion to appoint Chuck Fell and Ivan Smith to three year terms on the Story Mill Rural Fire District Board, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:25 P.M.

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ATTEST

Clerk

*Gary H. Pring*

APPROVED:

Chairman

*Wilbur Visser*

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PUBLIC MEETING TUESDAY, THE 1st DAY OF APRIL, 1986 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of March 18, 1986 as written, seconded by Ramon S. White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

March 25 1986

Commissioner Visser attended the Board of Health meeting.

Bridger Canyon Zoning Commission met and granted a conditional use permit to Joe and Hazel Smith for a rock quarry.

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Commissioners met with Assistant Planner Bill Murdock and approved a request for a determination of suitability of access for Ross Kime and H. Allen Woosley.

March 26, 1986

Commissioners viewed the landfill site at Logan.

Commissioners met with Airport Manager Ted Mathis regarding budgeting concerns.

Received and approved the following transfers of funds:

March 26, 1986

Loy Carroll  
County Treasurer

You are hereby authorized to make the following transfers:

1. The sums of \$69.95 from fund 1000, \$80.16 from fund 2160, \$79.92 from fund 2190, \$280.03 from fund 2761, \$38.47 from fund 2140 to fund 2110 for February gas transfers.
2. The sum of \$517.50 from fund 1000 to fund 2310 for salaries.
3. The sum of \$2,616.07 from fund 2180 to fund 2310 to correct posting error.
4. The sum of \$188.34 from fund 2180 to fund 2190 to correct posting error.
5. The sum of \$3260.40 from fund 2180 to fund 2273 to correct posting error.
6. The sum of \$1,177.88 from fund 2279 to fund 2190 to correct posting error.
7. The sums of \$88.31 from fund 2110, \$118.56 from fund 2120, \$.31 from fund 2140, \$200.00 from fund 2180, \$35.39 from fund 2190, \$.31 from fund 2276, \$182.91 from fund 2290 and \$86.50 from fund 5020 to fund 1000 for printing charges.
8. The sums of \$109.62 from fund 2290, \$86.95 from 2180, \$2.90 from fund 2415, \$17.52 from fund 2190 and \$16.00 from fund 2276 to fund 1000 for supplies.
9. The sums of \$103.00 from fund 1000, \$5.10 from fund 2276 and \$45.10 from fund 2440 to fund 2190 for Savin copies.
10. The sum of \$55.00 from fund 2440 to fund 1000 for office supplies.
11. The sum of \$69.50 from fund 1000 to fund 2180 for printing charges.
12. The sums of \$1.45 from fund 2190 and \$33.85 from fund 2240 to fund 1000 for Savin copies.
13. The sums of \$12.00 from fund 5020, \$124.38 from fund 2190, \$5.25 from fund 2240 and \$79.67 from fund 2120 to fund 1000 for supplies.

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$41.30 as appropriated under general class (2) Maintenance and Support for account 2430-209-430800-340 be transferred to account 2430-209-420100-370 under general class (1) Salaries and Wages.

That the sum of \$85.59 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-363 under general class (2) Maintenance and Support.

That the sum of \$800.00 as appropriated under general class (1) Salaries and Wages for account 1000-209-420230-110 be transferred to account 1000-209-420230-380 under general class (2) Maintenance and Support.

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That the sum of \$450.00 as appropriated under general class (1) Salaries and Wages for account 1000-209-420230-110 be transferred to account 1000-209-420230-392 under general class (2) Maintenance and Support.

That the sum of \$5.25 as appropriated under general class (2) Maintenance and Support for account 1000-200-411800-210 be transferred to account 1000-200-411800-366 under general class (2) Maintenance and Support.

That the sum of \$24.00 as appropriated under general class (2) Maintenance and Support for account 2110-307-430230-490 be transferred to account 2110-307-430320-370 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-370 be transferred to account 1000-202-410900-370 under general class (2) Maintenance and Support.

That the sum of \$6,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440360-122 be transferred to account 5020-000-440360-123 under general class (1) Salaries and Wages.

That the sum of \$3,000.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440330-130 under general class (1) Salaries and Wages.

That the sum of \$46.85 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-320 be transferred to account 1000-295-470260-335 under general class (2) Maintenance and Support.

That the sum of \$800.00 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-380 be transferred to account 1000-210-411100-510 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410331-393 be transferred to account 2180-208-410331-320 under general class (2) Maintenance and Support.

That the sum of \$52.14 as appropriated under general class (2) Maintenance and Support for account 8020-000-480100-220 be transferred to account 8020-000-000-480100-380 under general class (2) Maintenance and Support.

That the sum of \$1,000.00 as appropriated under general class (1) Salaries and Wages for account 5020-000-440350-122 be transferred to account 5020-000-440350-130 under general class (1) Salaries and Wages.

That the sum of \$921.05 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440330-128 under general class (1) Salaries and Wages.

That the sum of \$1,000.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440310-210 under general class (2) Maintenance and Support.

That the sum of \$123.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440320-360 be transferred to account 5020-000-440310-364 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440330-397 be transferred to account 5020-000-440310-397 under general class (2) Maintenance and Support.

That the sum of \$1,500.00 as appropriated under general class (2) Maintenance and Support for account 5020-000-440360-220 be transferred to account 5020-000-440320-220 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2276-811-440170-380 be transferred to account 2276-811-440170-340 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2276-810-440170-360 be transferred to account 2276-811-440170-340 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2276-811-440170-360 be transferred to account 2276-811-440170-340 under general class (2) Maintenance and Support.

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That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 2276-810-440170-791 be transferred to account 2276-811-440170-340 under general class (2) Maintenance and Support.

That the sum of \$480.00 as appropriated under general class (2) Maintenance and Support for account 2276-810-440170-390 be transferred to account 2276-810-440170-397 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (1) Salaries and Wages for account 2276-811-440170-110 be transferred to account 2276-811-440170-340 under general class (2) Maintenance and Support.

That the sum of \$1,000.00 as appropriated under general class (1) Salaries and Wages for account 2276-811-440170-140 be transferred to account 2276-811-440170-340 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2276-810-440170-380 be transferred to account 2276-811-440170-340 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

March 27, 1986

Commissioners met as a Welfare Board.

March 28, 1986

Commissioners met with Jack Schunke of Morrison Maierle, Ray Tocci, and County Attorney Mike Salvagni regarding the Three Forks Airport.

March 31, 1986

Commissioner Jelinski interviewed William Hooks for the position of Public Defender.

Received numerous A101s in the amount of \$22,361.93 to the credit of various funds.

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Sam Gianfrancisco, Road Superintendent, recommended the purchase of a complete new plant crusher as bid by Hall-Perry and ElJay in the amount of \$148,136 FOB Bozeman. The amount budgeted for a crusher was \$139,000. Mr. Gianfrancisco states that there are additional funds available in capital outlay that are left over from some other purchases. The Road Department would like to apply those funds toward the purchase of the crusher. Mr. Gianfrancisco states that there may be a possibility in the future of adding some equipment to it.

Jane Jelinski made a motion to accept the Hall Perry bid in the amount of \$148,136 for the rebuilt ELJay gravel crusher, seconded by Ramon S. White, none voting nay. The motion carried.

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Wilbur Visser read the recommendation of the Weed Board for awarding the bid for weed chemicals as follows:

The Weed Board would like to accept the whole chemical bid from Gallatin Farmers as the low total bidder. The total bid was \$19,226.15.

Jane Jelinski made a motion to accept the recommendation for Gallatin Farmers as the low bidder on the weed chemicals, seconded by Ramon S. White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for approval of the corrected plat of Cimarron Subdivision #2.

Morrison-Maierle has submitted a corrected plat of Cimarron Subdivision No. 2. After the final plat was filed, two drafting errors were found. Curve data and the lot area for lot 7 were incorrect.

Section 12E of the Gallatin County subdivision regulations requires that correction of errors that will not materially alter the plat may be made by submitting the corrected plat for the governing body's approval. A second requirement is that the plat shall be entitled "Corrected Plat of the \_\_\_\_\_ Subdivision" and the reason for the correction shall be stated on the face of the plat.

The required wording is found on the plat. If the Commission finds that this correction of errors is not a material alteration, the plat would appear to meet the criteria for approval.

Jane Jelinski made a motion to accept the correct final plat of Cimarron Subdivision No. 2, seconded by Ramon S. White, none voting nay. The motion carried.

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Loy Carroll, County Treasurer, stated that the county has gone out for bid on a repurchase agreement for the county's excess funds in various checking accounts. The county sent out request for proposals to all of the banks and savings and loans in the area.

Mr. Carroll states that he has received two bids, one from First Security Bank of Bozeman, and one from Montana Bank of Bozeman. First Security bid as follows: An interest rate of seventy five (.75) basis points below the average discount rate for 182-day T. bills, adjusted weekly. Montana Bank bid as follows: 15 basis points above the 91 day Treasury bill rate.

Mr. Carroll recommends that one repurchase agreement be awarded to Montana Bank and one be awarded to First Security Bank.

Ramon S. White made a motion to award a repurchase agreement to each of the banks, Montana Bank and First Security Bank, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser read the names of the applicants who have applied for a seat on the Gallatin County Airport Board: Henry Bahn, James Soares, David Douglass, Eric Raece, Walton Metier, and Robert Green.

Ramon S. White nominated Robert Green to the Airport Board because he farms in the Logan area, and he uses the Three Forks Airport for his ranch operation. This was in the form of a motion, seconded by Jane Jelinski, none voting nay. The motion carried. This term would expire on March 4, 1987.

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There being no further business, the meeting adjourned at 2:00 P.M.

ATTEST:

Clerk

*Gary H. Dingle*

APPROVED:

Chairman

*Wilbur Visser*

PUBLIC MEETING TUESDAY, THE 8th DAY OF APRIL, 1986 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of March 25, 1986 and April 1, 1986, seconded by Ramon S. White, none voting nay. The motion carried.

#### ANNOUNCEMENTS

April 1, 1986

Commissioners met with Lee Lewis, County Fire Chief, and agreed to authorize the expenditure of funds appropriated for Schools and Prevention to send one fireman per year to training at the National Fire Academy. We agreed to authorize \$2,500 for the purchase of a computerized read out and action plan for hazardous materials response. The Commissioners also agreed to pay one-half, \$650.00, toward the purchase price of a CamCorder if the Bozeman Firefighters Association will agree to pay for the other half.

Commissioners met with Don Brelsford and Gale Thompson of the Road Department and agreed upon a cost of \$140.00 for the rural addressing books.

Commissioners met with Sohio inspector Jack Ihli.

Commissioner Jelinski met with Roger Koopman and Tom Tuck of Career Concepts and Personnel Officer Kathy Nowierski regarding the services Career Concepts could provide to the county in the area of employee recruiting.

Commissioner Jelinski met with Jeff Rupp and Lynn Robson regarding the JTPA program.

Received and approved the following applications for cancellation of taxes:

Ken White	No. 620	\$161.14	should have been a pro rate
Bow House Archery Shop	No. 619	\$62.53	out of business
Brent Mathieu	No. 618	\$105.36	never was in business in Gallatin Co.
Blaine Cobat	#617	\$60.60	double assessed
Lin Tureman	#616	\$227.47	building did not exist
Lin Tureman	#615	\$65.20	building did not exist

April 2, 1986

Commissioners met with Maintenance Supervisor Elmer Oakes regarding the operation of his department and setting up a schedule for painting of county buildings.

Commissioners White and Visser met with Amber Mapston of the Miss Montana Rodeo Foundation regarding a request for a raffle permit.

Commissioner Visser met with Maurice Hull regarding taxes.

Commissioners Visser and Jelinski met with Scott Bell of Morrison-Maierle regarding the Three Forks Airport.

Bridger Canyon Zoning Commission met with well inspector Jack Ihli.

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Commissioner Jelinski attended the Forum on Economic Development.

April 3, 1986

Commissioners met with Grace Bates regarding the Historical Museum.

Commissioners met with users of the Law and Justice gym regarding the policy for the use of the gym. It was decided to raise the rental fee to \$12.00 per hour for all users.

Commissioners met with Stan Burgard regarding his taxes.

Commissioners met with Gary Pringle regarding tax deed property.

Commissioners met with Auditor Carolyn Hartsog.

Commissioners met with Planner Bill Murdock regarding a request for suitability of access for Frank Norman. This is for two tracts, one located one third mile north of Gee-Norman Road and the other lying about 830 feet north of the same road. Neither tract has access to existing county roads. This request for access suitability was denied.

Commissioner Jelinski judged the State FFA prepared public speaking contest sponsored by the Dept. of Vocational Education Services.

April 4, 1986

Commissioner Jelinski participated in the Governor's Job Training Coordinating Council meeting in Helena.

Commissioners White and Visser toured the Sohio well site.

Received a report from the Clerk and Recorder's Office showing the items of fees and other items collected for the month of March, 1986 in the amount of \$12,716.85.

Commissioner Visser toured dairy farm operations in the county with staff of the Assessor's Office.

April 7, 1986

Commissioners met with Vern Cotterell regarding phone service to the county.

Commissioners met with Mary Kay Peck regarding proposed changes to the RID policy.

Commissioners met with Paula Stoll of Management Associates and Personnel Officer Kathy Nowierski regarding changes to the classification system.

Received numerous A101's in the amount of \$219,306.57 to the credit of various funds.

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Bill Murdock, Assistant Planner, spoke regarding a review of exemptions claimed on certificates of survey.

David Gantt has claimed the occasional sale exemption. Mr. Gantt has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

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Wilbur Visser stated that he was in receipt of a petition requesting annexation into the Belgrade Rural Fire District and he also had the affidavit of publication noticing this as the time for public hearing on this request for annexation. The Belgrade Rural Fire District concurs with this request.

Mr. Visser read the following Resolution:

WHEREAS, on May 10, 1985, a petition signed by more than 50% of the freeholders within the area was filed, and

WHEREAS, said petition was duly certified by the County Clerk in accordance with Section 7-33-2125, MCA, and hearing held on April 8, 1986, and there being no or insufficient protests;

NOW THEREFORE, the following described land is hereby annexed to the Belgrade Rural Fire District:

W $\frac{1}{4}$  Sec. 29, T1S, R5E, MPM, including Certificate of Survey #968, being 320 acres more or less.

Wilbur Visser asked for public comment regarding this request for annexation. No one came forward either for or against.

Ramon White made a motion to adopt Resolution #613, seconded by Jane Jelinski, none voting nay. The motion carried.

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Terry Schaplow, representing Mr. Maloney and Mr. Peter, requested that the Commission reconsider their decision of January 28, 1986 regarding a family sale exemption claimed by Mr. Peter. This was also heard by the Commission at their March 25, 1986 meeting.

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Jane Jelinski indicated that she had listened to the tape recording of the meeting of March 25, 1986 since she was absent from that meeting. She also stated that she had re-read the minutes of January 28, 1986 when she and Mr. White voted against the exemption and that she had reviewed all of the material that had been presented in the prior two meetings. Mrs. Jelinski cited the following reasons for her denial of the request:

Mr. Allen stated previously that the reason the developer did not go through minor subdivision review was because they could not comply with the access requirements to front on a public road.

Mr. Hyde has stated that they hoped to go through minor subdivision review but upon seeing that this was not a possibility, they opted for the family sale exemption.

Mr. Hyde responded to a question by Tom Anacker as to whether or not they were trying to get to the same place by the use of the exemptions as they would with subdivision by responding yes.

At the end of the last hearing Mr. Sedivy stated that there was a potential additional sale already available and implicated that as soon as this was conveyed as a family sale that it would further be sold.

Ms. Jelinski states that the reasons that were stated in she and Mr. White's previous vote she believes are still valid. She believes that the public health, welfare and safety requires her to once again vote against this request for an exemption.

Jane Jelinski made a motion to deny the request for a family sale exemption, seconded by Ramon White, none voting nay. The motion carried.

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Phyllis Dennee spoke regarding a request for a name change from Bulen Drive to Stony Brook Lane. She understands that the petition needs to be changed to read that it is a public road, not a private road. She would request that the Commission approve the change, contingent upon the change in the wording of the petition.

Jane Jelinski made a motion to grant the request, changing the name of the road from Bulen Drive to Stony Brook Lane, on the condition that the petition be changed to indicate that this is a public and not a private road, seconded by Ramon White. Mrs. Jelinski would like to include in her motion that this be done within two weeks, Mr. White concurred, none voting nay. The motion carried.

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Joe Baker, Belgrade Planner, spoke regarding a request for preliminary plat approval of Mountain Flower Subdivision. Mr. Baker presented his staff report as follows:

The applicants are A. Sprunger and A. Branning of Bozeman. The proposed subdivision is located west of Nelson Road, south of the Wildflower Subdivision, and east of Mountain View 6 and 7 Subdivisions. This is an 87 lot subdivision to be segregated in three phases. All lots will be limited to single family use with the exception of two parcels to be dedicated for park land.

The site of the proposed subdivision is currently used as agricultural property. The land to the west and north is single family residential. The land to the northwest and south is in agricultural use. The land to the east is partially developed with single family residential usage. None of the property in the vicinity is zoned.

Basis of Need: Residential developments in the area of the proposed subdivision appear to be developed to their design capacities with single family homes. There is probably a need for a subdivision of this type.

Expressed Public Opinion: The public has expressed a number of concerns about this subdivision. The main concern is how the traffic generated will be routed to U.S. 10. The residents of Mountain View Subdivision are concerned that trucks involved in construction activity will take a route through their subdivision. The residents along Nelson Road are concerned that increased traffic on the road will result in damage to the paved surface. A petition was submitted with 139 signatures against the subdivision.

Effects on Agriculture: This subdivision will remove approximately 120 acres from agricultural uses. The soil types in this area are useful for pasture, wildlife and of limited utility for agricultural purposes.

Effects on Local Services: Responses from providers of local services did not indicate any unusual problems as a result of this project. The Sheriff's Dept. and the Belgrade School District both indicated that the development could possibly require additional personnel and equipment.

The Belgrade Fire Department had three recommendations. Direct access to the southern portion of the subdivision was needed. This will eventually be constructed when the property to the south is developed. The fire department also recommended that the deadend cul de sac on Ridgeview Drive be extended onto Bluebell. The Belgrade Fire Department also indicated the need for a fill point somewhere in the vicinity of the proposed subdivision.

Effects on Taxation: The project would generate approximately \$66,120 per year in taxes when completed.

Effects on Natural Environment: Probably the most significant impact of this project will be the generation of dust and other pollutants. The new unpaved roads will contribute to the already severe dust problem in the area. This impact could be reduced or eliminated by paving all or part of the roads in the subdivision.

The possible impact on water quality and quantity is another area of concern. The Dept. of Health will examine this impact in detail and will issue an approval prior to final



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approval of the subdivision.

Effects on Wildlife and Wildlife Habitat: This development will not significantly affect the existing wildlife habitat in the vicinity.

Effects on Public Health and Safety: The project will not significantly affect the public health and safety of the community beyond the requirement for increased services.

The County Road Department has expressed a concern over a possible hazard at the intersection of Ridgeview Drive and Nelson Road. It is felt that the sight distance could be obscured by development or landscaping. This could be resolved by establishing a three way stop at the intersection to eliminating the intersection. This problem should be resolved by the developer and the County Road Department.

In summary, the overall design is acceptable. Sufficient park lands will be dedicated. The configuration of the lots and streets are in compliance with regulations. Any problems cited in the eight public interest criteria can be solved by the developer prior to final approval.

The Belgrade City County Planning Board recommends preliminary approval of the subdivision with the following conditions:

1. That plans for roads, drainage, culverts and placement of street signs be approved by the Gallatin County Road Department prior to installation of improvements and be accomplished prior to the final plat approval.
2. That Painted Canyon Road have a breakaway emergency access barrier installed between Mountain View Subdivision and the project's western boundary to be removed upon the creation of a maintenance district including Mountain View Subdivisions, Wildflower Subdivision and Mountain Flower Subdivision. All roads will be treated in a manner that will prevent the generation of dust.
3. That all construction related traffic be directed onto Nelson Road and be prohibited from travel to the project site through the Mountain View Subdivisions.
4. That all necessary easements for utilities, water lines, and irrigation ditches be shown on the final plat.
5. That a \$35.00 per lot fee be paid by the developer to the Belgrade Rural Fire Department, prior to final approval.
6. That an additional impact fee of \$25.00 per lot be imposed for the improvement of a fire fighting fill point that is currently being constructed within the Mountain View #4 and #5 (this fill point would provide adequate services for the Mountain Flower Subdivision). This fee is to be paid to the Belgrade Rural Fire Department.
7. That the lots be kept in a weed free manner.
8. That the final plat conforms to uniform standards and be accompanied by necessary certificates including a certificate of approval from the Department of Health and Environmental Sciences.
9. That the covenants be reviewed by the Gallatin County Attorney's Office prior to final approval and filed with the plat.
10. That there is the recommendation for a joint maintenance district between Mountain View Subdivisions, Wildflower Subdivisions, and Mountain Flower Subdivision.
11. That all roads and streets used by construction vehicles in the vicinity of the project be returned to their original condition and state of repair by the developer at the termination of the construction phases of the project.
12. That all permanent cul de sac roads have an improved surface, either gravel or paved, to facilitate the turning of fire fighting vehicles of not less than 50 feet in radius.

Mr. Baker states that after the public hearing and after talking with county staff, there appears to be possible problems with some of the conditions. It is recommended that condition 1 have the following added after the word approval. "The applicant will have a pre-construction meeting with the Gallatin County Road Department for the purpose of agreeing upon which road construction standards will be used for the construction of all roads within this subdivision."

That condition 2 have all references to the breakaway barrier eliminated. The County Attorney has stated that such a barrier would not be acceptable. Also that condition 2 have the following phrase added: during construction phases of the subdivision until 50% of the final build-out capacity of houses are constructed.

That Condition 3 have the phrase added after the word subdivision. "That the subdivider, his contractors, and suppliers shall be jointly and severally responsible that existing improvements are not damaged or rendered less useful by the operation of the subdivider, his contractors, or suppliers."

That condition 7 have a phrase added after the word manner. "That all disturbed vegetated cover on the county road right of way, the access encroachment and the driveway be revegetated according to the Gallatin County weed control ordinances, and that the applicant be held responsible for such weed control compliance."

That Condition 12 have a phrase added after the word radius. "and that any required drainage areas will be included in excess of the required improved road surface area."

Joe Baker read the following petition that was presented to the Planning Board: We, the undersigned property owners of the Mountain View Subdivision, Gallatin County, are opposed to the proposed Mountain Flower Subdivision. We petition the Belgrade Planning Commission to forbid the use of Sacajawea Road, Lenawea Drive, and Painted Canyon Drive

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as connecting roads into the proposed Mountain Flower Subdivision. Presently, the above named roads are low traffic, graveled, residential roads where slow traffic is desired, where children play, and where the residential character of the neighborhood is maintained. We oppose the connection of any of these roads to the east and especially to the Mountain Flower Subdivision because:

1. Construction related and general traffic during and after completion of the subdivision to the east will present a severe safety hazard because of the increased traffic volume and speeds, will create a maintenance burden and a general nuisance to the residents of Mountain View, will irrevocably change the present desirable residential character of the Mountain View neighborhood.
2. No benefit to the Mountain View Subdivision will derive from connecting the roads to the proposed Mountain Flower Subdivision. In fact, residents of Mountain View will bear the economic, safety, nuisance and neighborhood degradation burdens of such connecting roads.

Ramon White stated that he was of the understanding that there was already an effort being made to put a fill point for fire trucks in Mountain View in the park area. Mr. Baker stated that this was correct. At present, that fill point is being improved. Rather than installing another fill point within a short distance, it was felt that the developer of Mountain Flower would contribute toward the improvement of the fill point in Mountain View.

Tom Anacker spoke with regard to the breakaway barrier that was proposed in condition no. 1. This is primarily a road which is going to be dedicated to the public and there are statutes in the law that require the county road office and the county commissioners to remove encroachments from public roads. This type of barrier would fit in the category of an encroachment.

Jane Jelinski stated that she would like to see condition no. 2 be more specific with regard to the control of dust. Joe Baker suggested that perhaps the county road department should be called on to offer suggestions in the control of dust.

Jane Jelinski asked if there was any discussion with regard to a condition that would require the developer to post a bond to assure that the roads that are used during the construction phase would be returned to their pre-construction state. Mr. Baker stated that a bond was not discussed, it was simply discussed as a condition that he would have to return those roads to the previous condition. Tom Anacker stated that many times contractors which are hired have performance bonds which they carry and that this could possibly be added to provide a source of funds in the event there needs to be some repair or replacement due to damage of the roads.

Mr. Baker stated that the roads in Wildflower Subdivision were not required to be built to the property line; therefore, there is a cul de sac that is built short of the property line and would not connect to the proposed new subdivision. Mr. Baker states that it could be a possible condition that the Commissioners could impose that the road in Mountain Flower be extended through to the road in Wildflower.

Wilbur Visser stated that with regard to dust control on the roads, he feels it would be appropriate to have the roads internally oiled. Mr. Visser questioned why the park lands were split as they are not very far apart. Mr. Baker stated that the sites were chosen because of topography. The land is relatively flat, but there is a possibility of some limited flooding in the area.

Mr. Visser brought up the question of whether there was an easement between the cul de sac to the north in Wildflower Subdivision and the proposed cul de sac in Mountain Flower.

Joe Baker read the following letters into the record:

"March 25, 1986

I, and for consideration for the Mountain Flower Subdivision as long as they abide by the engineer's and the planning board's specifications, I see no reason not to give others the same benefits as living in the area as well.

Respectfully,

K. J. Johnson  
 Wildflower Subdivision homeowner"

"March 15, 1986

In response to the proposed Mountain Flower Subdivision up for hearing on 25 March, 1986, my comments are simple but very important for a quality land use of both existing and proposed. Quality in this case pertains to safety and health in Mountain View 5, Sacajawea Drive is the only straight thoroughfare leading to Mountain View 6 and 7. Since the development of 6 and 7, Sacajawea has become a raceway for residents of 6 and 7 and construction workers. Besides excessive speeds, even though the speed of 15 MPH is clearly posted, the dust created by the increased traffic has made living on Sacajawea almost unbearable and greatly decreased the enjoyment of being outside or having windows open during the summer. Also, in the first three blocks of Sacajawea, that is a portion running through Mountain View 5, there is approximately 22 children residents 13 years or younger who play back and forth to their friends down the street and around.

If you recall, Joe Nelson Road and Valley Center Road dust problems you will realize that this is for real and as you know, there is no way to enforce the 15 MPH speed limit, nor place control bumps legally. With the hook up of Mountain View roads to Mountain Flower, and Mountain Flower to Wildflower that gives access to Sacajawea for both those subdivisions plus Nelson Road traffic from Outlaw Country Subdivision, all of whom I have talked to residents in those existing subdivisions which stated they would love to see Sacajawea hooked up so that they could use it as a more direct route to US 10.

With all of the above elements in mind, it is very important in the planning process for good development to provide relief or prevent furtherance of said problems. I am not saying denial of Mountain Flower Subdivision is needed, I am saying paving of Sacajawea

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with speed control placement is needed as a condition now. With any additional traffic, provisions must be made up front. Common sense and good judgement is all I ask for.

Thank you.

Respectfully,

Joe Syphers"

"March 17, 1986

Dear Planning Board Members:

The enclosed petition signed by the property owners in the Mountain View Subdivision of Gallatin County are here submitted as written testimony pertaining to the forthcoming public hearing concerning the preliminary plat of Mountain Flower Subdivision scheduled for March 25, 1986.

Yours very truly,

Karen W. Porter"

The preceding letter accompanied the petition that was submitted.

Wilbur Visser pointed out that the addition to condition 7 with regard to disturbed cover on county right of way should read "subdivision" right of way.

Paul Kinshella with Sanderson, Stewart and Gaston spoke on behalf of the developers. Mr. Kinshella spoke with regard to the traffic count done on the roads in the area. They estimate that 18% of the traffic generated by the subdivision would be headed toward Belgrade which would be using the roads in Mountain View Subdivision. Mr. Kinshella spoke that with regard to the intersection at Ridgeview and Nelson Roads, he would propose that there be a third lane added to Nelson Road in order to meet a safe intersection criteria. Mr. Kinshella states that there is right of way from Wildflower Subdivision to the property line that runs beyond the cul de sac on Bluebell. The homeowners association in Wildflower Subdivision is considering the cost of extending the road. Mr. Kinshella states that with regard to dust control on the roads, he does not believe that paving has been required of any one acre subdivisions in the past. Mr. Kinshella states that the prevailing winds are from the west to the east. Mr. Kinshella states that with regard to the construction traffic, they have discussed the possibility of having the roads in Mountain View posted as local access only. With regard to the question of having a bond posted for any deterioration of Nelson Road, Mr. Kinshella states that there is other construction traffic on Nelson Road and is unsure how the developers of Mountain Flower could be held responsible for the other construction traffic. Mr. Kinshella points out that condition 10 is a recommendation, not a requirement, and he would like to see this clarified.

Mr. Kinshella states that the intention is to file three separate plats on the proposed subdivision. They are requesting Master Plan approval. They are proposing a time period of six years for the three phases. The roads will be completed for each phase as the plat is filed. Mr. Kinshella states that they are looking at a magnesium chloride as a dust treatment. The cost of paving would be a significant outlay for the developer. Mr. Kinshella states that most of the gravel that would be used in building the roads can be found on site. This would eliminate a lot of the truck traffic from having to haul in gravel to build the roads.

Ramon White asked what the understanding was with condition no. 10 as far as the maintenance district. Mr. Kinshella stated it was his understanding that this would be a homeowners association formed to maintain the roads. This would be an RID maintenance district, not a construction district. Mr. Kinshella states that he has spoken with some of the residents of Wildflower Subdivision regarding the formation of a joint district.

At this time a five minute recess was taken.

Wilbur Visser opened the meeting to public comment.

Tim Fitzgerald a resident on Nelson Road who was instrumental in getting it paved stated that he is concerned with the deterioration of the road as further development occurs in the area. He also expressed a concern with how long the developer would be responsible for returning the road to its original condition prior to the construction of the subdivision. He would like to see strong wording inserted in the approval of the plat that addresses how the road would be returned to a condition that would be suitable for the persons on the road.

Joe Syphers, a resident of Mountain View Subdivision, also expressed concern with the deterioration of the roads.

Deanna Bergman, a resident of Mountain View Subdivision, stated that she was also concerned with the increased traffic. She also expressed a concern with overcrowding in the Belgrade School District and possible flooding in the area of the proposed subdivision. There has been flooding in the other subdivisions surrounding this area. She pointed out that it would be difficult to monitor whether construction trucks that were using roads in Mountain View were going to lots under construction in Mountain View or were in fact turning into Mountain Flower Subdivision.

Larry LaMunyan, a resident in Mountain View Subdivision, stated that there are at least three subdivisions in the county that have adjoining properties but do not have adjoining roads. He questioned why it would be required of this subdivision.

Steve Herzog, a resident of Mountain View Subdivision, stated that he opposes the subdivision as currently proposed without some restrictions to travel and some discussion on the maintenance district. Mr. Herzog questioned the assurance of whether or not a road would be maintained once a district has been formed. Tom Anacker explained that with an RID maintenance district, the money would remain within the district and could be used as necessary.

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Patrick Plantenberg and Gael Harris both questioned the liability that would be assumed by the county with regard to the breakaway barrier. Larry LaMunyan pointed out that the breakaway barrier would be in place during construction phases only. It would be removed after the subdivision was in place.

Don Brelsford, County Engineer, presented a memo regarding road improvement recommendations for Mountain Flower Subdivision.

Jane Jelinski pointed out that the improvement and paving to asphalt of Painted Canyon Drive to its intersection with Sacajawea Peak Drive could not be required by the Commission. The Commission is not allowed by the subdivision regulations to require off-site improvements of the developer.

Paul Kinshella stated that with regard to the extension of Painted Canyon onto Sacajawewa Peak, the developer would request that they be allowed not to dedicate the road at this time, but to put it through as an emergency access easement. The road would be constructed to county standards and the breakaway barrier could be installed for emergency use only. Once the phase three plat is filed, the road would then be dedicated.

Jim Berg, a resident on Nelson Road, stated that he was unclear how the developer could be required to return Nelson Road to its original condition when the Commission cannot require off-site improvements. Mr. Berg stated that he would like to see some specific agreements in writing between the county and the residents on Nelson Road as to what the improvements would be after the construction is completed of Mountain Flower Subdivision.

Jane Jelinski stated that there was a distinction between requiring off-site improvement and requiring that no deterioration occur as a result of what the developer has done. The county has the authority to do the latter.

Wilbur Visser stated that he would like to have an opportunity to review the material that has been presented before making a decision.

Joe Baker stated that the subdivision was filed with his office on February 21, 1986 and that the 60 day limit would expire on April 21, 1986.

Paul Kinshella stated that the developers would have no problem in waiting until April 22, 1986 for a decision on this request.

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Joe Baker, Belgrade City-County Planning Board, spoke regarding a request for summary review approval of Schaefer Minor Subdivision. This minor subdivision is located west of Jackrabbit Lane, south of Bair's truck stop. This is a four lot minor subdivision with a commercial/light manufacturing oriented development. The minor subdivision qualifies for summary review. The site is currently used as commercial/light manufacturing. The project site and the surrounding area is currently zoned B-2 Highway Commercial District. It is currently being considered for a zone change to M-1 Commercial/Light Manufacturing.

There have been a number of individuals indicating an interest in M-1 zoned parcels. No expressed public opinion either for or against the subdivision have been heard. There are no existing agricultural uses currently on the property. The subdivision will not significantly affect the demand for local services. An increase in taxes that the county can collect will occur as a result of the subdivision. There will be increased levels of dust on the unpaved road accessing the subdivision and it is recommended that some method of suppressing the dust be used. It is possible that noise levels will increase; however, since, the surrounding areas are commercial in nature, this should not present any problems to the community. Wildlife will not be affected by the development as wildlife and wildlife habitat have already been reduced due to other types of development in the area. The minor subdivision will not significantly affect the public health and safety.

The overall design is acceptable. Lot and street configurations are acceptable. It is recommended that the minor subdivision be approved with the following conditions:

1. That plans for roads, drainage, culverts and placement of street signs be approved by the Gallatin County Road Department prior to installation of improvements and improvements be accomplished prior to final plat approval.
2. That Thunder Road be treated in a manner that will prevent the generation of dust.
3. That all necessary easements for utilities, water lines, and irrigation ditches be shown on the final plat.
4. That a \$35.00 per lot fee be paid by the developer to the Belgrade Rural Fire Department.
5. That the lots be kept in a weed free manner.
6. That the final plat conform to the uniform standards and be accompanied by necessary certificates including a certificate of approval from the Department of Health and Environmental Sciences.
7. That any covenants be reviewed by the Gallatin County Attorney's Office prior to final approval and filed with the plat.

The Belgrade City Council recommended the following be added to the conditions:

Add to condition #1: "The developer will have a pre-construction meeting with the Gallatin County Road Department prior to any construction."

Add to condition #2: "during the construction phase of the project."

Add to condition #5: "and that all disturbed vegetated cover be revegetated according to County Weed Control Standards."

Ron Allen, representing the developer, stated that the proposal would probably be changed from four lots to three.

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Jane Jelinski made a motion to approve summary review of the Schaefer Minor Subdivision with the conditions as outlined by staff, and with the notation that condition no. 4 will be required only if the fee has not already been paid, seconded by Ramon White, none voting nay. The motion carried.

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Jane Jelinski made a motion to approve the cooperative fire control agreement between Gallatin County and the Dept. of State Lands, seconded by Ramon White, none voting nay. The motion carried.

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Ramon White made a motion to reappoint Doug Jewett and Mark Cooper to the Willow Creek Rural Fire District Board, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski made a motion to appoint Leroy Bingman and Michael Ankeny to the Gallatin Canyon Rural Fire District Board, seconded by Ramon White, none voting nay. The motion carried.

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Jane Jelinski read the following Proclamation:

WHEREAS Americans have enjoyed a tradition of success and achievement, and

WHEREAS the history of public leaders and other achievers documents the ways libraries have influenced their lives; and

WHEREAS, libraries can help us all achieve that winning spirit; and

WHEREAS, our county libraries are celebrating National Library Week with the theme "Get a Head Start at the Library"; and

WHEREAS, that theme encourages people to make the library a training ground for life, as a primary resource for education, information and recreation;

NOW THEREFORE, let it be known that Gallatin County Commissioners do hereby proclaim the week of April 6-12, 1986, National Library Week and urge all citizens of Gallatin County to get a head start at the library this week and throughout the year.

Jane Jelinski made a motion to adopt the Proclamation, seconded by Ramon White, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 4:55 P.M.

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ATTEST:

Clerk

*Gary A. Pringle*

APPROVED:

Chairman

*Wilbur Visser*

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PUBLIC MEETING TUESDAY, THE 15th DAY OF APRIL, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of April 8, 1986 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

ANNOUNCEMENTS

April 8, 1986

Commissioners met with Dr. King and Sanitarian Emery Nelson regarding the expansion of the landfill.

Commissioners met with Kathy Nowierski and representatives of the County Attorney's Office regarding a grievance filed by Jack Joyner.

Commissioner White met with Vern Cotterell regarding phone service to the county.

Commissioners met with Planner Bill Murdock regarding a request for determination of suitability of access for Carl and Kathleen Wierda. This parcel is located on a state highway. This request was approved.

April 9, 1986

Commissioner Jelinski attended the Interagency breakfast.

Commissioner Jelinski attended the JTPA meeting.

Commissioner Visser and White attended the Fire Council meeting.

April 10, 1986

Commissioners met with Coroner Doris Fisher and authorized her to obtain the services of Leo Jacobson, the Coroner in Butte, for a coroner's inquest. The Commissioners also authorized

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an expenditure of up to \$1,500 for juror's fees and other charges in connection with the inquest.

Commissioner Jelinski attended the Fire Tax Committee meeting.

Commissioner Jelinski chaired the PCC Meeting.

April 11, 1986

Commissioners met with Personnel Officer Kathy Nowierski.

Commissioners met with Sam Gianfrancisco, Road Superintendent, and Dave Dunn of the Sheriff's Dept. regarding GVW.

Commissioners met with Emery Nelson and Mary Kay Peck regarding the sewer and water system at Hebgen Lake Estates.

Authorized the following transfers of funds:

Loy Carroll

County Treasurer

Gallatin County, Montana

April 10, 1985

You are hereby authorized to make the following cash transfers:

1. The sums of \$5.00 from fund 2110, \$11.85 from fund 2120, \$15.25 from fund 2140, \$109.75 from fund 2180, \$1.65 from fund 2190, \$21.50 from fund 2273, \$15.25 from fund 2276, \$14.13 from fund 2279, \$3.88 from fund 2282, \$119.15 from fund 2290 and \$15.50 from 5020 to fund 1000 for March Printing charges.
2. The sum of \$42.00 from fund 2120 to fund 1000 for travel expenses.
3. The sum of \$3,592.27 from fund 2710 to fund 5020 for incorrectly allocated purchases made to wrong fund.
4. The sums to \$98.59 from fund 1000, \$4.00 from fund 2276, and \$29.10 from fund 2440 to fund 2190 for copier charges.
5. The sums of \$23.30 from fund 2190, \$151.78 from fund 2120, \$13.40 from 2240, \$68.56 from fund 5020, \$.70 from fund 2110, \$17.00 from fund 2290 and \$27.06 from fund 2180 to fund 1000 for supplies used in March.
6. The sum of \$350.00 from fund 2310 to fund 1000 for March overtime pay.
7. The sum of \$119.01 from fund 2710 to fund 5020 for coding error.
8. The sum of \$30.00 from fund 2270 to fund 2279 to correct revenue miscodi
9. The sums of \$2.10 from fund 2190 and \$38.20 from fund 2240 to fund 1000 for copier charges.
10. The sums of \$580.00 from fund 2279, \$487.52 from fund 2281, \$401.15 from fund 2282 and \$431.00 from fund 2275 to fund 2190 to reimburse for expenditures made from fund 2190.
11. The sum of 58.90 from fund 1000 to fund 2180 for copier charges.
12. The sums of \$19.71 from fund 2140, \$87.73 from fund 2160, \$48.79 from fund 2190 and \$125.78 from fund 2761 to fund 2110 for gas expenditure transfers.
13. The sums of \$28.63 from fund 2415, \$57.26 from fund 2190 and and \$234.61 from fund 2110 to fund 1000 for gas expenditure transfers.
14. The sums of \$340.83 from fund 2110, \$16.63 from 2180, \$49.88 from fund 2190 and \$51.72 from fund 2761 to fund 1000 for gas expenditure transfers.
15. The sums of \$25.99 from fund 1000, \$25.34 from fund 2140, \$68.67 from fund 2160, \$49.47 from fund 2190 and \$116.40 from fund 2761 to fund 2110 for gas expenditure transfers.

April 14, 1986

Commissioners met as a Welfare Board.

Commissioners met with Kathy Nowierski, Sheriffs Department representatives and Duane Johnson of Management Associates regarding the negotiations for the Sheriffs' Association contract.

Received numerous A101's in the amount of \$39,989.76 to the credit of various funds.

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Wilbur Visser announced that there was a vacancy on the Belgrade Rural Fire District Board. Applications are being accepted in the County Commissioners office until April 25, 1986.

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Bill Murdock, Planner, spoke regarding a review of exemptions claimed on certificates of survey.

James Paffhausen has claimed the family exemption to transfer a 9.506 acre tract to his wife. The Gallatin County Subdivision Regulations provide that the governing body shall evaluate all relevant circumstances in assessing the intent of the person claiming the exemption. Mr. Paffhausen purchased a 20 acre tract in 1978, and used the occasional sale exemption to sell a five acre parcel, tract A on COS 718, in 1979.

The regulations further state that the governing body shall declare a proposed division of land as an occasional sale to be an evasion if a parcel contiguous to the parcel to be transferred has been previously transferred by the same transferror as an occasional sale. In this case, Mr. Paffhausen is claiming the family exemption for a contiguous tract, which is not listed as an evasion.

After considering the information and any public testimony that might be given, the Commission needs to determine if this is a proper use of the family exemption.

Bill Murdock stated that the person proposed to receive this tract via a family sale exemption is Mr. Paffhausen's wife.

Ramon S. White made a motion that the family exemption for Mr. Paffhausen be denied because Mr. White feels that this is a subdivision being created by the use of family and occasional exemptions. Mr. White feels that this is an attempt to evade the subdivision regulations. He feels it could be done as a minor subdivision.

Mike Foley, representing the developer, stated that he and Mr. Paffhausen felt that under the existing regulations and the criteria stated therein, that Mr. Paffhausen was entitled to a family sale. Mr. Foley states that the Commission's current practice of requiring cash-in-lieu of parks on all minor subdivisions discourages the use of the minor subdivision.

Ramon White restated his motion that the family sale exemption for James Paffhausen be denied, seconded by Wilbur Visser, none voting nay. The motion carried.

Ken White has claimed the security for construction financing exemption. Mr. White has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Montana Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Ramon S. White made a motion that the request for a mortgage survey be approved, seconded by Wilbur Visser, none voting nay. The motion carried.

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Beverly Knapp, Chairman of the Bozeman Library Board of Trustees, presented the Commissioners with the Annual Report for the Library. This year the library was able to add a reference librarian. She also pointed out the number of children that are involved in the children's programs.

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Wilbur Visser stated that the Commission had received the following applications from persons interested in serving on the Bridger Canyon Rural Fire District Board: Charles Papke, Ray Martin, George Ripley and Charles Milne. Mr. Visser stated that the board has been in contact with him and has mentioned their desire to have a large-tract owner on the board.

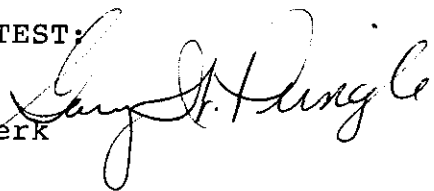
Ramon White stated that in light of the board's recommendation, he would make a motion to appoint Charles Papke to the Bridger Canyon Rural Fire District Board, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:50 P.M.

ATTEST:

Clerk



APPROVED:

Chairman



PUBLIC MEETING TUESDAY, THE 22nd DAY OF MARCH, 1986 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, County Attorney Mike Salvagni, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of April 15, 1986 as written, seconded by Ramon White, none voting nay. The motion carried.

## ANNOUNCEMENTS

April 14, 1986

Commissioner Jelinski met with Kelly Blake of the Department of State Lands in Helena.

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Commissioner Jelinski met with Ron Bray of the State Highway Department regarding the Policy Coordinating Committee progress.

April 15, 1986

Commissioner Visser and Sam Gianfrancisco viewed a video demonstration on snow plowing.

Bridger Canyon Zoning Commission met regarding the well site inspection report submitted by Scovil Murray and Jack Ihli. The Commission voted to accept this report.

Commissioner White met with John VanDyken regarding taxes.

Commissioner Visser met with Diane Olson of Added Dimensions regarding taxes.

April 16, 1986

Commissioners met with Auditor Carolyn Hartsog regarding operations of her office.

Commissioners met with members of the West Yellowstone City Council and Sheriff Ron Cutting regarding police and sheriff protection in the West Yellowstone area.

Commissioners Visser and White attended the Refuse District No. 2 meeting in West Yellowstone.

April 17, 1986

Commissioners attended the Disaster and Emergency Services meeting coordinated by Civil Defense Director Hank Wruck.

Commissioners met with Kathy Nowierski Personnel Officer and Paula Stoll of Management Associates regarding position descriptions and the proposed hiring of a Finance Officer for Gallatin County.

Commissioner Jelinski attended the Refuse District #1 meeting in Manhattan.

Commissioners met with Planner Bill Murdock regarding the county park plan.

April 18, 1986

Commissioners met with Mary Kay Peck and Bill Murdock of the Subdivision Review Office and Deputy County Attorney Tom Anacker regarding the procedures for exemptions claimed on certificates of survey.

Commissioners met with Scott Bell and John Schunke of Morrison-Maierle regarding the Three Forks Airport.

April 19, 1986

Commissioner Jelinski served as a panelist for career days at MSU.

April 21, 1986

Commissioner Jelinski met with Doris Fisher of the Gallatin Development Corporation, Park County Commissioners and Dale Siegle of the Livingston Job Service regarding the JTPA program and economic development.

Commissioners met with representatives of IBM regarding computer equipment.

Commissioners met with Planner Bill Murdock regarding a request for determination of suitability of access. Old West Company has submitted a COS showing tracts I-3, I-2, and J-1 which border Pine Butte Road, and tracts I-1, H-1, and H-2 which have no access. Access suitability was approved for tracts I-3, I-2 and J-1 and denied for tracts I-1, H-1, and H-2.

Received numerous A101s in the amount of \$1,072.00 to the credit of various funds.

Commissioner Jelinski met with Angie Grove of the Legislative Auditor's Office regarding JTPA.

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Bill Murdock spoke regarding a review of exemptions claimed on certificates of survey. Del Nose has claimed the security for construction financing exemption. Mr. Nose has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. State Capitol Employees Credit Union has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Mr. Murdock displayed a copy of the COS. This is located approximately 1½ miles northwest of Gallatin Gateway.

Jane Jelinski noted that the configuration of the remainder of the tract is strange. She questioned whether it would create a hardship for the applicant to have the entire tract included for financing purposes. Mr. Murdock stated that this would not be creating a tract, it would not be separate; however, in the event of default, they would lose the entire tract. Neither the applicant nor the surveyor were present today.

Jane Jelinski made a motion to table the decision on this request until next Tuesday, seconded by Ramon White, none voting nay. The motion carried.

- - - -

Wilbur Visser stated that the next item on the agenda was a decision on the request for preliminary plat approval of Mountain Flower Subdivision.

Jane Jelinski stated that the President of the Wildflower Subdivision Homeowners Association, Dave Sullivan, has telephoned her expressing the following concerns:



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The Association is asking that the Commission require that all access roads to the new subdivision be restored to their pre-construction condition at the developer's expense.

Also, they are requesting that the developer, and not the homeowners of Wildflower Subdivision, be required to pay for the connection of the cul de sacs between the subdivisions, that being on Bluebell Avenue.

Ramon White stated that he believed that it was the county's responsibility to extend the cul de sac from Wildflower to the border of Mountain Flower. The county allowed the subdivision to be filed prior to the roads being put in. He does not feel that it is the responsibility of the homeowners in Wildflower Subdivision or the responsibility of the developer of Mountain Flower.

Sam Gianfrancisco, Road Superintendent, stated that there were a couple of cul de sacs in the area of which he has been told that the county committed to constructing them when they were developed. He has not been able to find anything in writing to this effect.

Mike Salvagni stated that he would like to research the oral commitment that the county has made to construct the cul de sac.

Mary Kay Peck stated that she had looked at the plat for Wildflower Subdivision which was approved in 1979. The road plans were approved showing the cul de sac on Bluebell stopping exactly where it is shown today. It was shown as a temporary cul de sac stopping 100 feet short of the border of the subdivision. There is no written record of why it was done. The road has been dedicated to the public all the way to the border.

Jane Jelinski questioned if the county installed the connection, would it commit the county to maintaining the road?

Mike Salvagni stated that unless it is a petitioned for road, the county does not have the responsibility to maintain it. The road was not petitioned for, it was dedicated. Mr. Salvagni states that if the homeowners in Wildflower Subdivision are currently responsible for maintaining the roads, this extension would be included as well.

Dennis Foreman, representing the developer, stated that the developer would be happy to build the road through, as long as he would not be held liable for any damage.

Wilbur Visser entered the following letters into the record:

"April 17, 1986

To the Commissioners of Gallatin County:

I am writing to you with interest in the proposed development of Mountain Flower Subdivision. As a resident of Mountain View Estates, I appreciate the time and thought are giving to Mountain Flower because the combination of Mountain View, Wild Flower and Mountain Flower will eventually constitute an area with a population larger than the town I grew up in. I'm sure we will need more services that will require decisions from your office other than road maintenance and speed enforcement, your continued attention and interest in our growing pains will be deeply appreciated.

Please let me point out some topics that I feel need your immediate attention:

1. The area has proven its popularity and suitability for single family dwellings. With the possibility of future growth, several intersections on old Hwy. 10 will need to be widened to provide safer and easier access to the area. Such as we have seen in the Valley Unit intersection.

2. For most folks, Sackjawa Peak Drive will be the shortest and most direct route to the Hwy. It will need more maintenance and an enforceable speed limit or stop signs placed at intersections on that road. Just something to slow the traffic down. For your information, I have determined the following mileage readings:

- a. Painted Canyon and Nelson Road intersection to old Hwy. 10, 2.2 miles.
- b. Nelson Road to Sackjawa Peak on the highway, 1.2 miles.
- c. Sackjawa Peak to Painted Canyon from the highway, .9 miles.

The results as I see are that anyone going to Belgrade, which is the school district for the area, will use Sackjawa Peak. Anyone going to Bozeman will have to decide the most direct route for them and the easiest access to the highway, as the distance is virtually the same. All I ask is that you give the same consideration to Sackjawa Peak Drive as you do to Nelson Road. Maybe even more consideration is due since Sackjawa Peak runs through a residential area.

3. If it is true that Painted Canyon has to be connected for emergency travel, does that not constitute an emergency route and are there provisions set up by the County for such a route? Also, why is the cul de sac off Painted Canyon in Mountain Flower not going to be connected to the cul de sac in Wild Flower. I believe those residents deserve the same protection as Mountain Flower. However, connecting the two will also make Sackjawa Peak a more direct route for Wild Flower residents.

4. In the effort to eliminate 6 more years of construction traffic on Sackjawa Peak, it is my belief that consideration should be given to developing Mountain Flower in reverse order. Stage 3 become Stage 1 and vice versa. The upon completion of at least 90% of the building in the area connect the two subdivisions. This would alleviate the main concern of the residents that live and had to maintain Sackjawa Peak. Why would the residents of Mountain View have to pay for and put up with the construction traffic on Sackjawa Peak when there is an alternate route that's paved.

I anticipate your approval of Mountain Flower, as it does seem to be in the public interest and is a nicely planned living area. However, please give these points some deep consideration so that we can all live happily as neighbors and that the health and welfare of all can be improved instead of hindered.

Thank you for your time.

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/s/ Douglas Davis  
 601 Mountain View Drive  
 Bozeman, MT 59715"

"April 16, 1986  
 565 Coulee Drive  
 Bozeman, MT 59715

Gallatin County Commissioners

Dear Commissioners:

In regard to the issue of the Mountain Flower subdivision connecting with Mountain View via Painted Canyon Drive, I would like to submit an additional suggestion. If the developer relocated the northernmost park so that it met Painted Canyon at Mountain View then begin Painted Canyon on the other side of the park and continue east to Nelson Road, the subdivisions would still be connected, any emergency vehicle could gain access to Mountain Flower through the park and the traffic problems alleviated.

I hope you'll consider this as a possible solution to the problems faced by the residents of Mountain View.

Sincerely,

/s/ Deanna Bergman"

"April 17, 1986

Gallatin County Commissioners

Dear Commissioners:

In reviewing reported proceedings of the previous meeting concerning the proposed Mountain Flower Subdivision, and in advance of the April 22nd meeting on that proposal, I wish to urge the Commissioners close review of the concerns expressed by Mountain View subdivision residents on use of Sacajawea Peak Drive and Painted Canyon Drive as access for construction vehicles entering the proposed Mountain Flower tract.

The primary concerns are safety, health and maintenance costs:

**Safety.** Many children live and play along Sacajawea and Painted Canyon. The subdivision has erected signs (not a county responsibility we realize) to help slow traffic, both residential and commercial. Commercial vehicles virtually never reduce their speed within the subdivision. Greatly increased numbers of construction vehicles at unrestricted speeds present a clear safety hazard.

**Health.** The blowing dust from vehicles at unrestricted speeds is a very real health problem, creating and augmenting respiratory problems for both children and adults. Moreover, the dust permeates floors, carpeting and window fittings, degrading both the living in, and the economic value of the houses along these roads. This dust will always be at its worst during the dry summer months when construction is at its peak.

**Maintenance.** Heavy construction vehicles do cumulative damage to the surface, roadbed, banks and corners of roads, both paved and gravel. If the recommended barrier at the Painted Canyon entrance to the Mountain Flower tract is denied, and Mountain View roads are to be used by construction vehicles entering Mountain Flower, then Mountain View residents need to have a clear written agreement concerning restoration of Sacajawea and Painted Canyon; in my judgement, the familiar "satisfactory restoration" clause is insufficient insurance for Mountain View residents. Possibly better would be a statement of specific actions that would be taken (deep grading, banking, gravelling, etc.) by the Mountain Flower developer to insure proper restoration of these roads, with a schedule over the planned six years of Mountain Flower construction for this maintenance to proceed. Or perhaps Mountain View could have the maintenance work done as needed, and submit a bill to the Mountain Flower developer for a fair share.

A final question remains: Who would be responsible for enforcement of any agreements made about use and maintenance of Mountain View's roads, and how would that enforcement be met?

Thank you for your attention to these comments. I'm sure each of the Commissioners has by now been on the site to apprise herself or himself of the issues first hand, but any number of homeowners in Mountain View would be glad to have further on-site discussion.

Yours very truly,

/s/ Karen W. Porter"

Wilbur Visser stated that he would prefer that the road connecting Mountain Flower and Mountain View not be constructed until phase 3 of Mountain Flower. Jane Jelinski and Ramon White both agreed with this. Mr. White stated that he would like to have the developer put up a performance bond for the completion of the road if it would happen that phase 3 never came to be so that the county would have the availability of finishing this piece of road in the future. This is Painted Canyon Drive.

Mike Salvagni questioned whether there was a time limit on the developer for having to develop phase 3. Ramon White stated that the developer has stated in prior testimony that he intends to have two years for each phase and there are three phases.

Mike Salvagni stated that the intention was to prohibit any traffic traveling into Mountain View; therefore, the road should not be constructed prior to the completion of phase 3. He questioned what the time limit is on the completion of phase 3, and at what point the county would have the authority to take the bond money and develop the road.

Paul Kinshella stated that it is the developer's intention to file phase 1 within two years, phase 2 within the next two years, and phase 3 within the following two years, with all of the improvements installed. All of the improvements would have to be installed within this

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time frame or the developer would lose his preliminary approval.

Mike Salvagni pointed out that if this were to occur, and the Commission took the bond and constructed the road, if the developer would reapply for preliminary approval, the original intent of prohibiting construction traffic will not be accomplished.

Paul Kinshella suggested that a private road tract be created for this stretch of road. The road could be constructed with the barricade as proposed earlier to keep out the construction traffic. It is not a public road, therefore it is felt that it can be closed off. The road could then be dedicated to the public at such time as the County Commissioners request.

Ramon White states that he would be more agreeable to requiring a bond. The road would be a dedicated right of way, but it will not be built.

Mike Salvagni questioned whether access could be prohibited after a road has been dedicated to the public.

Karen Porter stated that she would like to see the extension of Painted Canyon occur at the end of phase 3, she notes that there are two other accesses to phase 3 besides Painted Canyon.

Mike Salvagni states that there is nothing in the statute that prohibits travel on a dedicated road even though it may not be constructed. When the Commission has accepted right of way for the public, it will be a dedicated road.

Paul Kinshella stated that in creating a private road tract, a statement of dedication would be prepared in dedicating this road to the public. This statement could be held in "escrow".

Don Brelsford, County Engineer, stated that the County Engineer and County Commission must act to eliminate encroachments on county right of way. Mr. Brelsford does not feel that this road should be dedicated to public use as a right of way. He suggests it be an emergency access easement, therefore, a barrier could be put up. In the event of phase 3 final approval, the developer could propose to have that changed to a public right of way.

Jane Jelinski suggested that there be a separate vote taken on each condition. The conditions were voted on as follows:

1. That plans for roads, drainage, culverts and placement of street signs be approved by the Gallatin County Road Department prior to installation of improvements and be accomplished prior to the final plat approval, and that the applicant will have a pre-construction meeting with the Gallatin County Road Department for the purpose of agreeing upon which road construction standards will be used for the construction of all roads within the subdivision.

Jane Jelinski made a motion to approve this condition, seconded by Ramon White, none voting nay. The motion carried.

2. This condition will be deleted.

3. That all construction traffic be directed onto Nelson Road and be prohibited from travel to the project site through the Mountain View Subdivisions.

Ramon White stated that he did not believe that the Commission had the right to prohibit any travel. Jane Jelinski stated that the Commission had received a memo from the County Subdivision Review Officer which cites Section 6D17 of the county subdivision regulations that allows this protection. The Commission may instruct the subdivider as to the streets to be used for access by construction equipment.

Ramon White made a motion to approve condition no. 3, which has been renumbered 2, seconded by Jane Jelinski, none voting nay. The motion carried.

3. That all necessary easements for utilities, water lines, and irrigation ditches be shown on the final plat.

Jane Jelinski made a motion to approve this condition, seconded by Ramon White, none voting nay. The motion carried.

4. That a \$35.00 per lot fee be paid by the developer to the Belgrade Rural Fire Department, prior to final approval.

Ramon White made a motion to approve this condition, seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White made a motion that condition no. 5, which was originally condition no. 6, be stricken from the conditions, seconded by Jane Jelinski.

Ramon White does not feel that the Commission should be in a position of requiring capital improvement funds for a fire district that is a taxing entity. Jane Jelinski felt that this condition was a timely and important statement that growth is not paying its own way. There are additional long term costs for all the taxpayers every time a major subdivision is approved. Ramon White stated that the other developers were not asked to contribute toward the cost of this fill point.

Commissioners White and Visser voted in favor of deleting the condition, Commissioner Jelinski voted against it. The motion carried, with two for and one against.

5. That the lots be kept in a weed free manner. That all disturbed vegetated cover on the subdivision road right of way, the access encroachment, and the driveway be revegetated according to the Gallatin County Weed Control Ordinances, and that the applicant be held responsible for such weed control compliance.

Jane Jelinski made a motion to approve this condition, seconded by Ramon White, none voting nay. The motion carried.

6. That the final plat conforms to uniform standards and be accompanied by necessary certificates including a certificate of approval from the Department of Health and Environmental Sciences.

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Ramon White made a motion to approve this condition, seconded by Jane Jelinski, none voting nay. The motion carried.

7. That the covenants be reviewed by the Gallatin County Attorney's Office prior to final approval and filed with the plat.

Ramon White made a motion to approve this condition, seconded by Jane Jelinski. Jane Jelinski made a motion to amend condition no. 7 as follows: That the covenants be reviewed by the Gallatin County Attorney's Office prior to final approval and filed with the plat, and that the covenants provide for maintenance of the roads by the homeowners association, seconded by Ramon White, none voting nay. The motion carried.

8. That there is the recommendation for a joint maintenance district between Mountain View, Wildflower and Mountain Flower Subdivisions.

Jane Jelinski made a motion to approve this condition.

Ramon White felt that this should be addressed as a joint maintenance RID district. Mr. White felt that the Commission should ask the developer to sign a waiver of protest for any future RIDs that may be created in the area. Mr. White suggested that the condition read as follows: That the developer of Mountain Flower Subdivision sign a waiver of protest for any future road rural improvement district. Mr. White made this suggestion in the form of a motion, seconded by Jane Jelinski.

Jane Jelinski stated that this motion would be moot if the Commission would require the developer to pave the interior roads.

Chairman Visser asked for the question on Mr. White's motion, all voting aye. The motion carried.

9. That all roads and streets used by construction vehicles in the vicinity of the project be returned to their original condition and state of repair by the developer at the termination of the construction phases of the project.

Jane Jelinski made a motion to approve this condition, seconded by Ramon White, none voting nay. The motion carried.

10. That all permanent cul de sac type roads have an improved surface (either gravel or paved) to facilitate the turning of fire fighting vehicles of not less than 50 feet in radius.

Jane Jelinski made a motion that condition no. 10 read as follows: That all permanent cul de sac type roads have an improved paved surface to facilitate the turning of fire fighting vehicles of not less than 50 feet in radius. Mrs. Jelinski amended her motion to read: That all interior roads of the subdivision be paved to county standards, seconded by Wilbur Visser.

Wilbur Visser stated that in phase 1 there are two roads that go into phase 2 with cul de sacs and also on Bluebell Road there is a temporary cul de sac. Mr. Visser would not require that these temporary cul de sacs be paved.

Jane Jelinski withdrew her motion and made a motion as follows: That all interior roads be paved to county standards and that the temporary cul de sacs may be in gravel, seconded by Wilbur Visser.

Ramon White questioned why the Commission was requiring paving without reviewing the current subdivision regulations. This is setting a precedent of paving in rural developments. The opportunity of RID financing has been taken away from the developer. This subdivision could sit unsold for many years and the roads would deteriorate due to non-use. There is also the question of who will maintain the roads and this would not give the homeowners an opportunity for long term financing for maintenance as in the case of an RID.

Wilbur Visser stated that this is a way of addressing the dust problem in the area. Ramon White felt that dust control could be a problem that could be addressed by the homeowners through the creation of an RID for paving or other measures to control dust.

Jane Jelinski stated that the concerns she has heard are related to dust problems and maintenance problems with gravel roads. It also puts a burden on the county road department in terms of maintaining the roads.

Chairman Visser called for the question on Ms. Jelinski's motion, Commissioners Visser and Jelinski voting aye, Commissioner White voting nay. The motion carried, with two for and one against.

11. That Bluebell Avenue be connected to the cul de sac in Wildflower Subdivision.

Jane Jelinski made a motion to approve this condition, seconded by Ramon White, none voting nay. The motion carried.

12. That the extension of Painted Canyon Road between Bluebell and Sacajawea will be an emergency access easement during phases 1 and 2, and that prior to the completion of phase 3, the link will be dedicated as a public road and will be constructed at the completion of phase 3. Further, that a bond for 120% of the cost of that construction will be posted prior to construction of phase 1.

Jane Jelinski made a motion to approve this condition, seconded by Ramon White, none voting nay. The motion carried.

Jane Jelinski made a motion to approve the subdivision with all of the conditions as approved, seconded by Ramon White, Commissioners Visser and Jelinski voting aye, Commissioner White voting nay. The motion carried, with two for and one against.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for preliminary plat approval for Pine Butte Trails Subdivision. This has been noticed as a public hearing and notice has been sent to the adjacent land owners. Ms. Peck entered her staff report into the record.

Jay Scott has made application for consideration of the preliminary plat of phase 1 of Pine Butte Trails Subdivision. This is a 60 acre phase located along State Highway 84 (Norris Road) to the south and bordering Pine Butte Road to the east. Phase 1 will consist of approximately 85 one-half acre lots, paved streets, central water and propane gas heating supply and individual sewer systems.

Ms. Peck displayed a proposed preliminary plat of the subdivision and also a proposed Master Plan of the subdivision.

The subdivision is proposed to be developed in an unspecified number of phases. Upon completion, the development would consist of 392 lots. The master plan shows tennis courts, ball fields, a tot lot, riding trails, and a private equestrian area for future phases. 7,250 lineal feet of subdivision roads would be dedicated to the public. The roads would be built to county standards for paved roads and would be maintained by the homeowners association. Another consideration with regard to the roads is that Pine Butte Road, which is a county road, is only eighteen feet wide and is misaligned within the sixty foot right of way. It is located close to an existing fence along the western right of way, which makes snow removal difficult. Pine Butte Road presents a maintenance problem because it frequently drifts closed in the winter. Maintenance of the road is not currently a high priority for the road office because only one family lives on the road. Sam Gianfrancisco, Road Superintendent, projects that maintenance will increase greatly with the increase in population this subdivision. Mr. Gianfrancisco has stated that the concerns of snow plowing and maintenance could be mitigated by realigning and widening Pine Butte Road. In the past, it has been the Commission's policy not to require improvements to county roads to be constructed by developers. The Commission would need to consider what the costs would be to install the improvements. Lots 1 through 8 are adjacent to Pine Butte Road and will not access the road directly. The developer has proposed a one foot wide no access easement to run along the western boundary of these lots. The policy of the county has been to require a no access statement on the plat, rather than an easement.

Lot 87 fronts on Pine Butte Road and would require an encroachment permit. This lot would be used for a storage facility for the propane gas tank which will be used to heat the homes in the subdivision. It is critical that access be provided to this lot at all times.

A final area of concern regarding the roads is the impact on the state highway. Two access points to Norris Road are proposed. The first would be where Pine Butte Road intersects, and the second would be a boulevard which would also intersect Norris Road. The location and the design of the access of the boulevard with Norris Road must be approved by the State Highway Department. The highway department has expressed concern about the turning lanes being installed at both intersections. Because it is not the Commission's policy to require off-site improvements, they would again need to consider what the costs would be for the improvements. At full development, peak traffic from the subdivision is projected to be 634 vehicles; traffic capacity of 649 vehicles on Norris Road is the design level at which new construction is required.

The proposed main entrance to the subdivision is via a boulevard. There are no design criteria in the subdivision regulations for a boulevard. The plans submitted by the developer would have to be approved by the County Road Office. This would be fifteen feet of paved road and in the middle would be a twenty foot wide boulevard. The Commission needs to consider what will be done with the twenty foot wide strip in the middle.

Total park area is 7.05 acres, which exceeds the required dedication. The majority of the park land is a 6.93 steeply sloping parcel. This would be suitable for limited types of recreation. Ms. Peck submitted photographs of the proposed park area. Later phases of the development do include active recreation areas. The remainder of the park area is in ten foot wide pathways which are located between lots. If not clearly delineated, users of the pathways could wander onto adjacent lots. Maintenance of the pathways would be assigned to the homeowners' association.

The County subdivision regulations provide that lot design using irregular shapes and narrow necks should be discouraged. This is to insure that satisfactory building sites are available and that the lots can meet the requirements of the State Department of Health. There are a number of lots that have been designed with narrow necks between 30 and 60 feet.

The County Weed Control Officer had the following suggestions in reviewing the subdivision: A change to the covenants to require that county declared noxious weeds be controlled. That the homeowners association be responsible for maintaining the road right of way and controlling weeds.

In a review of the covenants, there were four items noted. First, the covenants specify that driveways be required to be ten feet wide, with a 15 inch diameter culvert. The subdivision regulations require that driveways be a minimum of fourteen feet wide. Second, there is no clear statement as to whether there will be a separate association for each phase or one association for the entire development. To avoid future disagreements, it is recommended that a single association be considered. Third, Articles of Incorporation for the homeowners' association were not submitted for review. Fourth, the statement in the environmental impact statement requiring that each lot owner that borders an agricultural fence maintain their share of the fence is not included in the covenants.

The High Line Canal is located adjacent to the southern boundary of phase 1 and meanders through two other places of the master planned development. Ms. Peck states that she has received a letter from the canal company addressing their concerns. This letter will be entered into the record.

The developer has proposed a twenty foot riding trail easement adjacent to the maintenance easement for the canal. This appears to increase possible safety hazards. A possible mitigation measure would be to require that the canal be fenced.

There are two existing buried irrigation pipes shown on the plat. One pipe is to be removed,

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the other pipe is still in use and has a twenty foot maintenance easement. The easement should be drawn on the final plat and additional setback requirements for lots 60-63 should be noted in the covenants, to avoid encroachment on the easement. The pipe that is proposed to be removed would need to have some legal documentation showing that it has been abandoned submitted to the county and would need to be removed prior to final approval.

Individual septic systems are proposed. All other utilities would be centralized. Ownership of the central water system will be retained by the developer. The Road Superintendent has expressed a concern that the water delivery system is located in the roadway; however, this would not be a problem if all of the connections were stubbed out to the lots. The developer has proposed that all utilities will be installed underground.

A central propane gas heating system is proposed with ownership by the developer. According to the Public Service Commission, this system must be registered as a utility and comply with PSC and federal regulations.

Lot 87 is proposed as the site for the gas storage tank. Setback regulations should be delineated on the plat. Because the subdivision is located on top of a prominent hill, the storage tank will be visible for a significant distance. This could be mitigated by having the tank screened. It is estimated that to service this many homes, the tank would be the size of a gas car on a freight train.

The developer also proposes to install a cable television system which he will install and own. The FCC would have jurisdiction over this utility, but would not be required to be licensed.

There is one existing house on lot 73. The county health department has given a permit for the septic system. It is currently on a twenty acre lot. If the subdivision is approved, the septic tank will be on a different lot. The State Department of Health would have to make an acceptable arrangement with regard to this septic system.

Ms. Peck offered the following criteria in assessing the public interest:

**Basis of Need:** The Commission may want to consider where they feel growth should occur and the cumulative impact of approval of this subdivision. At full development, this subdivision would house a minimum of 1,100 people in a somewhat urban type atmosphere.

**Public Opinion:** Notice was printed and surrounding property owners were notified.

**Agriculture:** Ronald Nadwornick, District Conservationist of the Soil Conservation Service has submitted a letter which will be entered into the record. At full development, 640 acres of farmland would be removed from production. Surrounding land uses in the area are agriculture.

**Effects on Local Services:** The Gallatin County Sheriff has stated that providing protection to the subdivision would require a minimum of one additional officer and one additional vehicle. Chief of the Gallatin Gateway Fire Department noted that the subdivision would present problems in terms of response time and access to a water supply. Chief Hargrove suggests either fill points from the High Line Ditch, or a fire hydrant system be required.

Gary Griffith of the Bozeman Public Schools stated that at full development the subdivision would generate approximately 11 students per grade. Over a short period of time this would have a significant impact on school district #7. The busing system can provide transportation from the subdivision. Few problems with access would be anticipated.

**Effects on Taxation:** The County Assessor has estimated that phase 1 would generate \$66,437.70 in taxation.

**Effects on Natural Environment:** The change from farmland to subdivision lots is a significant land use change. Stormwater runoff from the site may increase. Groundwater is at approximately 80-100 feet below the ground surface and should be adequately protected.

**Effects on Wildlife and Wildlife Habitat:** There are no critical wildlife areas on the site.

**Effects on Public Health and Safety:** Safety concerns resulting from increased traffic on Pine Butte and Norris Roads, the proximity of the High Line Ditch, and the location of the propane gas storage tank should be considered.

Ms. Peck submitted the following conditions for preliminary approval:

1. Road, boulevard, drainage, lot access, and street sign plans shall be reviewed and approved by the Gallatin County Road Office. All roads within phase 1 shall be paved according to the standards in the Gallatin County Subdivision Regulations. Plans for the entrance boulevard shall be reviewed and approved by the Road Office. All improvements shall be installed prior to final approval. Prior to the installation of road improvements, the contractor shall meet with the Gallatin County Road Office.

2. The covenants shall contain the following provisions:

a. Maintenance of the roads shall be the responsibility of the homeowners' association.

b. Maintenance of the park pathways shall be the responsibility of the homeowners' association.

c. The owner of each tract shall control all county declared noxious weeds on his lot. The homeowners' association shall be responsible for the control of county declared noxious weeds in the road right of way.

d. Driveway standards shall be in conformance with Gallatin County Subdivision Regulations for lot access.

e. As additional subdivision phases are developed, the membership in the homeowners' association shall include future phases.

f. Each lot owner bordering an agricultural fence shall be responsible for maintaining their share of the fence.

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g. Setback requirements for lots 49, 50, 60-63, 67 shall be shown due to the existing underground irrigation pipe.

3. That a no access statement to Pine Butte Road for lots 1 through 8 be noted on the final plat.

4. An encroachment permit for lot 87 shall be obtained from the County Road Office.

5. An encroachment permit shall be obtained for the boulevard from the State Highway Dept. Plans for the intersection of the boulevard and the Norris Road shall be submitted to the Highway Dept. for review and approval and shall include turning lanes. That the improvements shall be installed prior to final approval.

6. Park pathways shall be paved prior to final approval. Plans for the pavement shall be submitted to the County Road Office for approval prior to installation.

7. Lots 9, 10, 11, 28, 29, 30, 47, 48, 49, 50, 65, 66, 67, 68, 80 and 81 shall be redesigned to conform with the design criteria of the subdivision regulations.

8. Articles of Incorporation for the homeowners' association shall be submitted to the Subdivision Review Office for review and approval.

9. That portion of the High Line Ditch adjacent to phase 1 shall be fenced prior to final approval. The fence shall be constructed in a manner to prohibit access to the ditch and shall be unclimbable. The plans for the fence shall be submitted to the ditch company and subdivision review office for review and approval prior to installation.

10. The 100 foot setback from the High Line Ditch for septic systems shall be shown on the final plat.

11. The irrigation pipe noted on the preliminary plat for removal shall be removed and the disturbed ground shall be revegetated prior to final approval. Documents for abandonment of the underground pipe shall be in a legal form, shall be submitted to the Gallatin County Attorney's Office for review and approval and shall be recorded at the office of the Gallatin County Clerk and Recorder.

12. The twenty foot maintenance easement and setback requirements for the existing underground irrigation pipe shall be shown on the final plat.

13. All water system connections to individual lots shall be installed prior to final approval.

14. Copies of registration as a private propane gas delivery utility shall be submitted to the subdivision review office. Public Service Commission setback regulations for the propane storage tank shall be noted on the final plat. Plans for screening the storage tank shall be submitted to the subdivision review office for review and approval. Screening shall be installed prior to final approval.

The Commission may want to add that all utilities be installed underground prior to final approval.

15. A \$35.00 per lot fee be paid to the Gallatin Gateway Fire Department to cover the initial cost of fire protection. Plans for a fire hydrant system shall be submitted to the Gallatin Gateway Fire Department for review and approval. Fire hydrants shall be installed prior to final approval.

16. Approval of the subdivision shall be obtained from the State Department of Health prior to final approval.

17. The final plat shall conform to the Uniform Standards for final subdivision plats and be accompanied by the required certificates.

Paul Kinshella spoke on behalf of the developer. With regard to condition no. 5, they would request that the reference to turn lanes be deleted as far as a county condition and allow the developer to work with the State on this requirement. Mr. Kinshella states that the primary purpose of the pathways is to provide an access to the riding paths. Paving the pathways would limit the use of the pathway. They would request an alternative to delineate the pathway. In lieu of a fill point or fire hydrants, the developer requests that he be allowed to install stand pipes along the main water line. Stand pipes could be installed at a lesser expense to the developer. The pipes could be set up with pressure. With regard to the irregularly shaped lots, perk tests have been done on the lots so the developer is aware of the size that the drain fields must be. Layouts have been prepared with house location, drain field, and replacement area. It is felt that the area is adequate, even with the 100 foot setback from the irrigation ditch. This layout has not been reviewed by the Department of Health.

Jane Jelinski asked why the subdivision was designed with such density.

Paul Kinshella stated that the developer wished to keep the greater density closer to the road. He explained that in order for the developer to recoup some of the costs of installing a central water system, there had to be an area of greater density.

Jay Scott, the developer, stated that if residents of the area felt a need to be protected from the ditch, they could provide their own fencing, and if the developer were required to fence the canal as well, this would be a duplication. He does not feel that a fence would keep children away from the canal.

Mary Kay Peck read the following letter into the record:

"April 11, 1986

Gallatin County Subdivision Review Office

Re: Pine Butte Trails Subdivision

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High Line Ditch Company has referred to this office your letter dated March 31, 1986 asking that written comments of the environmental assessment, community impact statement and preliminary plat for phase 1 of the Pine Butte Trails be submitted.

From data furnished to this office as concerns the above, it is evident that there will be a dramatic increase in the flow of people and housing development activity in and about High Line Ditch Company's irrigation water right-of-way easement which crosses the proposed subdivision property.

The purpose of this letter is to apprise you that High Line Ditch Company requests that your plan encompass every reasonable step be taken in the development of this project to insure the safety of children and others in and about the area of the ditch company's easement.

The High Line Ditch Company is particularly concerned that there be no hidden peril or trap for the unwary as concerns the development and activity in this proposed subdivision.

We call your attention to a recent Montana case, Limberhand v. Big Ditch Company, 42 St.Rep. 1460, wherein the Montana Supreme Court has set forth the area of liability exposure as follows:

"...The owner or user of an artificial stream or body of water having natural characteristics is bound to no special duty of care or precaution for the protection of children who may enter therein, unless there is in or about the artificial stream or body of water some peculiar danger, in the nature of a hidden peril or trap for the unwary, of which the owner or user has or ought to have notice. The doctrine of attractive nuisance as such does not apply to such artificial streams or bodies of water any more than it applies to natural streams or bodies of water."

If you have any inquiry as concerns the input of the High Line Ditch Company, please advise.

Respectfully submitted,

Yours truly,

/s/ Donald A. Nash"

Bob Ward, a property owner on the ditch below the proposed subdivision, stated that he is not in favor of the subdivision unless certain things can be assured. Mr. Ward states that he is unsure whether or not the old pipeline has been pulled out. Mr. Ward questioned how it would be handled if any breaks occurred in the line due to construction. This is especially critical during the growing season when the users are depending on the water. Mr. Ward states that he agrees with the developer in that fencing a canal causes problems in fencing children in. Mr. Ward states that the High Line Canal moves a lot of water and the banks are very steep. Trash being blown into the canal would also be a problem with the density that is proposed for the area. Mr. Ward is also concerned with the utilities being underground in the event a broken piece of pipe would have to be repaired. Mr. Ward is also concerned with the status of the water rights on the property.

Dan Dunn, who owns a farm in the area of the proposed subdivision, expressed a concern with traffic in the area that would be created by the density of the subdivision. He is also concerned with the groundwater wells and the impact it would have on his well.

Mrs. William Penrod, a resident on Pine Butte Road, expressed a concern with the water supply.

Peter Anderson stated that the area is prime farm land and he would like to see it remain farm land. Mr. Anderson owns a farm in the area.

Jay Scott stated that the old pipe had been removed. Mr. Scott stated that the riding trails were strictly to be used for foot traffic, no motorized vehicles will be allowed on the trails. Mr. Scott stated that as the developer, he will not allow motorized traffic on the canal right of way or residents throwing trash into the canal. He states that he will sign a complaint with the sheriff to prevent this type of activity.

Jane Jelinski asked Mr. Scott if he thought it was feasible that he would sell the lots in the proposed subdivision within a couple of years.

Jay Scott stated that his subdivision would be desirable and he feels that pavement, parks, and open spaces, and other amenities do sell lots.

Jane Jelinski expressed a concern that the density of the lots would be an impediment to the adjacent agricultural operations.

Mike Salvagni states that with regard to Mr. Scott's remarks on not allowing motorized vehicles or trash on the property being included in the covenants, Mr. Salvagni would like Mr. Scott to be aware that it is not the function of the County Attorney's Office to enforce covenants. Mr. Salvagni states that neither the Sheriff's Office nor the County Attorney's Office will get involved in the enforcement of the covenants. Mr. Salvagni suggests that Mr. Scott look into Montana law.

Bob Ward asked with regard to the fencing if it were not required at this time, could it be required at a later date if it were felt to be needed?

Ramon White stated that this condition could only be imposed at the preliminary phases.

Wilbur Visser closed the meeting to public comment at this time.

Ramon White made a motion for a recess because of the time of day.

Wilbur Visser stated that this would be continued at next Tuesday's public meeting.

Jane Jelinski made a motion to renew the water use agreement with William Tietz for water in the Middle Creek Water Users Association, same terms as last year, seconded by Ramon White, none voting nay. The motion carried.



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There being no further business, the meeting adjourned at 5:00 P.M.

ATTEST:

Clerk



APPROVED:

Chairman



PUBLIC MEETING TUESDAY, THE 29TH DAY OF APRIL, 1986 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of April 22, 1986 as written, seconded by Ramon White, none voting nay. The motion carried.

## ANNOUNCEMENTS

April 22, 1986

Held Department Head staff meeting.

Commissioner Jelinski attended the Certified Cities meeting.

April 23, 1986

Commissioner Visser gave the welcome address to the Road Superintendents Convention held at the Holiday Inn.

Commissioners met with Council on Aging representatives regarding their budget.

Commissioners met with Gary Pringle regarding personnel changes in his office.

April 24, 1986

Commissioners met with representatives of Job Service and Personnel Officer Kathy Nowierski regarding the services the Job Service can provide to the county with regard to hiring and recruitment of personnel.

Commissioner Jelinski attended the Alcohol Services meeting.

Commissioner Jelinski judged the rural schools declamation contest.

April 25, 1986

Commissioners met with Printer Alyce Hager regarding her work schedule.

Commissioners met with Don Stanfield regarding updating of the county's computer system.

Commissioner Visser and Sanitarian Emery Nelson viewed the water and sewer system at Hebgen Lake Estates.

April 28, 1986

Commissioner Jelinski attended the Weed Board meeting.

Commissioners met with Sheriff Ron Cutting and Undersheriff Dave Dunn. Commissioners signed a contract with the USFS for law enforcement in campgrounds.

Commissioners met with Scott Bell, Ray Tocci, and Tom Anacker regarding land acquisition for the Three Forks Airport.

Bridger Canyon Zoning Commission met and approved a transfer of development rights through the PUD process for Tim and Emily Swanson.

Bridger Canyon Zoning Commission met and approved a conditional use permit for Donald Weaver to build a caretaker's residence on a 68 acre tract.

Commissioner Visser attended the Manhattan Rural Fire District Board meeting.

Received the following list of new employees:

Jill Barbisan, Nurses Aide, Rest Home, \$5.05/hr, 3/21/86.  
Mikie Arnson, Nurses Aide, Rest Home, \$5.05/hr., 3/22/86.  
Penny Doig, Temporary Court Reporter, \$100.00/day, 3/24/86.  
Ted Fiscus, Weed Crew, \$5.94/hr., 4/8/86.  
Mae Schaff, Nurses Aide, Rest Home, \$5.05/hr., 4/3/86.  
Lori Liston, R.N., Rest Home, \$8.52/hr., 3/22/86.  
Gary Welsand, Deputy Sheriff, \$1,496.26/mo., 4/14/86.  
Debbie Frauson, Dispatcher, Sheriff's Dept., \$915.65/mo., 4/17/86.  
Julie Ligtenberg, Detention Officer, Sheriff's Dept., \$915.65/mo., 4/28/86.

Received numerous A101s in the amount of \$1,008.46 to the credit of various funds.

Sue Ann Tack, Justice Clerk in the Justice of the Peace Court, read the following letter:

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"I regret I cannot be personally present to present this issue to you, but I am in a jury trial today. My Chief Clerk, Sue Ann Tack, is appearing before you in my behalf in the event you have questions regarding this request. As I previously advised you in writing on April 11, 1986, we have exhausted all money earmarked for jury and witness fees under the designated fund number 1000 211 4103 410340 395. Presently, we have nineteen criminal jury trials and forty-one criminal bench trials scheduled from now until the end of the fiscal year, June 30th. Experience would dictate that not all of these trials will go for various reasons, but a significant percentage of these cases will be heard.

I regret having to petition the Commissioners for funds to pay jurors and witnesses at this time; however, pursuant to subsection 3-15-203, and 26-2-503, MCA 1985, payment of jurors and witnesses are mandated by law.

Rather than a specific amount, I would suggest the Commission appropriate money as needed for jury and witness fees. I have no specific amount to suggest.

Thank you for your consideration.

/s/ Justice of the Peace H. P. "Butch" Goan"

Ms. Tack estimates that there have been approximately fifteen jury trials this year. \$5,000 was appropriated for jury and witness fees.

Jane Jelinski stated that the Commission would be unable to appropriate these funds at the meeting today because they will need to go back to the budget and find the funds from which to appropriate this request for additional funds.

Wilbur Visser stated that the Commission would have to pass a Resolution appropriating these funds. Tom Anacker stated that there would have to be a calculation made of the amount of money that is anticipated to be needed.

Wilbur Visser stated that the Resolution would be passed at next week's meeting to appropriate the additional funds needed.

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Bill Murdock, spoke regarding the exemption claimed by Del Nose. Action was tabled on this request at last week's public meeting. Mr. Murdock states that mortgage parcels are excluded from survey, sanitary regulation, and subdivision review requirements. Therefore, the design criteria for subdivision review put forth in section 6 of the county regulations, don't apply. Factors such as irregular lot shape and access may be evaluated, but only if an intent to evade has been determined. Based on the information submitted, the Commission needs to determine if there is an intent to evade the act, or if this is a proper use of the exemption.

Jane Jelinski stated that her concerns last week about the configuration of the remainder are outside the parameters allowed for review of a certificate of exemption.

Jane Jelinski made a motion to grant the exemption for Del Nose, seconded by Ramon White, none voting nay. The motion carried.

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Bill Murdock spoke regarding a request for summary review approval of Paffhausen Minor Subdivision. This is a proposed two lot minor subdivision, located north and west of the intersection of Gee-Norman and Springhill Community Roads, about ten miles north of Bozeman. It would be divided into two lots, one being 9.079 acres, and one being 5.001 acres. Mr. Murdock displayed a plat of the proposed subdivision.

The proposed subdivision appears to meet the criteria for summary review. Access will be provided by proposed encroachments on Springhill and Gee-Norman Roads. Both roads are county roads, and appear to meet width requirements; however, the sections bordering the proposed subdivision have not been dedicated to the public.

Approval of the access points is the responsibility of the county road office. Mountain Bell has a twenty foot utility easement along Gee-Norman and Springhill Community Roads. Several shallow irrigation ditches traverse the property. The county health department requires 100 foot setbacks from such ditches for septic drainfields. The health department has indicated the area's groundwater table is sufficiently deep for septic tank requirements. The adjacent tracts which are unsubdivided appear to have reasonable access via Gee-Norman and Springhill Community Roads.

The subdivision is surrounded by mostly pasture and farmland but do not appear incompatible with this two lot subdivision.

There is a concern about the status of the public rights of way on the adjacent Gee-Norman and Springhill Community Roads. A 1979 plat erroneously dedicated this to the county. Currently, the "L" shaped road tract exists. The subdivider holds title to the entire road tract, which would have to be dedicated.

The county weed supervisor has asked that the issue of noxious weeds be addressed in the covenants. Effects on the natural environment should be slight. Effects on wildlife will be negligible. 15 acres will be removed from pasture. Public health and safety will be minimally affected. Additional tax revenues will accrue, demands on local services will increase slightly. Public hearing is waived, there has been no expressed public opinion.

The following conditions are suggested as a part of summary review approval:

1. That approval of the subdivision be approved by the State Department of Health and Environmental Sciences prior to final approval. That county health department setback requirements for septic drainfields from irrigation ditch easements be met.

Mr. Murdock pointed out that if the ditch easements are no longer in use, the county may consider deleting this requirement. This would be up to the subdivider to provide evidence that they are no longer in use.

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2. That all utility easements be shown on the final plat, including a 20 foot maintenance easement for the existing irrigation ditches which traverse the subdivision.
3. That accesses be located according to the County Road Office recommendation, and that a copy of an encroachment permit for these accesses be submitted to the Subdivision Review Office prior to final approval.
4. That the designated accesses be constructed to County encroachment standards prior to final approval.
5. That the 1.358 road tract be dedicated to the public.
6. That cash-in-lieu of parkland dedication be donated prior to final approval and that the developer provide an appraisal of the fair market value of the unsubdivided, unimproved property to determine the amount of payment.
7. That copies of covenants and Homeowner's Association Articles be submitted for review and approval, and that the Articles state that individual owners are required to control county declared noxious weeds on their lots.
8. That the final plat conform to the Uniform Standards for Final Subdivision Plats and be accompanied by the required certificates.

Mike Foley, representing Mr. Paffhausen, stated that he disagrees with a couple of conditions. All of the ditches are strictly feeder ditches and will be shown that they are closed before final plat approval. Mr. Foley states that with regard to cash-in-lieu parkland dedication, there is only one tract now, and the statute states that when only one additional tract is created, no cash-in-lieu or parkland need be dedicated.

Bill Murdock stated that the subdivision was outside of any fire district and had no fire protection.

Ramon White made a motion that approval be given to the Paffhausen Minor Subdivision with all of the staff recommendations and conditions except for the deletion of condition no. 6 as it pertains to parkland dedication, and also modifying condition no. 1, unless it can be demonstrated that the ditches are no longer in use, and also modifying the maintenance easement on condition no. 2. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser stated that this was the time for continuation of a request for preliminary plat approval for Pine Butte Trails Subdivision.

Ramon White made a motion that the public portion of the hearing be opened again, seconded by Jane Jelinski, none voting nay. The motion carried.

Richard Conover, who lives adjacent to the proposed subdivision, expressed his concerns regarding the proposal. With regard to need, there are a number of homes on the market, as well as residential lots. Mr. Conover stated that it was his understanding that there were going to be hearings held regarding some wells that are proposed to be drilled. There is a concern that the deep wells will affect others in the area. Mr. Conover also expressed a concern with waste disposal, transportation, dogs (with regard to sheep), and the taking away of agricultural land. Mr. Conover does not feel that there is a need for future subdivision development in the area.

Mary Kay Peck, Subdivision Review Officer, read the following letter into the record:

"April 23, 1986

Re: Pine Butte Trails Subdivision

The preliminary plat and related information submitted pertaining to sewage disposal, water supply, solid waste disposal and storm drainage has been reviewed by this Department. Our comments concerning each of these areas are as follows:

1. Sewage Disposal: The Amsterdam silt loam soil appears to be suitable for on-site sewage treatment absorption systems. The lots next to the irrigation canal should be investigated for seasonal high groundwater problems and the drainage area which is primarily park land must be avoided for drainfield sites. Further comments cannot be made until on-site soil tests are accomplished.
2. Water Supply: Test wells indicate an adequate central water supply system can be developed.
3. Solid Waste Disposal: Adequate landfill facilities are available and private collection is also available.
4. Storm Drainage: No significant problems are apparent. A detailed storm drainage plan outlining the ultimate destination and treatment, if necessary, or stormwater runoff will be necessary.

Since this is only a preliminary review, the comments are for information only and no final decision on acceptability of any portion of this subdivision can be made until a formal submittal with all the related data is received by this Department.

Thank you for the opportunity to comment.

/s/ James C. McCauley, P.E."

Dave Pruitt, a resident of the Four Corners area, expressed a concern with school overcrowding. He requested that he be able to see a copy of the impact statement that was received from school district no. 7.

Sam Gianfrancisco, Road Superintendent, spoke on behalf of the State Highway Department.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 29th DAY OF APRIL 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
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The addition of this proposed subdivision will push Norris Road almost to the limit of what it was designed for. The Highway Department has nothing in their priority to upgrade that portion of the road. The Highway Department is also concerned with the turn out bays being installed at both Pine Butte and the main access. Mr. Gianfrancisco expressed a concern with Pine Butte Road, which is a county road. The road department would like to realign the road to facilitate snow removal and maintenance. He feels that there will be increased traffic due to the subdivision. He presented some cost estimates to realign the road.

Mike Ward stated that he was unclear as to the Commission's criteria for determining need for a subdivision.

Paul Kinshella stated that with regard to Norris Road being at capacity, this would be when the Master Plan would be at full build-out. At the present time, they are seeking only approval of phase one. Mr. Kinshella does not feel that persons will travel on Pine Butte Road since the boulevard is paved all the way to Norris Road.

Dave Pruitt stated that this subdivision would result in the addition of one school bus in addition to the one that is already running in the area.

Wilbur Visser closed the hearing to public comment.

Jane Jelinski stated that in the instance of this subdivision, there are numerous problems that fail to satisfactorily meet the public interest criteria. She cites the following examples:

The distance from any current development is not in the public interest and has a great cumulative impact on existing services. The expense to the county in terms of providing adequate access and maintenance of roads is excessive. The configuration of many of the lots is contrary to the health, safety, and welfare of the residents. The effects on agriculture would be detrimental, as the soils are of a high quality and there are on-going adjacent agricultural activities that would be jeopardized. The effects on local services as pointed out by the sheriff's dept., and the school district. There is no adequate provision for fire protection. The effects on taxation would not even begin to cover the increased costs of law enforcement and road maintenance and construction. The Commission has no clear policy of determining need. There are also additional concerns regarding water and the irrigation pipes.

Ramon White stated that his concerns somewhat paralleled Mrs. Jelinski's. He does not feel that the design is adequate. He does not feel that an irrigation easement should go through the middle of lots, they should be set on lot lines. Mr. White does not feel that the park dedication area is adequate for multiple types of recreational uses. Pine Butte Road is not adequate to carry any kind of subdivision traffic. It is a county road and the county does not have the funds to properly maintain it at this time. Mr. White is also concerned with the type of propane storage that would be on site. Some people may want to use other types of heating. Mr. White noted that he did not see any well locations indicated on the plat. He is also concerned with the canal running through the subdivision, it needs to be protected from the subdivision. He pointed out that some of the lot designs on the cul de sacs do not comply with subdivision regulations.

Wilbur Visser agreed that the lot design was not proper. He also expressed a concern with the ditch. Mr. Visser also stated that he would like to see the well locations on the plat.

Jane Jelinski made a motion to deny the application for preliminary plat approval for Pine Butte Trails Subdivision, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding proposed changes to the county's RID policy. Ms. Peck submitted a report to the Commission with her suggested changes to the policy. These are based on some changes to the state legislation, some suggestions from the Commission, and discussions with county officials and staff members.

Ms. Peck submitted her report at which time there was discussion and suggestions from the Board, as well as Jim Dobrowski and Paul Kinshella.

The Commission will not take action on the proposed changes today. They will have further discussion and possible action on the items discussed today in two weeks at their public meeting.

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Jane Jelinski made a motion to approve the contract with the Department of Natural Resources and Conservation regarding the bear-proof refuse containers.

Bob Ward requested that this would meet Larry Moore's present equipment. Wilbur Visser stated that it was included in the contract and Mr. Moore has approved it. Mr. Ward requested a copy of the contract be sent to him.

Mrs. Jelinski's motion was seconded by Ramon White, none voting nay. The motion carried.

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Ramon White made a motion to appoint Jim Soares to the Belgrade Rural Fire District Board, to fulfill a term until the next regularly scheduled election of board trustees, seconded by Jane Jelinski, none voting nay. The motion carried.

- - - -

ATTEST:

*Gary H. Dingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

- - - -

TUESDAY

THE

6th

DAY OF

MAY

86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioner Jane Jelinski, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of April 29, 1986 as written, seconded by Wilbur Visser, none voting nay. The motion carried.

## ANNOUNCEMENTS

April 29, 1986

Commissioners met with County Surveyor Don Brelsford regarding Shedd's Bridge.

Commissioner Visser attended the Fairgrounds Development meeting.

April 30, 1986

Commissioners heard testimony in the grievance that was filed by Jack Joyner. Duane Johnson of Management Associates acted as Hearings Officer.

Commissioners Jelinski and White attended the Fire Council meeting.

Commissioner Visser attended the Fair Board preliminary budget meeting.

May 1, 1986

Commissioners met with Eddie Buresch of Johnson Controls regarding the heating system at the Law and Justice Center and renewal of the maintenance contract with Johnson Controls

Received report from the Clerk and Recorder's Office showing the items of fees and other collections made during the month of April in the amount of \$16,624.51.

Commissioners met with Rest Home Administrator Jim Sapdy and were updated on the Rest Home operation.

Commissioners met regarding the hiring of a Finance Officer and the staffing needs for the computer center.

Commissioners Visser and White attended the Refuse District No. 2 meeting in West Yellowstone.

Commissioners met with Garth Sime and Sam Gianfrancisco, Road Superintendent, regarding a gravel pit in Bridger Canyon that is in violation of the zoning code.

Commissioners met with Bill Grabow regarding expansion of the county fairgrounds.

Commissioner Jelinski met with Tapologo Titus Moepeng from Botswana South Africa who is visiting the United States.

May 2, 1986

Commissioner Jelinski hosted the LGAC committee meeting comprised of Commissioners from around the State.

Commissioner White attended the tax seminar at the Grantree hosted by the Montana Taxpayers Association.

Commissioner Visser viewed the approaches being installed at Four Corners with Dick Miller of the Highway Dept.

Commissioners met with Bob Jordan, Bridge Foreman, regarding Cameron Bridge.

Commissioners met with Carolyn Hartsog, County Auditor, regarding investments made by the school district.

Commissioners met with Don Stanfield regarding the operation of the computer center and the computer equipment.

Commissioners met with Tom Anacker and Dick Andriolo regarding Detention Center litigation.

May 5, 1986

Commissioners met with Don Brelsford and Gale Thompson regarding the price for the rural addressing books. The price was set at \$70.00.

Received numerous A101s in the amount of \$30,083.75 to the credit of various funds.

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Bill Murdock, Planner, spoke regarding a review of exemptions claimed on certificates of survey.

Candice Post has claimed the security for construction financing exemption. Ms. Post has submitted a statement certifying that only one parcel is being created within the original tract, and that she will retain title to and possession of the original tract. American Federal Savings has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption for Candice Post, seconded by Wilbur Visser, none voting nay. The motion carried.

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Vicki Secor has claimed the security for construction financing exemption. Mrs. Secor has submitted a statement certifying that only one parcel is being created within the original tract, and that she will retain title to and possession of the original tract. American Federal Savings has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption to Vicki Secor, seconded by Wilbur Visser none voting nay. The motion carried.

Fred and Shelley Cheney have claimed the security for construction financing exemption. The Cheney's have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. First Security Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption to the Cheney's, seconded by Wilbur Visser, none voting nay. The motion carried.

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Wilbur Visser stated that pursuant to last week's request by the Justice of the Peace for additional funds for jury and witness fees, the following resolution has been drafted:

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) Salaries and Wages. and (2) Maintenance and Support may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$3,000.00 as appropriated under general class (1) Salaries and Wages for account 1000-200-411810-110 be transferred to account 1000-211-410340-395 under general class (1) Salaries and Wages.

BE IT FURTHER RESOLVED, that agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Jane Jelinski made a motion to approve the resolution, seconded by Wilbur Visser, none voting nay. The motion carried.

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Jane Jelinski read the following resolution: *No. 45*

WHEREAS, the Gallatin Airport Authority has received a federal grant from the Federal Aviation Authority for the purpose of making improvements to Gallatin Field. The total cost of the airport improvement project is \$564,541.00. Of this total amount, the FAA grant will cover \$475,000.00 and the remaining \$89,541.00 shall come from existing funds in the Gallatin Airport Authority budget;

WHEREAS, the Gallatin Airport Authority has requested the Board of County Commissioners to amend the Airport Authority's 85/86 budget by increasing the appropriation for capital outlay by the amount of \$564,541.00 to allow for the expenditure of monies for the airport improvement project. The funds for this increased appropriation to the capital outlay funds will require no additional county levy or funding;

WHEREAS, the Gallatin Airport Authority has also requested the Board of County Commissioners to amend their 85/86 budget to increase the appropriation for the maintenance and operation fund by the amount of \$17,126.00 to cover added expenses due to increases in the Airport Authority's insurance rates. The funds for this increased appropriation to the maintenance and operation budget will come from existing Airport Authority funds and will require no additional county levy or funding;

NOW THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby approves the amendment to the capital outlay fund of the Gallatin County Airport Authority's 85/86 budget in the amount of \$564,541.00. The additional funds for the amended appropriation shall come from an FAA grant in the amount of \$475,000.00, and the remaining amount of \$89,541.00 shall come from existing airport revenues and shall require no additional county levy or funding.

2. That the Board of County Commissioners of Gallatin County hereby approves an amendment increasing the appropriation to the maintenance and operation fund of the Gallatin Airport Authority's 85/86 budget in the amount of \$17,126.00. The funds for this increased appropriation shall come from existing airport revenues and shall require no additional county levy or funding.

3. That this resolution shall become effective immediately upon its date of passage.

Jane Jelinski made a motion to adopt the Resolution, seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

Wilbur Visser stated that the Commission had received a petition from the Sourdough Rural Fire District requesting annexation into the district by six property owners.

Jane Jelinski made a motion to accept the petition and set the date of public hearing as June 3, 1986, seconded by Wilbur Visser, none voting nay. The motion carried.

- - - -

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Wilbur Visser stated that the Commission had received a petition from the Belgrade Rural Fire District requesting annexation into the district by J. S. Ramsey.

Jane Jelinski made a motion to accept the petition and set the date of public hearing as June 3, 1986, seconded by Wilbur Visser, none voting nay. The motion carried.

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Jane Jelinski read the following Resolution: *No. 614*

WHEREAS, Equipment and space for records storage is limited; and

WHEREAS, Section 7-5-2132 MCA authorizes the disposal of records by order of the Board of County Commissioners and with the approval of the Department of Commerce; and

WHEREAS, Approved disposition schedules which list records of several county offices with recommended retention periods have been received from the Department of Commerce and the Montana Historical Society; NOW THEREFORE BE IT RESOLVED

By the Board of County Commissioners of Gallatin County in a meeting held on May 6, 1986 adopts and approves the use by county officials of records disposition schedules received from the Department of Commerce and the Montana Historical Society as amended by the County Comm.

Jane Jelinski made a motion to adopt the Resolution, seconded by Wilbur Visser, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 1:55 P.M.

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ATTEST:

*Larry H. Hingle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

PUBLIC MEETING TUESDAY THE 13TH DAY OF MAY, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of May 6, 1986 as written, seconded by Ramon S. White, none voting nay. Motion carried.

## ANNOUNCEMENTS

May 5, 1986

Hebgen Lake Zoning Commission met and discussed the rezoning of Hebgen Lake Estates. It was decided to postpone making a decision and the Commission will reconvene on Monday, June 9, 1986 at 10:30 A.M.

Received numerous A101s in the amount of \$21,695.30 to the credit of various funds.

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May 6, 1986

Commissioners met with Bill Grabow to review plans for possible changes in the Courthouse and on the Fairgrounds.

Commissioners met with Bob Jordan and Sam Gianfrancisco to discuss road problems.

Commissioners met with County Assessor, County Treasurer, and Data Processing regarding programs and schedules.

- - - -

May 7, 1986

Commissioners Visser and White attended Health Department Board Meeting.

Commissioners met with Doug Kosty and Peaches Sappington regarding computers.

Commissioner Jelinski met with Maggie Bullock of S.R.S., Joe Murphy of Vocational Rehabilitation, Lynn Robson of Women in Transition, Larry Watson, Jeff Rupp regarding the Job Training Partnership Act. (J.T.P.A.)

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MAY 8, 1986

Commissioners sat as Welfare Board.

Commissioners met with Doris Fisher, County Coroner, and received her proposed budget for FY 86-87.

Commissioners met with Extension Office and received their proposed budget for FY 86-87.

TUESDAY THE 13TH DAY OF MAY 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Commissioners met with County Superintendent of Schools and received their proposed budget for FY 86-87.

Commissioners held a special meeting called by Chairman Visser at 2:45 P.M. with the County Commissioners and County Attorney, Mike Salvagni in attendance, for the purpose of adopting Resolution #616 as follows:

THIS RESOLUTION was introduced by Ramon S. White, Commissioner, moved by Ramon S. White, Commissioner, and seconded by Jane Jelinski, Commissioner. Said resolution was passed unanimously and adopted.

WHEREAS, the Board of County Commissioners of Gallatin County has established a county airport located at Three Forks, Montana, and have appointed the Gallatin County Airport Board to administer and operate the county airport; and

WHEREAS, the Gallatin County Airport Board is undertaking the improvement and expansion of the Three Forks Airport as provided by Phase I of the 1981 Three Forks Airport Master Plan; and,

WHEREAS, said Airport Master Plan provides for the fee simple acquisition of adjoining property for the improvement and expansion project for the Three Forks Airport; and,

WHEREAS, Murray Ranch, Inc., owns real property in Gallatin County located adjacent to the Three Forks Airport which is necessary for the improvement and expansion of the Three Forks Airport, said land being more particularly described as follows:

A portion of Lot 4, Section 2, Township 1 North, Range 1 East, P.M.M., County of Gallatin, State of Montana; and more particularly described as follows: BEGINNING at the northwest corner of said section; Thence South 89 degrees 58'38" East, 917.39 feet along said section north boundary; Thence South 39 degrees 54'13" West, 1423.06 feet to the west boundary of said section; Thence North 0 degrees 14'09" West, 1092.04 feet to the point of beginning; and contains 11.499 acres. SUBJECT to a portion of Sebena Road, a public highway by use as shown on the accompanying Certificate of Survey, said road portion not exceeding 0.734 acres.

WHEREAS, the public interest and necessity requires that the above-described property be acquired for use by Three Forks Airport pursuant to the improvement and expansion project as provided for in the 1981 Three Forks Airport Master Plan; and,

WHEREAS, Gallatin County and the Gallatin County Airport Board, acting by and through its duly authorized agents has made a fair effort to negotiate an agreement for the purchase of the necessary real property as hereinabove described, but that said agents and owners of said lands and real property were unable to reach an agreement for the same, and Gallatin County and the Gallatin County Airport Board have been unable to acquire the above-described real property at a cost which they deem reasonable; and,

WHEREAS, Gallatin County is authorized by Section 67-10-201, MCA, to acquire real property for airport and landing field purposes by eminent domain proceedings;

NOW, THEREFORE, BE IT RESOLVED: 1. That the Gallatin County Attorney is hereby authorized to institute and commence proceedings in the manner prescribed by law against the owners of the above-described real property to procure said property for airport and landing field uses by condemnation proceedings. Dated this 8th day of May, 1986.

The meeting was adjourned at 2:50 P.M.

MAY 9, 1986

Commissioners met with Kathy Nowerski, Personnel, Duane Johnson of Management Assoc., Sheriff Cutting, and Dave Dunn regarding Sheriff Assoc. negotiations.

Commissioners met with Weed Board and were presented with their FY 86-87 budget.

Received and approved the following list of cancellation of taxes:

Tom Kimm for double assessment - \$114.64

Keith Kraft for not owning farm machinery - \$846.25

Charles Greydanus for selling cows in 1984 - \$279.22

Wheelwright Builders moved business out of state in 1984 - \$104.18

John Knipers double assessment - \$2360.27

C.R. Soliday moved out of state - \$6.07

Soliday Tree Service moved out of state in 1982 - \$63.62

Soliday Tree Service moved out of state in 1982 - \$64.96

Soliday Tree Service moved out of state in 1982 - \$76.53

Soliday Tree Service moved out of state in 1982 - \$127.23

Soliday Tree Service moved out of state in 1982 - \$159.62

Soliday Tree Service moved out of state in 1982 - \$186.32

Commissioner Jelinski met with the existing Businesses Team of the Certified Cities Program.



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MAY 12, 1986

Commissioners met with Clerk of the Court, Lorraine VanAusdol and were presented with their FY 86-87 budget.

Commissioners met with County Assessor, Areletta Derleth, and were presented with their FY 86-87 budget.

Received numerous A101s in the amount of \$25,425.66 and credited to various accounts.

Commissioners Jelinski and White met with Undersheriff Dave Dunn regarding the dispatch center.

Discussion regarding the proposed changes to the RID policy included the following changes from Bill Murdock, Planner, as a result of public testimony and Commission discussion at the public meeting April 29, 1986:

Page 5, Section Three, Thickly Populated. Add the following: "In addition, if a proposed district is adjacent to a thickly populated area, the Board may determine the district to be in the public interest."

Page 6, Section Four, Performance Bond Required. Add the following: "unless it is so specified in the petition" to allow the performance bond and any accrued interest to be applied as payment on the annual assessments for the district.

Page 6, Section 5, Performance Bond Required. A clarification is added that when a proposed district is over 60% thickly populated, no bond and interest are required. The following paragraph is added: "If the Board determines a district to be in the public interest due to its location adjacent to a thickly populated area, the majority property owner shall be required to provide security for that percentage of the property he owns. Individual lot owners shall provide the remaining security."

Page 7, Section 5, Performance Bond Required. Change the last two sentences to read as follows: "Upon receiving a written request, the Board will release to the party posting such security portions of the security as the percentage of thickly populated increases to the next level as established in this section or as the security exceeds the amount required to pay off the total annual bond and interest assessments for the district."

Page 12, Section 11, Assessment. Change to include all four assessment methods as provided for in the State Statutes.

Page 13, Section 13, County Administrative Costs. Change to clarify that initial administrative fee may be paid from the proceeds of the bond sale and that annual administrative costs will be assessed through maintenance cost assessments.

Arthur Vant Hull, Consulting Engineer, questioned the areas that can be assessed on a RID, including area that benefits, but is not assessed. Tom Anacker, Deputy County Attorney, explained that a LID (Local Improvement District) allows the assessment to be based on the benefit and an RID (Rural Improvement District) is assessed by the boundary which will be determined on an individual basis per RID. Mr. Anacker also stated there was no exact mechanism at this time to determine the benefit. After a great deal of discussion regarding the formula used to compute a fee to compensate the County for time and effort in setting up, reviewing, and administering the RID, it was decided the formula needs clarification. Ramon S. White stated his feeling for the Bond and Interest payments should be square footage and lineal footage assessment only. Tom Anacker stated the County Commission does not have the authority to deny County residents all other options allowed by state law. Ramon S. White wondered if Section D, Page 12, would possibly be an option for monthly fees on water and sewer districts. Mr. Anacker stated that with the verbiage of "...equitable lump sum for the connection..." in his opinion would be for the connection only and not on a monthly basis. The decision was made to add the word "however" between Section 7-12-4102, M.C.A. and Project involving... on page 6 Section 5, the third line. Jane Jelinski stated the need to correct and clarify the proposed RID policy before approving the Resolution for the RID policy. Commissioners decided the consideration for approval of Resolution will be June 3, 1986 at the public meeting. Ramon S. White requested Bull Murdock to notify immediate parties concerning the proposed RID policy.

Jane Jelinski read the following proclamation:

WHEREAS, May has been proclaimed "Older Americans Month" by President Reagan, Governor Schwinden has proclaimed May 21st as "Senior Citizens Day" here in the State of Montana; and,  
WHEREAS, Gallatin County has been especially blessed with may contributions that have been given to it by its older citizens and should give special thanks to them. They are caring, industrious and unselfish; and,  
WHEREAS, these elders are the pioneers of our community. They have brought dignity, beauty and compassion to our fair city. Their experience and expertise is called upon daily by our community; and,  
WHEREAS, oftentimes the contributions of the elderly go unrecognized. Today our community has more for which to be thankful because of these many contributions. We are grateful for their courage, vitality and wisdom; and let us reaffirm through prayers and actions our thankfulness.

NOW, THEREFOR, I, Wilbur Visser, County Commissioner of Gallatin County, Montana, do hereby proclaim the week of May 18-24, 1986 as "SENIOR CITIZENS WEEK" and call upon all our citizens to give appropriate expressions of our thanksgiving to the elderly citizens of Gallatin County.

There being no further business, the meeting adjourned at 2:15 P.M.

ATTEST:

*Gary St. Pierre*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE

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DAY OF

MAY

1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Acceptance of bids for the computer equipment were closed at 1:30 P.M.

## ANNOUNCEMENTS

MAY 14, 1986

Commissioner Jelinski attended Inter-Agency breakfast.

Commissioners Visser and White traveled to Cooper Gravel Pit and viewed the new crusher yesterday.

Commissioner Jelinski attended the International Day Lunch at the County Rest Home.

Commissioner Jelinski met with Tom Anacker regarding Three Forks Airport.

Commissioners Visser and White attended Hebgin Basin Refuse District Board meeting in West Yellowstone.

MAY 15, 1986

Commissioner Visser attended Board of Health meeting.

Commissioners met with County Fire Marshall, Lee Lewis, regarding the HAZ-MAT program and budget.

Commissioners met with Civil Defense and were presented with the proposed budget for FY 86-87.

Commissioners Visser and Jelinski attended luncheon at the Three Forks Senior Center.

Commissioner White attended luncheon at the Gallatin County Historical Museum.

Commissioners met with the Gallatin County Fair Board and were presented with their budget for FY 86-87.

Commissioner Jelinski attended Refuse District #1 Board meeting in Manhattan.

MAY 16, 1986

Commissioners met with Personnel Department and were presented with their FY 86-87 budget.

Commissioners met with Jim Bogan regarding taxes.

Commissioners met with the Sheriff Department and were presented with a lease program for department vehicles.

MAY 19, 1986

Commissioners met with County Attorney, Mike Salvagni, and were presented with their FY 86-87 budget.

Commissioner Jelinski met with Dave Dunn regarding burning permits.

Commissioner Jelinski met with Bill Buck regarding Pitney Bowes maintenance contract.

Commissioners Jelinski and White attended Fairgrounds Joint Board meeting.

MAY 20, 1986

Commissioner Visser and Loy Carroll, County Treasurer, attended meeting with School District #7 Board members regarding repurchase and interest credit procedures.

Held tax deed auction this A. M. Seven (7) parcels offered, three (3) parcels purchased.

Received numerous A101s in the amount of \$6,540.56 to the credit of various accounts.

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Ramon S. White read the computer proposal from NCR with the following summary of costs: Hardware equipment - \$58,012.00, delivery - \$641.00, in-house cabling - \$630.00, total hardware - \$59,283.00, software operating system - \$2,400.00, compilers - \$300.00, total software - \$2,700.00, total system cost - \$61,983.00, hardware maintenance per month - \$336.00, software maintenance per month - \$30.00. The bid from NCR was the only bid received by the County Commissioners. Motion by Jane Jelinski to take the bid from NCR under advisement and award the decision next week. Ramon S. White seconded the motion with the addition that the proposal be submitted to the users of the county for their opinion. None voting nay. Motion carried.

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Bill Murdock, Planner, reported the County Commissioners gave preliminary approval to the Little Horn Lodge minor subdivision in September, 1985, and the conditions for final approval have been met. Motion by Jane Jelinski to give final approval to Little Horn Lodge minor subdivision. Ramon S. White seconded the motion. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Forest Park Mobile Home park expansion was given preliminary approval by the Commission in June, 1984. An extension was requested and received for final plat submittal of Phase I until May 29, 1986. Mr. Murdock stated that the conditions for final approval have been met, with the exception of DNRC approval of the redesignated floodplain, (A change in floodplain delineation recommended by a study done by the developer has been accepted by the designated federal authority, FEMA.) and the delay in hooking up the well extensions. Federal authorities have accepted the floodplain and the Commissioners need to determine if this federal

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acceptance is sufficient for final approval. Mr. Cordis Beechler, manager of Forest Park Trailer Court, gave his word to the Board of County Commissioners that as soon as the necessary parts are available to complete work on the well extensions, the well will be completed. Motion by Jane Jelinski to grant final approval to Phase I Forest Park Trailer Court RV Expansion. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, spoke regarding three exemptions claimed on Certificate of Surveys:

Mr. Charles Howe has claimed the exemption to realign a common boundary. The purpose of the survey is to allow Mr. Howe's house to sit on his own property, which it previously did not. The appropriate deeds have been submitted, and no previous realignments of common boundaries between the parties have occurred. From the information submitted this appears to be a proper use of the exemption.

Motion made by Jane Jelinski to approve the exemption for realignment of a common boundary requested by Charles Howe. Seconded by Ramon S. White. None voting nay. Motion carried.

Debra and Larry King have claimed the exemption to realign a common boundary. The purpose of the survey is to comply with Bozeman zoning which permits only one dwelling unit per lot in this zone. They have a converted garage also on the old Lot 1, creating two living units on it. As the King's own both lots, no deeds are required. Based on this information, this appears to be a proper use of the exemption.

Motion by Jane Jelinski to approve the exemption for realignment of a common boundary requested by the Kings. Seconded by Ramon S. White. None voting nay. Motion carried.

Henry and Catherine Veltkamp have claimed the exemption to realign a common boundary. The purpose of the survey is to add the access of an abutting parcel to that property. The certificate states that this addition to the parcel, Tract B, will become part of the original Tract A and will not create a separate parcel. Based on the legal description of the C.O.S. and the other information, this appears to be a proper use of the exemption.

Motion by Jane Jelinski to approve the exemption for realignment of a common boundary requested by the Veltkamps. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported the preliminary plat approval for Baxter Creek Subdivision No. 2 was given on June 6, 1985, on the recommendation of the Belgrade City-County Planning Board. Approval was granted subject to ten conditions, which have all been met with the exception of the finish course of gravel on the roads. Because of a wet spring this condition has not been met and it is a possibility that the roads cannot be completed in time to meet the one year approval period. The developers hope to have the plat recorded by the June 6, 1986, deadline, but in case of adverse weather conditions, are requesting a one year extension on the approval. County regulations allow the Commissioners to grant extensions for non-phased subdivisions, provided the request is justified. Based on the information, it appears that the developer is making progress toward meeting the conditions, and their extension request appears justified.

Motion by Jane Jelinski to grant a one year extension of preliminary approval for Baxter Creek Subdivision No. 2. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:15 P.M.

- - - -

ATTEST:

*Loy H. Carroll*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 27th DAY OF MAY, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

No action taken on minutes as they had not been prepared by the Clerk.

May 21, 1986

Commissioners met with Loy Carroll, County Treasurer regarding his proposed budget.

Commissioners met with Justice of the Peace Goan regarding his proposed budget.

Commissioner Jelinski met with Representative John Vincent regarding the policy of the Department of Revenue with regard to the Assessor's Office.

May 22, 1986

Commissioners met with County Auditor Carolyn Hartsog regarding interest and distribution.

Commissioners met with the County Health Department and Sanitarian regarding their proposed budget.

TUESDAY THE 27th DAY OF MAY 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

May 23, 1986

Commissioners met with Art Vant'Hul and Sam Gianfrancisco of the Road Department regarding RIDs and maintenance and repair on roads.

Commissioners met with Martin Swandal from Sedan regarding the upgrading of dirt roads in his area.

Commissioners met with Judges Olson and Gary and Dave Gates of Court Services regarding their proposed budget.

- - - -

Wilbur Visser stated that the Commission had received a petition signed by six landowners that were omitted from the Sourdough Rural Fire District when it was created. These six landowners would now like to be included in the district.

Jane Jelinski made a motion to set the public hearing date for this annexation request for June 24, 1986, seconded by Ramon White, none voting nay. The motion carried.

- - - -

Joe Baker, Belgrade City County Planner, spoke regarding a request for final approval of Baxter Creek Subdivision #2.

The applicant is Robert J. Paugh. Mr. Paugh has complied with all of the requirements imposed by the Belgrade City/County Planning Board and the County Commission. This subdivision is located at the northeast corner intersection of East Valley Center and Harper Roads. This is a request for final approval of a 106 lot subdivision. All of the ten conditions imposed by the Board have been complied with, with the exception of condition no. 10, which reads:

That a speed bump be built on the roads that connect Baxter Creek Subdivision II to Baxter Creek Subdivision I, that being Bostwick and Beck Drives.

The engineer that represents the applicant does not feel that this is a viable option. Also, as a result of recent opinions issued by the County Attorney's Office, it is felt that the speed bumps would not be legal, and therefore should be omitted as a condition of approval. It is therefore recommended that this subdivision be granted final approval.

Dennis Foreman of Sanderson, Stewart and Gaston, states that it is a liability for them to spec a speed bump on that road. He states that if the Commissioners request this, they would ask that the County Road Superintendent direct that this speed bump be put in place. Mr. Foreman is of the opinion that this speed bump would constitute a hazard.

Tom Anacker stated that since preliminary approval was granted to this subdivision, he and members of the Road Office have reviewed the State of Montana's traffic control devices that have been approved. Speed bumps are not included as an approved traffic control device. The county would be faced with liability exposure as far as damage to vehicles. Maintenance of the road also becomes a problem.

Ramon White made a motion to delete condition no. 10 as a condition for the final plat approval of Baxter Creek No. 2, seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White made a motion to grant final approval of Baxter Creek Subdivision No. 2, with the nine conditions which have been satisfied, seconded by Jane Jelinski, none voting nay. The motion carried.

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Joe Baker, Belgrade City County Planner, spoke regarding a request for final approval of Schaefer Minor Subdivision. Mr. Schaefer has complied with the conditions imposed for final approval except for the improvements to be made to Thunder Road. This minor subdivision is located west of Jackrabbit Lane, to the south of Bair's truck stop. This is a three lot subdivision, not four as originally applied for.

The applicant has complied with all of the requirements with the exception of Thunder Road being upgraded to current county standards. There has been some discussion by the county road department suggesting that the developer shouldn't improve Thunder Road. All businesses in the area use Thunder Road as primary access to their property. It is shared by more than the applicant. There has been some discussion with regard to the creation of an RID to improve the road.

Joe Baker states that it is his recommendation that this minor subdivision be granted final approval and that the applicant not be required to improve Thunder Road because of the nature and character of the traffic generated by surrounding uses. It is recommended that the applicant and the surrounding property holders share jointly in the improvement of Thunder Road.

There was some question as to whether or not this would be considered an off site improvement by the developer.

Wilbur Visser stated that since the road has been in existence for over ten years, and there are three other heavy users of the road, he does not feel it would be an equitable solution to require this developer to improve the road to county standards.

Jane Jelinski pointed out that should the Commission not require this of the developer, there is no future guarantee that the road will be improved to county standard.

Jane Jelinski stated that she would like to postpone this for one week, she would like to have an opportunity to view the road and would like to have the condition complied with before she would vote for final approval.

This item will be placed on the agenda for next week's public meeting.

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TUESDAY THE 27th DAY OF MAY 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Ramon White stated that he had furnished copies of the bid for computer equipment as proposed by NCR to the Assessor's Office, the Treasurer's Office, the Auditor's Office, the Clerk and Recorder's Office and Data Processing. It appears that the bid proposal met the bid specifications.

Jane Jelinski stated that she had spoken with Data Processing personnel and it was felt that this would help to upgrade our system; however, there was a remark that the equipment that will be purchased will be obsolete before long.

Ramon White stated that at this time the county cannot afford to completely change its computer system by purchasing a new processor and the necessary compatible equipment.

Ramon White made a motion to accept the bid of NCR for a total hardware cost of \$59,283 and a total software cost of 2,700, for a total system cost of \$61,983, seconded by Jane Jelinski, Commissioners Visser and White voting aye, Commissioner Jelinski abstaining.

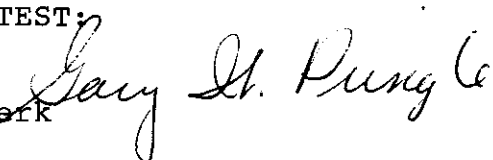
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There being no further business, the meeting adjourned at 2:15 P.M.

- - - -

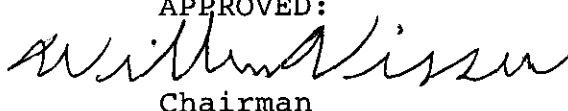
ATTEST:

Clerk



APPROVED:

Chairman



- - - -

PUBLIC MEETING TUESDAY, THE 3rd DAY OF JUNE, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

No action taken on minutes.

## ANNOUNCEMENTS

May 26, 1986

## MEMORIAL DAY HOLIDAY

May 27, 1986

Commissioners met with Personnel Officer Kathy Nowierski, Duane Johnson of Management Associates, and Sheriff's Office personnel regarding the negotiations for the Deputy Sheriffs' contract.

May 28, 1986

Commissioners met with Clerk and Recorder Gary Pringle regarding his budget.

May 29, 1986

Commissioners met with the Road and Bridge Department regarding their budget.

Commissioners met with representatives of the various libraries regarding their budget.

Commissioners White and Jelinski toured the site of the Schaefer Minor Subdivision.

Commissioners White and Jelinski met with Barb Snider of Belgrade regarding the funding for the dispatch center.

Commissioners met with Bill Murdock regarding several requests for determination of suitability of access.

Three Forks Airport has submitted two COS's. Tract A is located on Hassakker Road and Tract B abuts Sebena Road, both county roads. This request for suitability access was approved.

Burl and Carolyn Winchester have submitted a certificate of survey showing a 20 acre tract adjoining Love Lane. This request for suitability of access was approved.

Frank and Elaine Ferentchak and Raymond and Betty Tocci have submitted warranty deeds on two quarter-quarter sections. These show two forty-acre tracts east of Bridger Canyon Road without existing access. No existing county standard road adjoins or intersects the tracts. This request for suitability of access was denied.

May 30, 1986

The Commissioners signed a Purchase Agreement with Alvin and Gerald Goldenstein for the amount of \$4,250. This is right of way purchase for the purpose of extending Goldenstein Lane to South 19th Street.

Commissioners met with Sheriff's Dept. personnel regarding their budget.

Commissioner Jelinski met with Jim Wysocki regarding the library budget.

Commissioner Jelinski met with Gene Huntington of the Dept. of Labor and Industry regarding the role of the LGCC in the JTPA program.

Commissioners attended the Urban Counties meeting.

Commissioners met with Ray Tocci, Mike Salvagni, Tom Anacker and Jeffrey Ball of Security Title. A special meeting was called to order at 4:00 P.M. The purpose of the meeting was to conclude

TUESDAY THE 3rd DAY OF JUNE 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

the transaction for the Three Forks Airport. The cost of the land to be purchased from Y. B. Partners is \$35,826.55 and the cost of the land to be purchased from Dewey and Norma Hodgson is \$6,777.72. There are insufficient funds in the budget of the Three Forks Airport to cover these transactions so it is necessary that the Airport obtain a loan from the county which will be repaid next year through the grant funds.

Jane Jelinski made a motion to pay for this transaction out of PILT funds which would be reimbursed to the county next year, fund number 2761-900-411200-900, seconded by Ramon White, none voting nay. The motion carried.

The meeting adjourned at 4:02 P.M.

Received the following list of new employees:

Herman VanDyken, Weed Crew, \$6.0772/hr.  
 James Dickerson, Weed Crew, \$5.9425/hr.  
 Duane Visser, Weed Crew, \$5.9425/hr.  
 Scott Webster, Weed Crew, \$5.9425/hr.  
 Roger Prince, Weed Crew, \$5.6368/hr.  
 Elaine Schlenker, Temporary Horticulturist, Extension Office, \$8.3393/hr.  
 Keila Zavalney, Nurses Aide, Rest Home, \$5.05/hr., 4/22/86.  
 Janet Nye, Deputy Auditor, \$1,462.68/mo., 5/16/86.  
 Sally Seifert, Temporary, District Court, \$5.00/hr.  
 Irene Wesen, Microfilmer, Clerk and Recorder's Office, \$4.8589/hr., 5/20/86.  
 Carol Fillbach, Secretary, County Attorney's Office, \$5.2280/hr., 6/2/86.

Received numerous A101's in the amount of \$40,463.85 to the credit of various funds.

June 2, 1986

Commissioners met with Gary Pringle, Clerk and Recorder, and Elmer Oakes, Maintenance Supervisor, regarding the proposed budget for the Maintenance Dept.

Commissioners met with representatives of the Senior Center regarding their budget.

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Wilbur Visser announced that there was a vacancy on the Bozeman City-County Planning Board and the Airport Authority Board. Application forms are available at the Commissioners' Office.

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Wilbur Visser stated that he had the affidavit of publication for the bid opening for the county printing contract. One bid has been received from High Country Independent Press.

Jane Jelinski read the bid as follows: For legal advertising - \$6.00 per folio first insertion, \$4.00 per folio subsequent insertions with a 35% discount.

For official publications other than monthly Commissioner proceedings, display ads - \$3.90 per column inch based on national standard advertising unit of 12 pica width, by one inch deep, with no discount. \$3.90 per column inch rate would be the net rate on display advertising.

The publication of regular monthly Commissioner proceedings par would be \$6.00 per folio since they are always single insertions with a 35% discount.

Jane Jelinski made a motion to accept the bid for the county printing contract with High Country Independent Press, seconded by Ramon White, none voting nay. The motion carried.

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Jim Dobrowski, Morrison-Maierle, read the bids received for the bear-proof dumpsters.

Northwest General Construction Co., Belgrade - Total Bid: \$100,725.00. This is for 80 four yard containers and 20 six yard containers.

Capital Industries, Seattle, Wash. - Total Bid: \$77,900. (Same number of containers.)

Jim Barrett, Solid Waste Equipment Sales - Total Bid: \$78,585.00. (Same number of containers.)

Wilbur Visser recommended that the bids be referred to the engineer for one week to make sure that they meet the specifications.

Jane Jelinski made a motion to defer the decision on this bid award for one week, seconded by Ramon White, none voting nay. The motion carried.

Mr. Dobrowski stated that the engineer's estimate was \$81,250.

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Wilbur Visser stated that he had the affidavit of publication for the bid opening for the Three Forks Airport. Jack Schunke of Morrison-Maierle read the bids received as follows: There are two schedules being bid on, with alternates to each schedule.

Sime Construction - Base Bid, Schedule 1: \$396,966.65. Schedule 1 alternate: \$14,808.90.

Century Paving, Lewistown - Base Bid, Schedule 1: \$419,475.40. Schedule 1 alternate: \$12,862.76.

Pavlik Electric, Thompson Falls - Base Bid, Schedule 2: \$48,300.00  
 Alternate A: 1,639.40  
 Alternate B: 14,931.90  
 Alternate C: 1,400.00

TUESDAY THE 3rd

DAY OF JUNE 19 86  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Bell and Associates, Helena - Base Bid, Schedule 2: \$59,580.70  
Alternate A: 3,067.74  
Alternate B: 18,243.65  
Alternate C: 1,972.00

Livesay Traffic Maintenance, Great Falls - Base Bid, Schedule 2: \$75,379.00  
Alternate A: 3,683.70  
Alternate B: 20,791.50  
Alternate C: 1,400.00

Tri Electric, Glasgow - Base Bid, Schedule 2: \$51,151.90  
Alternate A: 2,964.74  
Alternate B: 20,557.25  
Alternate C: 1,135.00

Midland Electric, Billings - Base Bid, Schedule 2 (revised per letter): \$54,635.00  
Alternate A: 2,400.73  
Alternate B: 15,263.00  
Alternate C: 1,683.00

Williams Fencing, Great Falls - Base Bid, Schedule 2: \$99,567.00  
Alternate A: 9,729.80  
Alternate B: 17,039.00  
Alternate C: 2,486.00

Big Sky Paving - Base Bid, Schedule 1: \$447,633.12 Schedule 1 alternate: \$12,517.43

Pioneer Ready Mix - Base Bid, Schedule 1: \$399,068.50 Schedule 1 alternate: \$14,236.40

Mr. Schunke stated that the engineer's estimate for schedule 1 base: \$504,222.70  
alternate: 16,365.10  
schedule 2 base: 55,043.50  
alternate a: 2,974.30  
alternate b: 16,631.75  
alternate c: 2,500.00

Ramon White made a motion to meet in special session at 8:30 A.M. on June 4, 1986 for the purpose of awarding this bid, seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser stated that this was the time for public hearing on an annexation request into the Belgrade Rural Fire District. Mr. Visser stated that he had the affidavit of publication for the public hearing, the map, the letter from the fire district recommending acceptance of this annexation, and the petition.

Wilbur Visser asked for public comment on this annexation request. There being none, Ramon White read the following resolution:

WHEREAS, on August 28, 1985, a petition signed by more than 50% of the freeholders within the area was filed, and

WHEREAS, said petition was duly certified by the County Clerk in accordance with Section 7-33-2125, MCA, and hearing held on June 3, 1986, and there being no or insufficient protests;

NOW THEREFORE, the following described land is hereby annexed to the Belgrade Rural Fire District:

SW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 27, T1S, R5E, NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 27, T1S, R5E, SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 27, T1S, R5E, Tract A1 and A2 of Certificate of Survey 665A, in NW $\frac{1}{4}$

At this point, there was some discussion regarding the legal description, as Mr. White pointed out that you cannot have a NW $\frac{1}{4}$ . Mr. White stated that this should be changed to read the NW $\frac{1}{4}$ , as it is part of the description of COS 665A.

This change was made on the resolution and the resolution continued as follows:

of Section 34, T1S, R5E, consisting of 30.748 acres, All that part of the South half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ ) of said Section 28, T1S, R5E, lying South of the right-of-way of the old Northern Pacific Railway Company Freight Line being 45 acres more or less.

Ramon White made a motion to adopt the resolution and also to incorporate the reference to tract A1 and A2 and COS 665A be referenced in the NW $\frac{1}{4}$  of Section 34, T1S, R5E. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Jane Jelinski stated that with regard to the request for final approval for Schaefer Minor Subdivision, she and Commissioner White had an opportunity to view the road that was under discussion regarding whether or not it had to be improved to county road standards. She states that it is her opinion that the road is in very good shape. The circumstances surrounding this small piece of road make it appropriate to allow them to have final approval without any further improvements on the road at this time.

Ramon White commented that the Schaefer property only has a legal obligation to bring the south side of the road up to county standard because they do not own the whole road. It would be unreasonable to bring half of the road up to county standard and the other half not.

Ramon White made a motion that the Schaefer Minor Subdivision be given final approval based on the fact that they have met all of the conditions required by the Commission with the exception of bringing the road up to county standard, which is impossible, under the circumstances, seconded by Jane Jelinski, none voting nay. The motion carried.

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TUESDAY THE 3rd DAY OF JUNE 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Mary Kay Peck, Subdivision Review Officer, spoke regarding a review of exemptions claimed on certificates of survey.

David Steel and David Bigelow have claimed the occasional sale exemption. Messrs. Steel and Bigelow have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the exemption, seconded by Ramon White, none voting nay. The motion carried.

Theodore Hoff has claimed the security for construction financing exemption. Mr. Hoff has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. First Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

Alvin and Gerald Goldenstein have claimed the occasional sale exemption. The Goldenstein's have certified that this exemption complies with all conditions imposed on its use. This is the portion of property that the County Commissioners are buying for future road right-of-way. The exemption certificate includes a covenant which limits the proposed tract for roadway purposes only. The Commission needs to make a motion on the covenant as well as the occasional sale. This covenant runs with the land and is revocable only by mutual consent of the governing body and the property owner, and that it will only be used for road way purposes. This appears to be a proper use of the exemption.

Ramon White made a motion that the occasional sale exemption for Alvin and Gerald Goldenstein be granted for road-way purposes only, seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White made a motion that the covenant be placed on the plat that it run with the land, and be revocable only by the mutual consent of the governing body and the property owner, that the divided land shown on the certificate will be used exclusively for road way purposes. Any change in use for anything other than road way purposes subjects this land to the provisions of the Subdivision and Platting Act. This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Wilbur Visser stated that he had the affidavit of publication for the public hearing on proposed changes to the RID policy.

Mary Kay Peck reviewed the suggested changes that were mentioned at the last hearing on this. After some discussion on these suggested changes, Mary Kay Peck suggested that with regard to administrative costs that it be spelled out similar to the maintenance cost assessment. She suggests: "The Board shall, on a yearly basis, assess the owners within the district for the costs of administering the district. Assessments shall be made using the same method of assessment used for the creation of the RID." The last sentence proposed previously would be deleted.

Ramon White made a motion that the language of the RID policy be changed to reflect Mary Kay's suggested changes, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski read the following resolution:

WHEREAS, pursuant to Section 7-12-2102, et seq., MCA, the Board of County Commissioners of Gallatin County is authorized to create rural improvement districts whenever the public interest or convenience may require; and,

WHEREAS, the Board of County Commissioners of Gallatin County, by Resolution No. 527, have adopted a standard format, procedure and policy to follow in the review of requests for the creation of rural improvement districts; and,

WHEREAS, the 1985 Montana Legislature passed amendments to the rural improvement district statutes which materially altered said statutes and which requires a revision of the Gallatin County Rural Improvement District standard format, procedure and policy.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby adopts a revised Gallatin County Rural Improvement District Policy attached hereto as Exhibit "A" and incorporated herein by this reference.
2. That this resolution adopting the revised Gallatin County Rural Improvement District policy supersedes and replaces Resolution No. 527 and the Rural Improvement District policy adopted pursuant to that resolution.
3. That an original copy of the revised Gallatin County Rural Improvement District policy shall be held by the Office of the Gallatin County Clerk and Recorder and copies made available at the expense of the parties requesting them.
4. That this resolution shall be effective thirty (30) days from the date of its passage.
5. That as of the effective date of this resolution, all requests for the creation of rural improvement districts shall be handled according to the specifications and guidelines established by the revised Gallatin County Rural Improvement District policy.

Jane Jelinski made a motion to adopt the Resolution, seconded by Ramon White, none voting nay. The motion carried.



TUESDAY THE 3rd DAY OF June 1986

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser stated that the Commissioners had received a petition requesting the creation of a paving RID for Mountain View Subdivision 2-7. The petition has not been certified by the Clerk and Recorder.

Dave Penwell spoke on behalf of the homeowners. Mr. Penwell states that he is aware of the new policy that has been adopted by the Commission.

Tom Anacker stated that with regard to "certifying" the petitions, the signatures would need to be checked by the Clerk and Recorder's Office and compared to the plat of the subdivision to confirm the signatures of the listed owners of the lot and calculate the number signed over the number owning to get a percentage.

Mr. Penwell presented two proposed resolutions of intent to create to the Commission. This district would be split into two districts, one consisting of subdivisions 2 and 3, and one consisting of subdivisions 4, 5, 6 and 7.

Mr. Penwell stated that he would see to it that the certification was done by the Clerk and Recorder, he would provide the Commission with a form of public notice, and he would also provide the Commission with an Exhibit "A" giving the square footage of the lots.

Ramon White made a motion to act on a Resolution of Intent for these RIDs at next Tuesday's meeting, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:15 P.M.

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ATTEST:

*Jay A. Pringle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY, THE 10th DAY OF JUNE, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Tom Anacker, and Vickie Jorgensen, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski made a motion to approve the minutes of May 13, 20, 27 and June 3, 1986 as written, seconded by Ramon White, none voting nay. The motion carried.

ANNOUNCEMENTS

June 3, 1986

Received report from the Clerk and Recorder showing the items of fees and other collections made during the month of May in the amount of \$16,080.95.

Bridger Canyon Zoning Commission met and approved a variance request made by M. E. Hopkins from a designated building site in a PUD.

June 4, 1986

Special meeting was called to order at 8:50 A.M. by Chairman Wilbur Visser for the purpose of awarding the bid on the Three Forks Airport.

Jack Schunke of Morrison-Maierle recommended that the contract for schedule 1 be awarded to Sime Construction. Their base bid was \$ 396,966.65 and their alternate was \$14,808.90. This would be contingent on the approval of the grant and concurrence by the FAA.

Mr. Schunke recommended that the contract for schedule 2 be awarded to Pavlik Electric. Their base bid was \$48,300.00, alternate A bid was \$1,636.40, alternate B bid was \$14,931.90, and alternate C was \$1,400.00. This would be contingent on the approval of the grant and concurrence by the FAA.

Ramon White made a motion to award the base bid and alternate for schedule 1 to Sime Construction, contingent on the approval of the grant application and FAA concurrence, seconded by Jane Jelinski, none voting nay. The motion carried.

Jane Jelinski made a motion to grant the bid to Pavlik Electric for schedule 2 contingent on the FAA grant approval with alternates A, B, and C included, seconded by Ramon White, none voting nay. The motion carried.

There being no further business, the meeting was adjourned.

Jane Jelinski gave a speech at the MAP conference in Helena.

Commissioners Visser and White met with Katy Hayes regarding the proposed budget for the DUI program.

Commissioners Visser and White toured county roads and viewed the gravel crusher operation.

June 5, 1986

Commissioners White and Visser canvassed votes for the primary election.

Commissioners met with County Attorney Mike Salvagni regarding the agreement for the Board of Health.

TUESDAY THE 10th DAY OF JUNE 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Commissioners met with Public Defenders regarding their budget.

June 6, 1986

Commissioners met with Craig Roloff of MSU regarding ownership of land in the area of the university.

Commissioners met with Duane Johnson, Kathy Nowierski, and representatives from the Sheriff's Department regarding the negotiations for the Deputy Sheriff's contract.

Commissioners met with Cliff Halls and Mark Bryan regarding the ambulance budget.

Commissioners met with Bob Sybrant regarding the proposed budget for the Welfare Department.

Commissioners met with Mary Kay Peck regarding the proposed budget for the Subdivision Review Office.

June 9, 1986

Hebgen Lake Planning and Zoning Commission met in West Yellowstone and approved an amendment to the Hebgen Lake zoning ordinance to create the Hebgen Lake Estates district.

Commissioners met with members of the West Yellowstone Town Council to discuss law enforcement.

Received numerous A101's in the amount of \$19,219.15 to the credit of various funds.  
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Wilbur Visser stated that he had the affidavit of publication for the bid opening for a  $\frac{1}{2}$  ton pick up for the Bridge Department.

Gale Thompson of the Road Department read the bids as follows:

Bozeman Ford: \$11,368.00

Rolfe & Wood: \$11,102.70 (This is on a used unit, it has about 5,000 miles on it.)

M & W GMC: \$11,500.00 for a 1986 model  
 \$11,800.00 for a 1987 model

Bob Jordan, Bridge Foreman, will review these bids and make a recommendation to the Board.  
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Tom Anacker, Deputy County Attorney, offered his opinion with regard to the awarding of the bid for the bear proof dumpsters. Of the two low bidders, one was made by Capital Industries of Seattle, Washington in the amount of \$77,900.00 and the other was made by Solid Waste Equipment Sales of Bozeman, who is a distributor for Whittke Iron Works of Medicine Hat, Alberta in the amount of \$78,585.00. The dollar amount difference between the two bids is \$685.00. The higher bid is less than 3% higher than the low bid. Under Montana law, there is a 3% preference for Montana residents as opposed to non-residents. Capital Industries is not a resident Montana corporation under the definition of resident under the bidding statutes. Mr. Anacker found that Solid Waste Equipment Sales is a resident as defined in the statute. Jim Barnett, the owner of Solid Waste Equipment Sales, has informed Mr. Anacker that he has been in business in Montana as a sole proprietor for Solid Waste Equipment Sales for more than one year immediately prior to bidding on this project. Mr. Anacker is of the opinion that Mr. Barnett is a resident of Montana according to the definition, and that his bid, being less than 3% more than the Capital Industries bid, he would be entitled to the award of the bid as the lowest bidder based on the 3% preference defined in Montana law.

Jack Schunke of Morrison-Maierle stated that it appeared that the specifications had been met in both of the low bids. Mr. Schunke concurs with Mr. Anacker's recommendation to award the bid to Solid Waste Equipment Sales. Mr. Barnett has indicated that he will supply a letter verifying the unloading the placement of the containers will be done at no charge to the county.

Kelly Hogan, representing Capital Industries, stated that with regard to the definition of residency, an out of country resident is bidding on this contract through a Montana resident. Capital Industries would merely have had to hire a Montana resident to make this bid. Mr. Hogan submits that the bulk of the funds from this purchase would be going to Canada should the Commission choose to award the bid to Solid Waste Equipment Sales. Mr. Barnett is a resident of Bozeman, but he is making the bid as an agent of Whittke, which is an out of state resident. Therefore, the two bids being considered in that sense, Capital Industries has the lowest bid and should be given the contract.

Jim Barnett stated that he is a resident of Gallatin County and any and all profits would be spent here in Gallatin County.

Jane Jelinski made a motion to grant the bid to Solid Waste Equipment Sales. Due to lack of a second, the motion died.

Ramon White made a motion to award the bid to Capital Industries, seconded by Wilbur Visser, Commissioners Visser and White voting aye, Commissioner Jelinski voting nay. The motion carried.  
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Bill Murdock, Planner, spoke regarding a review of exemptions claimed on certificates of survey.

Walter and Ellen Scott have claimed the security for construction financing exemption. The Scotts have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Western Bank of Bozeman has certified that the creation of the mortgage parcel is necessary

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to secure a construction loan. Based on this information, this appears to be a proper use of the exemption.

Ramon White made a motion to grant the exemption, seconded by Jane Jelinski, none voting nay. The motion carried.

Donald Weaver has claimed the security for construction financing exemption. Mr. Weaver has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. First Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the exemption, seconded by Ramon White, none voting nay. The motion carried.

Larry and Sarah Barnard have claimed the security for construction financing exemption. The Barnards have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. First Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to grant the exemption, seconded by Ramon White, none voting nay. The motion carried.

The Gallatin County Airport Board claims the court order/operation of law exemption. The record landowners have submitted a statement certifying that the tract is being created by order of any court or by operation of law, or in the absence of agreement between parties to the sale, could be created by court order to the law of eminent domain. Based on the information submitted, this appears to be a proper use of the exemption.

There was some discussion regarding the proper identification of the tract and the certificate of survey. Jack Schunke of Morrison-Maierle stated that this division did sever COS 83 leaving a remainder on both sides of tract C. There is a legal description of the tract tying it to a section corner.

This item will be postponed until later in the meeting to give the engineer an opportunity to determine how this tract should best be identified.

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Wilbur Visser stated that he had the certification from the Clerk and Recorder's Office on the petitions requesting the creation of an RID for Mountain View Subdivision 2-7. For District #1, the number of qualified signatures are less than 50% of those qualified to sign. For District #2, the number of signatures exceed 50% of those qualified to sign.

David Penwell, presented a Resolution of Intent to Create an RID for both districts, to be numbered RID 338 and 339. Mr. Penwell noted that due to the amendment to the statute, there is no longer a requirement to fulfill a certain percentage of signatures on a petition.

Mr. Penwell notes that the method of assessment has been changed to more closely reflect the wording of the statute. Each benefitted parcel or lot will be assessed equally. The size of the assessable area will be equal to the smallest lot, parcel or tract of land in the district, exclusive of streets, alleys, avenues and public places. The benefits of this RID will include, reducing noise, abate dust, and ultimately reduce road maintenance costs.

Jack Schunke indicated that he had obtained additional signatures for district 1.

Mr. Penwell pointed out that if a particular property owner owns two separate lots within the district, they will have to pay an assessment on two lots.

Mr. Schunke explained the benefits of paving. He pointed out that the yearly maintenance costs to the homeowners would be substantially less by paving the road. Mr. Schunke believes that the benefits to all lots would be substantially equal.

Debra Hanna, a resident of the subdivision, stated that she did not think it was fair that everybody in the subdivision would be charged the same amount, regardless of lot size. Mrs. Hanna would be opposed to the proposed RID. Mrs. Hanna also expressed a concern with imposing a speed limit on the road. Mrs. Hanna also questioned whether she would be able to pay off the full amount of the RID assessment on her lot when the paving has been completed. Mr. Anacker assured her that this would be possible, with a savings in interest to her. Mrs. Hanna asked if she were to sell her lot, who would be responsible for the payment of the RID, herself or the person buying the lot? Mr. Anacker stated that whoever is responsible for the payment of taxes, would be responsible for the RID.

Mr. Anacker noted that Mr. Penwell had provided the Commission with a form of notice to be published should the Resolution of Intent to Create be passed. There is a protest period of fifteen days after first publication of the notice.

Mr. Penwell stated that he would provide to the Commission a copy of a map outlining the two districts, which is referred to as Exhibit "A" in the Resolution.

Ramon White made a motion to pass a Resolution of Intention to Create Rural Improvement District No. 338, and that the Board of County Commissioners of and for the County of Gallatin, State of Montana, will be in session in the office of said board at the Courthouse, in the City of Bozeman, Montana on Tuesday, the 8th day of July, 1986, at 1:30 P.M. of said date, when and where it intends to create said Rural Improvement District No. 338, at which time and place said Commission will hear and pass on all protests against the making and creating of said district and the improvements proposed therein by any person or persons who are owners or agents of owners of any lot or any parcel of real property within the proposed district and who deliver to the Clerk and Recorder of Gallatin County, Montana protest or protests, as the case may be, in writing against the proposed improvements and the creation

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of said district within this fifteen day period after this first publication of this notice. They shall have the right to appear at such time and place in person or by counsel and show cause, if any there be, why said rural improvement district should not be created.

This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

Ramon White made a motion to pass a Resolution of Intention to Create a Rural Improvement District No. 339, and that the Board of County Commissioners of and for the County of Gallatin, State of Montana, will be in session in the offices of said board at the Courthouse, in the City of Bozeman, Montana on Tuesday, the 8th day of July, 1986, at 1:30 P.M. of said date, when and where it intends to create said Rural Improvement District No. 339, at which time and place said Commission will hear and pass on all protests against the making and creating of said district and the improvements proposed therein by any person or persons who are owners or agents of owners of any lot or any parcel of real property within the proposed district and who deliver to the Clerk and Recorder of Gallatin County, Montana protest or protests, as the case may be, in writing against the proposed improvements and the creation of said district within this fifteen day period after this first publication of this notice. They shall have the right to appear at such time and place in person or by counsel and show cause, if any there be, why said rural improvement district should not be created.

This motion was seconded by Jane Jelinski, none voting nay. The motion carried.

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Bob Jordan, Bridge Foreman, stated that there were some complication with regard to the bids received for the  $\frac{1}{2}$  ton pickup. Mr. Jordan recommends that the bid not be awarded until next week to give him an opportunity to review them and make a recommendation.

Jane Jelinski made a motion to postpone the awarding of the bid for two weeks as there will not be a public meeting next week, seconded by Ramon White, none voting nay. The motion carried.

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Mary Kay Peck, Subdivision Review Officer, spoke regarding a request for summary review approval of Pine Butte Trails Minor Subdivision.

The proposed subdivision is located approximately 9 miles east of Bozeman and approximately  $\frac{1}{4}$  mile southeast of the intersection of Norris and Pine Butte Road. It consists of 20.127 acre tract, which would be divided into five lots. The lots range in size from 3.2 acres to 4.1 acres and average 3.6 acres.

Pine Butte Trails Minor Subdivision appears to meet the criteria for summary review and for waiving the requirements for a public hearing and preparing an environmental assessment. The proposed subdivision is located within the Pine Butte Trails Subdivision which was denied approval by the County Commission in May of 1986. Many of the concerns raised by the earlier subdivision proposal have been mitigated by the reduced size and density of Pine Butte Trails Minor Subdivision. Access will be provided via Pine Butte Road and Trailcrest Drive. Pine Butte Road is a county road, which is only eighteen feet wide and is misaligned within the sixty foot right of way. The County Road Office feels that while Pine Butte Road is a maintenance problem, the increased traffic from five lots would not have a significant impact. Trailcrest Drive is an existing private road, which will be dedicated to the public and upgraded to county road standards. The interior subdivision road will also be dedicated and built to county standards. The Road Office has requested that the name of the interior road be changed as Pine Butte Way is very similar to Pine Butte Road.

High Line Canal is located adjacent to the southern boundary of lots 5b and 5c. In a letter that was submitted for the previous review, the High Line Ditch Company made the following comments:

The purpose of this letter is to apprise you that High Line Ditch Company requests that your plan encompass every reasonable step be taken in the development of this project to insure the safety of children and others in and about the area of the ditch company's easement.

The High Line Ditch Company is particularly concerned that there be no hidden peril or trap for the unwary as concerns the development and activity in this proposed subdivision.

A possible mitigation measure for this safety concern would be to require that the canal be fenced.

Provisions need to be made for road maintenance and the control of county declared noxious weeds. The amount of cash-in-lieu of parkland dedication needs to be determined.

The Certificate of Consent shown on the preliminary plat needs to be changed to a Certificate of Dedication to be consistent with the Gallatin County Subdivision Regulations.

Following are the public interest criteria:

**Basis of Need:** The Commission has not set a firm policy for determining whether or not there is a need for a subdivision. At present, there are no subdivision lots of this size available in the immediate vicinity of the proposed subdivision.

**Public Opinion:** Public hearing and notice are waived with summary review.

**Agriculture:** The subdivision would remove twenty acres of land from agricultural production. The Soil Conservation Service has indicated that the soils where the subdivision is located are among the most productive agricultural soils in Gallatin County.

**Effects on Local Services:** Effects on local services would be minimal. A \$35.00 per lot fee should be required to be paid for initial fire protection. Minimum response time for

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the Gallatin Gateway Fire Department would be ten minutes.

Effects on Taxation: Additional tax revenues would accrue as a result of this subdivision.

Effects on the natural environment: Effects on the natural environment would be slight.

Effects on wildlife and wildlife habitat: There are no critical wildlife areas on site.

Effects on public health and safety: A safety concern results from the proximity of the subdivision to the High Line Canal. Public health should be protected by review from the Department of Health.

Ms. Peck suggested the following conditions should preliminary approval be granted:

1. Road, drainage, lot access and street sign plans shall be reviewed and approved by the Gallatin County Road Office. All roads shall be dedicated to the public and built to Gallatin County standards, including that portion of Trailcrest Drive from the interior subdivision road to Pine Butte Road. Prior to the installation of road improvements, the contractor shall meet with the Gallatin County Road Office. All improvements shall be installed prior to final approval.
2. The name of the interior subdivision road be submitted to the County Road Office for review and approval prior to final approval.
3. The portion High Line Canal adjacent to the subdivision shall be fenced prior to final approval. The fence shall be constructed in a manner to prohibit access to the Ditch and shall be unclimbable. The plans for the fence shall be submitted to the Ditch Company and the Subdivision Review Office prior to final approval.
4. A homeowners association shall be formed, and it shall include in its covenants a requirement to maintain the roads and control county declared noxious weeds. The covenants shall be submitted for review and approval.
5. Cash in lieu of parkland dedication shall be donated prior to final approval, and the developer shall provide an appraisal of the fair market value of the property to determine the amount of payment.
6. The Certificate of Consent be changed to a Certificate of Dedication.
7. Approval of the subdivision shall be obtained from the State Department of Health and Environmental Sciences prior to final approval.
8. The final plat shall conform to the Uniform Standards for Final Subdivision plats.

Rick Kerin, representing the developer, stated that with regard to the effects on agriculture, the land has already been divided into twenty acre tracts. Mr. Kerin stated that with regard to the ditch, anyone who would be buying property in this subdivision would be aware of the proximity of the ditch and would be responsible for the safety of their children, regardless of whether or not the ditch was fenced.

Ramon White stated that he felt that fencing the ditch would at least help to control the trash problems.

Jay Scott stated that he has been informed that the ditch is at capacity at this particular time of the year. Mr. Scott states that the ditch is presently as deep as to his kneecaps.

Wilbur Visser stated that he would have a problem with requiring fencing on a rather short area along the two lots.

Ramon White stated that it will not accomplish much with this particular subdivision but he is looking at the overall pattern and possible additional subdividing of the land.

Ramon White made a motion that summary review approval be granted to Pine Butte Trails Minor Subdivision with the eight staff conditions, seconded by Jane Jelinski, Commissioners Jelinski and White voting aye, Commissioner Visser voting nay. The motion carried.

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Bill Murdock spoke regarding a request for a one year extension of preliminary approval of Blue Grouse Hills Subdivision. The developer has worked with the Road Office and the road plans have been approved. However, litigation over the Big Sky sewer district has caused delays beyond the developer's control. It appears that the developer has made efforts to meet approval conditions and that the extension request is justified.

Jane Jelinski made a motion to approve the request for extension of preliminary plat approval for Blue Grouse Hills Subdivision for one year, seconded by Ramon White, none voting nay. The motion carried.

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Jack Schunke spoke regarding the identification of the tract for the exemption claimed by the Gallatin Airport Board. The parcel that tract C is being pulled out of is certificate of survey 83, parcel B. Tract C is being divided out of that total parcel. Mr. Schunke suggest that the remaining two parcels as certificate of survey 83 B1 and B2. Tract C would be the parcel that is being created for airport purposes.

Ramon White made a motion to grant an exemption for the Gallatin County Airport Board on tract C of COS 83A which is a part of existing tract B of COS 83, seconded by Jane Jelinski, none voting nay. The motion carried.

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There being no further business, the meeting adjourned at 3:10 P.M.

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ATTEST:

Clerk

*Gary St. Dingle*

APPROVED:

Chairman

*Wilbur Visser*

PUBLIC MEETING TUESDAY, THE 24th DAY OF JUNE, 1986 OFFICE OF COUNTY COMMISSIONERS  
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The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Ramon White made a motion to approve the minutes of June 10th, 1986 as written, seconded by Jane Jelinski, none voting nay. Motion carried.

## ANNOUNCEMENTS

June 10, 1986

Commissioners met with Roger Ala regarding the distribution of grant funds for the Health Dept.

Commissioners met with Rest Home personnel regarding the proposed budget for the Rest Home.

Commissioners met with Alyce Hager and Gary Pringle regarding the proposed budget for the Printing Dept.

Commissioner Jelinski met with Dennis Stogsdill and Jeff Rupp regarding HRDC concerns.

June 11, 1986

Commissioner Jelinski attended the Interagency breakfast.

Commissioner Visser met with Justice of the Peace B. J. Hultz regarding her proposed budget.

June 12, 1986

Commissioner Jelinski attended the MAP conference in Helena today and Friday, June 13th.

Other routine business this day.

June 13, 1986

Routine business this date.

June 16, 1986

Commissioners Jelinski and White toured the Ideal Cement plant.

Commissioner Visser attended the School Transportation meeting.

Commissioners interviewed applicants for the Budget Officer position.

Chairman Visser called a special meeting to order for the purpose of signing contract papers for the Three Forks Airport for Murray Ranch. Present were Commissioners Visser, Jelinski, and White, County Attorney Mike Salvagni, Deputy County Attorneys Jim McKenna and Tom Anacker, Jeff Ball of Security Title, and Ray Tocci.

Jane Jelinski made a motion to enter into the agreement to purchase the Murray Ranch property and all the closing costs in the amount of \$15,750.00, seconded by Ramon White, none voting nay. Motion carried.

This special meeting was adjourned.

June 17-18, 1986

Commissioners attended the MACo Convention in Red Lodge.

Commissioners met with Dawson, Custer, and Roosevelt County Commissioners regarding user fees for Gallatin County's computer software.

June 19, 1986

Commissioner Visser gave the welcome address to the Sheriff and Peace Officers Association conference.

Bridger Canyon Zoning Commission met and issued a conditional use permit to Kenneth Lundberg to operate a gravel pit.

Commissioners met with representatives of the Sheriff's Dept. regarding a proposal to lease sheriff vehicles.

Commissioner Visser attended the Refuse District #1 meeting in Manhattan.

June 20, 1986

Commissioner White was in Billings to attend a seminar sponsored by Cook and O.M. on computerized fleet system fuel disbursement.

Commissioners met with Jo Zirko regarding placement of culvert on her property in Hebgen Lake Estates.

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Commissioners interviewed applicants for the Programmer position.

Commissioner Jelinski attended the open house at the new hospital.

Received the following cancellations of taxes:

WRB-West Assoc. Inc., purchased property in 1984 deed to city filed 1985 - \$615.87

D.J., V.C., & J.W. DeCosse, donated to state in June 1985 - \$15.37

Lister Construction, moved out of county - \$191.21

Ben Jernberg, no cattle in county - \$313.72

Suzanne's Custom Tailoring, in business with Viking Sewing Center - \$35.91

Commissioners met with Planner Bill Murcock regarding a request for suitability of access for Greg Ondrak. Mr. Ondrak's certificate of survey shows two tracts, one adjoining McIlhattan Road and one adjoining Story Mill Road. This request for access suitability was approved.

Received numerous A101's in the amount of \$305,076.26 to the credit of various funds.

County will be on a new phone system on Thursday, June 26, 1986, at 8:00 A.M., with all new phone numbers. Lists of new numbers will be available and the county numbers will also be in the new phone book.

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Bob Jordan, County Road Department, recommended to the County Commissioners to award the bid for a Pick Up truck to Bozeman Ford. Jane Jelinski questioned if the specifications were being met on the particular truck. Mr. Jordan stated yes. Motion by Jane Jelinski to grant the bid to Bozeman Ford in the amount of \$11,368.00. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported to the Commissioners Howard Nelson has claimed three family exemptions, each on a separate certificate of survey, each to a different family member. Mr. Nelson has certified that no prior family sale has been conveyed to any of these family members and that the purpose of the surveys is to create parcels as family sales. The history of the tracts is as follows: Tracts 37 and 38 were created in 1974 in a dependent resurvey #19. Howard Nelson then purchased both tracts. He received approval of Tract 37 as Cougar Park Industrial Subdivision Second in January 1980. In September of 1982, Mr. Nelson used the occasional sale to create Tract 38B. Mr. Nelson is currently listed as the owner of record for Cougar Park Industrial Subdivision Second in the County plat books. The Commission needs to determine if this is a proper use of the family transfer exemption. Ramon S. White questioned the size of the parcels in question before and after the split. Mr. Murdock stated the lots were approximately five (5) to six (6) acres before and would be approximately one (1) acre after, with a remainder of approximately two (2) acres. Jane Jelinski asked Ron Allen, Allen & Associates, the surveyor representing Mr. Nelson, if he was aware of any further subdivision within the parcel in question and if he could foresee any access problems. Mr. Allen stated the remaining parcel is mostly covered with asphalt and some storage units, and the access have been built to city standards. Motion by Ramon S. White to grant three (3) family exemptions as stated in the staff report to Howard Nelson. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported to the Commissioners that Frank Gustafson has claimed the family sale exemption to transfer a 7.613 acre tract to his daughter, Danita Kamp. Mr. Gustafson has submitted the required deed and has certified that no prior family transfers have been conveyed to this family member. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the family sale exemption for Frank Gustafson. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported that Henry and Catherine Veltkamp have requested summary review approval for Veltkamp Minor subdivision. The proposed subdivision is located in the Northeast Quarter (NE $\frac{1}{4}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Nineteen (19), Township One South (T1S), Range Four East (R4E), P.M.M., Gallatin County, Montana. The subdivision is more generally described as being located on Highline Road, approximately one-quarter mile south of the intersection of Highline Road and West Cameron Bridge Road. Veltkamp Minor Subdivision consists of a 13.316 acre tract, which would be divided into two lots. Lot 1 would be 1.042 acres; Lot 2 would be 11.291 acres. STAFF FINDINGS: 1. Section Five of the Gallatin County Subdivision Regulations set forth five requirements that the Commission has used to determine if a subdivision meets the criteria for summary review. The criteria are as follows: A) The subdivision contains five or fewer parcels. B) Proper access to all lots is provided. C) No land in the subdivision will be dedicated for proper use for parks or playgrounds. D) All Subdivision Design Standards, Section 6, are met. E) The subdivision will not have a significant environmental or community impact. As evidenced from the information in the findings below, Veltkamp Minor Subdivision appears to meet the criteria for summary review and for waiving the requirements for a public hearing and preparing an environmental assessment. 2. There is an existing house on Lot 2; a second house is located on a one acre parcel west of Lot 1. A utility easement for this parcel is shown on the preliminary plat. Land use in the area is predominantly agricultural, with scattered housing.

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3. Access to Lot 1 will be from Highline Road, which is a County road. Therefore, an encroachment permit must be obtained from the County Road Office. This portion of Highline Road has not been dedicated to the public. 4. The Subdivision Regulations (Section 6F4F) provide that park dedication and cash in lieu requirements do not apply to any division that created only one additional lot. Recently the Commission reviewed a minor subdivision with an existing house on a parcel being divided into two lots and determined that park requirements did not apply. Veltkamp Minor Subdivision also has an existing house on a parcel which is being divided into two lots. 5. Valley Ditch is adjacent to and on small portions of Lot 2. However, there is no easement for ditch maintenance. Because of its size, the ditch does not appear to be a safety hazard. 6. The information submitted generally appears to meet the Subdivision Design Standards. The lots are somewhat irregularly shaped, but the original parcel is irregularly shaped. 7. The County Weed Supervisor has asked that new subdivisions address the issue of noxious weeds in the covenants or articles of the homeowner's association. 8. The public interest criteria apply to the approval of minor subdivisions. Following are comments on the criteria. There are no existing vacant subdivided lots in the general vicinity, and there appears to be a need for an additional lot. Effects on the natural environment, wildlife, and local services should be slight. One acre or less of ground will be removed from production. Additional tax revenues will accrue. Public health and safety should be minimally affected and will be protected by Department of Health review. Because a public hearing is waived with summary review, there has been no expressed public opinion. STAFF RECOMMENDATIONS: If the County Commission determines the Veltkamp Minor Subdivision to be in the public interest, the following conditions are suggested for preliminary approval. 1. An encroachment permit for Lot One shall be obtained from the County Road Office and a copy of the permit shall be submitted to the Subdivision Review Office. The access for Lot One shall be constructed prior to final approval and shall meet County design standards. 2. Highline Road shall be dedicated to the public. 3. The maintenance easement for Valley Ditch shall be shown on the final plat. 4. Approval of the subdivision shall be obtained from the State Department of Health and Environmental Sciences prior to final approval. 5. Documentation showing that homeowners will be required to control county declared noxious weeds on their lots shall be submitted to the Subdivision Review Office prior to final approval. 6. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. Jane Jelinski questioned if the proposed subdivision has adequate fire protection. Mary Kay Peck stated the subdivision is probably in the Manhattan Fire District. Motion by Jane Jelinski to give Summary Review Approval of Veltkamp Minor Subdivision with the six conditions recommended by the staff in addition to a seventh condition that a \$35.00 fee would be paid to the appropriate fire department. Seconded by Ramon S. White. None voting nay. Motion carried.

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The time being 2:00 P.M. the acceptance of bids were closed for the Chip Seal Surface Treatment for the following RIDs: Riverside Manor and Greens RID 308, Sourdough Creek Properties (Hitching Post Road RID 309), Hyalite Heights RID 315, Gardner Park RID 317, El Dorado Estates RID 321, Sourdough Creek Properties RID 326 & Rea Subdivision RID 332. Arthur Vant Hull, Engineer, opened bids and reported a bid from Big Sky Paving, Montana Contractors License #4384A in the Amount of \$105,573.16 with 10% of the total amount of the bid. Pioneer Ready Mix, Montana Contractors License #6503A, in the amount of \$102,831.00 with 5% of the total amount of the bid. The engineer's estimate was approximately \$123,000.00 based on 1983 prices. Mr. Vant Hull and the Road Department reviewed the bids and recommended the County award the bid to Pioneer Ready Mix in the amount of \$102,831.00. Motion by Jane Jelinski to award bid for Chip Seal Surface Treatment for seven RIDs to Pioneer Ready Mix in the amount of \$102,831.00. Ramon S. White seconded the motion. None voting nay. Motion carried.

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Wilbur Visser stated reception of the affidavit of publication for the public hearing regarding a request for annexation into the Sourdough Rural Fire District. Ramon S. White read a portion of the resolution regarding the annexation and the commissioners found errors in the legal description of the proposed annexations. Motion by Ramon S. White to defer any action pertaining to the annexation of parcels into the Sourdough Rural Fire District. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Jane Jelinski stated concern for a salary fixed by resolution, and would have to be changed every year, and wondered if there was any way to set the salary the way that is done with the rest of the salaries within the budget process, regarding the resolution setting salary of Clerk and Recorder/Surveyor. Jim McKenna, deputy County Attorney recommended to the Commission the following change: That the Board of County Commissioners of Gallatin County hereby establishes the salary of the Clerk and Recorder/Surveyor of Gallatin County, Montana in the amount established for the office of Clerk and Recorder of Gallatin County as provided in 7-4-2503 MCA. Jane Jelinski stated that even though the Clerk and Recorder won't have additional duties in terms of supervision of the road department or surveying he will have the additional responsibility to sit as a Zoning Board member and taking into consideration the time and preparation she proposed a 10% increase in the salary to compensate for additional responsibilities. Ramon S. White stated the present Surveyor and Assessor do not receive additional pay for serving on the Zoning Board and recommended leaving the salary of Clerk and Recorder/Surveyor the same as the other elected officials as stated in 7-4-2503 MCA. Jane Jelinski commented the duty to serve on the Zoning Board was inherent to present Surveyor and Assessor and would become a new responsibility to the Clerk and Recorder. Ramon S. White recognized the fact that the Zoning Board takes up alot of time but felt it could be handled within the scope of the Clerk and Recorder's duties, and in addition stated if there would be additional management then he would consider but personally believed there would not be additional management. Wilbur Visser stated no additional compensation was needed. Motion by Ramon S. White to adopt Resolution #662 as follows:



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WHEREAS, the Board of Commissioners of Gallatin County, pursuant to Sections 7-4-2309(2) and 7-4-2310, MCA, ordered on November 14, 1985, that the office of County Surveyor for Gallatin County, Montana be consolidated with the office of the Clerk and Recorder for Gallatin County, Montana, effective January 5, 1987; and

WHEREAS, Section 7-4-2312, MCA, provides as follows: "When two or more offices are consolidated under a single officer, such officer shall receive as salary an amount to be determined by the Board or Boards of County Commissioners, but which amount must not be more than 20% higher than the highest salary provided by law to be paid to any officer whose duties he is required to perform by reason of such consolidation. (b) The Board or Boards shall . . . adopt a resolution fixing the salary of such officer for the term beginning with the first Monday in January immediately following the adoption of such resolution."

NOW, THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Gallatin County hereby establishes the salary of the Clerk and Recorder/Surveyor of Gallatin County, Montana, in the amount established for the office of the Clerk and Recorder of Gallatin County, as provided in 7-4-2503, MCA for the term beginning January 5, 1987.

Seconded by Jane Jelinski. Wilbur Visser and Ramon S. White voting aye. Jane Jelinski voting nay. Motion carried.

- - - -

Jane Jelinski read the proposed contract regarding the renewal of the County Rural Fire Chief contract, with the following proposed amendments: 2. COMPENSATION: The contractor will be compensated in an amount mutually agreed upon each year, to be paid on the 1st day of July, of each year of the contract term. 1. TERM: This agreement shall take effect on the 1st day of July, 1986, and shall remain in effect until the 30th day of June, 1989, unless sooner terminated as provided in this contract. 3. TERMINATION: This agreement may be terminated upon mutual agreement of the parties, upon failure of the contractor to perform his duties as specified in this agreement, or by either party upon thirty (30) days written notice to the other. In the event that termination under this paragraph occurs prior to the end of the contract term, the contractor shall refund the amount already paid to the contractor for the period of the unexpired term of the contract year in which the termination occurs. Lee Lewis, County Fire Chief, stated he agreed with the above amendments. Jane Jelinski read the duties under the proposed contract. Motion by Jane Jelinski to renew the County Rural Fire Chief contract including the amendments and thanked Lee Lewis for his service to the County. Seconded by Ramon S. White. None voting nay. Motion carried.

- - - -

Ramon S. White read the basic fees regarding the Humane Society contract renewal. Wilbur Visser reported the proposed contract is the same contract which has been previously approved. Motion by Ramon S. White to enter into a one (1) year agreement with the Humane Society as stated in the contract. Seconded by Jane Jelinski. None voting nay. Motion carried.

- - - -

Wilbur Visser reported various names of applicants for the appointment to the Airport Authority Board. Motion by Jane Jelinski to reappoint William Merrick to the Airport Authority Board for a five (5) year term to expire June 30, 1991. Seconded by Ramon S. White. None voting nay. Motion carried.

- - - -

Wilbur Visser reported Robert Davis and William Locke as applicants to the Bozeman City-County Planning Board. Motion by Ramon S. White to reappoint Robert Davis to a two (2) year term. Seconded by Jane Jelinski. None voting nay. Motion carried.

- - - -

Jane Jelinski read a letter of information from Kootenai County Task Force, Kootenai County Commissioners, and the Mayor of Coeur d' Alene, ID on Human Relations regarding a resolution supporting the concept of equal rights for all Citizens. Motion by Jane Jelinski to adopt Resolution #621, as follows, supporting the concept of Equal Rights for All Citizens.

WHEREAS, The Declaration of Independence state in part that "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

WHEREAS, the Fourteenth Amendment of the Constitution states that, "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

WHEREAS, Article II, Section 4, of the Montana Constitution states that, "The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition or political or religious ideas.

THEREFORE, be it resolved that Gallatin County, State of Montana supports these great principles.

BE IT FURTHER RESOLVED that Gallatin County, State of Montana supports the concept that all of its citizens be treated equally and fairly without regard to race, color, or religious conviction.

BE IT FURTHER RESOLVED that the Gallatin County Commission be and hereby is directed to send a signed copy of this resolution to the Kootenai County Task Force on Human Relations, Box 548, Coeur d' Alene, ID 83814.

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Seconded by Ramon S. White. Jane Jelinski and Wilbur Visser voting aye. Ramon S. White abstaining. Motion carried.

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Wilbur Visser introduced Jim McKenna, as the Deputy County Attorney, who will assist in advising the County Commissioners.

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There being no further business the meeting adjourned at 2:50 P.M.

- - - -

ATTEST:

*Gary St. Pungle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 1ST DAY OF JULY, 1986 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon White, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of June 24, 1986 as written, seconded by Ramon S. White. None voting nay. Motion carried.

ANNOUNCEMENTS

JUNE 24, 1986

Commissioners met with Bruce Kania of A.E. Montana regarding payment of property taxes.

Commissioner Visser met with Homer Siebinga regarding the ditch located on his property.

Commissioner Visser met with Steven Forte regarding a proposal to monitor air quality in the Bozeman area.

JUNE 25, 1986

Commissioners met with Lorraine Van Ausdol regarding reimbursement for district court costs.

Commissioners met with representatives from the Sheriff's Office regarding the new phone system.

Commissioners hired William Baldus for the Programmer position. Mr. Baldus will start full time on July 28, 1986.

Commissioners attended quarterly public meeting in Three Forks.

JUNE 26, 1986

Commissioners met as a Welfare Board.

Bridger Canyon Zoning Commission met and modified the conditional use permit for Flaming Arrow Lodge to allow them to construct a fence until October 1st.

Bridger Canyon Zoning Commission met and issued a temporary dwelling permit for a tipi for Allen and Renee Cook.

Commissioner Jelinski attended the HRDC Board meeting.

JUNE 27, 1986

Commissioners attended the open house for the talc plant in Sappington.

Commissioners met with Bill Quinn regarding acquisition of right of way for the extension of Goldenstein Lane.

JUNE 30, 1986

Commissioners met with Grace Bates and Wilbur Spring regarding the Historical Society.

Commissioners White and Visser met with Coroner Doris Fischer regarding duties of her office.

Jane Jelinski met with Gene Huntington, the Commissioner of Labor and Industry, regarding JTPA.

Commissioner Jelinski met with Senator Paul Boylan regarding the State Block Grant Program.

Received the following cancellations of taxes:

TUESDAY

THE 1ST

DAY OF JULY 19 86

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

Paul Rinaldi - Incorrect assessment - \$8.02

Valley Leasing - double assessment - \$490.91

Received numerous A101's in the amount of \$13,155.32 to the credit of various funds.

- - - -

Bill Murdock, Planner, reported that Montana State University and the Endowment and Alumni Foundation have claimed an exemption to realign common boundaries. The EAF and MSU wish to rearrange lot lines to correspond with the Farmer's Canal and Technology Park. The appropriate deeds have been submitted, and no previous realignments of common boundaries between the parties have occurred. From the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant a realignment of common boundaries requested by MSU and the Endowment and Alumni Foundation. Ramon S. White seconded. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Montana State University also claims the occasional sale exemption. MSU representatives have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use. Motion by Jane Jelinski to grant an occasional sale exemption to Montana State University. Seconded by Ramon S. White. None voting nay. Motion carried.

Bill Murdock, Planner, reported that the Gallatin County Airport Board claims the court order/operation of law exemption. The record landowners have submitted a statement certifying that the tract is being created by order of any court or by operation of law or, in the absence of agreement between parties to the sale, could be created by court order to the law of eminent domain. Based on the information submitted, this appears to be a proper use of the exemption. Mr. Murdock also reported the tract is located in a government lot. Jane Jelinski stated concern there was not a court order requiring a transfer. Mr. Murdock replied the possibility of it becoming a court order was in existence and most likely the reason the exemption stated "court order/operation of law". Motion by Jane Jelinski to grant the court order/operation of law exemption to the Gallatin County Airport Board. Seconded by Ramon S. White. None voting nay. Motion carried.

Bill Murdock, Planner, reported that Vivian Linden has claimed the security for construction financing exemption. Mrs. Linden has submitted a statement certifying that only one parcel is being created within the original tract, and that she will retain title to and possession of the original tract. Montana Bank of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the exemption for Vivian Linden regarding security of a construction loan. Seconded by Ramon S. White. None voting nay. Motion carried.

Bill Murdock, Planner, reported that Donald and Elva Arthur have claimed the aggregation of lots exemption (76-3-207(2)(3)MCA). The Arthurs have certified that the purpose of the survey is to show boundary changes for the purposes of aggregating lots of five or fewer parcels within a platted subdivision. The original lots were not created through other exemptions. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the aggregation of lots for Donald and Elva Arthur. Seconded by Ramon S. White. None voting nay. Motion carried.

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Motion by Jane Jelinski to postpone any action on a request for the extension of preliminary plat approval of Redtail Hawk Minor Subdivision until the next public meeting, July 8, 1986, when Mr. Baker, Belgrade City-County Planning Board, can be reached by Bill Murdock, Planner. Seconded by Ramon S. White. None voting nay. Motion carried.

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Gary Mitchell, President of the Gallatin Valley Softball Association, approached the Board of County Commissioners to explain a request for park funds for the expansion of the Softball Complex. The City Subdivision Review and Advisory Board, John McNiel of the City of Bozeman, and the Softball Association devised a plan to use some of the wasted space by adding two (2) softball fields, three (3) soccer fields, additional parking, and in a swampy area, a pond for irrigation of the proposed and current fields. The city has agreed to allow the expansion with two criteria. 1) The approval of the city regarding the parking lots. 2) The study regarding the handling of traffic off of Highland Boulevard. The preliminary bids are approximately \$100,000.00, with a cost override of approximately \$10-12,000.00. The Softball Association is prepared to put up 1/3 of the total cost. The association is requesting 1/3 of the cost to be paid by Gallatin County. The remaining 1/3 will be requested to the City of Bozeman. Jane Jelinski questioned who controls the use of the complex. Mr. Mitchell reported at the present time the complex was a City park and open to the public with a large usage by the Softball Association and the Soccer Association. Mr. Mitchell also stated the relationship between Legion Field is very good, but problems are arising because of inadequate backstops. Jane Jelinski questioned Bill Murdock of how much money was left in the park fund. Mr. Murdock's approximate calculation was \$50,000.00. Jane Jelinski suggested the possibility to Mr. Mitchell of the county contributing half of the amount this year and the other half next fiscal year, with a positive response from him. Wilbur Visser questioned Bill Murdock of the progress of the County park plan. Mr. Murdock reported that in the initial meeting the timetable included the Commissioners to have a draft plan with some policy suggestions this fall, and most likely a plan for a multi-purpose

TUESDAY THE 1ST DAY OF JULY 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

recreational area will be a top priority. Ramon S. White stated the possibility of starting from scratch and purchasing a parcel of ground, because of the need for more softball fields, but not at the present location. Mr. Mitchell stated the Softball Association agreed with Mr. White but because of the urgent need now, and not having the finances to purchase and then develop a new site, this expansion was developed. Wilbur Visser requested a decision from James McKenna, Deputy County Attorney, regarding using County parkland funds inside the city limits of Bozeman. Motion by Jane Jelinski to postpone a decision until the first public meeting in August. Seconded by Ramon S. White. None voting nay. Motion carried.

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Doris Fischer of the Gallatin Development Corporation presented a Tri-County planning proposal for economic development to the commissioners. The Counties included in the cooperative planning venture would be Gallatin, Park, and Meagher. Economic development projects of this kind would be funded through the U.S. Economic Development Administration, which will include grant and loan projects, with the main cause being for job creation. Mrs. Fischer reported that Gallatin County, in the 1970's, formed an economic development district but failed to update the plan annually as is required, and lost its status. The proposed plan includes participation from Gallatin County to assist Park and Meagher Counties with an overall updating including key growth centers between the three counties, with a cost for updating at \$6,000.00, \$2,000.00 per county. Mrs. Fischer added the City of Bozeman has expressed interest in the proposed plan and is willing to contribute \$1,000.00. The Commissioners decided to meet with Park and Meagher Counties and take the proposal into consideration before making any decisions.

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Ramon S. White read the following Resolution #620, including the corrected legal description regarding annexation into the Sourdough Rural Fire District.

WHEREAS, On April 23, 1986, a petition signed by more than 50% of the freeholders within the area was filed, and

WHEREAS, said petition was duly certified by the County Clerk in accordance with Section 7-33-2125, MCA, and hearing held on July 1, 1986, and there being no or insufficient protests:

NOW THEREFORE, the following described land is hereby annexed to the Sourdough Rural Fire District:

Tract 1 of COS 1099, Section 10, Township 3 South, Range 5 East; Approximately 8.23 acres, Section 10, Township 3 South, Range 5 East, COS 1088; COS 934, a 4 acre tract in the SE $\frac{1}{4}$  Section 5, Township 3 South, Range 6 East; 1 acre tract in the SE $\frac{1}{4}$  Section 5, Township 3 South, Range 5 East shown on plat film 1, page 1511; 3 acre tract in the SE $\frac{1}{4}$  Section 10, Township 3 South, Range 5 East, shown on plat film 6, page 1017; Lot 23 of Hyalite Foothills Subdivision No. 1; the NE $\frac{1}{4}$ , Sec. 5, Township 3 South, Range 5 East; the SE $\frac{1}{4}$ , Section 5, Township 3 South, Range 6 East; a tract of land located in the NE $\frac{1}{4}$  of Section 10, Township 3 South, Range 5 East, according to book 148, page 312 of plats in NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 8, Township 3 South, Range 6 East.

Motion by Ramon S. White to adopt and pass Resolution #620. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:50 P.M.

- - - -

ATTEST:

*Ramon S. White*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 8TH DAY OF JULY, 1986 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Ramon S. White, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Ramon S. White to approve the minutes of July 1, 1986, as written, seconded by Wilbur Visser. None voting nay. Motion carried.

ANNOUNCEMENTS

July 1, 1986

Commissioners worked on budgets.

July 2, 1986

Commissioners met with Jim Spady regarding progress at the Rest Home.

Commissioners worked on budgets.

TUESDAY

THE 8TH

DAY OF JULY 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAJULY 3, 1986

Commissioners met with representatives of the Search and Rescue program regarding their proposed budget.

Commissioners worked on budgets.

JULY 4, 1986

FOURTH OF JULY HOLIDAY

July 7, 1986

Commissioner Jelinski is on vacation through July 21st.

Received report from the Clerk and Recorder's Office showing the items of fees and other collections made during the month of June in the amount of \$15,094.60.

Received numerous A101s in the amount of \$2,425.55 to the credit of various funds.

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Bill Murdock, Planner, reported Doug and Dee Ann Whitmer have claimed the security for construction financing. The Whitmers have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. American Federal Savings of Bozeman has certified that the creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to approve the exemption claimed by Doug and Dee Ann Whitmer for the security for construction financing. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that William and Marilyn Dyk have claimed the family sale exemption to transfer a 1.274 acre tract to their son Douglas Dyk. The Dyk's have the required deed and have certified that no prior family transfers have been conveyed to this family member. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to approve the exemption claimed by William and Marilyn Dyk for a family sale. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Joseph W. Baker, Planning Director for the Belgrade City-County Planning Board, reported Allen and Associates have requested a one year extension on the behalf of John Austin, the developer of the Red Tail Hawk Minor Subdivision. This minor subdivision was granted preliminary approval by the Belgrade City Council on August 19, 1985, and the Gallatin County Commissioners on August 20, 1985. The developer is experiencing problems obtaining a clear title on the property and needs the extension to resolve this problem. Other conditions of approval imposed by the Belgrade City Council and the Gallatin County Commissioners are being completed by the developer in a timely manner. The Belgrade City-County Planning Director recommends that the developer be granted the one year extension as requested for the Red Tail Hawk Minor Subdivision. Motion by Ramon S. White to grant a one (1) year extension of preliminary plat approval to John Austin, developer, for Red Tail Hawk Minor Subdivision. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Wilbur Visser reported the notice of hearing was posted on three (3) different sites within the proposed RID for the creation of RID #338. Discussion regarding the creation of RID #338 included a letter of protest from Deborah F. Hanna, Donald G. & Elva J. Arthur, Wayne C. & Char Johnson, Bill & Linda O'Neill, David C. Uitoff, and Helen K. Savage. Those in favor of the proposed RID #338 included Dave Hoekema, J. David Penwell, Attorney for the petitioners to create RID # 338, and Jack Schunke, Engineer, Morrison & Maierle. Ramon S. White stated that each lot contributes identical footage under the RID, and the commission received seven (7) letters of protest. Motion by Ramon S. White to pass a resolution creating RID #338 in accordance with the resolution of intention (#618) which has been previously passed, and to be drawn up by the County Attorney at a later date. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Wilbur Visser reported the notice of hearing was posted on three different sites within the proposed RID for the creation of RID #339. Several letters have been returned including Rockford & Cheryl Ross, Don & Rozelle Derryberry, Patrick & Gayle Herring, Carol Thompson, Ken & Shirley Gandenberger, Craig & Julie Blockey, Merlyn & Linda Ulrich, Steve & Linda Adelson, Tim & Kelsey Walker. Mr. Visser stated no letters of protest were received regarding RID 339. Jack Schunke, Engineer, Morrison & Maierle, Pete Aspinwall, Paul Joubert, and Deanna Bergman spoke in favor of the creation of RID #339. Wilbur Visser stated the two RIDs, (RID #338 & #339) are different in regards to other RIDs in the past because approximately 95% of the property in question is on the tax rolls, and being assessed to individual property owners and not developers. Motion by Ramon S. White to pass a resolution creating RID #339 in accordance with the resolution of intention (#619) which was previously passed, and to be drawn up by the County Attorney at a later date. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:25 P.M.

TUESDAY THE 8TH DAY OF JULY 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

ATTEST:

Clerk

*Gary St. Pingle*  
 Clerk

APPROVED:

Chairman

*Wilbur Visser*  
 Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 15TH DAY OF JULY, 1986 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Ramon S. White, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

## ANNOUNCEMENTS

July 8, 1986

Commissioners met with Jim Johnstone regarding their need for legal representation in the pending lawsuit brought by Jim Barnett.

Justice of the Peace Goan to be out of state from July 4 through July 20, 1986.

July 9, 1986

Commissioner Visser met with Eddie Buresch of Johnson Controls to renew the County's maintenance contract.

Commissioners met with Al Lien, Fair Board Chairman.

Received the following cancellations of taxes:

Four Corners Investors - \$22.22, not an existing parcel in 1983.

Four Corners Investors - \$22.48, not an existing parcel in 1984.

Four Corners Investors - \$23.21, not an existing parcel in 1985.

July 10, 1986

Received the following transfers of funds:

Loy Carroll

July 10, 1986

County Treasurer

Gallatin County, Montana

You are hereby authorized to make the following cash transfers:

1. The sum of \$1,127.69 from fund 2281 to fund 2276 for operating transfers not transferred in February.

2. The sum of \$239.11 from fund 2276 to fund 2190 for operating transfers not transferred in February.

3. The sums of \$11.65 from fund 2110, \$15.00 from fund 2120, \$17.25 from fund 2180, \$104.65 from fund 2190, \$153.10 from fund 2240, \$7.75 from fund 2276, \$16.35 from fund 2282, \$208.00 from fund 2290 and \$68.00 from fund 5020 to fund 1000 for April printing charges.

4. The sums of \$106.50 from fund 1000, \$7.30 from fund 2276 and \$25.80 from fund 2440 to fund 2190 for April copier charges.

5. The sums of \$193.83 from fund 2180, \$84.16 from fund 2290, \$2.30 from fund 2440, \$7.05 from fund 2240, \$40.07 from fund 2276, \$92.97 from fund 2120, \$70.96 from fund 2190, \$34.68 from fund 5020 and \$16.06 from fund 2282 to fund 1000 for April supplies transfers.

6. The sums of \$150.00 from fund 2275, \$100.00 from fund 2282 and \$700.00 from fund 2281 to fund 2190 for Health Department transfers in April.

6. The sum of \$10,593.60 from fund 2180 to fund 1000 for improperly distributed revenues.

8. The sums of \$4.20 from fund 2190 and \$14.40 from fund 2240 to fund 1000 for April copier charges.

9. The sum of \$1,495.00 from fund 2310 to fund 1000 for Drug Overtime.

10. The sum of \$7.49 from fund 2276 to fund 2273 for operating transfers not transferred in February.

*Wilbur Visser*  
 Chairman, Board of County Commissioners

TUESDAY

THE

15TH

DAY OF JULY

19 86

FORM 12187-TRIBUNE PRINTING

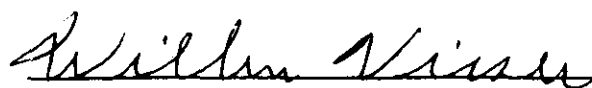
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Loy Carroll  
County Treasurer  
Gallatin County, Montana

July 10, 1986

You are hereby authorized to make the following cash transfers:

1. The sum of \$3,160.00 from fund 2270 to fund 2271 to correct improper revenue coding.
2. The sum of \$21.60 from fund 1000 to fund 2180 for May copier charges.
3. The sums of \$8.31 from fund 2180, \$39.87 from fund 2190, \$131.19 from fund 2761 and \$291.75 from fund 2110 to fund 1000 for May gas transfers.
4. The sums of \$67.40 from fund 1000, \$101.11 from fund 2160, \$33.55 from fund 2761, \$47.63 from fund 2190, \$27.48 from fund 2140 and \$8.49 from fund 5020 to fund 2110 for May gas transfers.
5. The sums of \$20.40 from fund 2110, \$135.00 from fund 2120, \$61.00 from fund 2180, \$10.00 from fund 2190, \$91.80 from fund 2272, \$47.50 from fund 2275, \$26.00 from fund 2282 and \$211.35 from fund 2290 to fund 1000 for May printing charges.
6. The sums of \$20.15 from fund 2190 and \$18.95 from fund 2240 to fund 1000 for May copier charges.
7. The sums fo \$89.05 from fund 1000 and \$1.05 from fund 2276 to fund 2190 for May copier charges.
8. The sums of \$40.95 from fund 2110, \$132.19 from fund 2120, \$9.75 from fund 2180, \$38.82 from fund 2190, \$8.70 from fund 2275, \$3.29 from fund 2276 and \$33.45 from fund 2290 to fund 1000 for May supplies transfers.



Chairman, Board of County Commissioners

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$5.00 as appropriated under general class (2) Maintenance and Support for account 1000-206-411260-210 be transferred to account 100-206-411260-220 under general class (2) Maintenance and Support.

That the sum of \$15,000.00 as appropriated under general class (1) Salaries and Wages for account 1000-205-410580-110 be transferred to account 1000-205-410580-397 under general class (2) Maintenance and Support.

That the sum of \$25.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410900-363 be transferred to account 1000-202-410550-363 under general class (2) Maintenance and Support.

That the sum of \$6.56 as appropriated under general class (2) Maintenance and Support for account 2190-216-440110-210 be transferred to account 2190-216-440110-320 under general class (2) Maintenance and Support.

That the sum of \$104.15 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-226 under general class (2) Maintenance and Support.

That the sum of \$138.32 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-222 under general class (2) Maintenance and Support.

That the sum of \$69.34 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-370 be transferred to account 1000-210-411100-323 under general class (2) Maintenance and Support.

That the sum of \$475.00 as appropriated under general class (2) Maintenance and Support for account 1000-202-410600-397 be transferred to account 1000-202-410550-397 under general class (2) Maintenance and Support.

TUESDAY THE 15TH DAY OF JULY 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

That the sum of \$27.02 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-370 be transferred to account 1000-209-420100-381 under general class (2) Maintenance and Support.

That the sum of \$123.00 as appropriated under general class (2) Maintenance and Support for account 1000-211-410340-360 be transferred to account 1000-211-410340-330 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-215-410591-370 be transferred to account 1000-215-410591-210 under general class (2) Maintenance and Support.

That the sum of \$1000.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410331-393 be transferred to account 2180-208-410331-320 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 1000-295-470260-320 be transferred to account 1000-295-470260-312 under general class (2) Maintenance and Support.

That the sum of \$2000.00 as appropriated under general class (1) Salaries and Wages for account 2160-000-460200-112 be transferred to account 2160-000-460200-110 under general class (1) Salaries and Wages.

That the sum of \$2000.00 as appropriated under general class (1) Salaries and Wages for account 2160-000-460200-190 be transferred to account 2160-000-460200-110 under general class (1) Salaries and Wages.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-210 be transferred to account 2160-000-460200-140 under general class (1) Salaries and Wages.

That the sum of \$80.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-210 be transferred to account 2160-000-460200-110 under general class (1) Salaries and Wages.

That the sum of \$150.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-231 be transferred to account 2160-000-460200-338 under general class (2) Maintenance and Support.

That the sum of \$400.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-231 be transferred to account 2160-000-460200-345 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-340 be transferred to account 2160-000-460200-345 under general class (2) Maintenance and Support.

That the sum of \$5380.00 as appropriated under general class (3) Capital Outlay for account 2160-999-460200-920 be transferred to account 2160-000-460200-360 under general class (2) Maintenance and Support.

That the sum of \$920.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-340 be transferred to account 2160-000-460200-260 under general class (2) Maintenance and Support.

That the sum of \$450.00 as appropriated under general class (2) Maintenance and Support for account 2160-000-460200-370 be transferred to account 2160-000-460200-360 under general class (2) Maintenance and Support.

That the sum of \$450.00 as appropriated under general class (3) Capital Outlay for account 2160-000-460200-905 be transferred to account 2160-000-460200-360 under general class (2) Maintenance and Support.

That the sum of \$6300.00 as appropriated under general class (3) Capital Outlay for account 2160-000-460200-905 be transferred to account 2160-000-460200-940 under general class (3) Capital Outlay.

That the sum of \$12.00 as appropriated under general class (2) Maintenance and Support for account 1000-210-411100-370 be transferred to account 1000-210-411100-323 under general class (2) Maintenance and Support.

That the sum of \$528.00 as appropriated under general class (1) Salaries and Wages for account 2190-216-440110-110 be transferred to account 2190-216-440110-397 under general class (2) Maintenance and Support.

That the sum of \$113.42 as appropriated under general class (2) Maintenance and Support for account 2279-000-440180-320 be transferred to account 2279-000-440180-210 under general class (2) Maintenance and Support.



TUESDAY

THE 15TH

DAY OF JULY

1986

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 11<sup>th</sup> day of July, 1986

William Visser

Ramon S. Seltzer

absent  
Board of County Commissioners  
Gallatin County, Montana

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$50.00 as appropriated under general Class (2) Maintenance and Support for account 1000-295-470260-210 be transferred to account 1000-295-470260-345 under general class (2) Maintenance and Support.

That the sum of \$700.00 as appropriated under general class (2) Maintenance and Support for account 2440-000-411000-397 be transferred to account 2440-000-411000-370 under general class (2) Maintenance and Support.

That the sum of \$\$400.00 as appropriated under general class (2) Maintenance and Support for account 2440-000-411000-320 be transferred to account 2440-000-411000-337 under general class (2) Maintenance and Support.

That the sum of \$400.00 as appropriated under general class (2) Maintenance and Support for account 1000-254-420600-361 be transferred to account 1000-254-420600-345 under general class (2) Maintenance and Support.

That the sum of \$24.10 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-361 be transferred to account 1000-209-420100-222 under general class (2) Maintenance and Support.

That the sum of \$98.19 as appropriated under general class (2) Maintenance and Support for account 1000-209-420100-361 be transferred to account 1000-209-420100-381 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 2410-208-420300-220 be transferred to account 2410-208-420300-380 under general class (2) Maintenance and Support.

That the sum of \$750.00 as appropriated under general class (2) Maintenance and Support for account 2310-000-420140-510 be transferred to account 2310-000-420140-228 under general class (2) Maintenance and Support.

That the sum of \$425.14 as appropriated under general class (2) Maintenance and Support for account 2310-000-420140-380 be transferred to account 2310-000-420140-228 under general class (2) Maintenance and Support.

That the sum of \$3000.00 as appropriated under general class (2) Maintenance and Support for account 8152-000-440700-397 be transferred to account 8152-000-440700-220 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 1000-212-420810-350 be transferred to account 1000-212-420810-345 under general class (2) Maintenance and Support.

That the sum of \$210.00 as appropriated under general class (2) Maintenance and Support for account 1000-209-420230-210 be transferred to account 1000-209-420230-940 under general class (3) Capital Outlay.

That the sum of \$30.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-320 be transferred to account 2180-208-410333-320 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (2) Maintenance and Support for account 2410-208-420300-397 be transferred to account 2410-208-420300-220 under general class (2) Maintenance and Support.

TUESDAY THE 15TH DAY OF JULY 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

That the sum of \$1000.00 as appropriated under general class (2) Maintenance and Support for account 2310-000-420140-370 be transferred to account 2310-000-420140-228 under general class (2) Maintenance and Support.

That the sum of \$300.00 as appropriated under general class (3) Capital Outlay for account 2310-000-420140-940 be transferred to account 2310-000-420140-228 under general class (2) Maintenance and Support.

That the sum of \$195.00 as appropriated under general class (2) Maintenance and Support for account 2310-000-420140-510 be transferred to account 2310-000-420140-228 under general class (2) Maintenance and Support.

That the sum of \$3000.00 as appropriated under general class (1) Salaries and Wages for account 1000-200-411810-110 be transferred to account 1000-211-410340-395 under general class (2) Maintenance and Support.

WHEREAS, Section 7-6-2325, Revised Codes of Montana, 1979, provides that in the case of budget appropriations to be expended from the Fund, any transfer between or among the General Classes of (1) "Salaries and Wages." and (2) "Maintenance and Support." may be made; and

WHEREAS, said Section 7-6-2325 further provides that such transfer shall be made by a Resolution adopted by the Board of County Commissioners at a regular or special meeting and entered upon its minutes; Fund Budget appropriations be made, said transfers to be effective on the date this Resolution is passed:

That the sum of \$300.00 as appropriated under general class (2) Maintenance and Support for account 2100-307-430230-490 be transferred to account 2110-307-430230-940 under general class (3) Capital Outlay.

That the sum of \$600.00 as appropriated under general class (2) Maintenance and Support for account 8020-000-480100-220 be transferred to account 8020-000-480100-380 under general class (2) Maintenance and Support.

That the sum of \$640.00 as appropriated under general class (2) Maintenance and Support for account 2190-217-440160-370 be transferred to account 2190-217-440160-231 under general class (2) Maintenance and Support.

That the sum of \$200.00 as appropriated under general class (2) Maintenance and Support for account 2180-208-420300-221 be transferred to account 2180-208-420300-370 under general class (2) Maintenance and Support.

That the sum of \$32.69 as appropriated under general class (2) Maintenance and Support for account 2180-208-410335-320 be transferred to account 2180-208-410335-370 under general class (2) Maintenance and Support.

That the sum of \$500.00 as appropriated under general class (3) Capital Outlay for account 2160-000-460200-905 be transferred to account 2160-000-460200-940 under general class (3) Capital Outlay.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-370 be transferred to account 2290-245-450400-210 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-371 be transferred to account 2290-245-450400-210 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2290-245-450400-372 be transferred to account 2290-235-450400-210 under general class (2) Maintenance and Support.

That the sum of \$100.00 as appropriated under general class (2) Maintenance and Support for account 2290-235-450400-373 be transferred to account 2290-235-450400-210 under general class (2) Maintenance and Support.

BE IT FURTHER RESOLVED, That agreeable to this Resolution these figures be spread on the budget sheets, so that it shall conform hereto and that a copy of this Resolution be filed with the County Clerk and Recorder.

Dated this 11<sup>th</sup> day of July, 19 86

*William Kisser*

*Ramon White*

*absent*  
 Board of County Commissioners  
 Gallatin County, Montana

TUESDAY THE 15TH DAY OF JULY 1986

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAJuly 11, 1986

Routine business this date.

July 12, 1986

Commissioner Visser attended the Open House at the Bozeman Public Library.

July 14, 1986

Commissioners met with Planner, Bill Murdock, Subdivision Review Officer, Mary Kay Peck, and Gene Cook.

July 15, 1986

County Surveyor Richard McClue was sworn in by Clerk and Recorder Gary Pringle. This is pursuant to a Writ of Mandamus issued by Judge Mark Sullivan ordering that Mr. McClue was entitled to hold this office as of January 1, 1985.

Received numerous A101s in the amount of \$175,669.82 to the credit of various funds.

New Employees - June, 1986

Mark Hayden, Part Time Cook, Sheriff's Dept. - \$5.2827/hr, 6-1-86.

Carol Cornwell, Medical Secretary I, Health Dept. - \$977.03/mo., 6-4-86.

Cindy Lewis, RN, Rest Home, - \$8.52/hr., 6-6-86.

Elizabeth Jordan, Nurses Aide, Rest Home, - \$5.05/hr, 6-12-86.

Kathleen Cullen, Temporary, Judge Gary, - \$8.6540/hr., 6-9-86.

Bernadette Koala, Kitchen Aide, Rest Home, - \$5.05/hr., 6-12-86.

Angela Vance, Nurses Aide, Rest Home, - \$5.05/hr., 6-18-86.

- - - -

Bill Murdock, Planner reported Joel and Richard Hare have claimed the security for construction financing exemption. The Hare's have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. First Bank of Bozeman has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant a mortgage survey exemption to Joel and Richard Hare. Seconded by Wilbur Visser. None voting nay. Motion carried.

Bill Murdock, Planner reported Bob Ward has claimed two realignment of common boundary exemptions, each on a separate certificate of survey. The first one, (COS 1120A), is to rearrange the boundary of all tracts on the COS to correspond with the released Milwaukee Railroad right-of-way. Tract D-1 is the only one under 20 acres requiring the exemption. The second realignment, (COS 650A), is to realign Railroad right-of-way and the original Tract A common boundaries. The appropriate deeds have been submitted, and no prior relocations of boundaries have been made on the original tracts. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the two realignment of common boundary exemptions for COS 1120A and 650A respectively, to Bob Ward. Seconded by Wilbur Visser. None voting nay. Motion carried.

Bill Murdock, Planner reported Hubertus and Donna Lohner have claimed the occasional sale exemption. The Lohners have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use. Motion by Ramon S. White to grant the occasional sale exemption to Hubertus and Donna Lohner. Seconded by Wilbur Visser. None voting nay. Motion carried.

- - - -

Wilbur Visser acknowledged receipt of the affidavit of publication and certified mail regarding the abandonment of one section of Cottonwood Canyon Road. The following report was read by Mr. Visser: On June 24, 1986, the undersigned, being duly appointed as viewing committee viewed and considered that portion of Cottonwood Canyon Road owned by Charles Crampton and Kathryn Wolny in the SE $\frac{1}{4}$  of Section 21, Township 3 South, Range 5 East, P.M.M. that had been petitioned. The proposed road changes would straighten the road alignment. By changing the road, safety will be greatly improved for the public. The reviewing committee sees a immediate benefit to the County and hereby recommends that the petition to close one portion and open another portion as a county road be accepted.

/S/ Ramon S. White, County Commission, Donald L. Brelsford, P.E., County Surveyor-Engineer.

Gene Hawkes, President of Public Access, questioned whether the abandonment would affect public access. Ramon W. White stated the abandonment would not affect public access at all.

Wilbur Visser stated the abandonment of one section and the opening of another section would benefit public safety. Motion by Ramon S. White to abandon one section of county road as stated in the following Road Petition #714 and open another section as stated in the following Road Petition #714. Seconded by Wilbur Visser. None voting nay. Motion carried.

TUESDAY THE 15TH DAY OF JULY 1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Road Petition #714:

PETITION TO ABANDON ONE SECTION OF COUNTY ROAD AND OPEN ANOTHER SECTION

Road to be abandon:

1. A tract of land beginning at the West Sixteenth corner of the SE $\frac{1}{4}$  of section 21, T3S, R5E, PMM in Gallatin County, Montana. Thence S89° 38' 28" E a distance of 730.23 feet to the centerline of an existing county road (Cottonwood Canyon Road). Thence N 10° 19' 09" W along said centerline a distance of 999.91 feet to a 5/8 rebar. Thence S 88°55'28" E 30.39 feet to a point on the East right of way of the existing county road, the True Point of Beginning. Thence N 10° 19' 09" W a distance of 140.84 feet along the east right-of-way of the proposed new road right-of-way to the beginning of a curve to the left having a delta of 23°13'20" and a radius of 614.02 feet for a distance of 248.86 feet. Thence S 33°32'29" E along the East right-of-way of Cottonwood Canyon Road a distance of 253.21 feet. Thence S 8°07'12" W a distance of 158.39 feet to the True Point of Beginning. This tract of land contains 0.1779 acres.

2. The portion of the road to be abandon is shown on the attached drawing in green. (See Road petition #714). Total length 389.70 feet.

Road to be opened:

1. A tract of land beginning at the West Sixteenth corner of the SE $\frac{1}{4}$  of Section 21, T3S, R5E, PMM in Gallatin County, Montana. Thence S 89°38'28" E a distance of 730.23 feet to the centerline of an existing county road (Cottonwood Canyon Road). Thence N10°19'09" W along said centerline a distance of 999.91 feet to a 5/8 rebar. Thence S88°54'03"W distance of 30.39 feet to a point on the West right-of-way of the existing county road, the True Point of Beginning. Thence N 10°19'09" W a distance of 131.09 feet along the proposed right-of-way change to beginning of a curve to the left having a delta of 23°13'20" and a radius of 554.02 feet for a distance of 224.55 feet to a point on the existing right of way of Cottonwood Canyon Road. Thence S 33°32'29" E along the said right-of-way a distance of 230.88 feet. Thence S 8°07'12" E along said right-of-way a distance of 145.29 feet to the True Point of Beginning. This tract of land contains 0.1491 acres.

2. The portion of the road to be opened is shown on the attached drawing. (See road petition #714) Total length 355.64 feet.

3. The necessity for and the advantage of the petitioned action as described above are as follows: (a) Better road alignment by straightening the road. (b) By changing the road safety will be greatly improved for the public.

- - - -

There being no further business the meeting adjourned at 2:25 P.M.

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ATTEST:

*Gary St. Pungle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 22ND DAY OF JULY, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

July 16, 1986

Commissioners attended the Refuse District meeting in West Yellowstone.

Commissioners granted a suitability of access determination to Del Nose for a twenty acre tract fronting on McReynolds Road.

July 17, 1986

Commissioner Visser went to Butte with Road Superintendent Sam Gianfrancisco to view the operation of a Bomag Recycling Machine.

July 18, 1986

Commissioner Visser toured the jail site with representatives from Willo Products.

Commissioners met with Jim Cummings of Thomas, Dean, and Hoskins, and Carter Williams regarding paving of Goldenstein Lane.

Commissioners met with Duane Johnson of Management Associates and Personnel Officer Kathy Nowierski regarding sheriff union negotiations.

July 21, 1986

Bridger Canyon Zoning Commission met and granted a special permit to Lee and Ann Chase for temporary use of a mobile home while they are constructing a permanent dwelling unit.

TUESDAY THE 22ND DAY OF JULY 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

July 22, 1986

Received numerous A101s in the amount of \$7,044.12 to the credit of various funds.

- - - -

Motion by Ramon S. White to approve the minutes of July 8, 1986, and July 15, 1986, as written. Seconded by Jane Jelinski. Wilbur Visser and Ramon S. White voting aye. Jane Jelinski abstained. Motion carried.

- - - -

Joseph W. Baker, Planning Director for the Belgrade City-County Planning Board reported Sanderson/Stewart/Gaston Engineering have requested a one week extension on the behalf of the developer of the Yukon Subdivision, Phase II. This subdivision was granted preliminary approval by the Belgrade City Council on July 19, 1984, and the Gallatin County Commissioners on July 24, 1984. Yukon Subdivision is to be completed in two phases, with Phase II to be completed July 24, 1986. The developer received approval from the Montana Department of Health and Environmental Sciences on Monday, July 21, 1986. This subdivision requires a one week extension to facilitate proper review of all approval conditions by the Belgrade City-County Planning Director. The Belgrade City-County Planning Director recommends that the developer be granted the one week extension until July 31, 1986, as requested for the Yukon Subdivision, Phase II. Motion by Ramon S. White to grant a one week extension of final approval for Yukon Subdivision Phase II. Seconded by Jane Jelinski. None voting nay. Motion carried.

- - - -

J. David Penwell, Attorney for the petitioners to create RID #338, reported an error was made in the legal description with regards to the resolution of intention (#618). Mr. Penwell stated a corrected resolution of intention had been drawn up along with a notice to freeholders of real property within Rural Improvement District #338. Jim McKenna, Deputy County Attorney, confirmed the legal description had been corrected and is now acceptable. Motion by Ramon S. White to pass a resolution of intention to create RID #338 which contains 56 lots described as Lot 9 of Mountain View Subdivision Number 1, as rearranged in COS 619 plus all of Mountain View Subdivision 2 and 3 and that parcel of land identified as Lot 11A in Certificate of Survey No. 619A, all in portions of Sections 16 and 21, Township 1 South, Range 5 East. M.P.M., Gallatin County, Montana. Seconded by Jane Jelinski. None voting nay. Motion carried.

- - - -

There being no further business the meeting adjourned at 1:50 P.M.

- - - -

ATTEST:

*Gary St. Pungle*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 29TH DAY OF JULY, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of July 22, 1986 as written. Seconded by Wilbur Visser. None voting nay. Motion carried.

July 22, 1986

Commissioners Jelinski and White met with Richard Andriolo and County Attorney Mike Salvagni regarding the progress of the detention center litigation.

July 23, 1986

Commissioners met with Jack Schunke of Morrison-Maierle and Mary Kay Peck regarding the amended plat of Hebgen Lake Estates.

Commissioners worked on budgets.

Commissioners Visser and Jelinski attended the mutual aid meeting with representatives from other surrounding counties.

Commissioner White attended the Rest Home Auxiliary meeting.

July 24, 1986

Commissioners met with Dave Dunn and Wally Schumacher of the Sheriff's Department regarding staffing at the detention center.

Commissioners worked on budgets.

TUESDAY THE 29TH DAY OF JULY 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Commissioner Jelinski attended the Refuse district<sup>#1</sup> meeting in Manhattan.

July 25, 1986

Commissioners met with Emery Nelson, Sanitarian and Kathy Nowierski, Personnel Officer regarding hiring procedures.

Commissioners sat as a Welfare Board.

Commissioners met with Steve Lere regarding the budget for the City/County Planning Board.

Commissioners worked on budgets.

Election was held at the Fairgrounds with personnel voting 3-0 to join the Teamsters Union Local #2.

July 28, 1986

Commissioner Jelinski in Great Falls attending a meeting with the Department of Labor, the Private Industry Council, and the Local Government Advisory Council regarding JTPA Commissioner White on vacation through August 1, 1986.

Received the following list of new employees:

Joey Gambrell - Groundskeeper, Rest Home, \$4.36/hr. 7-7-86.  
 Ruth Willson - Secretary, Extension Office, \$977.03/mo. 7-1-86  
 Peter Wolf - Temporary Fairgrounds Worker, \$4.21/hr. 6-30-86.  
 Joseph Kuiken - Weed Crew, \$5.63/hr. 6-23-86  
 James Johnson - Weed Crew, \$5.63/hr. 5-23-86.  
 William Peterson - Weed Crew, \$5.63/hr. 6-25-86.  
 David Miller - Budget Officer, \$1,666.64/mo. 6-14-86.  
 Lorelei Marshall - Administrative Clerk, \$5.2280/hr. 6-14-86.  
 Gary Kubenthal - Kitchen Aide, Rest Home, \$5.05/hr. 7-22-86  
 William Redfield, Custodian \$977.03/mo. 7-28-86  
 Wendy Moos - Laundry Worker, Rest Home \$4.36/hr. 7-24-86

Received the following applications for cancellation of taxes:

Tammy Anders - never owned personal property in Gallatin County - \$8.02  
 Ben Bakke - sold stock car in 1983 - \$13.86  
 Ben Bakke - sold stock car in 1983 - \$11.95

Received numerous A101s in the amount of \$12,744.65 to the credit of various funds.

Bill Murdock, Planner, reported Jim and Gene Brooks have claimed the occasional sale exemption. The Brooks have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the occasional sale exemption for Jim and Gene Brooks. Seconded by Wilbur Visser. None voting nay. Motion carried.

- - - -

Doris Fischer of the Gallatin Development Corporation requested the Board of Gallatin County Commissioners to sponsor Gallatin County in a three county Economic Development planning effort to update a prior plan called the Overall Economic Development Plan, which was compiled in 1979, and made up from representatives from Park, Gallatin, and Meagher counties. The updating of the plan is for the opportunity to apply for economic development funds at a later date. The Gallatin Development Corporation is not requesting an endorsement of any particular grants, or economic development projects at this time. Each county would contribute \$2,000.00, \$1,000.00 coming from Gallatin County and the Gallatin Development Corporation contributing \$1,000.00. The monies coming from the Gallatin Development Corporation could possibly be contributed by the City of Bozeman. Jane Jelinski stated, that Ken Spaulding from Park County, has asked for Gallatin County's support. Motion by Jane Jelinski to approve the spending of \$1,000.00 towards updating the Economic Development plan. Seconded by Wilbur Visser. None voting nay. Motion carried.

- - - -

Joseph W. Baker, Planning Director, for Belgrade City-County Planning Board reported a Final Approval request by Jerry Krushensky for Yukon Subdivision, Phase II. Mr. Baker stated the ten conditions set by Gallatin County on July 24, 1984, have been met. Wilbur Visser questioned whether the homeowners association assumed responsibility for maintenance of the park, which was dedicated to the public, with his main concern being control of the weeds. Dennis Foreman, Sanderson/Stewart/Gaston, the surveyor for Yukon Subdivision Phase II stated the homeowners assumed responsibility to the roads but has not assumed responsibility to the park. Motion by Jane Jelinski to approve final plat approval for Yukon Subdivision Phase II based on the conditions which were previously set by Gallatin County and which have been met. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:00 P.M.

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ATTEST:

*Ray St. Pingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

TUESDAY THE 5TH DAY OF AUGUST 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

July 29, 1986

Commissioners attended the ribbon cutting ceremony at the Fairgrounds for the County Fair.

Commissioner Jelinski met with Bill Murdock regarding the park plan.

Commissioner Jelinski met with Hank Wruck regarding an assistant DES coordinator.

Commissioner Jelinski met with Lee Lewis regarding an assistant DES coordinator.

July 30, 1986

Commissioner Jelinski met with Darla Joyner of the Chamber of Commerce regarding an appointment to the Private Industry Council.

Commissioner Jelinski met with Auditor Carolyn Hartsog regarding cash reconciliation.

Commissioner Jelinski met with Sheriff Ron Cutting regarding budgets.

Commissioner Jelinski visited the construction site at the Detention Center and met with Wally Schumacher regarding the budget.

July 31, 1986

Commissioner Jelinski met with County Attorney Mike Salvagni regarding the mutual aid agreement.

Commissioner Jelinski met with the Sheriff's Department Detective Division regarding the budget.

August 1, 1986

Commissioners Visser and Jelinski met with Dave Miller, Budget Officer, and Jim Smith of First West Insurance regarding the county's liability insurance coverage.

Wilbur Visser met with Larry Wanner regarding the installation of the solid waste scales at the refuse district site in West Yellowstone.

Commissioner Jelinski met with John Taggart regarding proposed legislation of Automotive Trades of Montana.

Commissioner Jelinski met with Gary Wheeler regarding American Legion Baseball.

Commissioners Jelinski and Visser met with Road Superintendent Sam Gianfrancisco and Lorina Johnson, Rod Gilbert, Andy Rykels, and Glen Edsall regarding the creation of a Local Improvement District for the paving of a portion of South Third Avenue.

August 4, 1986

Commissioners met with Bill Murdock and Mary Kay Peck regarding the park plan.

Commissioners met with Sam Gianfrancisco regarding computerized fleet system fuel disbursement.

Commissioners met with Jim Johnstone regarding a pending lawsuit brought by Jim Barnett in connection with the awarding of the bid for the bearproof garbage containers.

Commissioners met with Jim McKenna and Tom Harrison regarding a lawsuit brought by Kenneth Mosby.

Vacancy on the West Yellowstone TV District Board. Three year term expiring August 31, 1989.

Vacancy on the Health Department Board. Member should be from the Medical profession.

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Bill Murdock, Planner, reported Marian Haugen has claimed the occasional sale exemption. Mrs. Haugen has certified that she has not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. This history of the tract is as follows: In 1978, tracts D, E, F, and H were created by Montana Contractors Mortgage Investment Inc. In early 1979, Tracts D-1 and D-2 were created using the occasional sale exemption, were sold, split again in 1982, then sold back to Montana Contractors. In 1981 Tracts E and F were divided into four lots, and earlier this year Tract E was again split. With the proposed exemption, there would be ten tracts where there were originally four, without subdivision review. Marian Haugen purchased Tract H from Montana Contractors in 1978. Although in this particular instance the exemption appears to meet the criteria, the Commission needs to determine whether the prior history constitutes a prior use. Michael Foley, Survco, stated Marian Haugen purchased the property from Montana Contractors in 1978, and as far as Mr. Foley knows, Montana Contractors has not had any interest in Tract H since 1978. Jim McKenna, Deputy County Attorney, stated the documents that had been submitted to him showed that Marian Haugen had entered into a contract to purchase Tract H from Montana Contractors, but a deed was not submitted and suggested a determination be made as to who is the legal owner of the property in question. Also, Mr. McKenna requested Michael Foley to find out if Marian Haugen is a board member or involved in any way with Montana Contractors. Motion by Ramon S. White to postpone a decision on the occasional sale exemption requested by Marian Haugen. Seconded by Jane Jelinski. None voting nay, motion carried.

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TUESDAY THE 5TH DAY OF AUGUST 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Gary Mitchell, Gallatin Valley Softball Association, and Judy Mathre, Mayor of City of Bozeman, approached the Commissioners for funds regarding the Softball Complex. Judy Mathre told the Commissioners the City of Bozeman would be willing to match funding from Gallatin County not to exceed \$30,000. Wilbur Visser reported receiving over 300 requests from people for financial support and a letter from the Steering Committee for the Bozeman Youth Soccer League regarding the County funding money towards the Softball Complex expansion. Gary Mitchell stated that the organization had enough funds available to complete the project even if the county did not contribute. Jane Jelinski asked if it would solve the ballplaying needs of the area better if the county spent its limited park funds on the purchase of additional land rather than contribute to the proposed park improvement. Mr. Mitchell agreed that it would be better to buy a new site. Discussion by the County Commissioners resulted in an agreement by all three commissioners, that the county pursue the project assigned to Bill Murdock, Planner, in searching for lands within the county for recreational use. Motion by Jane Jelinski that the Board of County Commissioners commit itself to pursue the search and project for recreational lands within the county. Seconded by Ramon S. White. None voting nay, motion carried. Motion by Jane Jelinski that Gallatin County supports the Softball Association but at this time does not contribute any funding towards the expansion of the city ballfield. Seconded by Ramon S. White. None voting nay, motion carried.

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Wilbur Visser reported the reception of the certificate of qualifications of signers for the creation of a Local Improvement District to pave a portion of South Third from the Clerk and Recorder's office, with a total of 75% of the adjacent landowners, and a letter of credit from Western Bank in the amount of \$29,818.32. Rod Gilbert and Sam Gianfrancisco, Road Superintendent, stated the cost was expected to be approximately \$800.00 to \$900.00 less than originally estimated because of reduced oil prices. The original amount was \$30,663.75. Jim McKenna, Deputy County Attorney, stated a resolution to show public interest and approval needed to be passed to create the LID. Ramon S. White stated his belief that the proposed LID is in the public interest and therefore made a motion to pass Resolution #626 as stated in the petition for paving a portion of South Third, LID # 105. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Discussion regarding the creation of an RID for Sourdough Ridge and Foothills Subdivision road paving began with Wilbur Visser reporting the reception of the certificate of qualifications of signers to create the proposed RID with a total of 55% of qualified land owners. Michael P. Sand, resident and legal representative for those supporting the proposed RID, submitted to the Board of County Commissioners a resolution of intention to create an RID. Discussion proceeded with landowners questioning how an RID works and concern about the grade of the roads in the proposed district. Sam Gianfrancisco, Road Superintendent, reported that there would have to be some reconstruction on the roads due to the steep grade of the road being 12% grade in some places. Jim Dombrowski, Morrison and Maierle, stated a cost estimate from the engineering firm still needs to be completed and that he did not have any figures available. Ramon S. White stated a representative from the engineering firm needs to come to a public meeting and answer questions the public has. Jim McKenna, Deputy County Attorney, and the Board of Commissioners stressed to the public that by entering into a resolution of intent, the landowners would have three weeks to submit letters of protest. Motion by Ramon S. White to pass a resolution of intention #625 to create an RID #340 for the purpose of applying an asphaltic surface necessary to meet the subdivision and County Road Department regulations for all properties along Sourdough Ridge Road, Ridge Trail Drive, Erik Drive, Donegal Drive, and North Drive as recorded in Foothills Subdivision, Sourdough Ridge Subdivision I, II, and III and other property adjacent to the above-described roads, as filed in the Gallatin County Courthouse and being more particularly described as: Foothills Subdivision, Lots 1-6; Sourdough Ridge I, Lots 1-6, 8-14, Tracts A and B of the rearrangement of Lots 7 and 15; Sourdough Ridge II, Lots 1-10; Sourdough Ridge III, Block I, Lots 1-5; Sourdough Ridge III, Block II, Lots 1-8; and Sourdough Ridge III, Block III, Lots 1-8, 9A, 10A, 11-22; and a ten acre parcel described as SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 20, Township 2 South, Range 6 East; And a 10.05 acre parcel in the N $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, and in the N $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 19, Township 2 South, Range 6 East; and two tracts shown on C.O.S. 125 and C.O.S. 125A. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 3:25 P.M.

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ATTEST:

*Gary H. Dingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY, THE 12TH DAY OF AUGUST, 1986

OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski, Ramon S. White, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of July 29, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

August 5, 1986

Commissioner Visser attended the Board of Health meeting.



TUESDAY THE 12TH DAY OF AUGUST 1986

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Commissioners were involved with depositions regarding the Mosby lawsuit.

August 6, 1986

Commissioner Jelinski met with Health Department personnel regarding lay offs in the department.

Commissioners held a preliminary budget hearing.

Commissioners met with Gary Refsland regarding park funds.

Commissioner Jelinski attended the Strategic Planning committee meeting.

August 7, 1986

Commissioners met with Jim Johnstone regarding the bear proof garbage container lawsuit and appeared at a court hearing regarding the same.

Commissioners met with Programmer Bill Baldus regarding the data processing operation.

Commissioners met with Bob Lee and Road Superintendent Sam Gianfrancisco regarding a proposed RID for Chinook Village.

Commissioners met with Jim Spady regarding the Rest Home operation.

August 8, 1986

A meeting was called to order by Chairman Wilbur Visser at 8:45 A.M. regarding the bid opening for paving on Goldenstein Lane and Sourdough Road. Also present were Commissioners Jane Jelinski and Ramon S. White, Road Superintendent Sam Gianfrancisco, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board. Wilbur Visser stated having a copy of the legal notice which was printed in the High Country Independent Press on July 21, 30, and August 6, 1986. Sam Gianfrancisco opened a bid from Big Sky Paving with a total for Goldenstein Lane of \$73,935.00 and Sourdough Road \$24,521.00. The bid opened by Sam Gianfrancisco from Pioneer Ready Mix for Goldenstein Lane was \$66,950.00 and Sourdough Road was \$23,023.00, with a deduction of \$3,500.00 on Goldenstein Lane for the prime coat and a deduction of \$1,183.00 on Sourdough Road for the prime coat. Sam Gianfrancisco stated an estimate was figured on Goldenstein Lane of approximately \$65,000.00 to \$70,000.00 and Sourdough Road approximately \$24,000.00. Sam Gianfrancisco recommended to the Board if the money was available to award the bid to Pioneer Ready Mix and to deduct the prime coat. Motion by Ramon S. White to award the bid to Pioneer Ready Mix if funding is available. Seconded by Jane Jelinski. None voting nay. Motion carried. The Board decided to discuss the decision of a prime coat with Carter Williams at his expense. There being no further business the meeting adjourned at 8:55 A.M.

Received report from the Clerk and Recorder's Office showing the items of fees and other items collected for the month of July in the amount of \$15,688.85.

Commissioners met with Extension Agent Gene Surber regarding the operation of his office.

Commissioners met with Personnel Officer Kathy Nowierski regarding the adoption of the Classification plan submitted by Management Associates.

Commissioners met with Gene Graf, Gene Cook, and Planner Bill Murdock regarding the park plan.

Commissioner White met with David Leavengood regarding Forswall Road.

August 11, 1986

Commissioners worked on budgets.

Commissioners held a final budget hearing. See attached sheets, following end of meeting.

Chairman Wilbur Visser called a special meeting to order at 4:05 P.M. for the purpose of closing the land purchase agreement between Thompson and Albertson for a net price of \$14,887.97. This is the final purchase of land for the Three Forks Airport. Also present were Commissioner Ramon S. White, Deputy County Attorney Jim McKenna, Jeff Ball of Security Title, and Ray Tocci, representing the Three Forks Airport.

Ramon S. White made a motion to purchase the property owned by Thompson in care of Albertson for the purpose of expansion of the Three Forks Airport, consisting of 20.251 acres. Mr. White amended his motion to read Tract B of COS 1308. Seconded by Wilbur Visser.

Jim McKenna stated that he has examined the deeds and all of the documents appear to be in order. Mrs. Thompson is willing to transfer the land without reserving the mineral rights as long as the land is used for purposes of an airport. This document will be included in the title insurance policy.

Commissioners Visser and White voting aye on the motion, motion carried.

August 12, 1986

Commissioners met with Mr. and Mrs. Townsend regarding a request for a refund of taxes.

Commissioners held a department head staff meeting.

Commissioner Jelinski gave a talk to the Bozeman Area Chamber of Commerce regarding the Job Training Partnership Act.

TUESDAY THE 12TH DAY OF AUGUST 1986  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Bill Murdock, Planner, reported Bill Gaffke is claiming the occasional sale exemption. Mr. Gaffke has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski questioned why the parcel had such an odd shape. Mr. Murdock replied it was because one of the boundaries followed a ditch.

Motion by Jane Jelinski to grant the occasional sale exemption to Bill Gaffke. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Eleanor Berglund is claiming the occasional sale exemption. Mrs. Berglund has certified that the original tract was not created through the use of the occasional sale exemption, that she has not taken a prior occasional sale from this or contiguous tracts, and that only one parcel is being created. This appears to be a proper use based on the information submitted.

Motion by Jane Jelinski to grant the occasional sale exemption to Eleanor Berglund. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser reported a request for summary review approval of Warburton Minor Subdivision had been cancelled. Mary Kay Peck, Subdivision Review Officer, requested it be put on the agenda for next week.

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Wilbur Visser reported a public hearing regarding the creation of RID #338 for paving in the Mountain View Subdivision area had to be repeated because of an error in the previous legal description.

Jim McKenna, Deputy County Attorney, reported the problem had been corrected and that the legal description is correct. Wilbur Visser reported that no protests have been received by the Board of County Commissioners.

Motion by Ramon S. White to pass Resolution #624 as defined in the amended resolution of intention to create RID #338 concerning Mountain View Drive, Crest Drive, and Coulee Drive as stated in Resolution #624. Seconded by Jane Jelinski, none voting nay, motion carried.

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Wilbur Visser read the petition to create a LID to pave Camp Creek Road, and stated receiving the qualification of signers for the Clerk and Recorder's Office being 100% on the east side of Camp Creek Road signing and constitutes 2/3 of the residents signing. Burlington Northern owns the west side of the road and did not sign.

Jane Jelinski questioned whether the funds have been raised to create the LID. Sam Gianfrancisco, Road Superintendent, reported the people have raised the money and the Road Department concurs with the paving of Camp Creek Road.

Motion by Ramon S. White to pass a resolution of public interest to create a LID to pave 2,102 feet of Camp Creek Road as outlined in the petition of request and that the Board of County Commissioners waive the notice of meetings as provided in Sections 7-14-2705 and 7-14-2706 MCA for the reasons that there will be no assessments required, no assessment district will be created, based on the knowledge that there is public interest and public need to pave this portion of the road. Seconded by Jane Jelinski. None voting nay. Motion carried.

Motion by Ramon S. White to pass a resolution creating LID #106 to pave 2,102 feet as outlined in the petition of request to create a LID. Seconded by Jane Jelinski. None voting nay. Motion carried.

Wilbur Visser requested that Sam Gianfrancisco, Road Superintendent, receive a letter of credit from the bank and attach it to the petition before proceeding with any work on Camp Creek Road.

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Jim Heimbach, Meteorologist, spoke to the Board of County Commissioners regarding a proposal for cloud seeding at Bridger Bowl. Mr. Heimbach stated that because of the low snow packs within the last few years, Bridger Bowl and the other areas and businesses surrounding Gallatin County have had a declining economy within the winter months. The starting of the cloud seeding would begin November 1, 1986, and end February 27, 1987, using a silver iodide ammonium iodide acitone complex, as was used in the studies of cloud seeding starting in 1968 by MSU and the Bureau of Reclamation. Mr. Heimbach stressed that if there were naturally high snow packs, suspension criteria would be evoked as follows: November - if 200% normal snow, the seeding would stop, December - 175%, and January and February - 150% provided the public is satisfied, otherwise those percentages could be lowered. Discussion continued regarding a concern with flooding because of a large amount of snowfall. Mr. Heimbach stated that most flooding is caused by very wet springs and a fast temperature increase.

**COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING**

TUESDAY THE 12TH DAY OF AUGUST 1986

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

SPECIAL MEETING MONDAY AUGUST 11, 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

A special meeting was called by Chairman Wilbur Visser for adoption of the final budget.

Motion by Ramon S. White to approve and set the budget for FY 1986-87 as follows by Resolution #635. Seconded by Jane Jelinski. None voting nay. Motion carried.

WHEREAS, the Board of County Commissioners by statute, Section 7-6-2320, MCA 1983, is to determine budgets and set out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid; and,

WHEREAS, by the same statute the Board of County Commissioners shall by resolution approve and adopt the budget as finally determined and enter the budget at length in the official minutes of the Board;

THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby approve and adopts the budgets attached hereto and incorporated by reference as Exhibit "A", for the fiscal year 1986-1987 for the County of Gallatin, State of Montana;

2. That the text of this resolution and budget sheets attached hereto as Exhibit "A" shall be entered as approved and adopted on the official minutes of the Board of County Commissioners of Gallatin County.

**EXHIBIT "A"**

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
1 0 0 0	General	2,725,326	590,000	3,315,326	698,617	1,108,782	1,807,399	1,507,927	3,315,326	22.63
1 0 5 0	Employee Contributions	304,007	89,074	393,081	143,947	40,300	184,247	208,834	393,081	3.13
2 1 0 5	Search And Rescue	31,250	-0-	31,250	-0-	-0-	-0-	31,250	31,250	.47
2 1 1 5	Disaster & Emergency	893	-0-	893	893	-0-	893	-0-	893	-0-
2 1 2 0	Poor	727,317	160,000	887,317	498,685	81,300	579,985	307,332	887,317	4.61
2 1 3 0	Bridge	383,767	92,000	475,767	193,166	51,950	245,116	230,651	475,767	3.46
2 1 4 0	Noxious Weed Control	151,174	20,300	171,474	76,397	38,700	115,097	56,377	171,474	.85
2 1 6 0	Fair	178,985	15,600	194,585	38,899	72,500	111,399	83,186	194,585	1.25
2 1 7 0	Airport Board	700,904	1,640	702,544	11,527	626,228	637,755	64,789	702,544	.97
2 1 8 0	18th Judicial Court	590,810	33,289	624,099	67,158	157,125	224,283	399,816	624,099	6.00
2 1 9 0	Health	218,398	46,000	264,398	57,764	61,360	119,124	145,274	264,398	2.18
2 2 3 0	Ambulance	62,531	-0-	62,531	13,246	7,700	20,946	41,585	62,531	.62
2 2 8 0	Council on Aging	76,339	300	76,639	-0-	10,400	10,400	66,239	76,639	.99
2 2 9 0	County Agent	108,129	27,000	135,129	27,022	16,600	43,622	91,507	135,129	1.37
2 3 0 0	rural Revolving	133,563	78,505	212,068	163,375	15,375	178,750	33,318	212,068	.50
3 0 2 0	Law & Justice B & I	211,660	117,522	329,182	173,258	30,000	203,258	125,924	329,182	1.89
7 8 5 0	Airport Authority	1,202,862	1,145,856	2,348,718	1,132,951	1,082,495	2,215,446	133,272	2,348,718	2.00
5 0 2 0	Rest Home	1,109,363	44,440	1,153,803	12,884	997,000	1,009,884	143,919	1,153,803	2.16
		<u>8,917,278</u>	<u>2,461,526</u>	<u>11,378,804</u>	<u>3,309,789</u>	<u>4,397,815</u>	<u>7,707,604</u>	<u>3,671,200</u>	<u>11,378,804</u>	<u>55.08</u>
FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
2 1 1 0	Roads	1,089,162	170,000	1,259,162	289,471	462,924	752,395	506,767	1,259,162	13.80
2 2 2 0	Libraries	62,038	-0-	62,038	-0-	6,970	6,970	55,068	62,038	1.50
Dept. FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
	<b>GENERAL</b>									
2 0 0	Printer	32,603				9,000				
2 0 1	County Commissioners	118,649				-0-				
2 0 1	Fire Marshall	13,353				-0-				
2 0 2	Clerk And Recorder	226,544				147,800				
2 0 3	Treasurer	227,626				568,449				
2 0 4	Auditor	48,298				-0-				
2 0 5	Data Processing	76,045				24,000				
2 0 6	Building Maintenance	86,467				89,825				
2 0 7	Engineer-Surveyor	26,997				-0-				
2 0 9	Sheriff	1,303,698				78,310				
2 1 0	County Attorney	200,102				28,600				
2 1 1	Justice of Peace #1	87,445				120,000				
2 1 2	Coroner	27,695				200				
2 1 3	Justice of Peace #2	9,087				6,348				
2 1 4	Personnell	23,546				-0-				
2 1 5	Assessor	37,704				15,296				
2 1 8	Budget Officer	38,599				-0-				
2 2 0	Tax Appeal Board	2,008				300				
FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
2 3 2	Superintendent of Schools	56,577				100				
2 3 6	Public Administrator	2,185				-0-				
2 5 4	Civil Defense	41,980				14,500				
2 9 5	Subdivision Review	40,118				6,054				
		<u>2,725,326</u>				<u>1,108,782</u>				
	<b>ROAD FUND</b>									
	Road Office	37,563								
	Shop	1,051,599				462,924				
		<u>1,089,162</u>				<u>462,924</u>				
	<b>18th JUDICIAL COURT</b>									
	Clerk of Court	216,845				157,125				
	Judicial	123,172				-0-				
	Public Defender	102,500				-0-				
	Probation Service	102,019				-0-				
	Court Reporter	46,274				-0-				
		<u>590,810</u>				<u>157,125</u>				

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 12TH DAY OF AUGUST 19 86

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
<b>HEALTH DEPARTMENT</b>										
	Health	144,138				35,820				
	Sanitarians	74,260				25,540				
	<b>TOTAL</b>	<b>218,398</b>				<b>61,360</b>				
FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
2 2 1 0	Parks	117,436	-0-	117,436	51,936	65,500	117,436	-0-	117,436	-0-
2 2 1 5	Local Improvements	127,429	-0-	127,429	-0-	127,429	127,429	-0-	127,429	-0-
2 2 7 0	Mental Health	4,609	-0-	4,609	292	4,317	4,609	-0-	4,609	-0-
2 2 7 1	Water Inspections	7,137	-0-	7,137	1,287	5,850	7,137	-0-	7,137	-0-
2 2 7 3	Maternal Child	20,163	-0-	20,163	887	19,276	20,163	-0-	20,163	-0-
2 2 7 4	Blood Pressure	424	-0-	424	424	-0-	424	-0-	424	-0-
2 2 7 5	Special Immunization	11,748	-0-	11,748	3,888	7,860	11,748	-0-	11,748	-0-
2 2 7 6	WIC (Gallatin & Park)	50,044	-0-	50,044	( 4,453)	54,497	50,044	-0-	50,044	-0-
2 2 7 7	Special Child Care	21	-0-	21	21	-0-	21	-0-	21	-0-
2 2 7 8	Weel Child	452	-0-	452	452	-0-	452	-0-	452	-0-
2 2 7 9	Homemaker Aide	26,710	-0-	26,710	2,519	24,191	26,710	-0-	26,710	-0-
2 2 8 1	Home Health	80,207	-0-	80,207	16,607	63,600	80,207	-0-	80,207	-0-
2 2 8 2	School Nursing	11,967	-0-	11,967	1,667	10,300	11,967	-0-	11,967	-0-
2 3 1 0	Drug Forfeitures	21,000	3,421	24,421	3,421	21,000	24,421	-0-	24,421	-0-
2 3 5 0	Alcohol	76,949	-0-	76,949	-0-	76,949	76,949	-0-	76,949	-0-
2 3 6 2	Historical Society	16	-0-	16	16	-0-	16	-0-	16	-0-
FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
2 3 6 4	Flight Service Station	2	-0-	2	2	-0-	2	-0-	2	-0-
2 4 1 0	Crime Control	25,264	-0-	25,264	5,264	20,000	25,264	-0-	25,264	-0-
2 4 1 5	DUI Program	48,720	-0-	48,720	(5,967)	54,687	48,720	-0-	48,720	-0-
2 4 2 0	Gas Tax	252,090	-0-	252,090	66,229	185,861	252,090	-0-	252,090	-0-
2 4 3 0	Junk Vehicle	51,146	8,354	59,500	10,040	49,460	59,500	-0-	59,500	-0-
2 4 4 0	County Land Planning	58,199	-0-	58,199	38,105	20,094	58,199	-0-	58,199	-0-
2 4 5 0	Emergency Med Radio	55	-0-	55	55	-0-	55	-0-	55	-0-
2 5 0 0	Godfrey Canyon Estates	3,987	-0-	3,987	3,937	50	3,987	-0-	3,987	-0-
2 7 1 0	Revenue Sharing	447,571	-0-	447,571	447,571	-0-	447,571	-0-	447,571	-0-
2 7 2 0	Anti Recession	1,942	-0-	1,942	1,942	-0-	1,942	-0-	1,942	-0-
2 7 4 0	CDBG Block Grant	300,000	-0-	300,000	-0-	300,000	300,000	-0-	300,000	-0-
2 7 5 9	Bear Proof Refuse Cont.	140,000	-0-	140,000	11,227	128,773	140,000	-0-	140,000	-0-
2 7 6 1	PFLT (BLM)	1,244,824	-0-	1,244,824	707,220	537,604	1,244,824	-0-	1,244,824	-0-
FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
7 2 0 0	Belgrade Fire	226,200	23,000	249,200	87,933	43,950	131,883	117,317	249,200	15.04
7 2 0 5	Sourdough Fire	34,655	3,495	38,150	-0-	150	38,150	38,000	38,150	14.06
7 2 0 6	Manhattan Fire	42,800	1,000	43,800	16,878	-0-	16,878	26,922	43,800	7.80
7 2 0 7	Sedan Fire	8,884	380	9,264	8,062	-0-	8,062	1,202	9,264	5.90
7 2 0 8	Three Forks Fire	12,025	1,000	13,025	1,921	150	2,071	10,954	13,025	2.65
7 2 0 9	Willow Creek Fire	18,375	1,000	19,375	6,138	-0-	6,138	13,237	19,375	16.68
7 2 1 0	Story-Mill Fire	9,000	106	9,106	(128)	-0-	(128)	9,234	9,106	34.28
7 2 1 2	Middle Creek Fire	1,100	200	1,300	248	-0-	248	1,052	1,300	11.14
7 2 1 3	Gallatin Canyon Fire	70,420	10,000	80,420	14,515	6,125	20,640	59,780	80,420	15.40
7 2 1 5	Gallatin Gateway Fire	31,874	2,000	33,874	13,258	-0-	13,258	20,616	33,874	10.34
7 2 1 6	Bridger Canyon Fire	25,254	3,500	28,754	7,405	450	7,855	20,899	28,754	24.55
7 2 1 7	West Yellowstone TV	20,160	-0-	20,160	9,568	-0-	9,568	10,592	20,160	5.11/unit
7 2 1 8	Mount Green Cemetary	5,815	500	6,315	3,567	200	3,767	2,548	6,315	2.23
7 2 1 9	Meadow View Cemetary	12,080	800	12,880	2,925	-0-	2,925	9,955	12,880	3.12
7 2 2 0	Royal Village Zoning	13	-0-	13	-0-	-0-	-0-	13	13	1.00
7 2 2 1	South Gall. Zoning	62	-0-	62	-0-	-0-	-0-	62	62	1.00
7 2 2 2	Hebgen Lake Zoning	545	-0-	545	31	-0-	31	514	545	1.00
7 2 2 4	Bridger Canyon Zoning	1,057	-0-	1,057	80	-0-	80	977	1,057	1.00
7 2 2 5	Zoning #1	429	-0-	429	8	-0-	8	421	429	1.00
	Bear Canyon Zoning	55	-0-	55	-0-	-0-	-0-	55	55	1.00
FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
7 2 2 6	Zoning #2	938	-0-	938	24	-0-	24	914	938	1.00
7 2 2 7	Sipes Canyon Zoning #1	22	-0-	22	1	-0-	1	21	22	1.00
7 2 2 8	Sipes Canyon Zoning #2	24	-0-	24	-0-	-0-	-0-	24	24	1.00
7 2 2 9	Wheatland Zoning	45	-0-	45	-0-	-0-	-0-	45	45	1.00
7 2 3 0	Zoning #6	26	-0-	26	-0-	-0-	-0-	26	26	1.00
7 3 0 4	West Yellowstone S & W	2,706	-0-	2,706	2,706	-0-	2,706	-0-	2,706	-0-
7 3 0 6	Willow Creek S/W	324	-0-	324	324	-0-	324	-0-	324	-0-
7 3 0 7	Churchill S/W	76	-0-	76	76	-0-	76	-0-	76	-0-
7 3 1 8	Rea S/W	14	-0-	14	14	-0-	14	-0-	14	-0-
8 0 1 0	Predatory Animal	3,925	1,088	5,013	1,088	-0-	1,088	3,925	5,013	50¢/Hd
8 0 1 1	Bzmn City/Cnty Plan	15,335	1,503	16,838	1,503	-0-	1,503	15,335	16,838	2.00
8 0 1 2	Bel City/Cnty Plan	14,023	716	14,739	716	7,012	7,728	7,011	14,739	1.46
8 0 1 3	Manh City/Cnty Plan	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
8 0 2 0	Soil Conservation	45,500	3,000	48,500	9,062	600	9,662	38,838	48,500	1.18
8 0 4 0	Refuse District #1	306,150	34,500	340,650	51,789	18,000	69,789	270,861	340,650	R = 22.60 C = 76.20
8 0 4 1	Hebgen Refuse Dist	263,093	50,000	313,093	57,546	114,614	172,160	140,933	313,093	81.00/unit
8 1 2 0	Churchill Lights	2,325	500	2,825	618	-0-	618	2,207	2,825	.1834¢ fr ft
8 1 2 1	Logan Lights	1,075	165	1,240	419	-0-	419	821	1,240	149.11
	<b>TOTAL</b>	<b>655,601</b>	<b>91,472</b>	<b>747,073</b>	<b>125,886</b>	<b>140,228</b>	<b>266,112</b>	<b>480,961</b>	<b>747,073</b>	
FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
8 1 2 2	Riverside Lights	6,000	800	6,800	1,573	-0-	1,573	5,227	6,800	119.28
8 1 2 3	Willow Creek Lights	965	115	1,080	104	-0-	104	976	1,080	85.52
8 1 4 0	Madison Dyke	9,777	-0-	9,777	1,180	-0-	1,180	8,597	9,777	29.83
8 1 4 1	Three Forks Dyke	12,500	3,600	16,100	3,914	250	4,164	11,936	16,100	5.57
8 1 5 2	Mosquito District	27,076	1,450	28,526	5,944	-0-	5,944	22,582	28,526	5.00

**COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING**

TUESDAY

THE 12TH

DAY OF AUGUST

19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Motion by Ramon S. White to adopt the final budget as allowed in Resolution #635. Seconded by Jane Jelinski. None voting nay. Motion carried.

Wilbur Visser read the following Resolution to adopt the following budgets:

WHEREAS, the Board of County Commissioners of Gallatin County is directed by Section 7-12-2161, MCA 1983, to estimate as near as practical the cost of maintaining, preserving and repairing improvements in each rural improvement district; and,

WHEREAS, the same statute further directs the board of County Commissioners of Gallatin County to accomplish this task yearly and pass and finally adopt a resolution levying and assessing on all property within a rural improvement district an amount equal to the whole cost of maintaining, preserving or repairing the improvements in the district prior to the first Monday in September; and,

WHEREAS, such resolution levying the assessments to defray the cost of maintenance, preservation or repair of the improvements shall be prepared and certified to in the manner as near as may be to the resolution levying the assessments for making, constructing or installing the improvements in said rural improvement district;

THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby adopts by this resolution the cost estimates for maintaining, preserving or repairing the rural improvement districts within Gallatin County listed in Exhibit "A" which by this reference is incorporated in its entirety.
2. That further the Board of County Commissioners of Gallatin County hereby levies and assesses on all property within the respective districts an amount equal to the whole cost of maintaining, preserving or repairing said improvement districts in the same manner as was done to levy the assessments for the making, constructing and installing the improvements in said rural improvement districts as set forth in Exhibit "A".
3. That the Board of County Commissioners of Gallatin County hereby approves and levies the entire cost of maintenance of such rural improvement district improvements such that each lot or parcel of land in such district shall be assessed with that part of the whole cost which it bears to the area of the entire district exclusive of streets, avenues, alleys and public places unless said maintenance district boundaries have been altered pursuant to 7-12-2161 (4), MCA 1983.
4. That the assessment to defray costs of the maintenance of each of the rural improvement districts shall be due and payable with the first half 1986 property taxes and the Board of County Commissioners of Gallatin County hereby directs the Gallatin County Assessor and the Gallatin County Treasurer to take the steps necessary to collect these assessments.
5. That there shall be maintained by the Gallatin County Treasurer a fund for each rural improvement district which will be denominated by the rural improvement district number and entitled "Maintenance Fund". The money in such fund shall be drawn only to defray the expenses of maintaining, preserving and repairing such improvements and for no other purposes but may include the charging of administrative costs including legal services against the maintenance fund.

**EXHIBIT "A"**

8 2 0 2	Northwestern Drive	9,507	250	9,757	7,133	200	7,333	2,424	9,757	Sq ft	.0016
8 2 0 5	Big Sky S & W	44,042	1,053	45,095	1,053	-0-	1,053	44,042	45,095	21.60 Per/Unit	
8 2 0 8	Riverside Roads	20,914	400	21,314	15,308	300	15,608	5,706	21,314	Sq ft	.0046
8 2 0 9	Hitching Post Roads	9,907	190	10,097	4,861	125	4,986	5,111	10,097	"	.0018
8 2 1 0	Riverside S/W #310 MT	16,000	1,742	17,742	3,079	-0-	3,079	14,663	17,742	"	.0120
8 2 1 4	Middle Creek Meadows	7,080	350	7,430	3,635	140	3,775	3,655	7,430	"	.0028
8 2 1 5	Hyalite Heights Road	26,516	600	27,116	17,100	500	17,600	9,516	27,116	"	.0017
8 2 1 6	Hebgen Lake Roads	14,274	1,300	15,574	(5,251)	-0-	(5,251)	20,825	15,574	"	.0082
8 2 1 7	Gardner Park Roads	25,804	550	26,354	16,707	450	17,157	9,197	26,354	"	.0023
8 2 1 8	Big Sky Meadow Village Rds	54,160	1,100	55,260	20,044	500	20,544	34,716	55,260	"	.0058
8 2 2 1	El Dorado Roads	23,208	500	23,708	15,594	400	15,994	7,714	23,708	"	.0020
8 2 2 2	Hebgen Lake S & W	43,470	1,100	44,570	(26,280)	-0-	(26,280)	70,850	44,570	"	.0279
8 2 2 3	Middle Creek Meadows Rds	2,920	882	3,802	877	2,925	3,802	-0-	3,802	"	-0-
<b>FUND NO.</b>	<b>FUND NAME</b>	<b>APPROPRIATION</b>	<b>CASH RESERVES</b>	<b>TOTAL REQUIREMENTS</b>	<b>CASH AVAILABLE</b>	<b>NON-TAX REVENUES</b>	<b>TOTAL NON-TAX RESOURCES</b>	<b>PROPERTY TAX REVENUES</b>	<b>TOTAL RESOURCES</b>	<b>MILL LEVY</b>	
8 2 2 4	Glacier Condo Roads	3,646	-0-	3,646	2,810	50	2,860	786	3,646		.0041
8 2 2 6	Sourdough Creek Roads	20,216	450	20,666	13,076	350	13,426	7,240	20,666		.0026
8 2 2 7	Silver Bow Con #1 Rds	2,726	-0-	2,726	1,971	50	2,021	705	2,726		.0033
8 2 2 8	Silver Bow Con #2 Rds	2,215	-0-	2,215	1,909	50	1,959	256	2,215		.0030
8 2 3 2	Rea Subdivision	8,043	200	8,243	5,213	100	5,313	2,930	8,243		.0067
8 2 3 6	Sunset Heights Roads	5,417	-0-	5,417	3,466	75	3,541	1,876	5,417		.0027
8 2 3 7	Middle Creek Mdw Rds	5,076	-0-	5,076	339	80	419	4,657	5,076		.0510
8 6 0 4	West Yellowstone S/W	2,795	-0-	2,795	2,795	-0-	2,795	-0-	2,795		-0-
8 6 0 6	Willow Creek S/W	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-		-0-
8 6 0 8	Riverside S/W	46,730	107,871	154,601	104,628	-0-	104,628	49,973	154,601		*
8 6 0 9	Hitching Post Roads	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-		*
8 6 1 2	Bridger S/W	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-		*
8 6 1 5	Hyalite Heights Roads	19,300	862	20,162	3,242	-0-	3,242	16,920	20,162		*
8 6 1 6	Hebgen Lake S/W	72,538	-0-	72,538	1,680	-0-	1,680	70,858	72,538		*
8 6 1 7	Gardner Park Roads	18,525	20,821	39,346	23,570	-0-	23,570	15,776	39,346		*
8 6 1 8	Big Sky Mdw	73,514	39,447	112,961	39,810	-0-	39,810	73,151	112,961		*
8 6 2 1	El Dorado Estates Rds	24,628	25,002	49,630	28,522	-0-	28,522	21,108	49,630		*
8 6 2 2	Hebgen Lake S/W	24,590	-0-	24,590	-0-	-0-	-0-	24,590	24,590		*
<b>TOTAL</b>		<b>329,959</b>	<b>194,653</b>	<b>524,612</b>	<b>233,031</b>	<b>755</b>	<b>233,786</b>	<b>290,826</b>	<b>524,612</b>		

BARB

\*Special Sheet

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 12TH

DAY OF AUGUST 19 86

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FUND NO.	FUND NAME	APPROPRIATION	CASH RESERVES	TOTAL REQUIREMENTS	CASH AVAILABLE	NON-TAX REVENUES	TOTAL NON-TAX RESOURCES	PROPERTY TAX REVENUES	TOTAL RESOURCES	MILL LEVY
8 6 2 4	Glacier Condo Rds	4,167	2,671	6,838	2,104	-0-	2,104	4,734	6,838	*
8 6 2 5	Story Hills Water	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
8 6 2 6	Sourdough Creek Roads	10,005	44,502	54,507	37,442	-0-	37,442	17,065	54,507	*
8 6 2 7	Silver Bow #1	2,900	7,679	10,579	7,178	-0-	7,178	3,401	10,579	*
8 6 2 8	Silver Bow #2	1,437	3,809	5,246	3,497	-0-	3,497	1,749	5,246	*
8 6 3 1	Middle Creek Mdws	6,945	16,011	22,956	12,088	-0-	12,088	10,868	22,956	*
8 6 3 2	Rea Roads	3,564	4,255	7,819	2,964	-0-	2,964	4,855	7,819	*
8 6 3 5	Riverside Well	6,375	6,756	13,131	5,680	-0-	5,680	7,451	13,131	*
8 6 3 6	Sunset Heights	19,503	8,204	27,707	11,124	-0-	11,124	16,583	27,707	*
		54,896	93,887	148,783	82,077	-0-	82,077	66,706	148,783	

Motion by Jane Jelinski to approve Resolution #636. Seconded by Ramon S. White. None voting nay. Motion carried.

TUESDAY THE 12TH DAY OF AUGUST 1986  
 FORM 12187-TRIBUNE PRINTING OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Terry Abelin, Manager of Bridger Bowl, stated he agreed with Ron Mosier and Sam Jacobson, Bridger Canyon residents, that one of the worst flooding years in Bridger Canyon was 1981. Mr. Abelin reported Bridger Bowl did not open until January 26, 1981, but that the spring rains increased highly.

Jane Jelinski questioned what types of permits were needed for the proposed cloud seeding. Mr. Heimbach reported a license must be obtained, a permit for a specific area, and an environmental assessment, which includes opinions from Park and Gallatin County Commissioners, Forest Service and Fish and Game, with DNRC being the deciding board which will either reject or permit the cloud seeding.

Wilbur Visser stated concern with the snow removal on the county roads for both Gallatin and Park Counties.

Ramon S. White stated his belief that an Environmental Impact Statement and possibly a damage bond be set up for the protection of the public, and also suggested using a snow making machine. Jim Heimbach reported he is required to carry \$2,000,000.00 insurance for the project. Terry Abelin reported Maynard Creek does not have enough water within the creek to use a snow making machine because of the later requiring more water to make snow than cloud seeding.

Mr. Abelin reported a chart made up by the Soil Conservation Service last year showed less moisture on an average than prior years with the last two to three years getting down to comparison with the 1930's, which were the "dust bowl days".

In conclusion, Jim Heimbach stated the cloud seeding project is being considered for the benefit of Bridger Bowl and the local economy during the winter months.

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There being no further business the meeting adjourned at 2:45 P.M.

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ATTEST:

*Guy D. Pingle*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 19TH DAY OF AUGUST, 1986 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of August 5, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

August 12, 1986

Commissioners met with Madison County Commissioners John Allhands and Bill Dringale.

August 13, 1986

Received petition to create a local improvement district for Goldenstein Lane.

Commissioner Jelinski met with Dr. King and Road Superintendent Sam Gianfrancisco regarding pesticide spraying on county right of way.

Commissioner Jelinski attended the Alcohol Services board meeting.

Commissioners met with Bill Baldus and Don Stanfield of the Data Processing Department regarding computer needs.

Commissioners met with Attorney Page Wellcome, representatives of Applied Business Systems and Mike Salvagni, County Attorney, regarding ownership of software developed by Applied Business Systems.

Commissioners Visser and White attended Refuse District meeting in West Yellowstone.

August 14, 1986

A special meeting was called to order August 14, 1986, at 8:38 A.M. by Chairman Wilbur Visser regarding the bid opening for Hot Mix Material. Also present were Commissioners Jane Jelinski and Ramon S. White, and Sam Gianfrancisco, Road Superintendent. Wilbur Visser stated having the Affidavit of Publication. One bid was received by Pioneer Ready Mix for \$21.00 per ton. Motion by Ramon S. White to award the bid to Pioneer Ready Mix for \$21.00 per ton. Seconded by Jane Jelinski. None voting nay. Motion carried. The meeting adjourned at 8:42 A.M.

TUESDAY THE 19TH DAY OF AUGUST 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

A special meeting regarding Belgrade requesting Gallatin County to apply for tax deeds on delinquent SIDs in Bullthistle Subdivision in the City of Belgrade pursuant to 15-18-203 MCA was called to order August 14, 1986 by Chairman Wilbur Visser at 9:40 A.M. Also present were Commissioners Jane Jelinski and Ramon S. White, County Attorney Mike Salvagni, Clerk and Recorder Gary W. Pringle, Belgrade City Mayor Barb Snider, and Belgrade City Attorney William A. Schreiber. Motion by Ramon S. White that Gallatin County take tax deeds on the delinquent properties within Bullthistle Subdivision. Seconded by Jane Jelinski. None voting nay. Motion carried. The meeting adjourned at 9:46 A.M.

Commissioners met as a Welfare Board.

Commissioners met with Dick Andriolo regarding Detention Center litigation.

Commissioner Visser attended the Audit Committee meeting.

Commissioner Jelinski met with Brad Johnson of Reach, Inc. regarding the advisory board for job placement for developmentally disabled adults.

August 15, 1986

Received petition to create a local improvement district for Forswall Road.

Commissioners met with Fair Board Chairman Al Lien and Auditor Carolyn Hartsog regarding the Fair Board budget.

Commissioners met with John Schutter, Ted Mathis, and Mike Salvagni to develop a policy regarding safety considerations for aircraft using county roads.

Commissioners met with NCR representative Gene Leigh regarding computer needs for the county's system.

Commissioners met with Dick Andriolo and Mike Salvagni regarding Detention Center litigation.

Commissioner Jelinski met with Zan Hoxsey of the Welfare Department regarding reduction of funding for human services.

August 18, 1986

Commissioners met with Dick Andriolo regarding Detention Center litigation.

Commissioners met with representatives of the Weed Board and Weed Supervisor Reeves Petroff regarding the spotted knapweed problem.

Commissioners had lunch in Manhattan with the Gallatin Council on Aging.

August 19, 1986

Commissioners met with Justice of the Peace Goan regarding budgeting concerns.

Received the following letter from Loy Carroll, County Treasurer:

"August 15, 1986

United Bank of Denver  
 First Security Bank of Bozeman  
 Board of County Commissioners

At the request of the above named bank, we hereby release the following pledge receipt:

U.S. Treasury Notes for \$1,000,000.00 @ 11.625% due 10/31/86

This is your notice to release the above pledge.

Sincerely,

/s/ Loy R. Carroll, Gallatin County Treasurer "

Received numerous A101s in the amount of \$79,622.93 to the credit of various funds.

Commissioner Jelinski met with Rob Gilmore regarding updating of the economic development plan.

Commissioners approved a suitability of access determination for Bud Nuss. This is for a twenty acre tract fronting on Cottontail Road.

Commissioners approved a suitability of access determination for Kagy Lane Properties. The two tracts front a portion of Kagy Lane and a road by use portion of Kagy.

Bill Murdock, Planner reported Jim and Linda Houdeshelt have claimed the security for construction financing exemption. The Houdeshelt's have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Valley Bank of Belgrade has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption.

Motion by Jane Jelinski to approve the security for construction financing exemption requested by Jim and Linda Houdeshelt. Seconded by Ramon S. White. None voting nay. Motion carried.



TUESDAY THE 19TH DAY OF AUGUST 1986

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser reported having the Affidavit of Publication, Notice of Public Hearing, and receipt of Certified Mail to all adjoining landowners and landowners within Hebgen Lake Estates regarding the consideration of the amended plat approval of Hebgen Lake Estates Subdivision.

Mary Kay Peck, Subdivision Review Officer, reported Hebgen Lake Estates Subdivision is located in the Northwest Quarter (NW $\frac{1}{4}$ ) and the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 24, Township 12 South Range 4 East, M.P.M., Gallatin County, Montana. The subdivision is more generally described as being approximately nine miles northwest of West Yellowstone.

Hebgen Lake Estates Subdivision was originally reviewed and approved by the Gallatin County Commission in July of 1973. Since then, all but ten of the 158 lots in the Subdivision have been acquired by Gallatin County because property taxes became delinquent.

The proposed amendment would combine the following: in Block 3 - Lots 51 & 52 to form Lot 51A, Lots 39 & 40 to form Lot 39A, Lots 21 & 22 to form Lot 21A; in Block 4 - Lots 44 & 45 to form Lot 44A, Lots 31 & 32 to form Lot 31A, Lots 23 & 24 to form Lot 23A, Lots 10 & 11 to form Lot 10A, Lots 7 & 8 to form Lot 8A; Lot 1 of Block 4 would be deleted, and Lots 3, 4, and 5 Block 4, would be lengthened to include the Lot 1 area.

Of the lots proposed for aggregation, lots 3, 4, & 5 Block 4 would not meet the current lot design criteria. These three lots do not meet the requirement that "No lot shall have an average depth greater than 3 times its average width", (Section 5B6). These lots would be formed by eliminating Lot 1, a small triangular lot with inadequate access. Exceeding the depth ratio may be preferable to approving a lot with inadequate access. Section 100 authorizes the Commission to waive or modify design standards in a planned unit development.

The purpose of the lot consolidations is to comply with revisions to the number of allowed dwelling units that have been imposed by DHES. Original DHES approval was for 116 dwelling units, based on 3.5 persons per dwelling unit. Because the 1980 census showed that the average household size in Gallatin County had declined to 2.5 persons per dwelling unit, DHES revised their calculations and approved the Subdivision for 148 dwelling units. It is therefore necessary for Gallatin County to consolidate lots to ensure that each dwelling unit will be assured of sewer and water hook-ups.

Section 12E2 of the Gallatin County Subdivision Regulations provides that amended plats shall be approved by the governing body under the major or minor subdivision procedure as is appropriate. This subdivision has been previously reviewed and approved as a Planned Unit Development under the major subdivision procedure; the only change proposed is to decrease the number of lots.

Because Hebgen Lake Estates Subdivision was approved 13 years ago, it does not meet the current standards contained in the Subdivision Regulations. However, the Commission may grant a written variance from the subdivision standards (Section 12E2) when it is found that strict compliance would result in undue hardship and is not essential to the public health, safety, and general welfare (Section 12A). This amendment is being proposed at the request of the State Department of Health to protect public health concerns; elimination of lots would lessen public safety concerns because there will be a lessened demand for public safety services. In addition, it appears that the general welfare of the citizens of Gallatin County will be served if a variance is approved so that the lots in the subdivision can be offered for sale and returned to the tax rolls.

In addition to the criteria for granting a variance, the Commission also needs to consider the public interest criteria when making their decision to approve or disapprove the amended plat of Hebgen Lake Estates Subdivision. Following are comments on the criteria: There is a clear need to amend the plat of Hebgen Lake Estates Subdivision to comply with State Department of Health requirements. Mary Kay Peck read the following letter:

"August 10, 1986

Dear Sir;

RE:opinion for Hebgen Lake Estates.

I am very much in favor of making the parcels larger. For promotion for sales in this area. I truly believe reducing the building square feet from 1000 to 600. Also have one parcel for commercial use for the other developers in the area. We were overlooked and not contacted when the original Yellowstone Village was approved.

Yours Truly,

/s/ Bob McClellan, Owner of Rancho Vista

Effects on agriculture, the natural environment, and wildlife should be insignificant, as the property has been subdivided for 13 years. The impact on local services will decrease if the aggregation of lots is approved. When the amended plat is recorded, the lots can be offered for sale, which will have a positive impact on taxation. Public health and safety should be positively impacted, as mentioned above.

STAFF RECOMMENDATIONS: 1. If the Commission finds that strict compliance with the design and improvement standards of the Subdivision Regulations would result in undue hardship and is not essential to the public health, safety, and general welfare, the variance should be granted. 2. If the Commission finds that the amended plat of Hebgen Lake Estates Subdivision is in the public interest, the plat should be approved. 3. The lot design standards for Lots 3, 4, & 5 of Block 4 be waived.

Jane Jelinski questioned Mary Kay Peck, if the plat was amended as proposed, would the amendment be actually waiving the design standards for lots 3, 4, & 5 or does the board have to waive the standards in a separate action with response from Mary Kay Peck that the waiver is in the Subdivision Regulations and can be a part of this hearing.

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Dan McDonald, Chairman of the Board of Unit Owners Association for Hebgen Lake Estates Subdivision was acceptable to him but that he felt before the Board of County Commissioners grants a variance to themselves that the problems of year round access, fire protection, police protection, high water tables, dust control and installation and maintenance of dedicated roadways be addressed in the interest of public safety.

Jane Jelinski responded that the subdivision was approved before current standards were adopted so the original subdivision does not comply with these standards and asked Mr. McDonald what he would do.

Mr. McDonald stated that many times in the past the people from Hebgen Lake Estates Subdivision have tried to discuss the problems with the Board of County Commissioners, to no avail, and stated that if the problems are not addressed the people will have to go through legal channels. Mr. McDonald agreed with Jane Jelinski that the subdivision was filed prior to the adoption of current standards, but quoted from the Subdivision Review Regulations on page 52 "The governing body may not approve an amendment which will place the plat in non-conformance" without a variance which in Mr. McDonald's opinion would be a variance against many items which have not been discussed.

Ramon S. White responded to Mr. McDonald's opinions by stating the area is covered by fire protection under Affidavit of contract with the U.S. Forest Service and State Department of Lands. Fire Marshall, Lee Lewis, or the State Board of Lands should be contacted for fire assistance. Police protection is covered by the Sheriff's Department resident deputy sheriff and are present in the Town of West Yellowstone area. The high water table is a legal concern of the State Department of Health. The people who are within the RID are responsible for the road maintenance within Hebgen Lake Estates Subdivision because state law requires that maintenance districts be a part of any RID, with the retention of an engineering firm and whatever the costs are accrued will be assessed back to each property owner, including Gallatin County on a square foot basis.

Dan McDonald read the following letter:

"January 7, 1983

Mr. Stephan Zirko  
 1312 Crawford Drive  
 Billings, MT 59102

Dear Mr. Zirko:

In accordance with your request, Gallatin County will arrange for snow removal and maintenance of the roads in Hebgen Lake Estates that were financed by RID's 316 and 322. You and all other property owners will be assessed for your proportionate share of the cost of snow removal and maintenance, in compliance with Montana statutes. The first assessment will be shown on your 1983 tax notice. Gallatin County has no funds available to use for snow removal on Rainbow Point Road.

Sincerely,

Gallatin County Commissioners  
 /s/ Joy I. Nash, Chairman, Ruthmary Tonn and Wilbur Visser, Members.

Michael J. Lilly from Scully, Lilly, Andriolo, on behalf of the Hebgen Lake Owners Assoc., addressed the legal principle involved as to why the other issues need to be considered by explaining the granting of the proposed amendment would open up a larger problem which the county has not addressed in the past. Mr. Lilly submitted to the Board of County Commissioners individually, and to Jim McKenna, Deputy County Attorney, a complete set of documents including several letters signed by Gallatin County Commissioners between September 18, 1979 to January 7, 1983, a copy of an assessment, U.S. Dept. of Agriculture Forest Service Road Stipulation dated August 24, 1979, an easement from U.S. Forest Service dated April 28, 1980, and a decree dated July 8, 1983 regarding the full and final settlement regarding Gallatin County taxes and road maintenance obligations all of which were regarding the internal roads of Hebgen Lake Estates Subdivision and also the road from 191 to the Subdivision, with Mr. Lilly stating that the County has an obligation to maintain and snowplow the roads and warned that the County could be opening themselves up for a possible lawsuit and/or public ridicule. Mr. Lilly also stated that past assessments which have been paid to the county for maintenance have not been utilized for maintenance and that taxpayers might take action seeking the enforcement of the agreements for the future and also reimbursement for monies collected in the past and not used.

Jim McKenna, Deputy County Attorney, questioned Michael J. Lilly if he understood the purpose of the meeting was simply to approve or disapprove the amendment of the plat, and asked if he believed the conditions that were present 13 years ago should be part of the considerations for the amendment, for example, the access to lots that are far away from any of the lots affected by the amendment, are questions that should be addressed at this meeting and part of the amending process.

Mr. Lilly's response was yes, and if the County Commissioners are going to amend the plat, that the plat as a whole should comply with the law.

Jim McKenna questioned Mr. Lilly if his belief was that this should be a consideration any time the commission is asked to amend a plat for any subdivision no matter when it was created and that the commission has a responsibility to reconsider the entire plat of any subdivision for which an amendment is requested.

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Mr. Lilly answered that yes that was his position because of not only the way the statutes are comprised but also the County Commission has an obligation to the public as a whole. The subdivision review process is there to uphold the public trust and see to it that the subdivision is in the public's best interest whether it be an amendment to a subdivision or a new subdivision.

Jim McKenna questioned what Mr. Lilly's thoughts were, if an amendment is requested for a subdivision that was approved under different standards that the commissioners should require the subdivision to meet all the current standards anytime an amendment is requested. Mr. Lilly responded by answering yes.

Jane Jelinski stated that if the commission would be forced to commit County resources in keeping the road opened it would force the commission to discontinue services to other roads within the County that may have substantially more people involved. Mr. Lilly commented that prior commissions have obligated the County to take care of prior commitments and that what the people of Hebgen Lake Estates Subdivision want is for the County Commissioners to honor the agreements of the Commission.

Jim McKenna, Deputy County Attorney, questioned if the nonconforming standards which Mr. Lilly and Mr. McDonald have mentioned are brought on by the amendment which is under consideration or by the original design and construction of the Subdivision.

Mr. Lilly stated the problems are not brought on by the proposed amendment but the problem of access is caused by the County Commission and its conduct since the original plat was approved.

Jo Zirko, resident of Hebgen Lake Estates, stated her concerns that the county will now be the major owner in the subdivision and was very concerned about the covenants pertaining to the homeowners association. Jane Jelinski asked Mrs. Zirko if she felt it would be in the public interest to not amend the proposed plat at this time but go through all the considerations and rebudget the entire road office to keep the entire thing opened before making it available for sale which could delay it for another year. Mrs. Zirko responded that something has definitely got to be done regarding the access, and continued by stating at the time of the purchase of the Zirko's house, they were under the impression the house was located on an approved subdivision, and now they can't even get to the house in the winter.

Jim McKenna, Deputy County Attorney, reminded the Board of County Commissioners that the reason this meeting is being held is to approve or disapprove the amendment to the plat. Jane Jelinski asked Jim McKenna if he was prepared at this time to give a legal opinion whether by amending the plat the County Commissioners are required to deal with all standards that are in effect now, but were not in effect of the original plat. Jim McKenna stated an opinion could not be given today.

Jane Jelinski stated because of the issues raised in the meeting, the County Commissioners need some legal advice as to whether or not the County Commissioners are required to comply with current standards for an amendment to a subdivision.

Motion by Jane Jelinski to postpone a vote for the amended plat for one week. Seconded by Ramon S. White. None voting aye. Motion died. Motion by Jane Jelinski to postpone a vote for the amended plat for two weeks. Seconded by Ramon S. White. Jane Jelinski voting aye. Ramon S. White and Wilbur Visser voting nay. Motion died. Motion by Jane Jelinski to postpone a decision on the amended plat of Hebgen Lake Estates Subdivision for two weeks pending legal advice about the implications of voting on an amended plat at this time. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser reported having the petition to create a LID for Sourdough Road and the certification from the Clerk and Recorder for the qualifications of signers being at least 2/3 of the owners signing owning lineal feet frontage on Sourdough Road.

Jim Cummings, Thomas, Dean, & Hoskins, reported that on the basis of the petition received, and the documents Mr. McKenna has prepared, along with the bid opening the county has on August 8, 1986, low bid being Pioneer Ready Mix for \$23,023.00, Mr. Cummings submitted a check to the County Commissioners for \$17,267.25 which is 75% of the total amount.

Jane Jelinski questioned if the proposal complies with the requirements of the County policy regarding LIDs. Ramon S. White answered that the County does not have a policy for LIDs but recommended the County Commissioners get a policy drawn up because of the number of LID petitions which are being requested.

Motion by Ramon S. White to pass Resolution #629 to create LID #107 for that portion of Sourdough Road commencing approximately 690 feet south of its intersection with Goldenstein Lane where the paving ends and proceeding south a distance of approximately 1950 feet to the south boundary of Sections 29 and 30 T2S, R6E, Gallatin County, Montana. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser reported having the Certification from the Clerk and Recorder for the qualifications of signers being at least 2/3 of the owners signing owning lineal footage on Goldenstein Lane. Jane Jelinski read the following Resolution #630 to create LID #108 for Goldenstein Lane:

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

WHEREAS, the owners of two-thirds of the lineal feet of land fronting on the following road, part of the accepted county road system of Gallatin County, Montana: That portion of Goldenstein Lane from its intersection with South Third Avenue easterly to Annette Park Drive, a distance of approximately 6,360 linear feet; have petitioned the Gallatin County Commission to create a local improvement district to improve the road described above; and

WHEREAS, the Commission finds from the petition that the public interest demands the improvement of Goldenstein Lane, as follows: a prime coat and a 2½" thick compressed asphalt mat 24' wide, according to Gallatin County standards; and

WHEREAS, the total cost of the improvement is estimated to be EIGHTY-NINE THOUSAND TWO HUNDRED SIXTY-SEVEN and no/100 DOLLARS (\$89,267.00), and the district will assume and pay for seventy-five percent (75%) of that total cost and Gallatin County will assume and pay for twenty-five percent (25%) of the total cost; and

WHEREAS, the portion of the costs assumed by the district will be donated by concerned and interested citizens, and therefore, no assessments are required; and

WHEREAS, because no assessment is necessary and no assessment district is necessary, the petition requests that the Board waive notice of meeting and meeting as provided in Sections 7-14-2705 and 7-14-2706, MCA;

NOW, THEREFORE, BE IT RESOLVED:

1. That the public interest demands the improvement of a portion of Goldenstein Lane, as described above;
2. That Goldenstein Lane Local Improvement District, designated as Local Improvement District #108, is created for the sole purpose of installing the improvements described above;
3. That the requirements of Sections 7-14-2705 and 7-14-2706, MCA, are waived for the reason that no assessment or assessment district is necessary;
4. That the proportion of the total cost of the improvements which will be assumed and paid for by the district is seventy-five percent (75%), and Gallatin County shall assume and pay for twenty-five percent (25%) of the total cost of the improvements. The Gallatin County Road Department shall contribute to construction of the improvements as the county's share of the costs of the improvements.

Jim Cummings, Thomas, Dean, & Hoskins, stated the total amount being \$66,950.00 can't be met today, but that he can submit a total of \$54,677.00 with a remainder of \$12,273.00 which will be delivered to the County by September 10, 1986. Ramon S. White recommended the Board of County Commissioners accept the total amount at a later date rather than accepting a portion of the amount now.

Sam Gianfrancisco, Road Superintendent, stated that Pioneer Ready Mix will be scheduled to do paving on approximately September 20, 1986, so the delay in monies received would not affect any of the work.

Motion by Jane Jelinski to adopt Resolution #630 creating LID #108 for Goldenstein Lane. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser reported the consideration of RID for Rocky Creek Road has been cancelled.

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Wilbur Visser reported having the Certification from the Clerk and Recorder for the qualifications of signers being at least 2/3 of the owners signing owning lineal footage on Forswall Road.

David Leavengood, Architect representing Albert Wells, stated the proposed LID is a 2.1 mile road extending from Walker Road on the west, to the dogleg to the left where Forswall Road turns to adjoin Springhill Road. Mr. Leavengood stated the cost estimates were \$85,000.00 and \$100,000.00 and the advertisement for bid to the County Commissioners will be submitted on August 28, 1986. Mr. Leavengood also reported that his client is prepared to pay 75% of the total costs.

Jane Jelinski questioned Sam Gianfrancisco, Road Superintendent, if the proposed LID was on the county's priority list with Mr. Gianfrancisco responding that it was on the priority list not to exceed \$20,000.00 with the county's contribution being equipment and gravel. If the bid were to go over the \$20,000.00 county contribution the understanding by Mr. Leavengood and the County Commissioners was that the board is not compelled to proceed with the proposed LID.

Motion by Ramon S. White to pass Resolution #633 on LID #109 for Forswall Road. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Motion by Jane Jelinski to appoint Jim Micklewright as a member to the West Yellowstone TV District Board. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:45 P.M.

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ATTEST:

*Gary H. Dunge*  
 Clerk

APPROVED

*Wilbur Visser*  
 Chairman

- - - -

TUESDAY

THE

26th

DAY OF AUGUST

19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of August 12, 1986 as written. Seconded by Wilbur Visser. None voting nay. Motion carried.

August 19, 1986

Commissioner Jelinski attended the Strategic Planning Committee meeting of the Certified Cities Program.

August 20, 1986

Commissioners met with architect Wally Riffle regarding the progress of the Detention Center remodeling.

August 21, 1986

Commissioners met with Dave Dunn and Ron Cutting of the Sheriffs Department.

Commissioner Jelinski met with Wayne Curdy regarding Cobb Hill Road.

Commissioners Visser and Jelinski attended the Refuse District meeting in Manhattan.

August 22, 1986

Commissioner Jelinski attended the High Tech Forum at Big Sky.

Commissioner Jelinski met with Gene Huntington, Commissioner of Labor and Industry regarding the JTPA Program.

August 25, 1986

Routine business this date.

August 26, 1986

Commissioner White in Helena through Thursday attending the Assessor's Convention.

Commissioners approved a suitability of access request by M.M. and Norma Anderson. Their deed describes a twenty acre tract adjoining Spaulding Bridge Road.

Commissioners denied a suitability of access request for Edmund White. Mr. White's deed shows a twenty acre tract not adjoining any public road.

Received numerous A10ls in the amount of \$2,911.72 to the credit of various funds.

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Bid opening for Painting of County Buildings proceeded with Jane Jelinski stating that because only certain interior areas of the Courthouse and Law and Justice Center will be painted, her recommendation would be to return the painting bids unopened and readvertise at a later date with a clear statement of the County's intentions. Jane Jelinski made a motion to return the bids unopened and readvertise at a future date with a clear statement of the County's intentions. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Marsha Elkins with the City-County Planning staff spoke to the Board of County Commissioners regarding Planning Application P8613, an application requesting numerous amendments to the Bozeman area subdivision regulations. This amendment would bring the regulations into compliance with the Montana Subdivision and Platting Act. Wilbur Visser questioned how long it would take to review 20 acre parcels and get an answer back to the applicant. Marsha Elkins answered that it would be handled within ten days. The discussion continued concerning two governing bodies approving the division of land. Marsha stated that certain jurisdictional areas require approval from both governing bodies. Marsha Elkins also stated that the city of Bozeman would be approving all COS's within their jurisdiction. Jane Jelinski asked the County Planning Director if there were any concerns that they needed to be aware of before approving this. There were no comments made on the amendments. Jane Jelinski moved to approve the application for numerous amendments for the Bozeman area subdivision regulations. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Wilbur Visser stated having the affidavit of Publication, the receipts of certified letters, and the certification from the Clerk & Recorder's office for the qualification of the signers stating signatures of ten freeholders in Gallatin County and read the following letter:

We the undersigned, being duly appointed as Viewing Board viewed the portion of Forswall Road to be abandoned and the portion of the road to be opened.

The proposed road changes would improve the road alignment. By changing the road, safety will be greatly improved for the public.

The Viewing Board sees an immediate benefit to the County and hereby recommends that the petition to close one portion and open another portion as a county road be accepted.

/S/ Ramon S. White, County Commission, Richard McClue, County Surveyor.

TUESDAY THE 26TH DAY OF AUGUST 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Betty Biggs requested that suitable accesses be maintained into and out of their fields and made passable for them. Sam Gianfrancisco, Road Superintendent, stated that all the existing accesses will be maintained except if it is on the existing road that is being abandoned. That road will go back to the people that own the right of way. Jane Jelinski made a motion to approve the abandonment of a portion of Forswall Road as specified in the plans and open a new section depending on the availability of adequate funds. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Wilbur Visser reported a request for consideration of RID for Rocky Creek Road. Jim Johnstone provided information to the Board of County Commissioners regarding future requests for the creation of a Rural Improvement District. No action was requested at this time.

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John Nehring, representing United Way spoke to the Board of County Commissioners requesting the following approvals: Approval of payroll deductions during 1987 for those employees who wish to contribute. To be able to secure the follow-up assistance from key employees in each major department, which would involve a small amount of business time on their part. Would like to have an actual kickoff for the county portion of the campaign during one of the public meetings, close to October 1st. To obtain a current County employee list. Jane Jelinski made a motion to reduce the payroll reduction policy from 20 percent participation to 15 percent. Seconded by Wilbur Visser. None voting nay. Motion carried. Jane Jelinski made a motion to authorize Mr. Nehring to contact department heads and to endorse his efforts to get support for United Way from Gallatin County Employees. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:40 P.M.

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ATTEST,

Clerk

*Gary A. Dingle*

APPROVED:

Chairman

*Wilbur Visser*

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PUBLIC MEETING TUESDAY, THE 2ND DAY OF SEPTEMBER, 1986

OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of August 19, 1986 and August 26, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

August 25, 1986

Commissioners met with Auditor Carolyn Hartsog regarding budget transfers.

August 26, 1986

Commissioner Jelinski met with Janet Nye, Deputy County Auditor, regarding the external audit.

Commissioner Jelinski attended the Strategic Planning Committee meeting for the Certified Cities Program.

Commissioner Visser attended the Fair Board meeting.

August 27, 1986

Routine business this date.

August 28, 1986

A meeting was called to order by Chairman Wilbur Visser at 8:30 A.M. for the bid opening on Forswall Road. Also present were Commissioner Jane Jelinski and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board. Jane Jelinski read a bid for Montana Ready Mix in the amount of \$74,485.00 and Figgins Sand and Gravel in the amount of \$103,813.00. Simes Construction Inc. wrote to the Commission stating due to scheduling, a bid would not be submitted because of not having any statement concerning the weather in the bid specs. Jane Jelinski stated because the bids were opened it would be very hard to handle. Norman Stone, Assistant to the County Surveyor, recommended not resubmitting the bids because the procedures would cause a delay for three weeks. Motion by Jane Jelinski to defer a decision to award the bid regarding the LID on Forswall Road until Thursday, September 4, 1986, at 9:00 A.M. so that Sam Gianfrancisco has time to look over the bids and make a recommendation to the commissioners. Seconded by Wilbur Visser. None voting nay. Motion carried.

TUESDAY

THE 2ND

DAY OF SEPTEMBER 1986

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAAUGUST 29, 1986

Commissioner Jelinski attended the school assembly at Willson School.

Commissioners Jelinski and White met with Ralph Meyer of West Yellowstone.

Commissioners Jelinski and White met with Deputy County Attorney Jim McKenna, Subdivision Review Officer Mary Kay Peck, and Jack Schunke of Morrison-Maierle regarding Hebgen Lake Estates.

September 1, 1986

LABOR DAY - LEGAL HOLIDAY

SEPTEMBER 2, 1986

Commissioners met with County Treasurer Loy Carroll, County Assessor Arletta Derleth, Budget Officer Dave Miller and Clerk and Recorder Gary Pringle to review RIDs.

Received the following list of new employees:

Chuck Kohlbech, County Fair Crew, \$4.21 hr.  
 Gayle Pruitt, Dispatcher, Sheriffs Dept., \$915.65 mo., 7-29-86  
 Terry Ryan, Nurses Aide, Rest Home, \$5.05 hr., 7-28-86  
 Christine Staudenmayer, Nurses Aide, Rest Home, \$5.05 hr., 7-28-86  
 Sandra Hanson, Temporary, Youth Probation, \$5.76 hr., 8-4-86  
 Jennifer Bordy, Deputy County Attorney, \$1718.31 mo., 8-4-86  
 Arthur Mathew, Nurses Aide, Rest Home, \$5.05 hr., 8-6-86  
 Clarice Crowder, Nurses Aide, Rest Home, \$5.05 hr., 8-6-86  
 Ronda Stewart, Nurses Aide, Rest Home, \$5.05 hr., 8-6-86  
 Edward Clark, Jr., Deputy Sheriff, \$1476.30 mo., 8-19-86  
 Lisa Nelson, Nurses Aide, Rest Home, \$5.05 hr., 8-6-86  
 William Baldus, Systems Analyst, Data Processing, \$1708.30 mo., 8-1-86

Received A101 #11272 in the amount of \$9.80 for copies to the credit of the General Fund.

Received the following cancellation of taxes:

Gil Dyk Builders, \$90.58, never went into business.

Commissioner Jelinski has been reappointed to the Job Training Coordinating Council by Governor Schwinden.

Vacancy on the Manhattan Rural Fire District Board. Three year term expiring October, 1989.

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Mary Kay Peck, Subdivision Review Officer, reported Jim VanDyke is claiming the occasional sale exemption. Mr. VanDyke has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption to Jim VanDyke. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated having the receipts of certified letters, and read the following letter regarding the proposed abandonment of an East-West public easement that connects Shadow Circle Road in Mountain Shadow Estates Subdivision:

We the duly appointed Viewing Board, viewed the 60 foot public road easement that lies between lots 4 and 5, block 4 and lots 1 and 8, block 5, Mountain Shadow Estates Subdivision No. 1, in the S½ NE¼, Section 1, Township 3 South, Range 5 East, Gallatin County, Montana.

We find that this 60 foot public easement serves no one as a public road, but it does serve as an easement or shortcut to the park in Mountain Shadows Estates.

We hereby recommend closing twenty-five feet on each side and leaving a 10 foot strip for walkway as an easement to the park subject to the following condition:

1. That a 10' public easement will be recorded by the Road Office, in the plat book in the County Clerk and Recorder's Office for a walkway to the park.

Sincerely,

/s/ Ramon S. White, County Commission, Richard McClue, County Surveyor.

There being no public comment Jane Jelinski made a motion to grant the abandonment on Mountain Shadow Estates Subdivision leaving a ten foot wide public walkway easement. Seconded by Ramon S. White. None voting nay. Motion carried.

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Jane Jelinski began the discussion of Safety Requirements for Use of County Roads for Aerial Spraying by reading section 67-1-204 of the Montana Code Annotated which allows the use of county roads for aerial spraying purposes. Subsection #3. Aircraft landings and takeoffs from public roads in this state are lawful if proper safety precautions, as approved by the governing jurisdiction of such roads, are taken prior to such landing or takeoff, except as otherwise provided in this section. However, the local governing jurisdiction shall incur no liability as a result of an approval under this subsection. Virgil Bates and Grace Bates objected to the use of certain areas of a county road for commercial aerial spraying. Virgil Bates presented ten proposed rules and regulations for landings and takeoff of commercial spray planes on county roads.

TUESDAY THE 2ND DAY OF SEPTEMBER 1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Proposed Rules And Regulations For Landings And Take Off Of Commercial Spray Planes On County Roads.

1. Must have prior consent, daily, by phone to County commissioners. Commissioners should record:
  - A. Location
  - B. Name of sprayer
  - C. What they are using
  - D. Who they are spraying for
  - E. Approximate number of loads
2. Sprayers or applicators must be bonded if using county roads.
3. There must be a clear view of the total length of takeoff strip.
4. There must not be any roads or approaches entering the road being used, for the total length of the takeoff.
5. There must not be any hills on the total length of runway. (Used to help overloaded or underpowered planes take off).
6. There must be flag people on both ends of takeoff strip. (Their purpose is to advise pilot of road clearance - not to stop traffic for planes).
7. Written objections by farmers or adjacent landowners to odor or noise, will halt the use of that portion of county roads as takeoff and landing strips immediately.
8. No dumping extra chemical on roads or in ditches will be permitted.
9. Sprayer will pick up all empty containers.
10. Sprayer will clean up at his own expense, any spills on county roads, ditches, or adjacent property according to EPA standards.

Jane Jelinski questioned Mr. Bates if he used spraying and if he thought that these regulations would make it prohibitive for any aerial applicator to spray under these conditions. Mr. Bates responded that he did use spraying and that there are other county roads that could be used. Grace Bates voiced her concern about the spilling that has taken place and the length of time that has been taken to notify the individuals of the hazardous material involved and why it took the Civil Defense two days to come out and apply lime to the spills. Jane Jelinski stated that the Commissioners were informed that the lime was applied the day the accident occurred, Wednesday, by Dave Quist with the Department of Agriculture. The Civil Defense and the Road Department also informed the Commissioners of the spill and that the lime was reapplied later. Paul Newby, Commercial Sprayer, clarified that the lime was applied Friday morning, but that the Bates' were notified immediately after the accident occurred as to what the chemicals were and to stay away from it. Mr. Newby commented on the use of roads that have no hills and an absolute clear view of the full length of the takeoff area from the beginning of the takeoff site and that most roads in Gallatin County would be eliminated. Jane Jelinski questioned that if flag people are used at both ends of the strip, if it requires radio contact or if the flagging is a sufficient form of communication. Paul Newby replied that he can prearrange hand signals with the traffic controller, but that he will be using radio equipment. Jane Jelinski questioned Mr. Newby about mixing the product on county roads and why he didn't mix it on the property of the person with whom there is a contract. Mr. Newby replied that the best location to mix the substance is in the corner of the road, where they wouldn't be disturbing the land owners' land. Paul Jahnke added that the odor is not from loading but from the application of the chemical on the fields. Chemicals are mixed as they are used to minimize the risk involved and a lot of the chemicals cannot be stored after they are mixed. He also feels the overhead would be too high to have two flagmen on the landing strip when one flagman can adequately do the job. Ramon S. White suggested that the board draft up a policy and hold it open for public review and advertise for any additional public comment on the draft.

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Wilbur Visser stated having the affidavit of publication and letters for and against the proposed creation of an RID for paving of roads in Sourdough Ridge and Foothills Subdivisions. Gary Pringle, County Clerk and Recorder, stated receiving a number of letters of protest, and a list of signatures of protestors from Ken Nordtvedt. Mr. Pringle requested direction from the County Commissioners how three parcels should be counted because of the record owner signing for two parcels with a contract having been recorded on those parcels and the other parcel ownership being held in a trust. Mr. Pringle stated that there are 33 parcels with signatures of protestors that have no questions. Ramon S. White asked Deputy County Attorney Jim McKenna if the statutes recognize that there is a percentage allowable for protest. Jim McKenna answered that the statutes for protest measure it in terms of the amount of land to be assessed. If you receive protests representing more than 50 percent of the land to be assessed that is sufficient to bar the proceedings. Adrian Mathis stated that he was the owner of one of the lots in question and that he was the record owner. Jane Jelinski suggested hearing public comments and decide later as to validity of petitions. Mike Sand, John Fisher, Ted Becker, Steve Spainhower, Peg Potter, Rita Sand, Clara Becker, Jack Jahnke, Ken Jones, David Hoff and Adele Pettendrih all spoke in favor of the creation of an RID for Paving of Roads in Sourdough Ridge and Foothills Subdivision to improve the safety of the road, to reduce future road maintenance costs, reduce dust, improve road riding surface and improve property value. Bob Schweitzer, Dale Schendel, Margo Varberg and Ken Nordtvedt spoke in protest of the creation of an RID for Paving of Roads in Sourdough Ridge and Foothills Subdivision because of concern as to the safety of the paved road surface, the cost involved and the hastiness the road project was put



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together. Jim McKenna referred to 7-12-2113 MCA and 7-12-2102 MCA and stated that even if you don't have sufficient protests you don't have to pass the resolution, but if the protest is sufficient enough to kill the resolution all the owners of the property need to sign. If you do not find that there are more than 50 percent of the lots protesting then it is removed from your decision making process and the commissioners decide what the public interest is based on whatever evidence you have before you. Wilbur Visser stated that the signatures will be certified and a decision will be made Tuesday, September 9, 1986.

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There being no further business the meeting adjourned at 4:25 P.M.

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ATTEST:

*Gary H. Pungo*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - - -

The following are the quarterly securities submitted by the County Treasurer for the quarter ending June 30, 1986:

\$17,092,882.02 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

First Bank #005  
Checking

\$ -105.43  
5,300.00

Cmnwlth of MA 6.20 8/1/93 300,000.00

FIRST SECURITY BANK OF BOZEMAN

CREDIT BALANCE

#089086  
#5009111  
Checking

\$ 2,977,333.90  
3,370.92  
12,108.00

2861	4.09	6/10/87	2,000.00
6001	7.50	7/15/87	100,000.00
6430	5.00	10/01/89	100,000.00
20962	5.20	4/01/87	25,000.00
3370	4.70	7/01/87	10,788.75
3371	4.70	7/01/88	10,788.75
3372	4.50	9/01/96	30,000.00
3379	5.00	9/01/92	25,000.00
4013	4.75	12/01/88	10,000.00
6000	7.25	9/01/88	120,000.00
254044	9.10	12/01/90	250,000.00
317558	9.50	12/01/93	200,000.00
078973	7.25	7/01/94	200,000.00
141642	9.85	9/01/96	270,000.00
239195	12.50	8/01/2002	300,000.00
258944	8.50	11/01/2002	270,000.00
260601	10.00	12/01/2002	300,000.00
136052	7.50	12/01/90	200,000.00
299138	9.30	6/30/90	300,000.00
247590	10.375	9/01/90	500,000.00
014763	6.50	2/01/90	100,000.00
444638	11.625	10/31/86	1,000,000.00
468068	8.78	7/31/87	2,000,000.00

MONTANA BANK OF BOZEMAN

CREDIT BALANCE

#712388  
#57729  
Checking

\$ 2,797,051.60  
3,000,000.00  
25,606.77

35681		12/15/86	16,000.00
35682		12/15/86	7,000.00
35701		12/15/86	4,000.00
35688		1/01/87	3,500.00
35689		1/01/87	15,000.00
35647		1/15/87	20,000.00
35685		7/01/87	4,000.00
35695		7/1/87	8,000.00
35683		12/15/87	7,000.00
35702		12/15/87	4,000.00
35690		1/01/88	3,500.00
35691		1/1/88	15,000.00
35679		3/01/88	10,000.00
35692		7/01/88	25,000.00
35696		7/01/88	8,000.00
35700		7/15/88	50,000.00
35703		1/01/89	10,000.00

continued

TUESDAY

THE 2ND

DAY OF SEPTEMBER 19<sup>86</sup>  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAMONTANA BANK OF BOZEMAN CONTINUED

35697		7/1/89	8,000.00
35645		1/01/90	50,000.00
35635		9/01/90	50,000.00
35637		11/01/91	75,000.00
35638		1/01/92	50,000.00
35646		11/01/92	50,000.00
35644		1/01/94	50,000.00
35648		7/01/96	100,000.00

## Repurchase Agreement

Fed Nat'l Mort	8.20	10/28/86	200,000.00
Fed Nat'l Mort	6.56	2/06/87	200,000.00
Fed Nat'l Mort	11.05	2/10/87	240,000.00
Fed Nat'l Mort	9.90	2/10/87	200,000.00
U.S. Treas	10.00	2/28/87	200,000.00
U.S. Treas	9.75	4/30/87	300,000.00
CATS Series V	6.75	5/15/87	200,000.00
TIGR'S	7.05	5/15/86	425,000.00
U.S. Treas	9.00	9/30/87	300,000.00
COUGAR'S	7.20	11/15/87	196,000.00
Fed Nat'l Mort	10.40	3/10/88	250,000.00
Fed Home Loan	7.25	6/27/88	350,000.00

## First Security Bank Repurchase Agreement

Hennepin Co Li		2/01/90	100,000.00
North Slope		6/30/90	300,000.00
Chelan Co. Dev		9/01/90	500,000.00
Alaska HSG Fin		12/01/90	200,000.00
Denver Airport		12/01/90	250,000.00
Evanston HSG		12/01/90	200,000.00
Adams County		12/01/93	200,000.00
West Jordan		7/01/94	200,000.00
Lyman Ind Dev		9/01/96	270,000.00
Atkins NRSG		8/01/02	300,000.00
Port Camas-Wa		12/01/02	270,000.00
St. Paul HRA		12/01/02	300,000.00

## Montana Bank Pledges

Fed Home Loan	9.15	7/25/88	250,000.00
TIGR'S	7.55	11/15/88	220,000.00
TIGR'S	7.55	11/15/88	20,000.00

EMPIRE FEDERAL SAVINGS

8340	13.00	5/26/87	100,000.00
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VALLEY BANK OF BELGRADEPLEDGE BALANCE

\$ 645,319.63

SECURITY BANK OF THREE FORKSCREDIT BALANCE

Checking				\$ 1,210.80
333662	11.625	10/31/86	300,000.00	

WESTERN BANKCREDIT BALANCE

Checking				\$ 2,162.00
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MONTANA BANK OF BELGRADECREDIT BALANCE

Checking				\$ 4,894.43
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MANHATTAN STATE BANKCREDIT BALANCE

Checking				\$ 3,042.00
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FIRST SECURITY BANK OF WEST YELLOWSTONECREDIT BALANCE

Checking				\$ 1,579.62
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OTHER BANKS

Commerce Trust		5,839.28	Cash in Office	186,367.70
Norwest		244,695.83	School Investments	2,948,512.00
First Nat'l Minn		312,619.58	County Investments	4,814,445.87
Southgate State		20,982.50		\$17,092,882.02
First Trust Bozeman		354,454.65		
First Sec. Bozeman		460.00		
First Trust Helena		180,950.00		

TUESDAY

THE 9TH

DAY OF SEPTEMBER 19 86  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

SEPTEMBER 3, 1986

Commissioners met with Gary Pringle, Clerk and Recorder, regarding purchases made for his office.

Commissioners met with Rest Home Administrator Jim Spady and Charles Aagenes regarding consideration of an expansion of the Rest Home.

Commissioners toured the Three Forks Airport site.

Commissioners attended a meeting in Manhattan regarding the county dispatch system. Also in attendance were Three Forks Mayor Gene Townsend and Manhattan Mayor Robert Olson, Sheriff Ron Cutting.

SEPTEMBER 4, 1986

Commissioner Jelinski attended the Local Government Advisory Council meeting in Helena and was re-elected as Chairman of that board.

Commissioners met with David Leavengood, Road Superintendent Sam Gianfrancisco, and Greg Poncelet regarding Forswall Road improvements.

Commissioners met as a Welfare Board.

Commissioner Visser met with Jackie Haxton regarding taxes.

Commissioners met with Jackie Stonnell and Dr. Edward King of the Health Dept. and Budget Officer Dave Miller regarding the Health Dept. budget.

SEPTEMBER 5, 1986

Commissioner Jelinski gave the welcome address to the Governor's Council on Aging.

Commissioners met with Bill Baldus of Data Processing regarding the progress of that department.

Commissioners held a work session on Hebgen Lake Estates amended plat.

Commissioner Visser met with Ed Jackson regarding the proposed RID in the Sourdough Ridge area.

SEPTEMBER 8, 1986

Commissioners met with Duane Johnson regarding negotiations for the Fairgrounds Groundskeeper union employees.

Commissioner Jelinski attended the Hazardous Materials workshop at the Gran Tree Inn.

Commissioners attended a meeting with City/County Planning Board staff, Planning Board members regarding streamlining the subdivision review and zoning application process.

Received a report from the Clerk and Recorder's Office showing the items of fees and other collections made in the amount of \$13,530.75 for the month of August, 1986.

Received numerous A101's in the amount of \$19,185.40 to the credit of various funds.

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Jim Dombroski with Morrison & Maierle read the bids for Construction of Road Improvements for RIDs in Mountain View Subdivision. Pioneer Ready Mix bid \$69,889.15 for RID #338 and \$253,129.20 for RID #339. Big Sky Paving bid \$70,782.26 for RID #338 and \$251,356.82 for RID #339. Marvin A. Rabine of Missoula bid \$84,611.78 for RID #338 and \$289,515.12 for RID #339. The engineers estimate was \$105,116.57 for RID #338 and \$360,755.80 for RID #339. The commissioners asked for Mr. Dombroski's recommendation on the bids next week, Tuesday, September 16, 1986.

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Bill Murdock, Planner, reported Daniell Henderson of Sundance Realty is claiming the occasional sale exemption. Mr. Henderson has certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, the Commission needs to determine if this is a proper use of the exemption. Jane Jelinski questioned why one of the lot lines was oddly shaped. Mr. Murdock replied it was because of the terrain being so uneven and it followed a ridge line. Motion by Jane Jelinski to grant the occasional sale exemption to Daniell Henderson of Sundance Realty. Seconded by Ramon S. White. None voting nay. Motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 9TH DAY OF SEPTEMBER 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Bill Murdock, Planner, reported Ash Branning is claiming the security for construction financing exemption. Mr. Branning has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. American Federal Savings and Loan has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption to Ash Branning. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Steve Kuchinsky is claiming the security for construction financing exemption. Mr. Kuchinsky has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. American Federal Savings and Loan has certified that creation of the mortgage parcel is necessary to secure a loan. This appears to be a proper use of the exemption based on the submitted information. Motion by Jane Jelinski to grant the security for construction financing exemption to Steve Kuchinsky. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Marian Haugen re-submitted her claim for an occasional sale exemption. The proper certifications were submitted together with a staff report and history on August 5, 1986. The Commission voted to table action on the claimed exemption until evidence could be presented showing that Mrs. Haugen had no interest in Montana Contractors Mortgage Investment, Inc., which previously split several parcels in the area. An attached letter states that Mrs. Haugen has no interest in Montana Contractors. Based on this information, the Commission needs to determine if this is a proper use of the exemption.

"August 7, 1986

Mr. Mike Foley  
 Survco  
 32406 Frontage Road  
 Bozeman, MT 59715

Dear Mr. Foley:

Per your inquiry pertaining to Mrs. Marian Haugen.

Mrs. Haugen is not presently and never has been an officer or stockholder in Montana Contractors Mortgage Investments.

Yours Truly,

/s/ Jerry Pape, Vice President, Montana Contractors Mortgage Investments Inc."

Mike Foley spoke on behalf of Marian Haugen, he stated that the Board had requested three things from Mrs. Haugen which were a copy of her contract, a letter from Montana Contractors Mortgage and some details from her trust, which were submitted to Deputy County Attorney, Jim McKenna last week. Mr. Foley also stated that there is an access to the property by using an existing road that comes off the highway, and has a 60' easement that goes up an existing logging trail. Jim McKenna stated that he had examined a copy of the contract between Mrs. Haugen and Montana Contractors Mortgage Investments Inc. and having spoken with Mr. Foley and Mrs. Haugens accountant, Ernie Turner, who informed him that Mrs. Haugen was not involved with Montana Contractors Mortgage Co. and stated that he didn't foresee a problem with an intent to evade subdivision regulations. Motion by Ramon S. White to approve the occasional sale exemption to Marian Haugen. Seconded by Jane Jelinski. None voting nay. Motion carried.

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The decision on Proposed Creation of an RID for Road Paving in Sourdough Ridge and Foothills Subdivisions began with Wilbur Visser reading a certificate from the Clerk and Recorder's Office and a letter from the Deputy County Attorney. Pursuant to Section 7-12-2112 and 7-12-2113 M.C.A. 1985, there are qualified signatures from the owners of 33 of the proposed 70 lots in the RID district, which constitutes 47 percent of those to be assessed for the cost of the proposed work.

"September 9, 1986

Gallatin County Commissioners  
 Gallatin County Courthouse  
 Bozeman, MT 59715

Re: Protests against Rural Improvements District #340, Sourdough Ridge Road

Dear Commissioners:

A question has arisen regarding protests against creation of the Rural Improvement District #340. I have been requested to determine whether there are sufficient protests to bar the proceedings for this RID.

Section 7-12-2112, MCA, provides as follows:

"No further proceedings shall be taken for a period of 6 months from the date when said protest was received by the county clerk when the board of county commissioners finds that such protest is made by the owners of property in the district to be assessed for more than 50% of the cost of the proposed work, in accordance with the method or methods of assessment described in the resolution of intention."

TUESDAY

THE 9TH

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Since the method of assessment in this case results in each lot in the proposed district being assessed an equal amount of the costs of the proposed work, a protest sufficient to bar further proceedings would have to be made by the owners of more than 50% of the lots in the proposed district. According to the Clerk and Recorder's office, the proposed district contains 70 lots. Therefore, protests must be made by the owners of at least 36 of the lots in order for the proceedings to be barred.

The Clerk and Recorder's office has received protests from persons claiming to be the owners of 36 of the lots in the proposed district. Since 36 lots is the minimum number in this case for a sufficient protest, it is apparent that if the protest for one of the lots is not valid, there are insufficient protests.

Among the protests received by the Clerk and Recorder is a protest for a lot owned by Michael S. and Kristine J. Carey, held in joint tenancy. Section 7-12-2109, MCA, states in part as follows: "Such protest must be in writing, identify the property in the district owned by the protester, and be signed by all owners of the property." The protest for the jointly held Carey lot contained only the signature of one of the joint owners. The language of Section 7-12-2109, MCA, quoted above was added by the legislature in 1985, and the Montana Supreme Court has not addressed the question presented here. However, courts of appeal in Missouri have held that a signature by one owner of property jointly held does not constitute a valid protest for that protest. In Marks v. Bettendorf's, Inc., 337 S.W. 2d 585 (MO. 1960), a city commission attempted to rezone a portion of the city. Missouri statutes provided that such a change could be prevented by protests representing 10% of the property in the zoned area. The Missouri court found that those protests were not valid:

"That property held by the entirety can in such a way be affected by one of the owners, acting in his own behalf, is completely repugnant to the character of such estates. For this reason we hold that tracts held by the entirety, where only one owner signs, should not have been counted in arriving at the amount of footage represented by the objectors."

This principle was affirmed in Niehaus v. Mitchell, 417 S.W.2d 509 (MO. 1967).

Because of the language of Section 7-12-2109, MCA, requiring that a protest be signed by all owners of the property, I believe that a Montana court would reach a result similar to that of the Marks case. For this reason, it is my opinion that the Carey lot should not be counted in arriving at the number of lots represented by the protest. Because this results in a protest by only 35 of 70 lots, it is my opinion that there has not been sufficient protests made to prevent further proceedings on the RID, and it is not necessary for me to render an opinion as to the other questioned lots.

Very truly yours,

/s/ James D. McKenna, Deputy County Attorney"

Jane Jelinski asked Deputy County Attorney, Jim McKenna if a letter received from Attorney Richard Andriolo in protest could properly be considered in this decision. Mr. McKenna stated the letter could be considered as persuasive argument as to whether you should create the district but it cannot be included as a protest. Jane Jelinski read the letter from Attorney Richard Andriolo.

"September 8, 1986

Gallatin County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Proposal to Create Rural Improvement District No. 340

Dear Commissioners:

I have been retained by certain residents of Sourdough Ridge Road regarding the proposal to create Rural Improvement District No. 340 for the purpose of paving the road adjacent to Sourdough Ridge Subdivisions Nos. I, II and III. This letter is written in opposition to the proposal to create Rural Improvement District No. 340.

MCA 7-12-2112 provides for the authorization to create rural improvement districts. This section states in part:

"(1) Except as provided in subsection (2), no further proceedings shall be taken for a period of 6 months from the date when said protest was received by the county clerk when the board of county commissioners finds that such protest is made by the owners of property in the district to be assessed for more than 50% of the costs of the proposed work, in accordance with the method or methods of assessment described in the resolution of intention."

Pursuant to this statute, this proposal to create a Rural Improvement District must fail if owners of property in the district to be assessed for more than 50% of the costs of the proposed work object to its creation. The attached list of property owners opposing this petition represents more than 50% of property owners in this area. The statute addresses "property owners (see MCA 7-12-2110) and not "occupied dwellings" as stated in the petition.

In addition, the petition is invalid on its face because it calls for a performance bond to be held until 60% of the lots or tracts have occupied dwellings on them. There is no authority for such a provision, and further, there is no assurance or indication that even if these lots are occupied, the owners will approve the district. As stated above, owners of property in the district to be assessed for more than 50% of the cost of the proposed work and not occupied dwellings are the statutory basis for creating a rural improvement district.

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

For the above stated reasons, the petition to create Rural Improvement District No. 340 must fail. As this letter establishes, legal action to set aside the subdivision would be successful because this commission is without the statutory authority to approve a rural improvement district in this case.

Very truly yours,

/s/ Richard J. Andriolo, Scully, Lilly & Andriolo

<u>NAME</u>	<u>LOTS OWNED</u>
Margo E. Varberg	5
Universalist Unitarian Fellowship	1
Ervin D. Hintzpeter, Trustee	1
Ray J. and Almut O. White	1
Kenneth L. Nordtvedt, Jr.	2
Laverne D. and Rita M. Klingensmith	1
John T. and Margaret W. Drake	1
Robert F. and Helori M. Graff	2
Stephen Thomas and Monna H.E.W. Gall	1
Dale W. and Wendi L. Schendel	1
Robert F. and June A. Schweitzer	2
Richard E. and Kathleen Swith Thompson	1
Paul A. Fellers	7
Thomas J. Young	1
Michael S. and Kristine J. Carey	1
Ed and Norman W. Jackson	5
C. William and Susan Clark	1
Illinois National Bank & Trust Co., Helen Kerr, Trustee	1
Adrian O. and Mary H. Mathis	1
TOTAL LOTS	36

Thus, 36 of the 70 lots are included in the signed protests which have been submitted. While at this same time, only 25 of the 70 lots are included in the request for the Rural Improvement District. The owners of property in the district to be assessed for more than 50% of the costs of the proposed work have failed protests. Thus, pursuant to Section 7-12-2112 MCA, the County Commissioners are without authority to proceed. Also, where there is such strong opposition, this project does not appear to be in the public interest, and more preparatory work is needed by the proponents to develop an acceptable project with greater public support."

Ramon S. White read 7-12-2113 M.C.A. and questioned Mr. McKenna if it mandated the creation of the district immediately. Mr. McKenna replied that it did not but that they have the jurisdictional power to create it. Ramon S. White stated that he voted for the resolution of intention because of the public interest but looking at the public interest of the county as a whole and the fact that the bonds have to be retired, and that some of the protestors are multiple lot owners that this could be an RID that might have problems repaying its obligations and put the rest of the county in jeopardy as far as bond repayments. Wilbur Visser agreed and stated that with more engineering they may have a more workable situation in the future. Jane Jelinski stated her concern that the project proceed and that it's going to take some working together to get this done. Ramon S. White made a motion to not pass the resolution to create the RID. Seconded by Jane Jelinski. Wilbur Visser and Ramon S. White voting aye, Jane Jelinski voting nay. Motion carried.

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Wilbur Visser stated that more information was needed in the consideration of Amended Plat of Hebgen Lake Estates Subdivision.

Wilbur Visser stated having the notice of publications for the Hearing on Proposed Amendments to the Gallatin County Recreation Plan. Bill Murdock, Planner presented the proposed amendments. The first one being the Criteria For Prioritizing Park Lands To Be Sold or Exchanged, including evaluation guidelines. The commissioners discussed the need for the public to have the opportunity to participate in the grading system of the parks. Mr. Murdock replied that the planning staff would do their proposed rating and there would be a 2 week Public Hearing notice to give the public an opportunity to participate. Ramon S. White made a motion to incorporate the first amendment into the County Recreation Plan. Seconded by Jane Jelinski. None voting nay. Motion carried.

The second proposed amendment to the recreation plan proposes Adopting Criteria For a County Park Complex Location and Development, which includes evaluation guidelines. The commissioners suggested changing the rating system and postponed a decision on the amendment until next week.

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There being no further business the meeting adjourned at 2:45 P.M.

ATTEST:

*Gary D. Pring*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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TUESDAY THE 16TH DAY OF SEPTEMBER 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of September 2, 1986 and September 9, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

SEPTEMBER 9, 1986

Commissioners met with Mary Kay Peck, Subdivision Review Officer regarding the CDBG grant for the High Tech Park.

Commissioners met with Gene Graf and Gene Cook regarding the possible purchase of land for park development.

Commissioners met with Stan Hanson and representatives of Colonial Life and Accident Insurance Co. regarding employee benefits.

Commissioner Jelinski met with County Attorney Mike Salvagni regarding the interlocal agreement for dispatch services.

Commissioners Jelinski and Visser attended the Fairgrounds Development Committee meeting.

SEPTEMBER 10, 1986

Commissioners Jelinski and Visser attended the Interagency breakfast.

Commissioners heard a grievance filed by Karen Furu of the County Health Dept.

Commissioners met with Mary Kay Peck, Jim McKenna and Sam Gianfrancisco regarding the development of a county Local Improvement District policy.

Commissioners met with Steve Lere and Marcia Elkins of the City-County Planning staff regarding proposed development in the Sourdough Creek Properties.

Commissioners Visser and White attended the Three Forks Airport Board meeting.

SEPTEMBER 11, 1986

Received a petition requesting creation of an LID for Love Lane.

Commissioners met with John Dolan and Mike Williams of the Forest Service, and Terry Abelin of Bridger Bowl regarding the access road to Bridger Bowl.

Commissioners met with Bob Anderson regarding the bearproof garbage container grant.

SEPTEMBER 12, 1986

Commissioner Jelinski attended the Local Government Affairs Committee of the Gallatin Development Corporation meeting.

SEPTEMBER 15, 1986

Commissioners met with Paul Boylan, Bill Ogle, Ivan Flock, Jim Monger, Doris Fischer, and Laurie Shadoan regarding tax incentives for GenStar Costain Tie Company.

Commissioners met with Jim McKenna regarding Rainbow Point Road.

Commissioners met with Personnel Officer Kathy Nowierski.

Received A101 11345 in the amount of \$2,233.18 to the credit of county land planning.

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Wilbur Visser stated receiving a recommendation for the Bid award for Construction of Road Improvements for RIDs in Mountain View Subdivision. Jim Dobrowski, with Morrison and Maierle read the recommendation:

"September 15, 1986

Gallatin County Commissioners  
P.O. Box 1905  
Bozeman, MT 59715

RE: RID 338 and 339

Dear Commissioners,

Enclosed is a bid summary for the above project. Based on the bids received, we recommend award to Pioneer Ready Mix for RID 338 in the amount of \$69,889.15 and Big Sky Paving for RID 339 in the amount of \$251,356.82. Pioneer Ready Mix bid \$0.00 on Addendum No. 1 if awarded only RIS 338. Big Sky Paving bid \$0.00 on Addendum No. 1 if awarded only RID 339.

These awards should be contingent on the completion of the Bond Sale and the county satisfied they will have the money to pay the contractors.

Sincerely,

/s/ James Dobrowski, Morrison-Maierle, Inc."

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Ramon S. White moved to award the bid to Pioneer Ready Mix for RID #338 in the amount of \$69,889.15, contingent on the completion of the bond sale and the county is satisfied they will have the money to pay the contractors. Seconded by Jane Jelinski. None voting nay. Motion carried. Jane Jelinski moved to award the bid for RID #339 in the amount of \$251,356.82 to Big Sky Paving, contingent on the completion of the bond sale and the county is satisfied they will have the money to pay the contractors. Seconded by Ramon S. White. None voting nay. Motion carried.

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Attorney J. David Penwell read the bids for Bond Sale for RID #339, Mountain View Sub-division. D.A. Davidson & Co. bid \$425,000.00 with a net effective interest rate of 7.98424%. Dain Bosworth of Great Falls bid \$425,000.00 with a net effective interest rate of 8.6603. Ramon S. White made a motion to have the county's legal counsel and Mr. Penwell consult and examine the bond offerings and report back to the board within the day for a decision. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported the City of Belgrade has claimed the occasional sale exemption. The parcel is subject to county review because it lies just outside Belgrade's city limits. Belgrade had certified that no prior occasional sale was taken from this or contiguous tracts, that the tract was not created through the use of exemptions, and that only one tract is being created. They have also included the municipal exemption for sewer and water requirements. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to approve the occasional sale exemption to the City of Belgrade.

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Bill Murdock, Planner, presented his recommendation on the consideration of Second Amendment to the Gallatin County Recreation Plan, as amended from original proposal. Motion by Jane Jelinski to adopt the amendment #2 as proposed today with the change to strike F, the Proximity to Other Recreational Areas and to change the scoring scale in accordance. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Larry Matthews is claiming the occasional sale exemption. Mr. Matthews has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption to Larry Matthews. Seconded by Ramon S. White. None voting nay. Motion carried.

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Joseph W. Baker, Planning Director, Belgrade City-County Planning Board reported on the request for Extension of Preliminary Plat Approval for Shyne Minor Sub. Mr. Baker stated receiving a letter from Sanderson, Stewart & Gaston Eng., Inc.

"August 16, 1986

Board of County Commissioners  
 Gallatin County  
 Bozeman, MT 59715

Re: Michaela Shyne Minor Subdivision  
 Request for One Year Extension

Dear County Commissioners,

Sanderson/Stewart/Gaston Engineering, Inc. have requested a one year extension on the behalf of Michaela Shyne, the developer of the Michaela Shyne Minor Subdivision. This Minor Sub-division was recommended for preliminary approval by the Belgrade City-County Planning Board on 24 September 1985 and the Gallatin County Commissioners granted preliminary approval on 16 October 1985.

The developer was required by the Montana State Department of Health and Environmental Sciences to conduct a more intensive investigation of the ground water levels in the vicinity of the project. This study should be completed in the near future (estimated November 1986). Other conditions of approval imposed by the Gallatin County Commissioners are being completed by the developer in a timely manner.

The Belgrade City-County Planning Director recommends that the developer be granted the one year extension as requested for the Michaela Shyne Minor Subdivision.

/s/ Joseph W. Baker, Planning Director, Belgrade City-County Planning Board"

"September 8, 1986

Gallatin County Commissioners  
 Courthouse  
 Bozeman, MT 59715

Dear Sirs:

As agent for Michaela Shyne we would like to request a one year extension on her Minor Sub-division that was given conditional approval on October 16, 1985. Thank you.

Sincerely,

/s/ Dennis L. Foreman, Sanderson/Stewart/Gaston Engineering, INC. "



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Ramon S. White made a motion to grant an extension of one year to Shyne Minor Subdivision for preliminary plat approval. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Jane Jelinski stated that the purpose of the Consideration of Mutual Aid Agreement for Fire Protection was to allow different jurisdictions or contiguous counties to give assistance and by being covered by the Mutual Aid Agreement it permits liability coverage, and read the following agreement:

SIGNATURE ATTACHMENT TO MUTUAL FIRE PROTECTION ASSISTANCE AGREEMENT

The undersigned, being the lawful representative(s) of (name of county, city, or district), State of Montana, hereby acknowledge that by their signatures to this Signature Attachment to Mutual Fire Protection Assistance Agreement they agree to be a party to the Mutual Fire Protection Assistance Agreement dated September 1, 1986, a copy of which is attached hereto, with all other parties who execute an Attachment which is filed with the Gallatin County Clerk and Recorder, Gallatin County, Montana.

The undersigned further acknowledge and agree that the original Mutual Fire Protection Assistance Agreement shall be filed with the Gallatin County Clerk and Recorder, Gallatin County, Montana and that the original of each Attachment of each participating party shall be filed with the Gallatin County Clerk and Recorder and shall be attached to the original Agreement.

The undersigned further agree that by affixing their signatures to this Attachment they are hereby affirming and ratifying each and every condition of the Mutual Fire Protection Assistance Agreement dated Septebmer 1, 1986 which is on file with the Gallatin County Clerk and Recorder.

In witness whereof, the undersigned have executed this Signature Attachment this \_\_\_ day of \_\_\_\_\_, 1986.

\_\_\_\_\_  
Name of County, City, Fire District  
or Company  
Lawful Representatives:

MUTUAL FIRE PROTECTION ASSISTANCE AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of September, 1986, by and between the Counties, Cities, Fire Protection Districts, Private Fire Companies, whose lawful representatives have executed a Signature Attachment to the Mutual Fire Protection Assistance Agreement which are on file with the Gallatin County Clerk and Recorder.

WITNESSETH:

WHEREAS, the signatory establishments desire to provide for an augmentation of the fire protection in their various establishments, districts, agencies, and municipalities in the event of large fires or conflagrations; and

WHEREAS, the communities of the signatory parties of this agreement form a practically continuous area, throughout which is is deemed practicable for them to render assistance in fire emergencies; and

WHEREAS, it is the policy of the many municipal, private, and fire protection districts' governing bodies to conclude such agreements whenever practicable; and

WHEREAS, it is mutually deemed sound, desireable, practicable, and beneficial for the parties to this agreement to render assistance among them in accordance with these terms;

NOW, THEREFORE, IT IS HEREBY UNDERSTOOD AND AGREED as follows:

1. This agreement is made and entered into pursuant to Sec. 7-33-2108, Sec. 7-33-2202, and Sec. 7-33-4112, MCA.
2. Any dispatch of equipment and personnel pursuant to this agreement is subject to the following conditions:
  - a) Any request for aid hereunder shall include a statement of the amount and type of equipment and number of personnel requested, and shall specify the location to which the equipment and personnel are to be dispatched, but the amount and type of equipment and number of personnel to be furnished shall be determined by a representative of the responding organization.
  - b) The responding organization shall report to the officer in charge of the requesting organization, at the location to which the equipment is dispatched, and shall be subject to the orders of that official.
  - c) A responding organization shall be released by the requesting organization when the services of the responding organization are no longer required or when the responding organization is needed within the area for which it normally provides fire protection.
3. Each party waives all claims against the other party for compensation for any property loss, damage, personal injury, or death occurring as a consequence of the performance of this agreement.

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4. None of the parties shall be reimbursed by any other party for any costs incurred pursuant to this agreement.
5. No equipment used by any party hereto pursuant to the terms of this agreement will, at the time of such use, be owned or controlled by any third party, or agent or employee of any third party.
6. Any party to this agreement may or may not respond to a request for aid from another party, and no party is under an obligation to do so when conditions exist which, in the judgment of the officer in charge of a responding organization, would prevent response because of priority or responsibility in its own fire protection area.
7. Any party shall have the right to withdraw from further participation in this agreement at any time upon 60 days written notice to all other parties.
8. This agreement shall continue in effect until jointly modified or amended, or until terminated as per paragraph 8, above.
9. This agreement shall not prevent any party from entering into other agreements;
10. Should any section of this agreement be determined invalid by the courts, only that section shall be effected, and that section may be severed from the rest of this contract.

Jane Jelinski stated that John Allhands the Chairman of the Board of County Commissioners of Madison County adopted this agreement of July 28, 1986. Ramon S. White questioned if this agreement was in lieu or an addition to the Mutual Aid Agreement the county has now. Jane Jelinski replied that it is an addition to the Agreement the county has now. Ramon S. White stated his concern that the agreement should have an expiration date. Jane Jelinski stated that paragraph 8 provides for terminating the agreement by giving 60 day notice. Jane Jelinski made a motion to enter into this mutual Fire Protection Assistance Agreement with the counties that are contiguous to us if they agree to do so. Seconded by Ramon S. White. Jane Jelinski and Wilbur Visser voting aye. Ramon S. White abstained. Motion carried.

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The consideration of Interlocal Agreement for Dispatch Services for Manhattan and Three Forks began with Ramon S. White reading the agreement.

#### INTERLOCAL AGREEMENT

Between Gallatin County and the Town of Manhattan

This agreement, made and entered into this 16th day of September, 1986, by and between Gallatin County, State of Montana, and the Town of Manhattan, an incorporated town within the County of Gallatin, shall be for the purpose of providing police and fire dispatch service by the Sheriff's Department of Gallatin County to the Police Department and Fire Department of the Town of Manhattan, pursuant to the requirements of an interlocal agreement as authorized by Sec. 7-11-104, MCA. The terms and conditions of this Agreement shall be as follows:

#### 1. Purpose.

The purpose of this agreement is for Gallatin County through its Sheriff's Department to provide police dispatch services to the Police Department of the Town of Manhattan and to provide a means by which the Town of Manhattan shall pay Gallatin County for such services.

#### 2. Separate Legal Entity to be Created.

There shall be no separate legal entity created as a consequence of this Agreement.

#### 3. Effective Date, Duration and Termination.

This Agreement shall take effect upon approval of Gallatin County and the Town of Manhattan, and upon approval by the Attorney General of the State of Montana, and shall continue through June 30, 1987. At that time, this Agreement shall be automatically renewed for a period of one (1) year and from year to year thereafter, unless one party notifies the other that it desires to renegotiate or terminate the Agreement. Such notice of desire to renegotiate or terminate must be submitted in writing at least sixty (60) days prior to June 30, 1987, or at least sixty (60) days prior to June 30th in the year of any renewal of this Agreement.

#### 4. Financing.

The amount to be paid by the Town of Manhattan to Gallatin County for Fiscal year 1986-1987 shall be an amount equal to the value of two (2) mills for the Town of Manhattan and shall be in a like amount for each subsequent fiscal year unless the amount to be paid is renegotiated as provided in this Agreement.

#### 5. Dispatch Advisory Board.

It is understood between the Town of Manhattan and Gallatin County that the Gallatin County Commissioners will form a Dispatch Advisory Board to be composed of one (1) representative of each of the member users of the dispatch services of Gallatin County, including the Gallatin County Commissioners and the Gallatin County Sheriff's Department. In this regard, the Town of Manhattan shall have one representative on the Dispatch Advisory Board. The Dispatch Advisory Board shall be responsible for establishing procedures and policy for dispatch services in Gallatin County and guidelines for compensation to be paid by users of

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the dispatch service to Gallatin County. The Gallatin County Commissioners and the Dispatch Advisory Board together with the Gallatin County Sheriff shall work toward the establishment of a county-wide dispatch system for all dispatch users in Gallatin County. This Board, however, shall not be in any way involved in or responsible for the actual operation of the Gallatin County Sheriff's Department dispatch services.

6. Acquisition and Disposition of Property.

All property acquired and used or disposed of by Gallatin County during delivery of dispatch services to the Town of Manhattan shall be the property of Gallatin County.

7. Other Matters.

The above-stated provisions constitute the entire agreement between the parties hereto.

Ron Cutting, Gallatin County Sheriff, stated that the agreement should be amended to include the city fire departments. Ramon S. White made a motion to enter into Interlocal Agreement with the Town of Manhattan and the Town of Three Forks based on the Interlocal Agreements presented today, with the amendment to include dispatch of the city fire departments within these communities. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Jane Jelinski made a motion to appoint the following to the Search and Rescue Advisory Board, with 1, 2 and 3 year terms.

James Lether, Gallatin County Sheriff's Posse; Norman Eggert, Bozeman Nordic Ski Patrol; Joel Juergens, Bridger Ski Patrol; Gary Stuart, Underwater Divers, their terms to be from July 1, 1986 to June 30, 1987.

David Stradley, Gallatin Valley Snowmobile Assoc.; John Costello, West Yellowstone Search and Rescue; Capt. James R. Goodwin, Salvation Army; Patrik R. Callis, Technical Mountain Climbers, their terms to be from July 1, 1986 to June 30, 1988.

Sean Monohan, Big Sky Search and Rescue; Julian Nagorski, Civil Air Patrol; Gary Clutter, Kayak Club; Lt. Robert Campbell and Lt. William Pronovost, Gallatin County Sheriff's Dept., their terms to be from July 1, 1986 to June 30, 1989.

It was agreed by the Board that the full term of office for Search and Rescue Advisory Board members will be 3 years.

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There being no further business the meeting adjourned at 2:55 P.M.

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ATTEST:

*Larry St. Pungle*  
Clerk

APPROVED:

*Ramon S. White*  
Chairman

- - - -

PUBLIC MEETING TUESDAY, THE 23RD DAY OF SEPTEMBER, 1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Ramon S. White at 1:37 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Jane Jelinski stated that in regards to the Bid Opening on Buildings at 314 West Mendenhall and 318 West Mendenhall, a letter from the County Attorney advised that the appropriate process to go through for any county property with a value of \$2,500.00 or more is to have an appraisal and auction it at 90% of the appraised value, and that the process taken was in error. Ramon S. White postponed the action on the Bid Opening on Buildings at 314 West Mendenhall and 318 West Mendenhall until Wednesday, October 1, 1986.

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SEPTEMBER 16, 1986

Bridger Canyon Zoning Commission met to consider Sohio's request to the Oil and Gas Commission to dispose of the reserve pit at their Bridger Canyon location on site. The Board decided to defer to the expertise of the Oil and Gas Commission in this matter.

Jane Jelinski attended the Strategic Planning Committee meeting of the Certified Cities program.

SEPTEMBER 17, 1986

Commissioners met with Bill Baldus, Systems Analyst, regarding the progress of the Data Processing Dept.

Special meeting was called to order at 9:35 A.M. for the purpose of awarding the bid for bonds on RID #339. The county agreed to maintain the revolving fund for the RID.

Ramon White made a motion to award the bid for the bonds to D.A. Davidson for a net effective rate of 7.98424% for RID 339, seconded by Jane Jelinski, none voting nay. The motion carried.

Commissioners attended the semi-annual public meeting in West Yellowstone.

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 OFFICE OF COUNTY COMMISSIONERS  
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Commissioners Visser and White attended the refuse district meeting in West Yellowstone.

SEPTEMBER 18, 1986

Jane Jelinski attended the quarterly meeting of the Montana Advocacy program held in Helena today and tomorrow.

Commissioners met as a Welfare Board.

Commissioners White and Visser met with Wes Dunham, Ray Spanier, and Mrs. John Palmer, homeowners in the Tamphre Creek area regarding a request for gravel for their road.

Commissioner Visser attended the refuse district meeting in Manhattan.

SEPTEMBER 19, 1986

Routine business this date.

Commissioner Visser on vacation through September 29, 1986.

SEPTEMBER 22, 1986

Commissioners met with Joe Rude of Health Marketing West and Jim Spady, Rest Home Administrator, regarding possible expansion of the Rest Home.

Commissioners met with Bob Anderson regarding the bear proof garbage grant.

Commissioners met with Attorney Jim Moore and Deputy County Attorney Jim McKenna regarding development of a policy for aerial spraying on county roads.

Commissioners Jelinski and White attended the public hearing of the Dept. of Natural Resources regarding cloud seeding at Bridger Bowl.

Commissioner Jelinski met with representatives of the Sheriffs Dept. regarding the Search and Rescue program.

Received numerous A101s in the amount of \$38,558.29 to the credit of various funds.

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Attorney J. David Penwell read the bids for Bond Sale for RID #338, Mountain View Subdivision, D.A. Davidson & Co.'s net effective interest rate in the bid is 8.1724%. Dain-Bosworth's net effective interest rate in the bid is 8.058%. Ramon S. White recessed the meeting until 4:30 P.M. to give County Attorney Jim McKenna and Mr. Penwell time to examine the bond offerings.

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The meeting reconvened at 4:30 P.M.

Motion by Jane Jelinski to approve the minutes of September 16, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

- - - -

Ramon S. White read the recommendation from Jim McKenna on the Bond Sale for RID #338.

" Board of County Commissioners: "

I have been requested to give a recommendation on the sale of bonds for RID 338 - Mountain View Subdivision. The two bidders are D.A. Davidson and Dain-Bosworth. I have considered the following factors:

1. The net effective interest rate in the bid of D.A. Davidson is 8.1724%. The net effective interest rate in the Dain-Bosworth bid is 8.058%. Although the interest rate in the Dain-Bosworth offer is lower, the difference is only .11%, and would cause an increase of approximately \$140.00 in the first year of maturity.
2. D.A. Davidson, in its offer, agrees to pay the cost of printing the bonds as well as the fee of the approving attorneys. Dain-Bosworth, in its offer, states that these costs would be paid by the county.
3. Dave Penwell, attorney for the district, and I estimate the fee of the approving attorneys and the cost of printing to total approximately \$3,000.00

I believe it would be in the county's interest to avoid this significant lump sum payment in favor of the slightly higher interest rate offered by D.A. Davidson.

Based on the factors described above, it is my recommendation that Gallatin County accept the bid of D.A. Davidson.

/s/ Jim McKenna, County Attorney"

Jane Jelinski made a motion to approve the bid of D.A. Davidson. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 4:40 P.M.

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ATTEST:

CLERK

*Lucy H. Single*

APPROVED:

*Ramon S. White*  
 CHAIRMAN

- - - -

WEDNESDAY THE 1ST DAY OF OCTOBER 19 86

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

SEPTEMBER 23, 1986

Commissioner Jelinski attended the Search and Rescue Advisory Committee meeting.

Commissioners met with Paula Stoll of Management Associates and Kathy Nowierski, Personnel Officer regarding the implementation of an employee performance review policy.

Commissioner Jelinski met with Judge Olson and Judge Gary regarding public defenders.

SEPTEMBER 24, 1986

Routine business this date.

SEPTEMBER 25, 1986

Commissioners met with representatives of the Weed Board and approved their request to hire a part-time Spotted Knapweed Technician.

Commissioners met with Rest Home Administrator Jim Spady and received his monthly report.

Commissioners met with property owners living on Love Lane regarding a proposed LID and proposed purchase of park land in the area.

Commissioner Jelinski attended the HRDC board meeting.

Commissioners granted a suitability of access determination for William Gaffke. Mr. Gaffke's deed describes a forty acre tract abutting a county road.

Commissioners granted a suitability of access determination for George and Jean Francis. The certificate shows three additional tracts twenty acres or more, all fronting on Thorpe Road.

Commissioners received a letter of intent to resign from Clerk and Recorder Gary Pringle.

SEPTEMBER 26, 1986

Routine business this date.

SEPTEMBER 29, 1986

Commissioners met with Gene Cook regarding proposed park land purchase.

Commissioners attended the Performance Review Workshop conducted by Management Associates.

SEPTEMBER 30, 1986

Commissioners attended the MACO district meeting in Livingston.

Received numerous A10ls in the amount of \$112,598.54 to the credit of various funds.

Received the following list of new employees:

- Debra Jones, Nurses Aide, Rest Home, \$5.05 hr., 8-28-86
- Mary Pat Litzer, Nurses Aide, Rest Home, \$5.05 hr., 9-12-86
- Jeanette John, Nurses Aide, Rest Home \$5.05 hr., 9-12-86
- Victoria Johnson, Detention Officer, Sheriff's Dept., \$915.65 mo., 9-13-86
- Evangeline Fregien, Nurses Aide, Rest Home, \$5.05 hr., 9-4-86
- Tina Davis, Nurses Aide, Rest Home, \$5.05 hr., 9-19-86
- Ernest Pickett, Maintenance Supervisor, Rest Home, \$1,535.70 mo., 9-23-86
- Betty Novah, Nurses Aide, Rest Home, \$5.05 hr., 9-22-86
- Georgia Green, Nurses Aide, Rest Home, \$5.05 hr., 9-24-86
- Mary Johnson, Nurses Aide, Rest Home, \$5.05 hr., 9-23-86

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Motion by Jane Jelinski to approve the minutes of September 23, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Glenn and Leonard Johnson have claimed the realignment of common boundaries exemption. After acquiring abandoned Milwaukee Road right-of-way, the Johnson's wish to transfer portions of the right-of-way adjacent to several parcels. The Johnson's have certified that the purpose of the survey is to show a realignment of a common boundary between adjoining properties for the purpose of acquiring additional land, and that no new parcels are being created.

The appropriate deeds have been submitted, and no prior relocations of boundaries have been made on the original tracts. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the realignment of common boundaries exemption to Glen and Leonard Johnson. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Raymond and Amy Ross have claimed the mortgage exemption. The Ross's have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Western Federal Savings and Loan of Bozeman has certified that creation of the mortgage parcel is necessary to secure a loan. Based on this information, this appears to be a proper use. Motion by Jane Jelinski to grant the mortgage exemption to Raymond and Amy Ross. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Delbert and Nellie Kammerman have claimed the occasional sale exemption. The Kammerman's have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the occasional tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. According to the information submitted, this appears to be a proper use. Motion by Ramon S. White to grant the occasional sale exemption to Delbert and Nellie Kammerman. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported the request for approval of Amended Subdivision Plat of Snowline Subdivision for Emily Swanson and Dale Maroney. In July of 1985, the Bridger Canyon Planning and Zoning Commission approved a variance request for Emily and Tim Swanson to reduce the area of a non-conforming lot. Mr. and Mrs. Swanson had requested the variance to transfer approximately 5.5 acres to their neighbor in Snowline Subdivision, Mr. Maroney. The Zoning Commission found that the proposed boundary complied better with the topography and surroundings than did the existing boundary. During Zoning Commission discussion regarding the variance request, concerns were raised about preserving brush coverage for wildlife and not creating an additional building site. The Zoning Commission addressed these concerns by requiring that a 100 foot vegetation strip be left on the transferred property and by restricting the use of the transferred property to agriculture. The Zoning Commission also required that the land transfer be done as a relocation of common boundaries.

In accordance with these conditions, the subject amended plat has been submitted. There is a note on the plat reserving a 100 foot wide strip for a wildlife refuge and habitat. An agricultural covenant has been placed on the 5.5 acre portion of Lot 9A to preclude its use as a building site. The County Commission is deemed to be a party to this covenant, so that the covenant cannot be revoked without Commission approval. Finally, the land transfer has been submitted as a relocation of common boundaries, and all required deeds have been included. It appears that these are proper uses of the exemptions for the relocation of common boundaries and the preservation of agricultural land. If the Commission approves the use of the exemptions, they then need to consider entering into the agricultural covenant. Motion by Jane Jelinski to approve the Amended Subdivision plat for Emily Swanson and Dale Maroney, to include the relocation of common boundaries and the preservation of the agricultural covenant. Seconded by Ramon S. White. None voting nay. Motion carried.

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Doris Fischer of the Gallatin Development Corporation spoke on the Update of the tri-county Overall Economic Development Plan, and stated that the first step in this planning project is to assemble an OEDP Committee, made up of three representatives from each county and that the U.S. Economic Development Administration suggests that OEDP Committee members represent different segments of the region's business community and the need for minority representation. Ms. Fischer stated that the Gallatin Development Corporation Board recommends Robert Bos, Nick Savko, and Mary L. Lukin for appointment to the OEDP Committee. Motion by Jane Jelinski to appoint Robert Bos, Nick Savko, and Mary L. Lukin to represent Gallatin County on the overall Economic Development Plan Committee for one year. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated that Chet Sinnema has agreed to serve again on the three year appointment to the Manhattan Rural Fire District Board, and that there were no other applicants. Motion by Ramon S. White to appoint Chet Sinnema to a three year term on the Manhattan Rural Fire District Board. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:10 P.M.

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ATTEST:

Clerk

*Nancy A. Brown*

APPROVED:

Chairman

*Wilbur Visser*

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 7TH

DAY OF OCTOBER 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

OCTOBER 1, 1986

Commissioners attended the ribbon cutting ceremony for Big Sky Airlines.

Commissioners met with Garth Sime regarding road construction in Shadow Estates Subdivision.

Commissioner Visser conducted 4 H Interviews with Extension agent Terry Wolfe.

OCTOBER 2, 1986

Commissioners met with Gary Pringle, Clerk and Recorder, regarding his pending resignation from office. Commissioners appointed Alice Brennan as temporary Election Administrator.

Commissioners met with Maurice LaCunza and Rex Smith regarding the Youth Shelter Home and Gallatin County's program for juveniles.

Commissioners attended a meeting at the Job Service.

Commissioners met with representatives of Peat, Marwick, Mitchell, Treasurer Loy Carroll, Auditor Carolyn Hartsog and Accountant John Earll regarding the county's external audit.

Commissioners met with Garth Sime and Mary Kay Peck, regarding road construction in Shadow Estates Subdivision.

Commissioners met with Systems Analyst Bill Baldus regarding the status of the data processing dept.

OCTOBER 3, 1986

Commissioners met with Gene Surber, Beverly Wallace and Terry Wolfe regarding office space in the Extension Office.

Commissioner Jelinski met with Bob Anderson regarding the bear proof garbage grant.

Commissioner Visser attended the 4H Achievement Night Dinner at the Fairgrounds.

Commissioner Jelinski attended a meeting with the Gallatin Development Corporation and State Dept. of Commerce regarding economic development.

OCTOBER 6, 1986

Commissioners Visser and Jelinski attended the Firemen's Breakfast at the Fairgrounds.

Commissioners and Road Superintendent Sam Gianfrancisco went on the annual Forest Service Field Trip with representatives of the Forest Service.

Received numerous A101s in the amount of \$361,400.88 to the credit of various funds.

County offices will be closed Monday, October 13th to observe the Columbus Day Holiday.

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Grace Bates and Virgil Bates spoke against the use of county roads for aerial spraying. They stated their concern for safety and health and had pictures supporting their concern of the hazardous chemicals being left on the road unattended.

George Oschenski, Lobbyist and Researcher for the Montana Environmental Information Center, spoke supporting the concerns of the use of county roads for commercial aerial spraying and the problem of liability from spills and pollution of water and soil.

Paul Newby, Commercial Aerial Sprayer, spoke on the need for the use of county roads for aerial spraying and the suitability of road sites, traffic control, notification of operations and insurance requirements.

Jim Moore, Attorney, spoke on behalf of the Gallatin Valley Seed Producers and their need to spray potato fields for defoliant purposes and that aerial spraying is important to the whole agricultural community.

John VenHuizen, potato grower, stated the need for an airstrip near the area to be sprayed.

David Quist, Field Representative, Department of Agriculture, stated that he had been out to the site 12 times, investigating and taking soil samples and did find a trailer with toxic chemicals unattended on the county road and that it is a concern of his department. Jane Jelinski questioned Mr. Quist if the county, as one of their safety requirements, required that no toxic chemical be left unattended in the vicinity of the spraying was a reasonable request. Mr. Quist answered that from a liability and environmental standpoint that it would be mandantory.

Wilbur Kimm, potato and grain grower, spoke on the importance of aerial spraying on his potato fields.

Wilbur Visser stated that the comments would be taken under advisement and the policy will be voted on at the regular public meeting on October 21, 1986.

TUESDAY

THE

7TH

DAY OF

OCTOBER

19 86

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Marcia Elkins, Senior Planner, City County Planning Board, reported that Ralph K. Aaker has claimed an occasional sale exemption. Mr. Aaker has certified that no occasional sale has been taken from this tract or contiguous tracts held in single ownership within the past 12 months, that the original tract was not created through the use of the occasional sale exemption and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Marcia Elkins, Senior Planner, reported that Montana State University has claimed an occasional sale exemption and has certified that no occasional sale has been taken from this tract or contiguous tracts held in single ownership within the past 12 months, that the original tract was not created through the use of the occasional sale exemption and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

Jane Jelinski made a motion to approve the exemptions to Mr. Ralph K. Aaker and Montana State University. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Tom Goldsmith has claimed the mortgage exemption. Mr. Goldsmith has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. First Bank of Bozeman has certified that creation of the mortgage parcel is necessary to secure the loan. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the mortgage exemption to Tom Goldsmith. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Jim LeFever has claimed the security for construction financing exemption. Mr. LeFever has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. American Federal Savings of Bozeman has certified that the creation of the mortgage parcel is necessary to secure the loan. This appears to be a proper use based on the information submitted. Motion by Jane Jelinski to grant the security for construction financing exemption to Jim LeFever. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Mr. Corcoran and Mr. Spain have claimed the aggregation of lots exemption. Corcoran and Spain have certified that the aggregation is for five or fewer lots within a platted subdivision to show boundary changes. The claimants wish to combine what were previously 3 lots into 2. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the aggregation of lots exemption to Mr. Corcoran and Mr. Spain. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Montana Power Company has claimed the court order and eminent domain exemption. Montana Power has certified that creation of this parcel could be created by an order of any Montana court pursuant to the law of eminent domain. This appears to be a proper use of the exemption, based on this information. Motion by Jane Jelinski to approve a court order and eminent domain exemption. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that the County Recreation Plan has identified a strong need in Gallatin County for a community park complex containing multi-purpose playing fields and picnic areas. The Gallatin County Softball Association and the Bozeman Soccer League have been before the County Commission a number of times requesting either lands or funding. A Bozeman based Recreation Play Field Task Force has identified a need for play-field space for more than 2,000 participants. Selling or exchanging parklands provides a mechanism for acquiring county park complex land. Clover Meadows Subdivision Park, Hodgeman Canyon Subdivision Park, and 1st Pine View Subdivision Park are to be in consideration of sale or exchange. Mr. Murdock stated that the parks were evaluated according to the criteria set forth in the amended county recreation plan, which includes organization factors, use factors, and site factors. Mr. Murdock also suggested withholding a final decision on which parks to sell or exchange until all parks under consideration have been reviewed. Mr. Murdock stated that in using the scoring system, Hodgeman Canyon Subdivision Park received 17 points.

Reeves Petroff, Weed Control Supervisor, stated that the 3 parks all have noxious weeds.

John Montagne, homeowner, spoke on keeping Hodgeman Canyon Subdivision Park for horseback riding, cross-country skiing, soccer practice, and for the wildlife. Jane Jelinski questioned Mr. Montagne if the majority of the homeowners support the natural state of the park for wildlife and keeping the park as park land. Mr. Montagne said he had no negative responses to keeping the park as park land.

Don Belding, John Hanton, Ed Anacker and Stella Anacker also spoke on behalf of keeping Hodgeman Canyon Subdivision Park, for recreational purposes as well as the wildlife. Jane Jelinski questioned Mr. Belding if a soccer field was developed there if the members of the subdivision would object to the traffic or the increased number of people that would be there. Mr. Belding said that they were concerned about the roads, but it was not a problem to them. Wilbur Visser questioned Mr. Montagne and Mr. Belding on how they felt about the park being deeded to the proposed homeowners Association of Hodgeman Canyon. Mr. Belding answered that he would applaud such a decision. Mr. Montagne answered that he thought they would be glad to assume the responsibility. Jane Jelinski suggested that the people that live in the area get together and begin to develop a proposal to help with the decision.



TUESDAY

THE 7TH

DAY OF OCTOBER 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Mr. Murdock stated that in using the scoring system, Clover Meadows Park received 21 points. Mr. Murdock also stated that Clover Meadows has an active Homeowners Association and that they are will organized and have a clear procedure for maintaining their park if they choose to do so.

Annette Osen, homeowner, stated that one of the reasons the park hasn't been developed or used is that they were informed that they would be liable for any accidents but if they didn't touch the park they wouldn't be liable. Mrs. Osen also stated that she and her family and others do use the park as it is. And that there is great potential for the park if the liability issue was cleared up. Jane Jelinski suggested discussing the liability issue clearly in future hearings so that the homeowners can really understand whether or not they are exposing themselves to liability or not and to what extent.

Bill Murdock stated that in using the scoring system John Colter Park in 1st Pine View Sub-division received 17 points.

Betty Beverly, homeowner, spoke of the unchanged, unblemished land and that they were told when they purchased the land that the park could be used for whatever they wanted. Ms. Beverly stated that she and others use the park for outdoor activities and that she enjoys the wildlife and the view. She also stated that they have a proposed Homeowners Association that they are working on, but that they felt they would not be able to assume the liabilities. Wilbur Visser questioned if she had a problem with acquiring the park through a Homeowners Association. Ms. Beverly answered that they would be happy to get the park and would maintain it.

Walt Mayor, Peggy Cope, Lucille Winslow and Stephanie Alexander, homeowners, all spoke on behalf of keeping the park for recreational purposes, for the view and the wildlife.

Del Straub, representing the childrens youth and adult soccer interests in Gallatin Valley commented on the continuing need for a county facility.

Wilbur Visser stated that they will get input on all the parks and make a decision at a later date.

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Joe Baker, Belgrade Planning Director, reported the request for Preliminary Plat Approval of Faith Mobile Home Park Expansion for David Doyle and Hebron Properties. The applicant requests preliminary approval of the expansion of an existing 27 lot mobile home rental subdivision. The expansion will include 18 additional rental lots and the installation of a central sewage system. All lots within the subdivision will be utilized for rental space for manufactured homes. Mr. Baker presented 15 conditions recommended for the expansion of the rental subdivision. Jane Jelinski questioned if a requirement was needed to require the mobile homes to be HUD approved. Mr. Baker answered that the developer was going to incorporate that requirement into the rules and regulations for new or replacement homes. Motion by Jane Jelinski to grant preliminary plat approval of Faith Mobile Home Park Expansion with the 15 conditions and adding a 16th condition, that any home installed or replaced after this date shall conform to HUD standards. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Wilbur Visser stated that the renewal of the lease with the Historical Society, is identical to the last lease except for the time period which is for 25 years. Motion by Jane Jelinski to renew the lease for 25 years with the Historical Society. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Motion by Jane Jelinski to approve the minutes of October 1, 1986. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Jane Jelinski read the following Proclamation from United Way:

WHEREAS, to express the care and concern for its residents, it is important to Gallatin County to support the provision of health and human care services; and

WHEREAS, such services can best be provided by agencies that meet the needs of the elderly, provide health care, guide and assist youth and families, assist the disabled and abused; and

WHEREAS, a combined campaign of 19 agencies of United Way has proved to be effective and successful, with volunteers soliciting businesses for the purpose of obtaining funds for such services; and

WHEREAS, a goal of \$200,000 has been set by United Way of Gallatin County for distribution in 1987 to such agencies and shall kick-off its campaign on October 7, 1986.

NOW, THEREFORE we, Commissioners of Gallatin County, do hereby proclaim the period from October 7, 1986 to November 6, 1986 as "UNITED WAY DAYS" in Gallatin County and urge all our residents and businesses to cooperate in this campaign as their hearts dictate, to welcome the volunteer and to give freely in an attitude of love and concern.

DATED THIS 7TH DAY OF OCTOBER, 1986

Motion by Jane Jelinski to adopt the Proclamation. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 5:05 P.M.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 7TH DAY OF OCTOBER 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

ATTEST:

Clerk



APPROVED:

Chairman



PUBLIC MEETING TUESDAY, THE 14TH DAY OF OCTOBER, 1986

OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

OCTOBER 7, 1986

Special auction began at 9:10 A.M. by Chairman Wilbur Visser for the sale of lots in Bullthistle Addition to Belgrade. Mr. Visser reported having the affidavits of posting, publication, and mailing and stated that he also had the lists of the lots and their market value. The Board of County Commissioners appointed John Mandeville Auctioneers to conduct the public auction. Mr. Mandeville explained the terms for the sale and opened with lot 18 Block 2, Bullthistle Addition to Belgrade. Mr. Mandeville questioned the public whether or not there were any interested parties wishing to bid on any of the lots in question. The auction was closed at 9:20 A.M. due to a no interest sale.

Commissioners held their monthly staff meeting.

Ray White attended a meeting hosted by MACo regarding data processing.

Jane Jelinski attended the United Way kickoff luncheon.

Received report of the Clerk and Recorder's office showing the items of fees and other collections made during the month of September in the amount of \$14,044.25.

OCTOBER 8, 1986

Commissioners met with public defenders for the county regarding concerns raised by Judge Thomas Olson.

Commissioners met with Bill Baldus regarding progress in the Data Processing Dept.

Commissioners Visser and White attended the Refuse District meeting in West Yellowstone.

Jane Jelinski attended the disaster exercise organized by Hank Wruck, Civil Defense Director.

OCTOBER 9, 1986

Jane Jelinski hosted the Local Government Advisory Council meeting.

Commissioners Visser and White met as a Welfare Board.

Commissioners Visser and White met with Bob Jordan regarding Shedd's Bridge.

Commissioners approved a suitability of access determination for Paul and Kathryn Jordan. The Jordan's certificate shows an 88.617 acre tract located to the east of Saddle Mountain Road. The parcel has access to a constructed 60 foot Forest Service easement running across its north boundary.

Commissioners approved a suitability of access determination for Roy and Elizabeth Veltkamp. The Veltkamp's certificate shows a 39.671 acre tract adjoining Linney Road to the west. Linney Road is a county road by petition.

OCTOBER 10, 1986

Received letter of resignation from Clerk and Recorder Gary Pringle, effective October 13, 1986.

Received numerous A101s in the amount of \$459,023.40 to the credit of various funds.

Nancy Brown appointed as interim Clerk and Recorder, effective October 14, 1986, until such time as a permanent Clerk and Recorder is appointed by the Commission.

Commissioners met with Katy Hayes regarding her resignation as the DUI Program Director and the duties to be assumed by the new director.

Commissioners met with Ron Cutting and Bill Slaughter of the Sheriff's Dept. regarding vehicle needs.

Commissioners accepted the amendment to the Bond Purchase Agreement of D.A. Davidson for RID 338 as follows:

The expense of Bond counsel and printing of the bonds will be paid from bond proceeds;  
 The bonds will bear absolute maturities, and basic interest rates as evidenced in a debt service schedule attached to the amendment;  
 The net effective interest rate will be reduced to 7.89763;  
 The bonds will bear supplemental coupons B1 through B3 as evidenced in the original bid.

The amount of the bond issue has been reduced to \$105,000.

Commissioners accepted the amendment to the Bond Purchase Agreement of D.A. Davidson for RID 339 as follows:

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 14th DAY OF OCTOBER 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS BOZEMAN, MONTANA

The expense of bond counsel and printing of the bonds will be paid from bond proceeds; The bonds will bear absolute maturities and basic interest rates as evidenced in a debt service schedule attached to the amendment; The net effective interest rate will be reduced to 7.95095; The bonds will bear supplemental coupons as follows: All bonds from 12/1/86 to 1/1/88 at a rate of 2.00%, payable 1/1/88; bonds numbered 28-67 from 1/1/88 to 7/1/88 at a rate of 2.00%, payable 7/1/88.

The amount of the bond issue has been reduced to \$360,000.

OCTOBER 13, 1986

HOLIDAY - COLUMBUS DAY

- - - -

Dave Skelton, Bozeman Planning Board, reported the request of Mr. Frost for an extension of preliminary plat approval for amended plat of Block 1 of Rea Subdivision. Motion by Ramon S. White to grant a one year extension for preliminary plat approval for amended plat of Block 1 of Rea Subdivision as requested by Mr. Frost on behalf of Frank Trunk and Son. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Paffhausen Minor Subdivision was given preliminary approval by the Commission on May 15, 1986. The applicant has asked that the Minor Subdivision now be given final approval. The staff has reviewed the conditions for final approval and have the following comments, which correspond with the conditions.

1. Approval of the subdivision has been obtained from the State Department of Health and Environmental Sciences.
2. A document has been forwarded to the Subdivision Review Office showing that no water rights exist or cross Paffhausen's property. Therefore, ditch easements and septic field setbacks from such easements are not required on the final plat.
3. Accesses have been located according to the County Road Office recommendation, and a copy of an encroachment permit for these accesses has been submitted to the Subdivision Review Office.
4. The designated accesses have been constructed to County encroachment standards.
5. The 1.358 road tract is shown dedicated to the public on the final plat.
6. Copies of covenants and Homeowner's Association Articles have been submitted, and the Articles state that individual owners are required to control county declared noxious weeds on their lot.
7. Uniform standards for final subdivision plats have been met.

It appears that the conditions for final approval have been met, based on the foregoing information. Motion by Jane Jelinski to grant final approval of Paffhausen Minor Subdivision. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 1:45 P.M.

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ATTEST:

*Kenny L. Brown*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

SPECIAL MEETING THURSDAY, THE 16TH DAY OF OCTOBER, 1986

OFFICE OF COUNTY COMMISSIONERS BOZEMAN, MONTANA

A special meeting was called to order at 9:05 A.M. by Chairman Wilbur Visser to approve the final budget. Also present were Commissioners Jane Jelinski and Ramon S. White, Budget Director Dave Miller, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

Richard Traynham spoke on his concerns on the amount budgeted for mental health, and that Gallatin County is in need of more funds for mental health. Jeff Rupp with HRDC spoke on his concerns with the budget cut of the senior transportation program for the Council on Aging, and asked if they have the flexibility to move funds around within their department. Ramon S. White stated that the Montana statutes allow a maximum levy of 1 mill and that they were given .99 and that they have the opportunity to move funds. Wilbur Visser read the following Resolution.

RESOLUTION #635

THIS RESOLUTION was introduced by Wilbur Visser, Commissioner, moved by Ramon S. White, Commissioner, and seconded by Jane Jelinski, Commissioner. Said resolution was passed unanimously and adopted.

WHEREAS, the Board of County Commissioners by statute, Section 7-6-2320, MCA 1983, is to determine budgets and set out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid; and,

THURSDAY THE 16TH DAY OF OCTOBER 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MT

WHEREAS, by the same statute the Board of County Commissioners shall by resolution approve and adopt the budget as finally determined and enter the budget at length in the official minutes of the Board;

THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby approves and adopts the budgets attached hereto and incorporated by reference as Exhibit "A", for the fiscal year 1986-1987 for the County of Gallatin, State of Montana;

2. That the text of this resolution and budget sheets attached hereto as Exhibit "A" shall be entered as approved and adopted on the official minutes of the Board of County Commissioners of Gallatin County.

DATED THIS 16th DAY OF OCTOBER, 1986

Motion by Ramon S. White to adopt the final budget and Resolution 635. Seconded by Jane Jelinski. None voting nay. Motion carried.

Motion by Ramon s. White to Pass and adopt the appropriate mill levies that support the budget as stated on the tax levy requirement schedule for the fiscal year 1987. Seconded by Jane Jelinski. None voting nay. Motion carried.

RESOLUTION #636

THIS RESOLUTION was introduced by Wilbur Visser, Commissioner, moved by Jane Jelinski, Commissioner, and seconded by Ramon S. White, Commissioner. Said resolution was passed unanimously and adopted.

WHEREAS, the Board of County Commissioners of Gallatin County is directed by Section 7-12-2161, MCA 1983, to estimate as near as practical the cost of maintaining, preserving and repairing improvements in each rural improvement district; and,

WHEREAS, the same statute further directs the board of County Commissioners of Gallatin County to accomplish this task yearly and pass and finally adopt a resolution levying and assessing on all property within a rural improvement district an amount equal to the whole cost of maintaining, preserving or repairing the improvements in the district prior to the first Monday in September; and,

WHEREAS, such resolution levying the assessments to defray the cost of maintenance, preservation or repair of the improvements shall be prepared and certified to in the manner as near as may be to the resolution levying the assessments for making, constructing or installing the improvements in said rural improvement district;

THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners of Gallatin County hereby adopts by this resolution the cost estimates for maintaining, preserving or repairing the rural improvement districts within Gallatin County listed in Exhibit "A" which by this reference is incorporated in its entirety.

2. That further the Board of County Commissioners of Gallatin County hereby levies and assesses on all property within the respective districts an amount equal to the whole cost of maintaining, preserving or repairing said improvement districts in the same manner as was done to levy the assessments for the making, constructing and installing the improvements in said rural improvement districts as set forth in Exhibit "A".

3. That the Board of County Commissioners of Gallatin County hereby approves and levies the entire cost of maintenance of such rural improvement district improvements such that each lot or parcel of land in such district shall be assessed with that part of the whole cost which it bears to the area of the entire district exclusive of streets, avenues, alleys and public places unless said maintenance district boundaries have been altered pursuant to 7-12-2161 (4), MCA 1983.

4. That the assessment to defray costs of the maintenance of each of the rural improvement districts shall be due and payable with the first half 1986 property taxes and the Board of County Commissioners of Gallatin County hereby directs the Gallatin County Assessor and the Gallatin County Treasurer to take the steps necessary to collect these assessments.

5. That there shall be maintained by the Gallatin County Treasurer a fund for each rural improvement district which will be denominated by the rural improvement district number and entitled "Maintenance Fund". The money in such fund shall be drawn only to defray the expenses of maintaining, preserving and repairing such improvements and for no other purposes but may include the charging of administrative costs including legal services against the maintenance fund.

DATED THIS 16th DAY OF OCTOBER, 1986.

Motion by Ramon S. White to approve the final budget for Revenue Sharing. Seconded by Jane Jelinski. None voting nay. Motion carried.

Motion by Ramon S. White to adopt the PILT budget in is final form. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 10:30 A.M.

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COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 21ST DAY OF OCTOBER 19 86
OFFICE OF COUNTY COMMISSIONERS
BOZEMAN, MONTANA
FORM 12187-TRIBUNE PRINTING

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

OCTOBER 14, 1986

Bridger Canyon Zoning Commission met and approved the modification of a conditional use permit for Walter Madden to change a designated homesite.

Commissioners Jelinski and White attended the fairgrounds Development meeting.

OCTOBER 15, 1986

Commissioners met with Bill Murdock and Mary Kay Peck of the Subdivision Review Office and Architect Dennis Richardson regarding design proposals for the proposed park in the Love Lane area.

Commissioners met with Mary Kay Peck, Sam Gianfrancisco and Gale Thompson regarding a proposed Cost Sharing Improvement District Policy. A hearing will be held on this proposal on November 18, 1986 at the Commissioners' regular public meeting.

Received the following application for cancellation of taxes:

Marvin Davis, \$301.55, no farm machinery in Gallatin Co.

Commissioners Jelinski and White met with Cliff Halls of Halls Emergency regarding proposed legislation regarding emergency medical services.

Commissioners Jelinski and White met with Kathy Nowierski, Personnel Officer and Duane Johnson of Management Associates regarding Fairgrounds Union negotiations.

OCTOBER 16, 1986

Special meeting was held for the purpose of adopting the final budget.

OCTOBER 17, 1986

Routine business this date.

OCTOBER 20, 1986

Commissioners met with Bill Murdock and Mary Kay Peck, Gene Cook and Gene Graf regarding park land acquisition.

Commissioners met with Jerry Wine and appointed him to the position of Gallatin County Clerk and Recorder, effective November 10, 1986.

Commissioners met with Rest Home Administrator Jim Spady regarding roof repairs to the Rest Home.

Received numerous A101s in the amount of \$2,857.71 to the credit of various funds.

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Bill Murdock, Planner, reported that Allen and Alta Woosley have claimed the occasional sale exemption. The Woosley's have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption to Allen and Alta Woosley. Seconded by Ramon S. White. None voting nay. Motion carried.

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Jane Jelinski read the following Proclamation for Agriculture Appreciation Week:

AGRICULTURE APPRECIATION WEEK - NOVEMBER 1-7, 1986

WHEREAS, Agriculture is our nations' largest employer with approximately 22 million people working in some phase of it from growing food and fiber to selling it at the supermarket; and

WHEREAS, Economists estimate that every \$1 in exports of farm commodities generates an additional \$1.05 in non-farm economic activity; and

WHEREAS, Every dollar a Montana wheat farmer generates adds another 84¢ to Montana's economy; and

WHEREAS, More than 151,000 acres raise crops in Gallatin County worth in excess of 23.7 million dollars;

NOW, THEREFORE, let it be known the Gallatin County Commissioners proclaim the week of November 1-7, 1986 as AGRICULTURE APPRECIATION WEEK and encourages all people in the county to join with the Bozeman Area Chamber of Commerce's Agricultural Committee in support of Gallatin County Agriculture.

Dated this 21st day of October, 1986.

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COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 21ST DAY OF OCTOBER 19 86

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser presented a draft of safety rules and regulations for aircraft landings and take offs from county roads. After board discussion, Jane Jelinski made a motion to adopt the policy effective October 21, 1986. Seconded by Ramon S. White. None voting nay. Motion carried.

SAFETY RULES AND REGULATIONS FOR AIRCRAFT LANDINGS AND  
TAKE OFFS FROM COUNTY ROADS PURSUANT TO SEC. 67-1-204 (3) MCA

1. Aircraft utilizing county roads for landing and take offs shall have signs in place at both ends of road being utilized such as: "Aircraft Landing and Taking Off".
2. Traffic guard shall be on site and shall be posted at approximate take off point and shall be in radio contact with the aircraft to insure proper clearance for take off. Landings shall be made only after signs are in place and roadway is clear of traffic.
3. Before any aerial operation can commence, the Sheriff's Department, County Road Office and all adjacent land owners of roads to be used must be notified and operator must document time and date when notification was given on the job record.
4. At no time shall the material being used for spraying be left unattended and all material must be removed from county roads each evening.
5. Aerial operator shall secure and maintain in force a policy of aviation liability insurance which shall have personal injury limits of not less than \$100,000.00 per person and not less than \$300,000.00 per occurrence. The policy shall have property damage limits of not less than \$100,000.00.

Should the operator be unable to secure such insurance coverage after exercising reasonable diligence in an effort to do so, the operator may apply to the commission for a waiver of the insurance requirement. The commission may grant the waiver upon a showing by the operator that the coverage cannot, under ordinary and reasonable circumstances, be obtained, and that the public health and safety will not be unduly endangered by the operators aircraft activity.

6. Any aircraft operator wishing to use a Gallatin County road for landing and take off must first obtain a permit from the Gallatin County Road Office. Permit shall require aircraft license number and pilot's license number, and if applicable, crop duster must provide applicator's license number.
7. No dumping of chemicals on County right-of-way will be permitted.
8. Aerial applicators/operators will clean up at their own expense, any spills on County road right-of-way or adjacent property according to EPA standards.
9. This policy may be amended at any time the commission deems necessary for the public health, safety and welfare.

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There being no further business the meeting adjourned at 2:05 P.M.

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ATTEST:

Clerk



APPROVED:

Chairman



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PUBLIC MEETING TUESDAY, THE 28TH DAY OF OCTOBER, 1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of October 7, 1986, October 14, 1986, and October 21, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

OCTOBER 21, 1986

Received the following transfers of funds:

1. The sum of \$350.00 from fund 2310 to fund 1000 to correct errors.
2. The sum of \$5.94 from fund 1000 to fund 1050 to correct errors.
3. The sum of \$314.37 from fund 2110 to fund 1000 to correct errors.
4. The sum of \$42.00 from fund 2120 to fund 1000 to correct errors.
5. The sum of \$62.47 from fund 2190 to fund 1000 to correct errors.
6. The sum of \$ 6.11 from fund 2180, \$56.99 from fund 2190, \$44.78 from fund 2761, \$188.62 from fund 2110 to fund 1000 for gas transfers.
7. The sums of \$165.61 from fund 2160, \$23.15 from fund 1000, \$70.09 from fund 2761, \$46.94 from fund 2190, \$248.20 from fund 2140 and \$5.14 from fund 5020 to fund 2110 for gas transfers.
8. The sums of \$29.50 from fund 2160, \$6.50 from fund 2180, \$18.50 from fund 2190, \$162.90 from fund 2273, \$10.25 from fund 2274, \$7.75 from fund 2275, \$11.00 from fund 2282 and \$179.50 from fund 2290 to fund 1000 for printing charges.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY

THE 28TH

DAY OF OCTOBER 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

9. The sums of \$70.00 from fund 2130, \$280.00 from fund 1000, \$70.00 from fund 2290 and \$70.00 from fund 2274 to fund 2110 for rural address books.
  10. The sum \$140.00 from fund 2140 to fund 1000 for rural address books.
  11. The sum of \$70.00 from fund 1000 to fund 2110 for rural address books.
  12. The sums of \$910.76 from fund 2282 and \$5707.68 from fund 1050 to fund 2190 to cover health department employer contributions.
  13. The sum of \$306.26 from fund 1000 to fund 2710 to correct errors.
  14. The sum of \$8828.85 from fund 2761 to fund 2180 for indigent defense.
  15. The sums of \$11.41 from fund 2160, \$242.20 from fund 2180, \$109.41 from fund 2190, \$28.55 from fund 2120, \$111.42 from fund 2274, \$35.40 from fund 2290, \$7.90 from fund 2415 and \$35.40 from fund 5020 to fund 1000 for supplies transfers.
  16. The sums of \$161.60 from fund 1000, \$4.25 from fund 2276 and \$23.15 from fund 2440 to fund 2190 for copier charges.
  17. The sum of \$2.65 from fund 2190 to fund 1000 for copier charges.
  18. The sum of \$823.09 from fund 2761 to fund 1000 for commissioner's transfers.
  19. The sum of \$3580.00 from fund 2440 to fund 1000 for subdivision review transfers.
  20. The sum of \$857.00 from fund 1050 to fund 2190 for salaries transfers.
  21. The sum of \$857.00 from fund 2190 to fund 2273 for salaries transfers.
  22. The sum of \$46.50 from fund 1000 to fund 2180 for copier transfers.
  23. The sum of \$1425.00 from fund 8010 to fund 2761 for error corrections.
  24. The sums of \$1327.76 to fund 8606, 2549.55 to fund 8609, \$62950.26 to fund 8616, \$25322.54 to fund 8622 and \$25780.61 to fund 8631 from fund 2300 for rural improvement district revolving fund cash shortages.
  25. The sum of \$10.00 from fund 2300 to fund 8622 for R.I.D. cash shortages.
  26. The sum of \$1133.74 from fund 2761 to fund 8141 for budget overrun.
  27. The sums of \$3431.28 to fund 8616, \$1149.32 to fund 8622 and \$111.40 to fund 8609 from fund 2300 for R.I.D. cash shortages.
  28. The sum of \$84.06 from fund 2190 to fund 2273 for salaries transfers.
  29. The sum of \$50.00 from fund 2190 to fund 2273 for salaries transfers.
1. The sums of \$58.00 from fund 1000, \$16.95 from fund 2110, \$3.05 from fund 2276 and \$39.50 from fund 2440 to fund 2190 for copier transfers.
  2. The sums of \$ 12.10 from fund 2110, \$52.89 from fund 2120, \$1.10 from fund 2190, \$10.62 from fund 2276, \$89.40 from fund 2290 and \$36.65 from fund 5020 to fund 1000 for supplies transfers.
  3. The sums of \$38.75 from fund 2120, \$53.80 from fund 2180, \$115.75 from fund 2190, \$17.25 from fund 2275, \$167.90 from fund 2290 and \$118.35 from fund 5020 to fund 1000 for printing transfers.
  4. The sums of \$161.61 from fund 2110, \$5.19 from fund 2180 and \$21.94 from fund 2190 to fund 1000 for gas transfers.
  5. The sums of \$792.17 from fund 2140, \$46.07 from fund 2160, \$77.57 from fund 2190, \$80.01 from fund 2761 and \$1.16 from fund 5020 to fund 2110 for gas transfers.
  6. The sums of \$10.00 from fund 1000, \$1172.57 from fund 2140, \$118.79 from fund 2160, \$103.92 from fund 2190, \$88.54 from fund 2761 and \$4.28 from fund 5020 to fund 2110 for gas transfers.
  7. The sums of \$263.49 from fund 2110, \$12.98 from fund 2140, \$29.85 from fund 2190 and \$9.09 from fund 2180 to fund 1000 for gas transfers.
  8. The sum of \$45,537.16 from fund 2761 to fund 2710 for insurance expense transfers.
  9. The sum of \$53.90 from fund 1000 to fund 2180 for copier charges.
1. The sums of \$108.15 from fund 2290, \$317.74 from fund 2180, \$5.01 from fund 2110, \$38.37 from fund 2190 and \$93.02 from fund 2120 to fund 1000 for supplies transfers.
  2. The sums of \$121.95 from fund 2110, \$188.00 from fund 2120, \$39.60 from fund 2160, \$234.90 from fund 2180, \$74.40 from fund 2190, \$204.45 from fund 2290 and \$91.25 from fund 5020 to fund 1000 for printing transfers.
  3. The sums of \$51.80 from fund 1000, \$2.20 from fund 2276 and \$4.20 from fund 2440 to fund 2190 for copier charges.
  4. The sums of \$93.14 from fund 2160, \$5.00 from fund 1000, \$98.60 from fund 2190, \$37.94 from fund 2761 and \$677.42 from fund 2140 to fund 2110 for gas transfers.
  5. The sums of \$12.98 from fund 2180, \$37.46 from fund 2190, \$10.86 from fund 2761, \$142.25 from fund 2110 and \$14.93 from fund 2140 to fund 1000 for gas transfers.
  6. The sum of \$5.65 from fund 2190 to fund 1000 for copier charges.

TUESDAY THE 28TH DAY OF OCTOBER 1986  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Commissioners met with representatives of the Fair Board and Personnel Officer Kathy Nowierski regarding personnel at the Fairgrounds.

OCTOBER 22, 1986

Commissioners met with Public Defenders and Judge Gary regarding the Public Defender program. Commissioners agreed to hire Myrna Bucholz as administrator of the public defender briefing pool.

Commissioner Visser and Budget Officer Dave Miller attended a meeting in Helena regarding the impact of the Tax Reform Act of 1986 on the issuance of tax exempt obligations.

Commissioner White met with Sheriff Cutting and Sgt. Slaughter regarding quotes received for Sheriffs' vehicles.

OCTOBER 23, 1986

Commissioners Visser and White attended the Board of Health meeting.

Commissioners Jelinski and White met as a Welfare Board.

Commissioner Visser attended the Bridger Radio Users Association meeting.

Commissioners met with Murray Swenson and Don Fallang of the State Highway Dept. and Sam Gianfrancisco and Bob Jordan of the Road and Bridge Dept. regarding South 19th road and bridge improvements.

Commissioners attended the Gallatin Development Corporation luncheon. The strategic plan for local economic development was presented.

Commissioner Jelinski attended the refuse district meeting in Manhattan.

OCTOBER 24, 1986

Commissioners met with Architect Wally Riffle and Dennis Davies of Gallatin Construction regarding progress at the Detention Center.

Commissioners met with Health Officer Dr. King and Sanitarian Emery Nelson regarding the results of the soil samples taken from the Monitor 4 spill.

Received numerous A101s in the amount of \$16,800.60 to the credit of various funds.

Commissioner Jelinski attended a breakfast meeting sponsored by Senator John Melcher.

The public meetings for the next two weeks will be held on Wednesday, instead of Tuesday, due to the Election Day and Veterans Day holidays.

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Bill Murdock, Planner, reported that A.B. and Venice Linford are claiming two exemptions on separate certificates of survey. The Linfords' first claim is for a realignment of a common boundary. The Linfords request the realignment so an existing guest house will not have a property line running through it. No additional tracts are being created and no previous realignments have been made. Deeds are not required as the Linfords own both tracts. Based on the information submitted, this appears to be a proper use. Motion by Jane Jelinski to grant the realignment of a common boundary to A.B. and Venice Linford. Seconded by Ramon S. White. None voting nay. Motion carried.

Bill Murdock reported that the Linfords also claim the occasional sale exemption. The Linfords have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption to A.B. and Venice Linford. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated having the Notice of Publication for the bid opening for a Loader/Backhoe for the Bridge Department. Gale Thompson, Road Office Manager, read the bids. Western Equipment of Billings bid \$30,576.00 for a new model K680K less a trade-in of the old K680E. Western Equipment also offered a K680K with approximately 100 hours of demonstration time on it for \$30,000.00. Tractor & Equipment Co. of Billings bid \$31,425.00 for a Caterpillar 426 with a trade in of the old K680E. Manhattan Machinery of Manhattan bid \$32,883.00 for a new K680K less a trade-in of the old K680E. Gallatin Equipment Co. of Belgrade bid \$31,995.00 for a new John Deere 510C with a trade-in with an alternate bid of \$36,595.00 for a new John Deere 610 C less trade-in. Modern Machinery of Billings bid \$45,375.00 for a new JCB 1700B-CM-2W with an alternate bid of \$34,640.00 for a new 1550B-CM-W2 with a trade-in. Wilbur Visser stated that the commission would refer the bids to the Bridge Department for a recommendation for awarding the bid at the November 5, 1986 public meeting.

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Wilbur Visser stated having the Notice of Publication for the consideration of a grant application for the development of a county wide park. Bill Murdock, Planner, stated that the county staff suggested three, 20 acre tracts east of Love Lane, three miles west of Bozeman and that it has been determined that the acreage has very good recreational possibilities. The 20 acres adjacent to Love Lane contains a spring creek with a brown trout population. The water quality is excellent. The high water table of this lower area would be suitable for a stocked pond and generally a landscaped park with pathways and picnic areas. This 20 acres, developed more for passive recreation, would serve as a buffer



TUESDAY THE 28TH DAY OF OCTOBER 1986

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

between Love Lane residents and the more intense uses such as ballfields. The back two tracts sit 20 to 30 feet higher than the lower tract and are better drained. These grounds are open and almost flat, and would require little excavation and landscaping to make excellent multi-purpose sports fields. Depending on how much acreage would be acquired, these two tracts could house from 6 to 12 soccer, softball or other sports fields. Because of the higher elevation of these two tracts, activities held on them would not be visible from most Love Lane homes. The lower tract and the higher bench tracts provide varied terrain for walking and running paths, and cross-country ski trails in winter. A pond in the lower tract could be used for fishing, fly casting and water fowl habitat, and ice fishing, skating or hockey in winter. The ball fields could be used for softball, baseball, soccer, rugby, and football from spring through summer and fall. Mr. Murdock, stated that the criteria was evaluated and given the following scores. 52 points for site factor, 19 points for scenery, 21 points for topography, 10 points for vegetation and 43 points for water with a total of 145 points for the parcel. Mr. Murdock stated that if the Commissioners make a decision on a park site, the County is eligible for a Federal Land, Water and Conservation Grant, administered by Montana's Department of Fish, Wildlife and Parks. The County may apply for a maximum of \$50,000.00 for parkland acquisition and development. These grants are specifically for parks and recreation requests. The deadline for grant application is November 1 every year, and the grant monies are distributed approximately one year from grant approval. Mr. Murdock read a letter from Rich Brauss with the Adult Soccer League supporting the need for a recreation facility. Del Straub, representing the Youth Soccer Organization spoke in favor of this site, stating that it fulfills all the needs identified. Wilbur Visser questioned if the soccer representatives were willing to assume some responsibility for maintenance. Mr. Straub, answered that they have been developing capital funds to assist in the acquisition of a facility. Gary Mitchell, President of the Gallatin Valley Association, spoke in favor of the site and stated that the association has been actively seeking alternatives for more room to play softball in the Gallatin Valley and that a place to recreate is desperately needed, Jane Jelinski questioned if their organization would be willing to commit funds to defray the costs of this development. Mr. Mitchell answered that he would guarantee it and that in 3 years they would be ready to build more fields. Jane Jelinski questioned if the Softball Association and other associations using the facility would be willing to be included in an annual assessment for road maintenance and improvements. Mr. Mitchell, answered that yes, they would and that the property owners could benefit from this too. Jim Camp, Jay Leachmen, Mary Ritter, Philip Schladweiler, Neal Triemstra, Dan Triemstra, Chris Passano, Phil Brug, Diane Elliott, Joe Pulus, Ken Ostermueller and Betty Bradley, all adjacent property owners, spoke against the proposed county park on this property because of traffic problems, the poor condition of Love Lane, law enforcement problems, location in relation to use, the high water table, existing irrigation canals, surrounding livestock and vandalism. Rick Ogle representing the Bozeman Baseball Group spoke against the site because of the distance from town, and that his group needs to be within biking or walking distance. Roger Stultzfus, with the Bozeman Amateur Hockey Association spoke that he is in favor of a recreation facility but felt this site was inappropriate and needs to be closer to town. Jane Jelinski stated that her main concern is the cost and that they don't have much money available now to make a commitment to anybody. They are working hard to meet the needs of the people asking for ballfields and are in the process, but they may jeopardize the success of the project if it is done too quickly. Jane Jelinski asked the people to contact Bill Murdock and discuss their concerns and come up with a management plan and see if their concerns can be adequately met. Wilbur Visser stated that he can foresee a lot of money going into maintenance and care of the park and is not ready to make a commitment. Ramon S. White stated that the residents are not being furnished with a recreational area and that the county has a responsibility to the people and if this is not the site, they need to find the right site. Mr. White also stated that the park would be managed, and that the players would have to pay to use the facility. Motion by Jane Jelinski to continue to consider this site for a county park, that an advisory board be developed which will include representation from the adjacent land owners who will work with Mr. Murdock of the Subdivision Review Office to address the specific concerns about this location and that it be considered at a later date when the proposal has been drafted and prepared for a public hearing the end of February. Seconded by Ramon S. White. Jane Jelinski and Wilbur Visser voting aye, Ramon S. White abstained. Motion carried.

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There being no further business the meeting adjourned at 4:00 P.M.

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ATTEST:

Clerk



APPROVED:

Chairman



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SPECIAL MEETING FRIDAY, THE 31ST DAY OF OCTOBER, 1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

A special meeting to finalize rural improvement districts for Mountain View Subdivisions road paving was called to order by Chairman Wilbur Visser at 10:15 A.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Jim McKenna, Treasurer Loy Carroll, Clerk and Recorder Nancy L. Brown, Kreg Jones with D.A. Davidsion & Co., Inc., Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board and Nancy Hargrove, Notary Public. The following documents were reviewed and approved.

RESOLUTION 637 for RID 338:

Bond Resolution

Treasurer's Certificate and Receipt

Affidavit of County Treasurer As To Facsimile Signature

RESOLUTION 638 for RID 339:

Bond Resolution

Treasurer's Certificate and Receipt

Affidavit of County Treasurer As To Facsimile Signature

FRIDAY THE 31ST DAY OF OCTOBER 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Affidavit of County Clerk and Recorder  
 As To Facsimile Signature

Affidavit of County Clerk and Recorder  
 As To Facsimile Signature

Affidavit of Chairman of the Board  
 of County Commissioners As To  
 Facsimile Signature

Affidavit of Chairman of the Board  
 of County Commissioners As To  
 Facsimile Signature

Signature, No-Litigation and  
 Certificate

Signature, No-Litigation and  
 Certificate

Motion by Jane Jelinski to adopt Resolution 637 for Special Improvement District 338. Seconded by Wilbur Visser. None voting nay. Motion carried. Motion by Jane Jelinski to adopt Resolution 638 for Special Improvement District 339. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 10:55 A.M.

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PUBLIC MEETING WEDNESDAY, THE 5TH DAY OF NOVEMBER, 1986

OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:37 P.M. Also present were Commissioner Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Ramon S. White to approve the minutes of October 28, 1986 as written. Seconded by Wilbur Visser. None voting nay. Motion carried.

OCTOBER 27, 1986

Routine business this date.

OCTOBER 28, 1986

Commissioners met with Jim Spady and Connie Wagner of the Rest Home regarding the Rest Home budget.

OCTOBER 29, 1986

Commissioners met with Cindy Palmer of Executive Services regarding services her company can provide to Gallatin County.

Commissioner White attended the Data Processing Advisory Committee meeting.

Wilbur Visser called a special meeting to order at 2:20 P.M. Also present were Commissioner Ray White and Deputy County Attorney Jim McKenna. The purpose of the meeting was to consider where to place the excess funds from the bond sales of RIDs 338 and 339 amounting to \$2,519.35 for RID 338 and \$15,665.00 for RID 339. Ramon White made a motion to apply any excess construction funds to retire some of the interest of the debt, seconded by Wilbur Visser, none voting nay. The motion carried. There being no further business, the meeting was adjourned.

OCTOBER 30, 1986

Routine business this date.

OCTOBER 31, 1986

Special meeting to close the bond sale for RIDs 338 & 339.

Received the following list of new employees:

Barbara Vaughn, Sanitarian, \$1445.45 month, 10-1-86.  
 Katrina Berquist, Nurses Aide, Rest Home, \$5.05 hr., 10-1-86  
 Laura Woolery, Nurses Aide, Rest Home, \$5.05 hr., 10-1-86  
 Darold Schnell, Custodian, \$977.03 month, 10-22-86  
 Alice Scheck, Cook, Sheriff's Dept., \$5.2827 hr., 10-20-86  
 Peter R. Gibeau, Custodian, \$977.03 month, 10-27-86  
 Stacia M. Theodore, Public Health Nurse, Health Dept., \$1445.45 month, 10-30-86

Received A101 #11724 in the amount of \$2,771.23 to the credit of various funds.

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Bob Jordan, Bridge Department, recommended Western Equipments bid of \$30,576.00 for a new 680 K Case Backhoe. Motion by Ramon S. White to award the bid for a new 680K Case Backhoe to Western Equipment Co., of Billings, Montana for \$30,576.00. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Wilbur Visser stated the tax jurisdictions that have exceeded their certified mill levies are, Manhattan Fire, Sedan Fire, Bridger Canyon Fire, Three Forks Fire, Bozeman Planning Board, Gallatin Conservation, Riverside Lighting, Zoning District #2, Bridger Canyon Zoning, Hebgen Lake Zoning, S. Gallatin Canyon Zoning, Zoning District #6, Three Forks Dyke, Mosquito District, County Bridge, County Weed, County Airport, Senior Center, Willow Creek Lighting, and Libraries. Motion by Ramon S. White to adopt Resolution 639. Seconded by Wilbur Visser. None voting nay. Motion carried.

- - - -

WEDNESDAY THE 5TH DAY OF NOVEMBER 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser stated that Howard Kirk has given a one acre tract of land located at the mouth of the Gallatin Canyon to the County. Motion by Ramon S. White to accept this dedication of a one acre tract of land from Mr. Howard Kirk and that they reciprocate with a letter of thank you. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 1:55 P.M.

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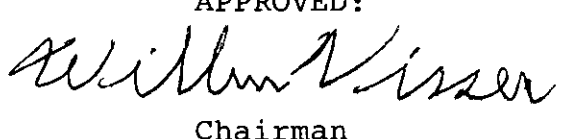
ATTEST:

Clerk



APPROVED:

Chairman



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PUBLIC MEETING WEDNESDAY, THE 12TH DAY OF NOVEMBER, 1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Ramon S. White to approve the minutes of November 5, 1986 as written. Seconded by Jane Jelinski. None voting nay. Motion carried.

NOVEMBER 4, 1986

ELECTION DAY - HOLIDAY

NOVEMBER 5, 1986

Commissioners met with Data Processing Manager Bill Baldus regarding the progress in his department.

Commissioners met with Duane Johnson of Management Associates, Personnel Officer Kathy Nowierski, and Fairgrounds Administrative Assistant Brad Johnson regarding the Fairgrounds negotiations.

NOVEMBER 6, 1986

Commissioner Jelinski attended the Montana Advocacy Program meeting in Helena today and tomorrow.

Commissioners Visser and White canvassed votes from the election.

Commissioners met with Northwestern National representative John Lyle who did an insurance compliance inspection of county buildings.

NOVEMBER 7, 1986

Routine business this date.

NOVEMBER 10, 1986

Commissioners met with Paula Stoll of Management Associates and Personnel Officer Kathy Nowierski regarding the classification system for county employees.

Chairman Wilbur Visser swore in Clerk and Recorder Gerald Wine.

Received A101s in the amount of \$472,218.15 to the credit of various funds.

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Bill Murdock, Planner, reported that Davis Subdivision Park, containing 2.84 acres, has been evaluated for sale or exchange and stated that in using the scoring system for organization, site and use factors in the amended recreation plan, it received 20 points. Jackie Renbarger spoke on behalf of keeping the park and that the homeowners would be willing to work on developing the park but that they were not willing to purchase the park. Jane Jelinski stated that the homeowners should get together and discuss whether or not the park is important to the group, and formulate a letter of support or non-support and then develop a park plan and submit it to the county commission. Fay Kauk, stated that she was concerned about water rights to an irrigation ditch on the site. Wilbur Visser stated that the information would be taken into consideration for the sale or exchange of the park.

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Wilbur Visser stated he had received the road petition for the creation of an RID for roads in Foothills and Sourdough Ridge Subdivisions. Motion by Jane Jelinski to accept the petition for the Sourdough Ridge paving RID. Seconded by Wilbur Visser. Wilbur Visser and Jane Jelinski voting aye, Ramon S. White abstained. Motion carried. The Resolution of Intention will be submitted at the November 18, 1986 public meeting.

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COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

WEDNESDAY THE 12TH DAY OF NOVEMBER 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Wilbur Visser presented Resolution 640 for the request of a 35 mile an hour speed limit on Goldenstein Road. Motion by Jane Jelinski to adopt Resolution 640 to set a speed limit of 35 miles an hour on Goldenstein Road. Ramon S. White seconded the motion and asked the Board to consider a 35 mile an hour speed limit on the full length of Goldenstein Road from Sourdough Road to South 3rd. Avenue rather than a half mile stretch. Jane Jelinski amended her motion to adopt a 35 mile an hour speed limit on Goldenstein Road from Sourdough Road to South 3rd. Avenue. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated Dr. James Feist has been recommended for the appointment of a member to the Board of Health. Motion by Jane Jelinski to appoint Dr. James Feist to fill the vacancy of Dr. Flaherty on the Board of Health. Seconded by Wilbur Visser. Jane Jelinski and Wilbur Visser voting aye, Ramon S. White voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:15 P.M.

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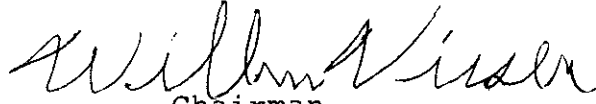
ATTEST:

Clerk



APPROVED:

Chairman



- - - -

The following are the quarterly securities submitted by the County Treasurer for the quarter ended September 30, 1986:

\$13,444,611.44 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

First Bank #005 \$ -105.43  
 Checking 44,606.48

Cmnwlth of MA 6.20 8/1/93 300,000.00

FIRST SECURITY BANK OF BOZEMAN

CREDIT BALANCE

#89086 \$2,048,000.00  
 #5009111 1,393,017.97  
 Checking 500.00

2861	4.09	6/10/87	2,000.00
3370	4.70	7/1/87	10,788.75
3371	4.70	7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
3379	5.00	9/1/92	25,000.00
4013	4.75	12/1/88	10,000.00
6000	7.25	9/1/88	120,000.00
6001	7.50	7/15/87	100,000.00
6430	5.00	10/1/89	100,000.00
20962	5.20	4/1/87	25,000.00
254044	9.10	12/1/90	250,000.00
317558	9.50	12/1/93	200,000.00
078973	7.25	7/1/94	200,000.00
239195	12.50	8/1/02	300,000.00
299138	9.30	6/30/90	300,000.00
136052	7.50	12/1/90	200,000.00
141642	9.85	9/1/96	270,000.00
260601	10.00	12/1/02	300,000.00
247590	10.375	9/1/90	500,000.00
014763	6.50	2/1/90	100,000.00
498617	8 1/8	1/31/88	1,000,000.00
468068	8 7/8	7/31/87	2,000,000.00
258944	8.5	11/1/02	270,000.00

MONTANA BANK OF BOZEMAN

CREDIT BALANCE

#712388 \$ -312,109.78  
 #57729 2,335,058.00  
 Checking 26,382.52

35681		12/15/86	16,000.00
35682		12/15/86	7,000.00
35701		12/15/86	4,000.00
35685		7/1/87	4,000.00
35695		7/1/87	8,000.00
35692		7/1/88	25,000.00
35696		7/1/88	8,000.00
35700		7/15/88	50,000.00
35703		1/1/89	10,000.00
35697		7/1/89	8,000.00
35645		1/1/90	50,000.00
35635		9/1/90	50,000.00
35637		11/1/90	75,000.00

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 18TH DAY OF NOVEMBER 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

MONTANA BANK OF BOZEMAN - CONTINUED

35646		11/1/92	50,000.00
35644		1/1/94	50,000.00
35648		7/1/96	100,000.00
Fed Home Loan	9.15	7/25/88	250,000.00
TIGR's	7.55	11/15/88	220,000.00
TIGR's	7.55	11/15/88	20,000.00
Fed Home Loan	12.15	10/26/87	250,000.00
TIGR's	7.50	5/15/90	268,000.00
Fed Nat'l Mtg.	8.20	10/28/86	200,000.00
Fed Nat'l Mtg.	6.56	2/6/87	200,000.00
Fed Nat'l Mtg.	11.05	2/10/87	240,000.00
Fed Nat'l Mtg.	9.90	2/10/87	200,000.00
U.S. Treasury	10.00	2/28/87	200,000.00
U.S. Treasury	9.75	4/30/87	300,000.00
CATS Series V	6.75	5/15/87	200,000.00
U.S. Treasury	9.00	9/30/87	300,000.00
COUGAR's	7.20	11/15/87	196,000.00
TIGR's	6.10	2/15/88	445,000.00
Fed Nat'l Mtg.	10.40	3/10/88	250,000.00
Fed Home Loan	7.25	6/27/88	350,000.00

EMPIRE FEDERAL SAVINGS

Fed Home Loan	13.00	5/26/87	100,000.00
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VALLEY BANK OF BELGRADE

CREDIT BALANCE

Checking

\$ 7,183.90

27717	9.00	3/1/99	19,717.75
30283	9.25	2/15/02	32,133.64
30596	9.25	5/25/97	19,284.40
30686	9.25	6/15/97	18,147.77
31390	9.25	1/10/93	15,209.60
31828	10.00	6/1/88	4,951.78
32117	9.75	6/15/03	33,920.75
32287	9.75	8/1/98	31,351.08
32479	9.25	9/10/98	31,540.31
32723	10.00	11/20/03	50,015.56
32728	11.00	12/1/94	14,265.93
32963	10.00	1/15/04	41,218.58
33720	11.40	8/1/09	35,091.59
34003	10.75	11/1/04	40,516.46
37198	13.50	2/8/87	44,375.39
38616	13.05	4/7/08	38,117.48
38737	16.50	5/6/88	39,109.04
38984	12.00	7/1/13	71,083.33
39066	13.50	7/17/86	62,394.87
TOTAL			642,445.31

SECURITY BANK OF THREE FORKS

CREDIT BALANCE

Checking

\$ 2,920.05

U.S. Treasury	11.625	10/31/86	300,000.00
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MANHATTAN STATE BANK

CREDIT BALANCE

Checking

\$ 5,409.70

FIRST SECURITY BANK OF WEST YELLOWSTONE

CREDIT BALANCE

Checking

\$ 1,569.60

OTHER BANKS

Commerce Trust	118.03
First Nat'l Minn	312,083.33
Norwest Nat'l	115,269.39
Southgate State	1,312.50
Yellowstone Laurel	.00
First Trust Bozeman	229,369.65
First Security Bank	460.00
First Trust Helena	338,731.25

Cash in Office	166,817.37
School Investments	1,680,791.21
County Investments	5,045,063.70
	<u>\$13,444,611.44</u>

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 18TH DAY OF NOVEMBER 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:38 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of November 12, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

NOVEMBER 10, 1986

Commissioners granted a suitability of access determination for David King. Mr. King's certificate of survey shows two tracts adjoining East Gallatin Road.

Received a report from the Clerk and Recorder showing the items of fees and other collections made for the month of October in the amount of \$14,376.83.

Received the following cancellation of taxes:

George L. Krushensky, Mobile home on real property for 1986, \$321.86  
 David House, Licensed through Motor Vehicle for 1986, \$48.01  
 Jeff and Lynn Flansaas, Fire destroyed mobile home, \$78.42

Received the following letter from Loy Carroll, Treasurer:

United Bank of Denver  
 First Security Bank of Bozeman  
 Board of County Commissioners

Gentlemen:

At the request of the above named bank, we hereby release the following pledge receipt:  
 State of Alaska G.O. Bonds for \$25,000.00 @5.20% due 4-1-87

This is your notice to release the above pledge.

Sincerely,

Loy R. Carroll  
 Gallatin County Treasurer

NOVEMBER 11, 1986

HOLIDAY - VETERAN'S DAY

NOVEMBER 12, 1986

Commissioners met with Pitney Bowes representative James Wollenberg regarding maintenance contracts on county equipment.

NOVEMBER 13, 1986

Commissioners met with Auditor Carolyn Hartsog, Deputy Auditor Janet Nye, County Attorney Mike Salvagni, Assessor Arletta Derleth, and Superintendent of Schools Margaret Brown regarding school district budgets.

Jane Jelinski met with Cam Christiansen of Mountain Bell regarding community survey.

Commissioners met with Joel Shouse regarding services at Big Sky.

Received the following letter from Loy Carroll, Treasurer:

Federal Reserve Bank of Minneapolis  
 Montana Bank of Bozeman  
 Board of County Commissioners

Gentlemen:

At the request of the above named bank, we hereby release the following pledge receipts:  
 Lewis Cnty MT SD #3 Bldg for \$16,000.00 due 12-15-86  
 Plains MT HSD #1 Sch Bldg for \$7,000.00 due 12-15-86  
 Plains MT SD #1 Sanders for \$4,000.00 due 12-15-86

This is your notice to release the above pledges.

Sincerely,

Loy Carroll

NOVEMBER 14, 1986

Commissioners met as a Welfare Board.

Commissioners met with Assessor Arletta Derleth, Treasurer Loy Carroll, Clerk and Recorder Jerry Wine, and Data Processing Manager Bill Baldus regarding the printing of tax notices.

Commissioners met with Dave Gates, Chief Probation Officer, regarding proposed consolidation of youth services in SRS, Dept. of Institutions, and Youth Court Probation.

TUESDAY

THE 18TH

DAY OF NOVEMBER 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

A special meeting for the bid opening for the removal of the old Cameron Bridge and the installation of the modified Shedd's Bridge was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Bridge Superintendent Bob Jordan, Jack Walch, Engineer, State Department of Bridges and Gale Thompson, Road Office Manager. Mr. Thompson read the bid from COP Construction Co. The bid items were as follows.

1. Excavate, furnish 20 - 12 inch diameter, treated timber piles approximately 30 feet long, drive piles to required depth or practical refusal, whichever occurs first. Cutoff excess pile. \$15,000.00
2. Form footings, pad and back wall of abutment, and place concrete with required steel to correct elevation.
 

West abutment	\$12,000.00
East abutment	\$12,000.00
3. Modify replacement truss by separating truss and install one new panel of structural steel. \$39,000.00
4. Remove existing truss; remove top portion of original abutments and place modified replacement truss on new abutments. (See #8 of Special Provisions)
 

	\$39,000.00
Grand Total	\$117,000.00

Motion by Ramon S. White to refer the bid to Jack Walch for a recommendation at the November 18, 1986 public meeting. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 1:40 P.M.

NOVEMBER 17, 1986

Commissioners met with Mary Kay Peck, and Bill Murdock of Subdivision Review regarding the park plan.

Royal Village Zoning Board met and made numerous amendments to the Royal Village zoning ordinance.

Wilbur Visser and Ray White attended the refuse district meeting in West Yellowstone.

Commissioners approved a suitability of access determination for Norman Ranches. The certificate of survey shows a tract bordering a north side of Gee-Norman Road.

Received numerous A101's in the amount of \$2,863.67 to the credit of various funds.

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Wilbur Visser stated he had received a report from the Bridge Department on the award of a bid on Cameron Bridge and that they suggested rejecting the bid at this time and rebid it at a later date. Motion by Ramon S. White to reject the bid for the relocation of Shedd's Bridge. Seconded by Jane Jelinski. None voting nay. Motion carried.

- - - -

Bill Murdock, Planner, reported that William and Patricia Fraser, and Barbara Planalp have claimed the realignment of a common boundary exemption. The realignment makes Middle Creek Ditch the common boundary line. The appropriate deeds have been made on the original tracts. Action on this claimed exemption was deferred last November because a ditch easement was not shown on the plat. A 15 ft. easement on each side of the ditch centerline is now shown on the plat. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the realignment of a common boundary exemption for William and Patricia Fraser, and Barbara Planalp. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Candy Allen has claimed the security for construction financing exemption. Mrs. Allen has submitted a statement certifying that only one parcel is being created within the original tract, and that she will retain title to and possession of the original tract. Western Federal Savings has certified that creation of the mortgage parcel is necessary to secure a construction loan. This appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Tom Ward has also claimed the security for construction financing exemption. Mr. Ward has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Western Federal Savings has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption. Seconded by Ramon S. White. None voting nay. Motion carried.

- - - -

TUESDAY

THE

18TH

DAY OF NOVEMBER

19 86

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser stated having the Notice of Publication for the consideration of a Cost Sharing Improvement District Policy. Mary Kay Peck, Subdivision Review Director, reported that a Cost Share Improvement District is undertaken by the County of Gallatin to allow residents of Gallatin County in areas outside incorporated cities and towns to finance and construct needed public improvements to roads and bridges. The Board of County Commissioners wished to make available a method of financing public improvements that does not require the formation of a special assessment district. The Board of County Commissioners recognizes that Gallatin County residents want a method to pay for public improvements immediately upon completion, and a method which enables the County to share in the cost of the improvements. The Cost Share Improvement District policy doesn't require the formation of a special assessment district, it allows the residents of the county to pay for improvements as soon as they are completed and enables the County to share in the cost of the improvements. Motion by Ramon S. White to adopt the Cost Sharing Improvement District Policy which has been supported by the Gallatin County Subdivision Review Office. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Y.V. Partners have applied for a one year extension of preliminary plat approval of their minor subdivision. The Commission voted last January to grant preliminary approval. Extension of the approval is permitted under the Gallatin County Subdivision Regulations. Y.B. Partners has met all conditions except for construction of the interior road. The delay on the road construction was caused by the ground water monitoring requirement which was recently completed. The Partners did not want to go to the expense of road construction until sanitary restrictions were lifted. It appears that Y.B. Partners are making sincere efforts to meet approval conditions. The Commissioners need to consider their extension of approval request. Motion by Jane Jelinski to give a one year extension for final plat approval for Y.B. Partners Minor Subdivision. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, stated that she had gone over the petition for the Resolution of Intent to create an RID for Foothills and Sourdough Ridge Subdivisions to see if it met the policy statement on Rural Improvement Districts and that it meets all the requirements except the requirement that if a bond is necessary that there be a formula for distributing the accumulative interest and the principal of the bond when the bond is to be returned to the property owners. And that someone needs to be assigned to be responsible for distributing the interest and the principal of the bond. Ramon S. White questioned if it could be taken care of at the time of the final resolution. Jim McKenna stated that it could be modified and that it meets the statutory requirements. Margo Varberg spoke against the creation of the RID, and stated she had not been contacted by the other homeowners. Bob Schweitzer spoke against the proposed RID and questioned who was benefiting from this improvement. His concerns are on safety and that the County requires two accesses in a subdivision and that there is only one access, and that if they are willing to spend \$200,000.00 on paving why they don't consider the possibility of solving a major problem with a second access, with an estimated cost of \$100,000.00 Wendy Schendel, spoke against the RID because of safety reasons with the road conditions. Motion by Ramon S. White to pass Resolution 641 for the intent to create RID 340 for Foothills and Sourdough Ridge Subdivisions. Seconded by Jane Jelinski. None voting nay. Motion carried. The protest hearing is scheduled for January 6, 1987.

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Jane Jelinski read the Proclamation of Children's Book Week proclaiming the week of November 17-23, 1986 as National Children's Book Week and made a motion to adopt the Proclamation. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:45 P.M.

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ATTEST:

*Gerald R. Wine*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

PUBLIC MEETING TUESDAY THE 25TH DAY OF NOVEMBER 1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

NOVEMBER 18, 1986

Commissioners met with County Attorney Mike Salvagni, Deputy County Attorney Jim McKenna, Ted Mathis and Terry Shaplow regarding the Airport Authority Board.

Commissioners met with Data Processing Manager Bill Baldus regarding staffing needs in his department.



TUESDAY  
FORM 12187-TRIBUNE PRINTING

THE 25TH

DAY OF NOVEMBER 19 86  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

NOVEMBER 19, 1986

Commissioner Visser is attending MACo workshop regarding workers' compensation coverage with David Miller, Budget Officer, through Friday, November 21, 1986.

Commissioners granted a suitability of access determination for Bruce and Raymond Kittle. The certificate of survey shows a 344.81 acre tract with county roads on three sides.

Commissioners met with Personnel Officer Kathy Nowierski regarding the classification system.

Commissioners Jelinski and White attended the 4H Leaders Banquet.

Commissioner Jelinski attended the refuse district meeting in Manhattan.

NOVEMBER 20, 1986

Commissioners met with Architect Wally Riffle regarding progress at the Detention Center.

Commissioners Jelinski and White attended the Dispatch Committee meeting.

NOVEMBER 21, 1986

Commissioners Jelinski and White participated in a story hour at the Bozeman Public Library to commemorate National Childrens Book Week.

NOVEMBER 24, 1986

Commissioners met with Sheriff Ron Cutting and representatives of the Sheriff's Dept., and Loy Carroll, County Treasurer, regarding collection of delinquent taxes.

Commissioners Visser and White attended the refuse district meeting in West Yellowstone.

Received the following list of new employees:

- Anne Bricco, Detention Officer, Sheriff's Dept., \$915.65/mo, 11-5-86
- Rachael Maccagnano, Temporary Clerk, J.P. Office, \$4.5228/hr, 11-5-86
- Gerald R. Wine, Clerk and Recorder, \$1,828.35/mo, 11-10-86
- Priscilla Ferkin, Cook, Sheriff's Dept., 5.2827/hr, 11-13-86
- Jackie McManus, Nurses Aide, Rest Home, \$5.05/hr, 11-13-86
- Patricia Barrett, Nurses Aide, Rest Home, \$5.05/hr, 11-15-86
- Deborah J. Pender, Nurses Aide, Rest Home, \$5.05/hr, 11-15-86
- Ardyce Ostrem, Nurses Aide, Rest Home, \$5.05/hr, 11-13-86
- Cheryl Davis, Justice Court Clerk, \$783.94/mo, 11-17-86
- Linda VanAntwerp, Medical Records Clerk, Rest Home, \$5.40/hr, 11-17-86
- Annette Dreiske, Nurses Aide, Rest Home, \$5.05/hr, 11-17-86
- Rhonda Cowan, Nurses Aide, Rest Home, \$5.05/hr, 11-17-86

Received numerous A101s in the amount of \$15,301.80 to the credit of various funds.

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Motion by Jane Jelinski to approve the minutes of November 18, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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Marsha Elkins with the City-County Planning staff reported Don Ragland, K.L. Ragland and Ruth Sperry have claimed the relocation of common boundary exemptions for Tracts 4 and 5 of Sourdough Hills. The two parcels are currently under common ownership. The proposed relocation of common boundary would better reflect the current use of the property. Based on the information submitted this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the realignment of a common boundary exemption for Don Ragland, K.L. Ragland and Ruth Sperry. Seconded by Ramon S. White. None voting nay. Motion carried.

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Quarterly Securities were checked with the County Treasurer, Loy Carroll and found to be correct.

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There being no further business the meeting adjourned at 2:30 P.M.

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ATTEST:

*Gerald R. Wine*  
Clerk

APPROVED:

*William Visser*  
Chairman

- - - - -

TUESDAY

THE 2ND

DAY OF DECEMBER 19 86

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of November 25, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

NOVEMBER 25, 1986

Commissioners approved a suitability of access determination for Old West Co. The COS shows two tracts of land located on Norris and Churchill Roads.

Commissioners determined that access for a COS submitted by Eagle Rock Ranch Partnership showing 38 tracts was unsuitable. Actual access to the property is via an easement, which is not built to county road standards.

NOVEMBER 26, 1986

Commissioners met as a Welfare Board.

NOVEMBER 27, 1986

HOLIDAY - THANKSGIVING

NOVEMBER 28, 1986

Routine business this date.

DECEMBER 1, 1986

Commissioners heard a grievance filed by Norman Stone.

Received numerous A101s in the amount of \$1,385.83 to the credit of various funds.

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Mary Kay Peck, Subdivision Review Director, reported Martin and Jennie Douma, Lloyd and Lorainne Jacobsen, Lester Schultz, and Gaylord Speakman have claimed the realignment of a common boundary exemption. The parties are requesting this realignment for the purpose of acquiring additional acreage from abandoned railroad right-of-way. The appropriate deeds have been submitted. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the realignment of a common boundary exemption for Martin and Jennie Douma, Lloyd and Lorainne Jacobsen, Lester Schultz, and Gaylor Speakman. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported Gene Cook, Garth and Carolyn Sime, and Janet Humberger have claimed the occasional sale exemption. The parties have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption to Gene Cook, Garth and Carolyn Sime and Janet Humberger. Seconded by Ramon S. White. None voting nay. Motion carried.

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Jim Monger, Industrial Consultant, discussed the economic impact of Butler Creek to the community of Belgrade and to Gallatin County, stating that they employ 19 people, that an increase in cash flow is created locally from their existence, and that their company brings 3.4 million dollars to the valley per year. In the future they are looking at plant expansion including an increase of employees and greater sales.

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Joe Baker, Belgrade Planning Director, reported Clifford and Marilyn Alberda have requested summary review of a minor subdivision that will split an existing parcel into two parcels and is to be dedicated for commercial and industrial uses. This minor subdivision satisfies the five criteria for summary approval and the overall design of this project is acceptable. The proposed lots are of acceptable size and design. Kessler Road is of acceptable width and is planned to extend to the property line as is required by the Belgrade Area Subdivision Regulations. It is recommended by the Belgrade City-County Planning Board that Alberda Minor Subdivision be granted preliminary approval subject to the eight conditions discussed. Motion by Ramon S. White to approve summary review for Alberda Minor Subdivision with the conditions stated and corrected. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Joe Baker, Belgrade Planning Director, reported Michelle Lee Diteman requests summary review of a minor subdivision that will split an existing approximate 10 acre parcel into two parcels measuring approximately 5 acres each. This minor subdivision meets four of the five criteria for summary approval. Lot 30B exceeds the 3:1 depth to width ratio as mandated by the Belgrade Area Subdivision Regulations. A variance is requested. It is recommended by the Belgrade City-County Planning Board that a variance be granted for the depth to width ratio requirement for lot 30B, and that Diteman Minor Subdivision be granted preliminary approval with conditions. Motion by Ramon S. White to grant the variance for the Diteman Minor Subdivision. Seconded by Jane Jelinski. None voting nay. Motion carried. Motion by Jane Jelinski to grant summary approval to the Diteman Minor Subdivision with conditions. Seconded by Ramon S. White. None voting nay. Motion carried.

TUESDAY

THE 2ND

DAY OF DECEMBER 19 86

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12107-TRIBUNE PRINTING

Jane Jelinski read Resolution 528, dated January 12, 1982 which created an additional Justice of the Peace Court in Gallatin County to be located in West Yellowstone. Ramon S. White read proposed Resolution 642, setting the salary and duties for Justice of the Peace No. 2. Judge Neal Travis, City Judge, City of Livingston, representing the Montana Magistrate Association, questioned the structure of the Resolution. Larry Jent stated that there is a constitutional provision on Judge's salaries that states there shall not be any action that amounts to reduction in the Judge's salary. Ramon S. White stated that it is during term of office, and that the new Resolution won't go into effect until the 1st of January which will be a new term of office. Mr. White also stated the salary is based on the same clerk's classification Judge Goan pays his clerks except that longevity step increases cannot be accrued by elected officials. Jane Jelinski questioned if Judge Hultz needed more hours to perform clerical duties and if the hours were increased from 43 hours to 56 hours if it would be adequate time. Judge Hultz answered the extra hours would help her. Ramon S. White stated that the proposed resolution is tied to the Clerk of the Court salary. Jane Jelinski stated her concern over the problem of the paper work not getting done and turned in on time, and that it is very important to get the work done. Ramon S. White proposed to increase the additional clerical hours to 60 hours. Jane Jelinski suggested deleting item #5 entirely, with the intentions of looking into the effectiveness in a year. Ramon S. White moved to pass Resolution 642 as it pertains to the hours and duties of Justice of the Peace #2 in West Yellowstone, as amended. The amendments being in item #4 changing 43 hours to 60 hours and that the court may assist the Justice of the Peace #1 when needed with additional compensation for hours in excess of hours set in this Resolution, and for mileage, lodging and meals, and #5 deleted. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 3:40 P.M.

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ATTEST:

*Jerry Wine*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - - -

PUBLIC MEETING TUESDAY THE 9TH DAY OF DECEMBER 1986 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:36 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of December 2, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

DECEMBER 3, 1986

Received report from the Clerk and Recorder's Office for the month of November showing the items of fees and other collections made in the amount of \$12,160.50.

Commissioners met with Public Defenders.

Commissioners met with representatives of the Fair Board regarding staffing at the Fairgrounds.

Commissioners heard a grievance brought by Tara Eddy of the Health Dept.

Commissioners attended the Search and Rescue Advisory Committee meeting.

DECEMBER 4, 1986

Jane Jelinski attended a meeting concerning the Law Enforcement Academy.

Commissioners met with Data Processing Manager Bill Baldus regarding staffing needs in his department.

Commissioners attended the Board of Health meeting.

Jane Jelinski participated in a tour of the Bozeman Daily Chronicle.

Commissioners met with County Agent Gene Surber regarding rodent control.

DECEMBER 5, 1986

Commissioners met with Gary Refsland and Jim Spady and Connie Wagner of the Rest Home regarding proposed expansion of the Rest Home.

Wilbur Visser attended the Bridger Radio Users Association meeting.

Commissioners met with Jim McKenna, Deputy County Attorney; Clerk and Recorder Jerry Wine, and Treasurer Loy Carroll regarding tax deed sales.

Commissioners met with Sheriff Ron Cutting, Bob Campbell, Norm Eggert and Budget Officer Dave Miller regarding the Search and Rescue budget.

TUESDAY THE 2ND DAY OF DECEMBER 19 86  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

DECEMBER 8, 1986

Commissioner Jelinski attended the Local Government Advisory Council meeting in Red Lodge.

Commissioners met with developer Jay Scott.

Commissioners met with Carolyn Hartsog, County Auditor, and representatives of Coopers and Lybrand regarding next year's external audit.

Commissioners attended the Big Brothers and Sisters Christmas dinner at the Elks.

Received numerous A101s in the amount of \$81,413.31 to the credit of various funds.

The following boards have vacancies:

Belgrade City-County Planning Board (two)  
 Manhattan City-County Planning Board (two)  
 Fair Board (two)  
 Tax Appeal Board (one)  
 Mount Green Cemetery Board (one)  
 Meadow View Cemetery Board (one)  
 Mosquito Control District (three)  
 Weed Board (two)  
 Pedestrian Traffic Safety Committee (one)  
 Three Forks Rural Fire district (two)

There will be no public meeting next week due to a lack of a quorum.

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Bill Murdock, Planner, reported William Tietz, Marc Bell and Thomas Goldsmith have claimed the realignment of a common boundary exemption. Mr. Tietz requests the exemption to acquire additional acreage for pasture. The appropriate deeds have been submitted. Prior relocations of boundaries have been made on the original tracts, but no additional tracts have been created. It does not appear that there is an intent to evade subdivision review, therefore, it appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the realignment of a common boundary exemption to William Tietz, Marc Bell and Thomas Goldsmith. Seconded by Ramon S. White. Jane Jelinski voting aye. Ramon S. White and Wilbur Visser voting nay. Motion failed. Motion by Ramon S. White that our staff be directed to bring an amendment to Subdivision Regulations before this body to remedy the situation. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser stated having the Notice of Publication for the consideration of sale or exchange of Springhill Subdivision Park. Bill Murdock reported that Springhill Park is located in Springhill Subdivision approximately one mile north of Riverside Country Club and consists of 1.51 acres. Using the scoring system for organization, site and use factors in the amended recreation plan, Springhill Subdivision Park received 22 points. Shad Bare stated he would like to see Springhill Subdivision Park developed as a park for the children in the area to have a place to play. Maureen Skalitzky spoke in favor of the park and stated she and her husband have been mowing a portion of the park. Wilbur Visser stated they will get input on all the parks and make a decision at a later date.

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Jane Jelinski read the Proclamation of Drunk & Drugged Driving Awareness Week and made a motion to adopt the Proclamation. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated receiving road petition 717 and appointed Ramon S. White as the viewing committee and asked that he report back to the board.

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There being no further business the meeting adjourned at 2:15 P.M.

- - - - -

ATTEST:

*Donald K. White*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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TUESDAY THE 23RD DAY OF DECEMBER 19 86

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of December 9, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

DECEMBER 9, 1986

Commissioners met with Auditor Carolyn Hartsog and various department heads regarding the audit report.

DECEMBER 10, 1986

Commissioner Jelinski attended a meeting of the JTCC in Helena.

Commissioners White and Visser attended the garbage meeting in West Yellowstone.

DECEMBER 11, 1986

Commissioners met as a Welfare Board.

Commissioner Visser attended the Audit Committee meeting.

DECEMBER 12, 1986

A special meeting was called to order at 8:40 A.M. by Chairman Wilbur Visser to enter into a contract sale for a road right of way with William J. and Barbara J. Quinn. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, Arletta Derleth, Notary Public, Jerry Wine, Clerk and Recorder and Cynthia Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board. The cash Contract of Sale of Real Property and the Warranty Deed were signed by the Quinn's and County Commissioners and a check in the amount of \$2,790.00 was accepted by Mr. and Mrs. Quinn as full payment for the road property.

Royal Village Zoning Commission met and denied an appeal by Ameritrust Financial Corporation for a land use permit for mobile homes.

Commissioners met with Sam Gianfrancisco regarding the use of the gas pumps at the county yards by representatives of the Retired Senior Volunteer program.

Commissioner Visser met with Allan Shearman of the Bozeman Fire Dept. regarding payment of an invoice for repair done on the Jaws of Life unit.

Commissioner Jelinski met with the Government Affairs Committee of the Gallatin Development Corporation.

Commissioner Jelinski met with representatives of Life Link International Inc. and the Business Affairs Committee regarding Life Link's plans to relocate to the Bozeman area.

DECEMBER 15, 1986

Commissioner Jelinski is attending the National Association of County Officials' meeting in Fort Lauderdale, Florida in connection with the Job Training Partnership Act program.

Commissioner Visser met with Rest Home Administrator Jim Spady and architects Jerry Taylor and Jerry Schutz of Schutz Foss Architects regarding proposed expansion of the Rest Home.

DECEMBER 16, 1986

Commissioner White is attending the MACo orientation of new elected officials in Great Falls.

Received numerous A101s in the amount of \$32,952.50 to the credit of various funds.

DECEMBER 17, 1986

Routine business this date.

DECEMBER 19, 1986

Commissioners met with Kathy Nowierski, Personnel Officer, regarding changes to the county's personnel policy manual.

Commissioners met with Steve Schnee regarding his application for a community development block grant.

Commissioners met with Jim Bogen regarding his taxes.

Commissioners White met with Madison County Commissioners regarding an interlocal agreement for law enforcement at Big Sky.

Annual Christmas potluck for employees was held in the Community Room.

DECEMBER 22, 1986

Commissioners met with representatives of the Tax Appeal Board regarding purchase of a word processor.

Commissioners met with Jerry Wine, Clerk and Recorder, regarding accounting staffing needs in his department.

TUESDAY

THE 23RD

DAY OF DECEMBER

19 86

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

DECEMBER 22, 1986, Continued

Commissioner White met with members of the City Commission, City/County Planning Board and City Manager Jim Wysocki regarding reorganization of the Planning Staff.

Received A101s in the amount of \$7,259.20 to the credit of various funds.

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Bill Murdock, Planner, reported Edwin and Bernice White and Daniel and Connie VanLuchene have claimed the realignment of a common boundary exemption. The relocation is being made to follow more logical terrain boundaries like the stream and a raised bank. The appropriate deeds have been submitted, and no additional tracts have been created. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the realignment of a common boundary exemption to Edwin and Bernice White and Daniel and Connie VanLuchene. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Doug and Mary Ritter have claimed the occasional sale exemption. The Ritters have certified that they have not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use. Motion by Jane Jelinski to grant the occasional sale exemption to Doug and Mary Ritter. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Ronald and Judy Burgess have claimed the security for construction financing exemption. The Burgess's have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Whitecap International, Inc. has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the security for construction financing exemption to Ronald and Judy Burgess. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported William and Barbara Quinn have claimed the court order exemption. The Quinns have certified that this tract of land could be created by order of any court in this state pursuant to the law of eminent domain, and is for roadway purposes only. According to the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the court order exemption to William and Barbara Quinn. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Robert and Wendy Rennick have claimed the security for construction financing exemption. The Rennick's have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. American Federal Savings has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption to Robert and Wendy Rennick. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Herbert Heisel has claimed the trust indenture exemption. Mr. Heisel has submitted a statement certifying that only one parcel is being created within the original tract. First Citizens Bank has certified that creation of the mortgage parcel is necessary to secure a trust indenture. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the trust indenture exemption to Herbert Heisel. Seconded by Ramon S. White. None voting nay. Motion carried.

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Jane Jelinski read the Resolution to be considered for granting the Gallatin Airport Authority the power to appoint airport police. Ted Mathis, Airport Manager for the Gallatin Airport Authority stated the Airport Authority is requesting the resolution so they can better enforce the rules and regulations of the Airport Authority and at the present time their enforcement authority is limited. Jane Jelinski questioned the limits on their authority now. Mr. Mathis answered that one of the rules is that no one shall fuel their own aircraft unless they have gone through a training procedure and have received a permit, but if someone does go out and fuel their own aircraft in a dangerous manner with improper equipment they are powerless to enforce this rule. Also they are able to control vehicle traffic by towing and by writing courtesy tickets, but if someone should leave a vehicle unattended in a crosswalk or on the sidewalk they are powerless to do anything to enforce their parking regulations. Mr. Mathis also stated that the resolution would allow them to put together rules and before the rules were adopted they would have a public hearing and then contract officers with the City of Belgrade, the Gallatin County Sheriff's Department or their own law enforcement staff. Jane Jelinski questioned

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FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
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if the Airport Authority would take care of the expenses of the law enforcement staff. Mr. Mathis answered yes they would. Jack Reese, Western Airlines Manager, representing the commercial airlines at Gallatin Field, spoke against granting the Gallatin Airport Authority the Power to Appoint Airport Police because they are the business community and have the majority of the employees and the majority of the business at the airport and that they are concerned about the extent of this police force and its financial impact on their agencies. Mr. Reese also questioned what would happen to the current security arrangement with the City of Belgrade and if it has anything to do with ground security problems with the passengers going in and out and with the screening of passengers. He also questioned who is going to pay for the airport police. Marvin Pretz, a pilot, spoke against the airport having their own police force and that the airport needs more free public parking. Jane Jelinski questioned Mr. Mathis what the consequences on the current arrangement with the City of Belgrade would be. Mr. Mathis answered that at this time they have no plans to cancel their arrangement with Belgrade and that their Lease Agreement with Belgrade requires them to discuss with the airlines any changes that would cause them additional expense. Wilbur Visser questioned if there could be a free parking area for people. Mr. Mathis answered that with the current arrangement, it was not possible. Ramon S. White stated he feels the Airport Authority should not be given the authority to adopt rules and regulations without public hearings and County Commissioners approval, and that the resolution doesn't state what their area jurisdiction is. Mr. White also stated his concern for furnishing free parking for the public as there is taxpayer support to the airport. Wilbur Visser stated the board would like to review the Airport Authority's proposed Rules, Regulations and Fines before holding another public hearing concerning the policy.

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There being no further business the meeting adjourned at 2:25 P.M.

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ATTEST:

APPROVED:

*Ronald R. White*  
Clerk

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY THE 30TH DAY OF DECEMBER 1986

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of December 23, 1986 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

DECEMBER 23, 1986

Commissioners met with Bill Murdock and approved a suitability of access for Dave Vogel. The certificate shows a 27.34 acre tract adjoining Bridger Drive.

Commissioners met as a Welfare Board.

DECEMBER 24, 1986

Routine business this date.

DECEMBER 25, 1986

HOLIDAY - CHRISTMAS DAY

DECEMBER 26, 1986

Office closed.

DECEMBER 29, 1986

Commissioners met with Al Lien regarding the Fairgrounds budget.

Received numerous A101s in the amount of \$5,214.61 to the credit of various funds.

Received the following list of new employees:

- Bonita Jackson, Part-time Cook, Sheriff's Dept. \$5.2827/hr., start 11-19-86
- Don Stanfield, Programmer, Data Processing, \$9.91/hr., start 12-5-86
- Shirley Graham, Account Clerk, Motor Vehicle, \$842.19/mo., start 12-29-86

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Bill Baldus, Data Processing, read the following bids for computer equipment.

Computer Lines:

- 4 Televidio Telecat 286 - \$2,795.00 each
- 2-3 Citizen Premier 35 letter quality printers - \$599.00 each
- 1-2 Okidata 193 plus printers \$599.00 each

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

## Applied Business Systems, Inc.:

4 PC8's - \$2,675.00 each  
 2-3 136 column letter quality printer - \$535.00 each  
 1-2 dot matrix printers - \$475.00 each

4 Packard Bell AT System - \$2,130.00  
 2-3 letter quality printer - \$535.00 each  
 1-2 dot matrix printers - \$475.00 each

4 Victor V286 - \$2,450.00 each  
 2-3 letter quality printers - \$535.00 each  
 1-2 dot matrix printers - \$475.00 each

4 YPC 286 - \$2,675.00 each  
 2-3 letter quality printer - \$535.00 each  
 1-2 dot matrix printers - \$475.00 each

4 Silent Partner BIO'S - \$1,995.00 each  
 2-3 letter quality printers - \$535.00 each  
 1-2 dot matrix printers - \$475.00 each

4 Joy System JS286 - \$2,175.00 each  
 2-3 letter quality printers - \$535.00 each  
 1-2 dot matrix printers - \$475.00 each

4 Ads PC8 - \$2,295.00 each  
 2-3 letter quality printer - \$535.00 each  
 1-2 dot matrix printers - \$475.00 each

## NCR, Salt Lake City

4 PC8's - \$12,444.00 total, not including printers  
 dot matrix printers - \$1,145.00 each  
 letter quality printers - \$2,795.00 each, with tractor feed an extra \$215.00

## ISC Distributers

4 Multi-Tech 900's - \$2,359.86 each  
 2-3 Citizen Premier 35 printers - \$604.65 each  
 1-2 Mannesmann Tally \$611.60 each

## Computer Land

4 BC286PC - \$14,217.48 total, including 2 letter quality printers and 2 dot matrix printers or \$14,048.00 to include NEC printers

Wilbur Visser asked Data Processing to review the bids and give a recommendation at the public meeting on January 6, 1987.

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Ramon S. White read the bids for Rainbow Point Road snowplowing. West Gate Enterprises Inc. of West Yellowstone bid \$5,000.00 per year beginning January 1, 1987 ending December 31, 1989. Dale Stelter of West Yellowstone bid \$4,000.00 for 1987 for seven months; \$4,000.00 for 1988 for seven months; \$4,000.00 for 1989 for seven months. D & W Wood of West Yellowstone bid \$4,000.00 for 1987, \$4,000.00 for 1988 and \$4,000.00 for 1989. Wilbur Visser asked the Road Department to review the bids and make a recommendation at a special meeting, or at the public meeting on January 6, 1987.

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Wilbur Visser stated having the affidavit of publication for the consideration of Amendment of the Subdivision Regulations. Bill Murdock, Planner, reported there is one change suggested. It is proposed that Appendix E 2d(2) of the Gallatin County Subdivision Regulations be deleted. Deleting Section 2d(2) would allow the relocation of common boundary lines to be made more than once on a tract without automatically subjecting the realignment to subdivision review. Documentation showing the need for the relocation, quit claim deeds from adjoining property owners, and the prohibition on creating additional tracts will continue to be required. Motion by Jane Jelinski to amend the Subdivision Regulations to delete Appendix E 2d(2). Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported William Tietz, Marc Bell and Thomas Goldsmith have claimed the realignment of a common boundary exemption. Mr. Tietz requests the exemption to acquire additional acreage for pasture. The appropriate deeds have been submitted. Prior relocations of boundaries have been made on the original tracts, but no additional tracts have been created. It does not appear that there is an intent to evade subdivision review, therefore it appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the realignment of a common boundary exemption for William Tietz, Marc Bell and Thomas Goldsmith. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Raul Luciani has claimed the security for construction financing exemption. Mr. Luciani has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. American Federal Savings has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use. Motion by Ramon S. White to grant the security for construction financing exemption for Raul Luciani. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported Raul Luciani has requested summary review for a five lot minor subdivision, and it has been reviewed to determine if it meets the requirements to be granted summary review. The following are comments on that review. The subdivision contains five lots, and no land will be dedicated for parks or playgrounds. Proper access does not appear to be provided to all lots. Lots 4 and 5 are served by a thirty foot road right-of-way. All subdivision design standards are not met. Section 6D13 of the Subdivision Regulations requires that a minimum road right-of-way be provided. On the southern boundary of the subdivision, only thirty feet of right-of-way is provided. A possible community impact may result from the location of an irrigation pipeline on Lots 1-4, where future homeowners could likely build fences, sheds, etc., or excavate for various reasons. An interruption in the delivery of irrigation water could have a detrimental impact on agriculture. This is the second minor subdivision to be submitted for summary review from what is known as Pine Butte Trails, which is made up of 28 twenty acre parcels; if each parcel is divided into five lots as a minor subdivision, there is a potential for as many as 140 lots. While one minor subdivision does not generally produce significant environmental or community impacts, the effect of ten lots is more significant than the effect of five lots. Sequential summary review approval of each twenty acre tract may eventually lead to significant impacts on schools, roads, local services, taxation, and agriculture. In addition, if each of the twenty acre tracts were granted summary review, there would never be any dedicated parkland for the development. Andy Rykels, Engineer for Thomas, Dean and Hoskins, stated that in order to provide the 60 foot right-of-way for Trail Crest Drive they have proposed to amend the common boundaries of Tract 6,7 and 9 shifting the property lines to dedicate the property for the road right-of-way. Jane Jelinski stated her concern if they approve summary review, they have no way of insuring the proposed changes mentioned and the more appropriate procedure would be to go through the Environmental and Community Impact statements and form a procedure to insure the proper access is acquired and meets design standards. Ramon S. White stated his concern with the irrigation pipe being better identified on the plat and a condition put on it to identify it for future owners and feels it does not meet the criteria required and design standards have not been met. Motion by Ramon S. White to table Summary Review Approval. Seconded by Jane Jelinski. All voting nay. Motion by Ramon S. White to deny request, encourage the developer to make another application and waive the review fees. Seconded by Jane Jelinski. None voting nay. Motion carried.

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The following members were appointed or reappointed to the various boards.

- Sandy Lee - Belgrade City County Planning Board
- Darla Joyner - City County Planning Board
- Sherman Veltkamp - Fair Board
- Bud Burkhart - Fair Board
- Jack Fellerhoff - Tax Appeal Board
- Jack Cooper - Mountain Green Cemetery Board
- Paul Skinner - Meadow View Cemetery Board
- Herb Steingruber - Mosquito Control Board
- Ken Flikkema - Weed Board
- Kay Moore - Weed Board
- Gary Gullickson - Pedestrian Traffic Safety Committee
- Ralph Wilcox - Three Forks Rural Fire Board

Motion by Ramon S. White to set the membership of the County Park Site Advisory Committee to seven members. Seconded by Jane Jelinski. None voting nay. Motion carried. Motion by Ramon S. White to make the term of office one year. Seconded by Jane Jelinski. None voting nay. Motion carried. The following members were appointed to the County Park Advisory Committee. Richard Brauss, Gary Mitchell, Erhardt Hehn, Del Straub, Mary Ritter, Ken Ostermiller and Philip Brug. Jane Jelinski asked Bill Murdock to send a letter to the members to get them started.

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There being no further business the meeting adjourned at 2:50 P.M.

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ATTEST:

APPROVED:

*Donald H. Vance*

Clerk

*Wilbur Visser*

Chairman

- - - -

PUBLIC MEETING TUESDAY THE 6TH DAY OF JANUARY 1987 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

DECEMBER 29, 1986

Received a letter of resignation from Gary Pringle who was elected to the office of Clerk and Recorder in November.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 6TH DAY OF JANUARY 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

DECEMBER 31, 1986

Routine business this date.

Approved a suitability of access for Irvin and Evelyn Poynter. Their warranty deed shows five contiguous aliquot parts bisected by Logan Trident Road.

JANUARY 1, 1987

HOLIDAY - NEW YEARS DAY

JANUARY 2, 1987

Approved a suitability of access for Duane Aughney. The certificate of survey shows two tracts of land greater than twenty acres, tract one is located on Trident Road, tract two is located on Trident Road and U.S. Highway 10.

JANUARY 5, 1987

The following people received the Oath of Office from Judge Joseph B. Gary:

Arletta Derleth, County Assessor  
 Carolyn Hartsog, County Auditor  
 Gerald Wine, County Clerk and Recorder  
 Jane Jelinski, County Commissioner  
 Doris Fisher, County Coroner  
 John Mandeville, Public Administrator  
 H. P. "Butch" Goan, Justice of the Peace, Dept. 1  
 B. J. Hultz, Justice of the Peace, Dept. 2  
 Ron Cutting, County Sheriff  
 Mary Ann Brown, Superintendent of Schools Elect  
 Loy Carroll, County Treasurer  
 Mike Salvagni, County Attorney  
 Sherman Leep, Supervisor Area 1, Conservation District  
 Robert Davis, Supervisor Area 2, Conservation District  
 Bill Wright, Supervisor Area 3, Conservation District

Commissioners met with the Insurance Committee to discuss proposals for employee health insurance changes.

A special meeting was called to order by Chairman Visser at 1:15 P.M. Wilbur Visser was reelected to the position of Chairman for the County Commission for 1987. Commissioners will represent the various boards as follows:

Board of Health - Wilbur Visser  
 Refuse District #1 (Manhattan) - Wilbur Visser and Jane Jelinski  
 Refuse District #2 (West Yellowstone) - Wilbur Visser and Ray White  
 HRDC - Jane Jelinski  
 Policy Coordinating Committee - Jane Jelinski  
 Alcohol Services Advisory - Ray White  
 Search and Rescue Advisory - Jane Jelinski  
 Dispatch Advisory - Ray White  
 Fair Board - Wilbur Visser, as an advisory member

Received numerous A101s in the amount of \$33,863.42 to the credit of various funds.

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Wilbur Visser stated he had received a letter from Bill Baldus requesting an extension until Wednesday, January 21, 1987 for determination of the award of the four P.C. systems. This time period will be used for evaluation and bench marking of selected demonstration systems. The board granted the extension for bid award on the P.C. systems.

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Motion by Ramon S. White to award the bid for snowplowing of Rainbow Point Road in the amount of \$4,000.00 to Wayne Whitman doing business at D & W Wood. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported, Connecticut General Life Insurance Co. has claimed the agricultural use exemption. They have certified that the land will be used for agricultural purposes only and they agree to enter covenant, to run with the land, with the governing body that the parcel will remain in agricultural use. This tract would also eliminate an existing road easement. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the agricultural use exemption for Connecticut General Life Insurance Co. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported John Baden has claimed the security for construction financing exemption. Mr. Baden has submitted a statement certifying that only one parcel is being created, and that he will retain title to the original tract. Valley Bank of Belgrade has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use. Motion by Ramon S. White to grant the security for construction financing exemption for John Baden. Seconded by Jane Jelinski. None voting nay. Motion carried.

- - - -

TUESDAY

THE 6TH

DAY OF JANUARY

19 87

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OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Bill Murdock, Planner, reported, Joseph Urbani has claimed the security for construction financing exemption. Mr. Urbani has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Sears Consumer Finance has certified that creation of the mortgage parcel is necessary to secure a construction loan. This appears to be a proper use of the exemption, based on this information. Motion by Jane Jelinski to grant the security for financing exemption for Joseph Urbani. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated having the certification from the Clerk and Recorder that written protests have been received regarding the creation of an RID for Sourdough Ridge and Foothills Subdivision Road paving and that the protests contain signatures of at least 39% of those qualified to sign said protest within the proposed district to be created. Bob Schweitzer questioned if additional protests received postmarked prior to Friday could be considered as valid protests. Jim McKenna, County Attorney stated that the protests have to be in the Clerk and Recorder's office by the deadline. Richard J. Carstensen, Attorney representing Margo Varberg, questioned if the previous protests for this district would be included with this protest. Jim McKenna answered the prior written protests should not be included unless they were submitted during the 15 day period after the first publication that the notice of intention had been passed. Jane Jelinski stated the major part of the controversy is the method in which the information circulated or failed to circulate and sympathizes with the opposition but feels by creating the district, public health and safety will benefit, that it will improve property values, that it is critical to fire protection to improve the road, it is critical for emergency services, the air quality will improve, the maintenance costs are reasonable compared to maintenance costs now for the grading of the road, and that the road is a disaster and warrants passing the district. Ramon S. White and Wilbur Visser agreed that it is in the public's interest. Ramon S. White stated if the number of protests that came in after the deadline were counted, the protests still don't meet the 51% protest. Motion by Jane Jelinski to create an RID for Sourdough Ridge and Foothills Subdivision road paving. Seconded by Ramon S. White. None voting nay. Motion carried. A five minute recess was called. When the board reconvened, Wilbur Visser stated there were objections that the Board had not accepted oral protests and asked for oral protests. Ken Nordtvedt objected to the procedure establishing the RID and questioned attorney and engineering fees. Bob Schweitzer questioned legal and engineering fees. Jim McKenna stated the County Commission does not regulate or control the fees charged by the engineer, attorneys or paving company and suggested getting the information from the people proposing the district. Morris Jaffe objected to having the same attorney for the RID as the attorney for the proponents of the project. Margo Varberg stated she had not been contacted to work out differences and that she objects to the lot owner paying for legal council of the proponents. Mike Sand stated his policy is that if the RID is rejected there is no legal fee incurred and since the district was repropoed he estimates \$2,500.00 as a generous figure for legal fees. Mr. Sand also stated he doesn't feel there is a conflict of interest but if residents prefer another attorney to take over the project that it is fine with him. Jane Jelinski stated having listened to the information presented in the oral testimony she stills feels creating the district is in the best interest of the public health and safety and feels there is no reason to reverse that vote. Wilbur Visser and Ramon S. White agreed.

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Marsha Elkins, City-County Planning Staff, reported the request for Master Plan Amendment that would establish Master Plan Amendment Procedures. The proposed amendments would simplify the amount of information required in a master plan procedure. Ramon S. White questioned under General Information why there is a 45 day period for preliminary review and a 4 week period for regular review. Marsha Elkins answered it has to do with tying into the regular review process but would like to review it and make sure it is not an error before adopting the Master Plan Amendment.

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Marsha Elkins, City-County Planning Staff, reported the request for Preliminary Plat Approval of Sourdough Creek Properties #14. The proposed subdivision does not comply with the land use designation as it exists, however, the property is zoned RS-1 (Residential-Suburban 1 acre tracts) and the subdivision does comply with the zoning of the property as it currently exists. The planning board has recommended in their resolution a waiver of the environmental assessment and community impact analysis. The park land requirements have been previously met. A payment of \$35.00 per lot for the Sourdough Volunteer Fire Department has been requested. Utility easements must be identified on the final plat, underground services must be provided, Montana Department of Health and Environmental Science approval must also be obtained prior to final plat approval. Site drainage has been reviewed by the County Road Superintendent and he has found it to be in compliance with the Gallatin County standards. The primary concern of the planning staff has been the road and street improvements required to meet the needs of the proposed subdivision. Extensive traffic information has been provided by both the County employees and the applicant and their engineering firm. At full development the staff has projected that there would be a 6% increase in traffic on Sourdough Road and a 11% increase in traffic on Goldenstein Lane. The staff has found the proposed subdivision would not have significant impact on those roads. Sourdough Road has been improved and has been proposed for dedication on the plat, interior roads would be dedicated and their are covenants that have been provided which indicate the interior roads would be maintained by the homeowners association. The proposed covenants have been revised to eliminate the conflicts with the Bozeman Zoning Code. A variance has been obtained to waive the reduced lot widths on several of the lots. The planning staff has recommended conditional approval of this application with eight conditions. Motion by Jane Jelinski to concur with the City-County Planning Board in approving the Preliminary Plat for Sourdough Creek Properties #14 with the eight conditions provided. Seconded by Ramon S. White. None voting nay. Motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 6TH DAY OF JANUARY 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The following members were recommended for the Dispatch Advisory Board.

Ed Tharp - Manhattan Rural Fire  
 Dave Rewitz - Town of Manhattan  
 Darrell Kurk - Fort Ellis Rural Fire Co.  
 Clark Robinson - Sourdough Rural Fire District  
 William J. Weber - Rae Fire Co.  
 Donald R. Houghton - Sheriff Ron C. Cutting  
 Terry Sutherland - Fire Marshall  
 Hank Wruck - Civil Defense  
 Clifford C. Hall - Halls Ambulance Service  
 George Reich - Willow Creek Fire Department

Motion by Ramon S. White to appoint those names and nominations and recommend that the rest of the entities utilizing our dispatch service submit names. Seconded by Jane Jelinski and stated that those members will be voting members on the advisory board only so long as they contribute as agreed upon for the dispatch service. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 3:25 P.M.

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ATTEST:

*Ernest H. White*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY THE 13TH DAY OF JANUARY 1987 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of December 30, 1986 and January 6, 1987 as written. Seconded by Wilbur Visser. None voting nay. Motion carried.

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JANUARY 7, 1987

Received report from the Clerk & Recorders Office for the month of December showing the items of fees and other collections made in the amount of \$24,252.80.

Received numerous A101's for a total of \$135,256.58 to the credit of various funds (including \$121,000.00 from Edsall Construction and Goetz, Madden & Dunn for restitution for damages on the detention center).

Commissioners met with Data Processing.

Commissioners approved a suitability of access determination for Wells and Lucille Morris, the land consisting of 150 contiguous acres with Quake Lake road running through it.

JANUARY 8, 1987

Commissioner Jelinski met with Rob Tallon, Director of Reach, Inc. regarding job training and proposed legislation.

Commissioners attended Weed Information Day lunch.

Commissioners sat as a Welfare Board.

Commissioners met with County Attorney Mike Salvagni, Sheriff Ron Cutting and the under sheriff concerning an interlocal agreement with Madison County for Law Enforcement in Big Sky.

Commissioners met with Brad Johnson to hear a progress report on the county fairgrounds.

JANUARY 9, 1987

Commissioner Visser met with Lynett Walker of the La Courier Service.

JANUARY 10, 1987

Commissioner Jelinski met in Helena with Gordon Morris, the MACo Executive Director, regarding the Job Training Partnership Act.

JANUARY 12, 1987

Commissioners met with Elmer Jerke regarding Dog Control.

Commissioners met with the Board of Health.

Commissioners Visser and Jelinski participated in the legislature conference call to Helena.

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 13TH DAY OF JANUARY 19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

JANUARY 12, 1987 Continued

Received an application for the Dispatch Board from Henry F. Hecker.

JANUARY 13, 1987

Commissioner Jelinski met with Mark Hampton regarding the sale of County property.

Received the following cancellation of taxes:

- James E. and Joyce L. Moore, \$313.82, to adjust for tax exempt ownership time
- Lindy Rueb, \$412.98, adjusted 1987 supplemental bill will be issued to replace this cancelled bill.
- Richard Grover, \$419.91, aircraft taxes paid in Missoula County for 1986

Raymon S. White chose not to attend today's meeting due to a possible conflict of interest regarding Blue Grass Subdivision.

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Dave Skelton, Assistant Planner, City-County Planning Board, reported, the request for preliminary plat approval of Blue Grass Meadows Subdivision, Phase I. The Blue Grass Meadows Subdivision site is proposed in an area which has largely lost its agricultural nature and has become suburban in character. The agricultural value of the area has been impacted by subdivisions, land splits and the encroachment of suburban land uses. In addition, the irrigation practices on the site itself have been limited by a law suit and subsequent court order. The proposal would create two acre tracts with good road access, a reasonable driving distance from town, and in accordance with the underlying zoning. The needs study has demonstrated that there is a variety of one acre lots available, but essentially there are no two acre lots available having characteristics similar to the Blue Grass site. Review of the Land Use Evaluation System has demonstrated that the site can, arguably, meet the minimum 112 points needed to be designated a rural development node. Allowing this proposal to proceed would also eliminate the prospect of future haphazard splits of the existing ten acre parcels that make up the site. Taken all together, the proposed two acre subdivision is a reasonable use of the site, and is compatible with the trend of development in the area.

Jack Schunke with Morrison & Maierle, stated presently they have nine monitoring wells, with a proposed nine additional monitoring wells to further identify any problems with the ground water level. They also propose to put in an additional drain tile along the east boundary of the property. They have obtained an agreement with Bio-Management to routinely spray for weeds. Anita Anderson and Jeff McKnight spoke against the development of a subdivision in that area because of the traffic increase on Gooch Hill Road and State Highway 191 and that they purchased their property thinking it was a rural area. Lee Faulkner spoke against the subdivision stating it is not in the public interest, it will increase the congestion on Gooch Hill Road, the potential to lower the water table is a problem for the people who want the high water table, and it will add more homes to a flooded market. Motion by Jane Jelinski to approve Preliminary Plat Application of Blue Grass Meadows Subdivision Phase I with the first 5 conditions as outlined in the staff report, the 6th condition, modified, condition 7 thru 11 as stated, adding condition 12, That a weed control plan be provided to the county weed control officer and be approved by him, and that all lots be kept in a weed free manner. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Margaret Gee has claimed the occasional sale exemption. Mrs. Gee has certified that she has not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use. Motion by Jane Jelinski to approve the occasional sale exemption for Margaret Gee. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Garth Sime has claimed the realignment of a common boundary exemption. The relocation is being made to increase the adjacent Leonhart farm holdings. The appropriate deed has been submitted and no additional tracts have been created. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the realignment of a common boundary exemption on the condition that all the appropriate deeds are submitted and no additional tracts are being created. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 3:20 P.M.

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ATTEST:

*Donald White*  
Clerk

APPROVED:

*William Visser*  
Chairman

- - - - -

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 20TH DAY OF JANUARY 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of January 13, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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JANUARY 13, 1987

Commissioners met with Wally Riffle concerning the detention center.

JANUARY 14, 1987

Commissioner Jelinski attended the interagency council breakfast.

Commissioners met with Wally Riffle, Dennis Davies and Mr. Johnstone concerning the detention center.

Commissioners attended a grievance hearing on Norm Stone.

Commissioners Visser and White attended the Refuse District #2 Board Meeting in West Yellowstone.

Received A-101 from Hebgen Basis Refuse for gate fees in the amount of \$510.00.

JANUARY 15, 1987

Commissioners Visser and Jelinski accompanied by Dave Miller attended the Bozeman City-County Coop meeting.

Commissioners Jelinski and White met with Marvin Prestz of Star Mobil Home Trailer Court.

Commissioner Jelinski attended the evening Refuse District #1 board meeting.

JANUARY 16, 1987

Received numerous A101s on interest bearing accounts in the amount of \$28,479.30.

Commissioners met with Madison County officials in Virginia City on Law Enforcement in Big Sky.

JANUARY 19, 1987

Received the following cancellation of taxes:

Keith Noyes c/o Bean, \$37.53, Parcel cancelled and combined with RFF15621 & RFF22584  
 Keith Noyes c/o Bean, \$39.70, Parcel cancelled and combined with RFF15621 & RFF22584  
 Velma McMeikin, \$26.98, Taxed on RGH5305 for 1986

Legislature conference call held.

Commissioners met with Mark Hampton concerning sale of county property.

JANUARY 20, 1987

Commissioners attended monthly staff meeting.

Commissioners participated in a tour of the Road Office.

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Wilbur Visser stated having the Affidavit of Publication for the bid opening for a culvert for the County Bridge Department. Gale Thompson, Road Office manager, read the bids. Carl Weissman & Sons Inc. bid \$19,162.17, delivery to be May 1st. Roscoe Steel & Culvert bid \$14,842.07, delivery to be May 1st. Wilbur Visser referred the bids to the Road Office and Bridge Department for a recommendation at the Public Meeting on January 27, 1987.

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Marsha Elkins, Bozeman City-County Planning Staff, reported Mr. Charles B. Bowen has claimed the mortgage exemption which would create a ten acre tract of land for mortgage purposes. Mr. Bowen has provided the required statements including a signed statement from the lending institution explaining the purpose of the survey. Based on the information submitted, this appears to be a proper use of the mortgage exemption. Motion by Ramon S. White to grant the mortgage exemption for Mr. Charles B. Bowen. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Norm and David Wallin have claimed the occasional sale exemption. The Wallins have certified that they have not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. The purpose of the survey is to ready the parcel for annexation by the city of Bozeman. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption for Norm and David Wallin. Seconded by Ramon S. White. None voting nay. Motion carried.

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TUESDAY THE 20TH DAY OF JANUARY 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Bill Murdock, Planner, reported Thomas and Roberta Holdsworth have claimed the occasional sale exemption. The Holdsworths certify that no prior occasional sales have been taken from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use. Motion by Ramon S. White to grant the occasional sale exemption for Thomas and Roberta Holdsworth. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Claudine Nash has claimed the family sale exemption to transfer a 7.79 acre parcel to a daughter. Mrs. Nash has certified that no prior family transfers have been conveyed to this family member and that the original tract was not created through the use of exemptions. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the family sale exemption for Claudine Nash. Seconded by Ramon S. White. None voting nay. Motion carried.

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Joe Baker, Belgrade City-County Planning Board, reported Michelle Lee Diteman has requested that Diteman Minor Subdivision be granted final approval and that she has complied with all of the requirements of the Belgrade City-County Planning Board and the Gallatin County Commissioners. Motion by Jane Jelinski to grant Final Approval to the Diteman Minor Subdivision. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated they have 3 applicants for the Dispatch Advisory Board. Motion by Jane Jelinski to appoint Alice Hager to represent Gallatin Gateway on the Dispatch Advisory Council, John Olwin to represent the Bridger Canyon Fire District and Henry Hecker to represent Three Forks and that they will become voting members when their contribution to the Dispatch Center is paid. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 1:55 P.M.

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ATTEST:

*Ronald H. White*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY THE 27TH DAY OF JANUARY 1987 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of January 20, 1987 as written. Seconded by Ramon S. White. None voting nay. motion carried.

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JANUARY 20, 1987

Received the following cancellation of taxes:

Delwin Allsop, \$140.63, mobile home double taxed for 1986  
 Ed Clampitt, \$40.41, mobile moved out of County in 1985

JANUARY 21, 1987

Commissioners met with Data Processing.

Commissioners met with Sheriff Cutting and Under Sheriff Dunn.

Zoning committee met to appoint a chairman - Commissioner Jelinski was duly appointed chairman of the Zoning Committee, all present.

Commissioner Jelinski attended the Emergency Food and Shelter Fund Board Meeting.

Received A101s in the amount of \$240.00 credited to various accounts.

JANUARY 22, 1987

Commissioner Visser attended the County Audit Committee.

Commissioners Jelinski and White attended the Rest Home Auxilliary meeting.

Commissioner Jelinski met with the Government Affairs Committee.

JANUARY 23, 1987

Commissioners Visser and Jelinski met with Subdivision Review.

Clerk and Recorder reported outstanding accounts receivable as of January 23, 1987 at \$5,766.75 for December and January.

TUESDAY THE 29TH DAY OF JANUARY 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

JANUARY 26, 1987

Commissioners participated in the Legislature Conference Call to Helena.

Commissioner White met with the representative of the Hebgen Lake Homeowners Association along with Deputy County Attorney Jim McKenna and Assessor Arletta Derleth.

Received A101s in the amount of \$4,076.00 credited to various accounts.

JANUARY 27, 1987

Received A101 in the amount of \$6,212.70 for FHA Grant.

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Bob Jordan, Bridge Foreman, recommended accepting Roscoe Steel & Culverts bid of \$14,842.07. Motion by Ramon S. White to award the culvert bid to Roscoe Steel & Culvert of Billings for \$14,842.07. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported that Valley Vista Subdivision Park, containing 2.38 acres, has been evaluated for sale or exchange and stated that in using the scoring system for organization, site and use factors in the amended recreation plan, it received 20 points. John Dalton stated he would like to keep the park the way it is for a buffer strip or see it developed as a park and that they like the open space. Dick Siess stated he would like to see the park left the way it is, but would consider getting together as a homeowners group and consider purchasing the land. Bill Murdock reported Ranch Subdivision Park containing 15.932 acres, has also been evaluated for sale or exchange and stated that in using the scoring system for organization, site and use factors in the amended recreation plan, it received 20 points. Bob Fagliano, Bob Schweitzer, Sid Arthur, Morris McLees, Lee Heerdt, Frank Long, Dorothy Kern, Dennis Schweitzer and LeRoy Schweitzer all spoke on behalf of keeping the park the way it is, for horseback riding, hiking, cross-country skiing, sledding and for the view. Robyn Erlenbush, Realtor, stated the subdivision and the park deserves the right to fully develop as planned, and that the people bought lots with the idea they were going to have a park to use. Fred Bell, Cook-Bell Real Estate opposes the concept of taking dedicated parks and selling them. Wilbur Visser stated he received 7 letters in opposition for the consideration of selling or exchanging Ranch Subdivision Park and that the information would be taken into consideration for the sale or exchange of the parks.

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Wilbur Visser stated having the notice of publication for the resolution of intention to allow Belgrade to withdraw from Refuse District #1. Barb Snyder, Mayor of Belgrade, stated Three Rivers Disposal has a better option than they have thru the district, which is unlimited pickup, 4 units, anything other than white goods and special rates for senior citizens. Ramon S. White stated his concern is not the collection but leaving the district which operates the landfill area which is a separate assessment, and that if Belgrade leaves the district they need to make sure they have a place to put the refuse. Jane Jelinski stated she has no problem with Belgrade getting out of the collection, but is concerned with Belgrade withdrawing from the landfill district because there are no guarantees in two years and that without a voting voice it is the consumer at the mercy of the private company. Lee Stevens spoke in favor of Belgrade withdrawing from the refuse district and contracting with Three Rivers Disposal who he feels has a better offer. Bell Auger stated the City of Belgrade has a unit system and that Three Rivers Disposal is offering unlimited service for \$9.00 a month and would like to see Belgrade withdraw from the district. Wally Arneson spoke in favor of Belgrade withdrawing from the Refuse District because people are only allowed 2 cans, so they take their excess garbage and dump it in the businesses dumpsters. Mike Salvagni, County Attorney, stated that if the Board considers passing the resolution, they need to get a written commitment from Three Rivers Disposal that they will post the bond in the amount of the contract attributable to Belgrade with Harvey VanDyken and that the Resolution needs to be better conditioned. Ramon S. White stated there are considerations that need to be worked out and that everything needs to be in writing and feels it is premature to pass the Resolution of Intention without revising it and moved to delay action on the request for Resolution of Intention to allow Belgrade to withdraw from Refuse District #1 until Tuesday, February 10, 1987. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Baldus, Data Processing, recommended the bid from ISC Distributing for the Multitech 900 and MT-86 printer. Motion by Ramon S. White to award the bid for 4 personal computers to ISC Distributing. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 4:50 P.M.

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ATTEST:

*Ronald K. White*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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TUESDAY THE 3RD DAY OF FEBRUARY 1987

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of January 27, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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JANUARY 28, 1987

Routine business this day.

JANUARY 29, 1987

Commissioner Visser met with the Board of Health.

Commissioners met with Gale Thompson and Bob Jordan of the Road Department on bidding procedures for Sheds Bridge.

Commissioners sat as a Welfare Board.

Commissioner Jelinski met in Helena with Gordon Morris of MACo regarding legislation.

Commissioner Visser met with the School Traffic Safety Committee.

JANUARY 30, 1987

Commissioners attended Local Government Day in Helena.

JANUARY 31, 1987

Commissioners attended the opening of the Montana Winter Fair with Governor Schwinden.

FEBRUARY 2, 1987

Commissioners sat in on the legislative conference call to Helena.

Commissioners met with Superintendent of Schools Mary Ann Brown regarding the distribution of interest.

Received numerous A101s in the amount of \$7,787.67 credited to numerous accounts.

FEBRUARY 3, 1987

Commissioners met with the Sheriff's Department.

Commissioners attended the monthly staff meeting.

Commissioners met with the county attorney, Mike Salvagni regarding an Interlocal Agreement with Madison County on Big Sky.

Report from the County Clerk and Recorder showing the items of fees and other collections in the amount of \$22,604.45.

Received the following cancellation of taxes:

Norman Sande, \$275.99, this was a remainder piece after all surveyed off - parcel does not exist

Norman Sande, \$239.09, this was a remainder piece after all surveyed off - parcel does not exist

Norman Sande, \$243.01, this was a remainder piece after all surveyed off - parcel does not exist

Kurt & Linda McCombs, \$259.38, mobile double taxed

Robert A. & Janice Saffo, \$296.36, mobile moved out of county in 1984

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Bill Murdock, Planner, reported Betty Dyk has claimed the occasional sale exemption. Mrs. Dyk has certified that she has not taken prior occasional sales from Parcel B of C.O.S. 1070 or contiguous tracts that she owns. She also certifies that Parcel B was not created through the use of the occasional sale or gift of sale to a family member. The Commission must determine if the claimants are engaging in a pattern of exempt transactions which will result in the equivalent of a subdivision without local government review. Exempted parcels can not subvert the Subdivision and Platting Act's public policy requiring review of divisions which could substantially impact the public health, safety and welfare. In 1977, Leonard and Hilda (Bette) Dyk used the family transfer and occasional sale exemptions to create three tracts on C.O.S. 508 and 508A. In 1978 and 1979, the Dyks used the occasional sale exemption to create C.O.S. 685 and 685A. In 1981, the Dyks took the occasional sale to create C.O.S. 975. In 1982, Leonard used the immediate family exemption to transfer C.O.S. 1070 to his wife, Bette. In 1983, Leonard and Bette took an occasional sale for C.O.S. 1070A, which is contiguous to C.O.S. 975A. Although current subdivision regulations call this an evasion, this tract was created before the regulations went into effect. The proposed occasional sale tract would be created from the same original tract of record from which the above tracts originated. This would result in 11 tracts created through the use of exemptions since the Subdivision and Platting Act went into effect in 1973. Based on the information submitted, the Commissioners need to determine if this is a proper use of the exemption. Motion by Jane Jelinski to approve the occasional sale exemption for Betty Dyk because the lot is not contiguous, it has been four years since the last exemption was granted, current subdivision criteria was adopted in 1984, and it is only creating one additional lot, on the basis of the history of the lot, suggested any further subdividing should go through full review. Seconded by Wilbur Visser. Jane Jelinski and Wilbur Visser voting yeh. Ramon S. White voting nay. Motion carried.

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TUESDAY THE 3RD DAY OF FEBRUARY 1987  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

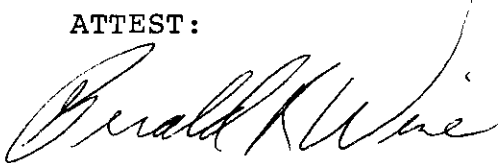
Bill Murdock, Planner, reported Lee Blackwood has claimed the security for construction financing exemption. Mr. Blackwood has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Lomas and Nettleton has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the security for financing exemption to Lee Blackwood. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:05 P.M.

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ATTEST:



Clerk

APPROVED:



Chairman

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PUBLIC MEETING TUESDAY THE 10TH DAY OF FEBRUARY 1987 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of February 3, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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FEBRUARY 4, 1987

Commissioners met with Bill Baldus of Data Processing for a progress report.

Commissioners met with Montana Department of Highways regarding improvements on South 19th.

Commissioner Jelinski met with Dave Gates regarding after hours use of the Law Library in the Law and Justice Center.

FEBRUARY 5, 1987

Commissioners met as The Bridger Canyon Zoning Commission.

The Board of County Commissioners held a special public meeting on the Park Lands decision resulting in the decision to sell Springhill Park and Clover Meadows Park. Bill Murdock, Planner, reported in September, 1986, the Commissioners adopted an amendment to the Gallatin County Recreation Plan which established criteria for the sale or exchange of county owned subdivision parklands. Public hearings were held this past fall to consider selling or exchanging five parks which received low scores under the adopted criteria. The five parks reviewed were Hodgeman Canyon, First Pine View, Springhill, Clover Meadows and Davis. At these public hearings, the Commissioners encouraged adjacent landowners to assume responsibility for the parks as an alternative to selling or exchanging them. Based on the criteria adopted for selling parks and for accepting any future subdivision parklands, it is suggested that the following requirements be met if these parks are retained:

- 1) A legal entity, i.e. a homeowner's association, should be formed to be responsible for the park;
- 2) A detailed plan should be submitted, outlining the park's use, maintenance and development;
- 3) An agreement should be entered into with the County by the homeowner's group detailing development and maintenance, including weed control; and
- 4) Specific provisions should be contained in the plan and agreement providing for the initial funding for development, and for the continuation of funding for the park's maintenance.

Jackie Renbarger presented a proposal for a master development plan that will cover a period of five years with additional years as necessary for Davis Subdivision Park, which will serve all the residents and stated they have formed a homeowners association. Gene Redd, Ellen Wright and Scott Restedt spoke in favor of keeping the park and that they are willing to work on developing it but stated their concern over liability. Jim McKenna stated circumstances and the situation determine who is liable. Wilbur Visser asked if the homeowners would consider leasing the land from the county with specifics in the lease to protect the homeowners. Mrs. Renbarger stated they would like to see a proposal. William Warner stated he was in favor of the county selling the park and putting it in the park fund to be used for a larger recreation area to better benefit more people. Motion by Ramon S. White to defer action on selling or trading Davis Subdivision Park for a period of two years and during that two years the staff monitor the progress that is being made and reconsider at the end of the two year period. Seconded by Jane Jelinski. None voting nay. Motion Carried. Margurite Kalitowski representing Fae Cope-Kauk stated there is a ditch right and wants to make sure they have access to the ditch. Ramon S. White stated they would have the staff identify the ditch and make sure there is an adequate easement identified. John Hanton presented an outline for Hodgeman Canyon Park and stated it is proposed that there be formed a Hodgeman Canyon Park Association made up of interested residents whose responsibility will be to implement the plan agreed upon with the county and maintain and be responsible for the preservation, maintenance, and development of the park and if it is acceptable they are prepared to make a formal plan. Jane Jelinski stated in that area there is a knapweed problem

TUESDAY

THE 10TH

DAY OF FEBRUARY 19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

and questioned if the cost is greater than their estimate of \$200.00 to control the weed problem if they would still be willing to pay for it. Mr. Hanton stated he would be willing to pay for it. John Montagne stated if the park was sold he would like it to remain as one block. Dick Roehm questioned the ownership of the park and if it is a public park who is liable, who pays for repairs and who enforces the covenants and stated he would like to keep the park but doesn't want to be responsible for everyone using it. Motion by Ramon S. White to delay a decision on Hodgeman Canyon Subdivision Park for 6 months during which time the park association should complete its proposal and submit it to the county. Seconded by Jane Jelinski. None voting nay. Motion carried. There was no public comment on Springhill Park. Jane Jelinski stated there has been little support, there is no homeowners association and there have been no phone calls or letters. Ramon S. White stated there are 2 people interested in purchasing the land. Motion by Ramon S. White to put Springhill Park up for sale or trade after going through the proper procedures. Seconded by Jane Jelinski. None voting nay. Motion carried. Stephanie Alexander presented a site plan and proposal for First Pine View Subdivision Park, proposing an access for parking, a bridge over the ditch, and picnic area with tables and stated their concern over liability. Jane Jelinski questioned if their homeowners association was in effect. Ms. Alexander stated they need 2 signatures from people out of state. Lucille Winslow, Betty Berverly, Peggy Cope and Walt Mayer stated the neighbors had joined together and have been working on and supporting this plan and also questioned the liability. Ramon S. White questioned Peggy Cope if they would be willing to enter into a lease agreement with the county. She stated they would consider it. Motion by Ramon S. White that the county not consider selling or trading First Pine View Subdivision Park but make an effort in the next 90 days to enter into a formal agreement with homeowners. Seconded by Jane Jelinski. None voting nay. Motion carried. There was no public comment on Clover Meadows Subdivision Park. Wilbur Visser stated there is a lack of interest and people don't use the park. Motion by Jane Jelinski to sell or trade Clover Meadows Subdivision Park. Seconded by Ramon S. White. None voting nay. Motion carried. The meeting adjourned at 3:30 P.M.

FEBRUARY 6, 1987

Commissioner Jelinski met in Helena with the Mental Health Advocacy Forum.

Commissioner Visser attended the Management Procedures and Supervision Workshop.

FEBRUARY 9, 1987

Commissioners sat in on the legislature conference call with Helena.

Commissioners met with Deputy County Attorney Jim McKenna concerning the resolution for the City of Belgrade to withdraw from Refuse District #1.

Commissioners met with Gallatin County Rest Home Administrator, Jim Spady and Health and Marketing West to review a proposal to expand the Rest Home.

FEBRUARY 10, 1987

Commissioner Visser sat with the Audit Committee to set procedure and develop interdepartmental coordination.

Received numerous A101s for a total of \$58,586.96 credited to various accounts.

The county offices will be closed February 12, 1987 and February 16, 1987 for holidays.

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Wilbur Visser stated having the Affidavit of Publication for the bid opening for steel to modify Shedd's Bridge. Gale Thompson, Road Office Manager, read the bids. Western Iron Works bid \$15,165.00, Building Specialties, Inc. bid \$11,715.00, Carl Weissman bid \$10,078.18, Affco bid \$14,997.42, Anderson Steel Supply bid \$11,075.00, Montana Steel Supply bid \$8,718.00, Rosco Steel & Culvert bid \$8,246.00, Pacific Hide & Fur bid \$28,523.83. Wilbur Visser referred the bids to the Road Office for a recommendation at the Public Meeting on February 17, 1987.

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Motion by Ramon S. White to appoint Tom McIsaac to the Dispatch Advisory Board. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported George Sager has claimed the occasional sale exemption. Mr. Sager has certified that he has not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption for George Sager. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Gregory and Pamela Harris have claimed the security for construction financing exemption. Mr. and Mrs. Harris have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Western Federal Savings has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the security for construction financing exemption for Gregory and Pamela Harris. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Allen Sprunger has claimed the security for construction financing exemption. Mr. Sprunger has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. First Security Bank of Bozeman has certified that creation of the

TUESDAY THE 10TH DAY OF FEBRUARY 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the security for construction financing exemption for Allen Sprunger. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Bill Martindale has claimed the security for construction financing exemption. Mr. Martindale has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. First Bank of Bozeman has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption for Bill Martindale. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Jack Reese has claimed the security for construction financing exemption. Mr. Reese has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Valley Bank of Belgrade has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the security for construction financing exemption for Jack Reese. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser stated having the Affidavit of Publication and the receipt of certified letters for Road Petition 717, the abandonment of a portion of Mongold Road. Gale Thompson stated the road has never been built and it doesn't go anywhere. Wilbur Visser stated the viewing committee recommends the petition be granted because the road has never been constructed and at the present time the road area is in wheat fields and grass lands. Motion by Jane Jelinski to approve the abandonment of a portion of Mongold Road as described on Road Petition 717. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Auger, refuse representative for the City of Belgrade, stated the City of Belgrade requests to be withdrawn from both the collection and landfill, removing themselves entirely from the district. Ramon S. White stated his concern for the welfare and health of the district as it exists today and has a concern about the liability of retaining the landfill area and has no problem with the City of Belgrade withdrawing from the collection but has a real problem with withdrawing from the landfill both for the City of Belgrade's people and also for the rest of the district. Jim McKenna, Deputy County Attorney and Mike Salvagni, County Attorney advised having Mr. Fagliano sign an agreement before passing the resolution withdrawing the City of Belgrade from the collection or the resolution withdrawing the City of Belgrade from both the collection and the landfill so they become binding at that point. Wilbur Visser and Jane Jelinski stated they would agree to allow the City of Belgrade to withdraw from the collection district, and agree with Mr. White on not allowing Belgrade to withdraw from the landfill district. Motion by Ramon S. White that the Gallatin County Commission pass a Resolution of Intention to remove the City of Belgrade from the collection program of Gallatin County Refuse District #1 contingent on the signing of Adendum #1 to Gallatin County Refuse District #1 collection service agreement, the resolution is as stated:

THIS RESOLUTION was introduced by Ramon S. White, Commissioner, moved by Ramon S. White, Commissioner, and seconded by Jane Jelinski, Commissioner. The resolution was passed Unanimously and adopted.

WHEREAS, Gallatin County Refuse District No. 1 is a refuse disposal district created pursuant to the laws of the State of Montana for the purpose of collection and disposal of refuse; and,

WHEREAS, Gallatin County Refuse District No. 1 performs two distinct and separate functions, one function being the collection of refuse from designated collection points, and the other function being the disposal of collected refuse at a sanitary landfill site; and,

WHEREAS, in June of 1983, the City Council of Belgrade, Montana, requested that all property within the corporate limits of the City of Belgrade be excluded from the refuse collection function of Gallatin County Refuse District No. 1, and the County Attorney for Gallatin County issued an opinion stating that the process for excluding an area from a refuse district function should be similar to the process for creating and establishing the boundaries of the refuse district, as prescribed by the laws of the State of Montana. After a request for an exclusion of property is received by the Board of County Commissioners, the Board of County Commissioners may pass a resolution of intention to exclude the proposed area from the district. That procedure was followed pursuant to the request of the City of Belgrade in 1983; and,

WHEREAS, on January 13, 1987, the mayor of Belgrade, Montana, sent to the Gallatin County Commission a letter stating that the City Council of Belgrade had determined that it would be in the best interests of the citizens of Belgrade that the city withdraw from both the refuse collection function and the refuse disposal function of the refuse district, and requesting that the city be withdrawn from the district; and,

WHEREAS, Three Rivers Disposal, the contractor which performs the refuse collection service for the District, has represented that it will enter into an agreement whereby Three Rivers Disposal will agree to continue providing refuse collection services to the cities of Manhattan and Three Forks under the contract between Three Rivers Disposal and the District; and,

WHEREAS, the Board of Commissioners of Gallatin County, at its regularly scheduled meeting on February 10, 1987, considered the request of the City of Belgrade to be withdrawn from the refuse district and it appeared to the Commission that it is necessary that the City of Belgrade remain in the refuse disposal function of the district, but that it is no longer necessary the City of Belgrade be included in the refuse collection func-

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 FORM 12187-TRIBUNE PRINTING OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

tion of the district because the City of Belgrade has represented that it considers it to be in the interests of the City of Belgrade that the City of Belgrade make its own arrangements for the collection of refuse within the City of Belgrade;

NOW, THEREFORE, it is hereby declared to be the intention of the Board of County Commissioners of Gallatin County, Montana, to exclude the City of Belgrade, Montana, and all property within the corporate limits of the City of Belgrade, Montana, and any future annexed property from the refuse collection program administered by Gallatin County Refuse District No. 1. A copy of this resolution of intention shall be transmitted to the mayor of the City of Belgrade, Montana, for consideration by the Belgrade City Council.

It is further declared that as a condition of withdrawal of the City of Belgrade from the refuse collection function of the Refuse District, the District and Three Rivers Disposal shall enter into the agreement described above.

Dated this 10th day of February, 1987.

Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:45 P.M.

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ATTEST:

*Donald R. Wane*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY THE 17TH DAY OF FEBRUARY 1987 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Jane Jelinski and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

FEBRUARY 11, 1987

Commissioner Jane Jelinski attended the Interagency Breakfast meeting.  
 Commissioners Visser and Jelinski sat as a Welfare Board.  
 Commissioner Jelinski met with Welfare Director, Bob Sybrant to discuss proposed legislation.  
 Commissioners Visser and Jelinski met with Judge Gary regarding the law library.

FEBRUARY 12, 1987

County Holiday

FEBRUARY 13, 1987

Commissioner Jelinski met with the appointment subcommittee of the Governmental Affairs Committee from the Gallatin Development Corp.  
 Business as usual on this day.

FEBRUARY 16, 1987

Federal Holiday

FEBRUARY 17, 1987

Commissioner Visser attended the meeting on county departmental response to the External Audit.  
 Received A101s for a total of \$7,203.00 and credited to various accounts.  
 Report from the County Clerk and Recorder showing items of fees and other collections in the amount of \$9,728.50.

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Bob Jordan, Bridge Foreman, recommended accepting Roscoe Steel & Culverts bid of \$8,246.00 for steel to modify Shedd's Bridge. Motion by Jane Jelinski to award the bid to Roscoe Steel & Culvert for \$8,246.00. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Robert and Greta Mathis have claimed the security for construction financing exemption. The Mathis' have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. American Federal Savings has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the security for construction financing exemption for Robert and Greta Mathis. Seconded by Wilbur Visser. None voting nay. Motion carried.

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TUESDAY THE 17TH DAY OF FEBRUARY 1987  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Mary Kay Peck, Subdivision Review Director, reported Raul Luciani has requested summary review for a five lot minor subdivision, and that it was previously submitted to the Commission for summary review on December 30, 1985. At that time, the Commission found that the minor subdivision did not meet the criteria for summary review because proper access was not provided to all lots; because all subdivision design standards were not met; because the location of an underground irrigation pipe could have a negative impact on agriculture; and because of concern that there might be significant environmental and community impacts if minor subdivisions from Pine Butte Trails were given sequential summary review. The Luciani Minor Subdivision has been reviewed to determine if it meets the requirements to be granted summary review, and if the previous concerns have been addressed. The following are comments on that review. The subdivision contains five lots, and no land will be dedicated for parks or playgrounds. Proper access now appears to be provided to all lots. Boundary lot adjustments have been made to provide a sixty foot right-of-way, meeting county road standards Section 6D.8 of the Gallatin County Subdivision regulations prohibits dead end streets without a turnaround. The eastern boundary of Trail Crest Drive shows no cul-de-sac. However, there is an already constructed road which is located on a 60 foot easement. A 20 foot easement is shown on the plat for the irrigation pipe, and allows for perpetual access for maintenance and repair. This is the second minor subdivision to be submitted for summary review from what is known as Pine Butte Trails, which is made up of 28 twenty acre parcels. If each parcel is divided into five lots as a minor subdivision, there is a potential for as many as 140 lots. Sequential summary review approval of each twenty acre tract may eventually lead to significant impacts on schools, roads, local services, taxation, and agriculture. Because of significant ultimate environmental and community impacts, the Commission needs to consider if this subdivision meets the criteria for summary review. If the Commission determines that the Luciani Minor Subdivision does meet the criteria, there are ten conditions suggested as a part of preliminary plat approval. Andy Rykels with Thomas, Dean & Hoskins stated the developer will put in a cul-de-sac if it is required. Wilbur Visser questioned if there would be a problem with posting a bond rather than putting in a cul-de-sac now. Mr. Rykels answered there would be no problem with posting a bond. Motion by Jane Jelinski to grant summary review approval on Luciani Minor Subdivision with the ten conditions outlined, with condition #6 being that a bond shall be posted in the amount of 125% of the estimated construction cost of the cul-de-sac, to be returned when the continuation of Trail Crest Drive is dedicated to the public, or when the cul-de-sac is completed, this period not to exceed 2 years. Seconded by Wilbur Visser. None voting nay. Motion carried.

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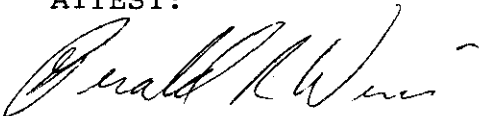
Marsha Elkins, City-County Planning Staff, reported John T. and Janet K. Kravetz have requested summary review approval on Minor Amended Subdivision of Lot 62 of the Rearrangement of Lots 1 through 7 and 9 through 16, Hyalite Foothills Subdivision #1. The planning staff has reviewed the Preliminary Minor Amended Subdivision Plat application, and finds that the Preliminary Plat is in general compliance with the Bozeman Area Master Plan and the Bozeman Area Subdivision Regulations. The Planning Staff recommends that the Preliminary Amended Subdivision Plat application be approved with the four condition stated. Motion by Jane Jelinski to approve summary review for John T. and Janet K. Kravetz for Minor Amended Subdivision of Lot 62 of the Rearrangement of Lots 1 through 7 and 9 through 16, Hyalite Foothills Subdivision with the four conditions described in the staff report. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:05 P.M.

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ATTEST:

  
 Clerk

APPROVED:

  
 Chairman

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PUBLIC MEETING TUESDAY THE 24TH DAY OF FEBRUARY 1987 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of February 17, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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FEBRUARY 18, 1987

Commissioners attended the MACo midwinter meeting in Helena. Commissioner Visser attended the Refuse District #1 meeting.

Business as usual this day.

FEBRUARY 19, 1987

Commissioners attended the MACo midwinter meeting in Helena.

Business as usual this day.

TUESDAY THE 24TH DAY OF FEBRUARY 1987

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANAFEBRUARY 20, 1987

Commissioner White attended legislative hearings in Helena.

Business as usual this day.

FEBRUARY 23, 1987

Commissioners met with the Road Department on road priorities and made a tour of some county roads during the afternoon.

FEBRUARY 24, 1987

Commissioners met with Joe Schuab and Jim McKenna concerning the Rae Sewer and Water District.

Commissioners met with Duane Johnson of Management Associates concerning the union negotiations with the Fair Board.

Received A101s for a total of \$41,937.13 credited to various accounts.

Received the following cancellation of taxes:

Hebgen Lake Estates Owners Association, c/o Russell & Robinson, \$101.71, open area attached to each condo and lot.

Hebgen Lake Estates Owners Association, c/o Russell & Robinson, \$109.95, open area attached to each condo unit and lot.

Hebgen Lake Estates Owners Association, c/o Russell & Robinson, \$116.57, open area attached to each condo and lot.

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Bill Murdock, Planner, reported Greg and Susan Leach have claimed the occasional sale exemption. This is a re-submittal of a claim that was denied by the Commission on March 17, 1986. The Leach's have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. An Attorney General's Opinion, 40 A.G. Op 16 (1983), and the Gallatin County Subdivision Regulations provide that the governing body shall evaluate all relevant circumstances in assessing the intent of the person claiming the exemption. These circumstances may include the prior history of the proposed tract if the exempt transaction is completed. In 1983, Gloria Leach purchased Tract 12 of Dry Creek Estates, which is contiguous to Tract 13, and used the occasional sale exemption to divide the tract. In 1983, Tammy Leach purchased Tract 13 of Dry Creek Estates, which is contiguous to Tract 14, and used the occasional sale exemption to divide the tract. Donald and Gloria Leach, husband and wife, and Craig and Tammy Leach, husband and wife, purchased the subject tract (Tract 14 of Dry Creek Estates) in September of 1984. They then sold this tract to Gregory and Susan Leach, husband and wife, in November of 1984. Although the request for the occasional sale exemption was submitted under Gregory and Susan Leach's name, Gloria Leach indicated that Tammy would be re-purchasing one of the tracts. This was further substantiated by Tammy's signature for both parcels as the owner of record on health department forms regarding sewer and water permits. The County Subdivision Rules do not allow a parcel contiguous to the parcel to be transferred if it has been previously transferred by the same transferor as an occasional sale (2.b.(3)(b) p. 87. In addition to the possibility of contiguous tracts created through exemption by the same transferor, a pattern of exempt transactions has resulted in the equivalent of a subdivision without local government review. In the eight years since the Dry Creek Estates certificate of survey was filed, the original 25 tracts have been divided into 40 tracts. After considering the above information and any public testimony which may show evidence of entitlement to the exemption, the Commission needs to consider if there is sufficient cause to reverse their denial of this exemption last year. Bill Murdock clarified to the commission that the occasional sale exemption is being reconsidered on Tract 14 which at this time has not been split. Eula Compton, Attorney representing the Leach family, stated confusion regarding the transferor, confusion regarding the regulation of a parcel contiguous to the parcel to be transferred having been previously transferred by the same transferor, and stated her opinion of state law indicated that the occasional sale transaction exemption is available annually, that a person may take an occasional sale exemption once every twelve months. Ms Compton questioned why this regulation applied to this transaction. Bill Murdock, Planner, answered by stating state law allows an occasional sale exemption every twelve months unless there is a pattern or intent to evade the subdivision act and that is why the county gets into prior history. Jim McKenna, Deputy County Attorney, questioned Ms Compton if she agreed that Tammy Leach purchased Tract 13 in 1984 which is southwest of subject tract and is contiguous and in the same year split Tract 13 into Tract 13A and 13B by the occasional sale exemption. Ms Compton stated yes they were advised to do that. Mr. McKenna also asked Ms Compton if she was familiar with the environmental statement forms 91A and 91B which states on paragraph 2 on both forms that Gregory R. & Susan Leach are the record owners and on the bottom of page 3 form 91B and middle of page 2 form 91A and the signature of the owner of record is signed by Tammy L. Leach. Ms Compton recognized the discrepancy and stated Tammy L. Leach was one of four owners. Jim McKenna, Deputy County Attorney, stated because of the pattern of the division of Tract 12 and 13 by an occasional sale exemption, and the proposed division of Tract 14 by an occasional sale exemption, that the clause that modifies the entire statute granting exemptions, the clause that refers to the subdivision act, should have been taken into consideration and according to the letter of March 19, 1986 by the County Commission they have taken into consideration the two prior exemptions when determining whether there was an intent to evade the act. Ramon S. White questioned Ms Compton that if a person owns a parcel of land that they are allowed one sale off that property every single twelve month period and create a subdivision without review. Ms Compton agreed adding that it would take quite a bit of time to create the subdivision but that a person is allowed to have an occasional sale exemption granted once every twelve month period. Mr. White stated that his position is that it is creating a subdivision without review and suggested the possibility of a minor subdivision. Ms Compton reported problems with receiving access from Greg Leach for a road which is required in a minor subdivision. Mr. White explained that is one of the reasons

TUESDAY THE 24TH DAY OF FEBRUARY 19 87  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

for subdivision review so that particular concerns can be addressed and if they can't be resolved it does not deserve to be a subdivision. Motion by Ramon S. White to deny the exemption requested by the Leaches. Seconded by Jane Jelinski. None voting nay. Motion carried.

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William L. Heckerman, President of Butler Creek Corporation, read a letter addressed to the County Commission regarding a request for a resolution of property tax relief to the corporation. Jane Jelinski asked Mr. Heckerman who made a commitment for tax relief and what was the nature of the commitment. Mr. Heckerman replied that Barry Roos of the Build Montana Program could answer those questions. Ramon S. White discussed the problems with the laws and the Melda law and stated the County Commission will have to get more information and legal opinions before being able to give an answer to Butler Creek Corporation regarding their request. Ramon S. White stated that very recently Doris Fischer, Gallatin Development Corporation, has contacted him and is very interested in the statute and wants to try to get a committee together on how to approach the County Commission to get this resolution in effect in Gallatin County.

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Chairman Wilbur Visser read a letter from Barbara J. Snider, Mayor, City of Belgrade, requesting the reconsideration of resolution for the City of Belgrade to withdraw from Refuse District #1. Michael Salvagni, County Attorney, stated he attended a meeting with the Board of Directors of Refuse Disposal District #1 on February 18, 1987 with the board voting unanimously to urge the County Commission to allow the City of Belgrade to withdraw from the entire district as long as there were protections of the VanDyken contract and the additional costs of the district. Mike Salvagni, County Attorney, reported he prepared a different resolution and an agreement between Gallatin County Refuse District #1 and Three Rivers Disposal for consideration by the Board of County Commission. Ramon S. White asked if the Refuse Board was willing to take out of district garbage #1 at the same price as in district garbage because of concerns that they could refuse it or they could charge an additional charge possibly. Mike Salvagni, County Attorney, stated he believed they would continue the same as it is presently except instead of the residents of Belgrade paying through their taxes, Three Rivers Disposal would bill them directly and Three Rivers would pay the County. Emery Nelson, Sanitarian, stated concerns regarding the process of subdividing because one of the requirements is to demonstrate an acceptable and approved landfill site, and if Belgrade withdraws from the Refuse District they would not have an approved landfill site, which may cause problems in the future if someone wishes to subdivide within the City of Belgrade. Jane Jelinski stated her belief that if it is the unanimous opinion of both the Belgrade City Commission and the Board of Directors of Refuse District #1 to allow Belgrade to withdraw from the district for landfill purposes the County Commission should respect the intentions of those bodies. Jane Jelinski read Resolution of Intent #645 and made a motion to adopt Resolution of Intention #645 to exclude the City of Belgrade for Gallatin County Refuse District #1. Seconded by Ramon S. White. Jane Jelinski and Wilbur Visser voting aye. Ramon S. White voting nay. Motion carried. Motion by Jane Jelinski to rescind the motion regarding the Resolution of Intention (#644) to exclude the City of Belgrade from the collection program of Gallatin County Refuse District #1 which was voted on February 10, 1987 during the County Commission public meeting of the same date. Seconded by Ramon S. White. Jane Jelinski and Wilbur Visser voting aye. Ramon S. White voting nay. Motion carried.

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Wilbur Visser stated having the application from Betty Bradley for the appointment to the Story Mill Rural Fire District's board of trustees. Motion by Ramon S. White to reappoint Betty Bradley to the Story Mill Rural Fire District Board of Directors. Seconded by Jane Jelinski. None voting nay. motion carried.

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Motion by Jane Jelinski to appoint Martin Kimm to the Manhattan City/County Planning Board. Seconded by Ramon S. White. None voting nay. Motion carried.

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The County Commission questioned Mike Salvagni, County Attorney, whether or not a representative from the City of Belgrade needed to be appointed to the Board of Directors of Refuse District #1 because of the previous vote regarding the withdrawal of Belgrade from Refuse District #1. Mike Salvagni, County Attorney, reported that by statute a representative needs to be appointed from the City of Belgrade and until the action regarding the withdrawal of the City of Belgrade from Refuse District #1 becomes final Belgrade is required by law to have a representative. Motion by Jane Jelinski to nominate Bill Auger to represent the City of Belgrade on the Board of Directors of Refuse District #1 as per the request from the Belgrade City Council and the Belgrade City Mayor, Barbara Snider, and as indicated in her letter dated February 11, 1987. Seconded by Ramon S. White. Jane Jelinski and Wilbur Visser voting aye. Ramon S. White abstained. Motion carried.

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Motion by Ramon S. White to appoint Robert Green to the Gallatin County Airport Board for a term of two years. Seconded by Jane Jelinski. None voting nay. Motion carried.

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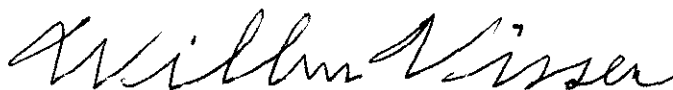
There being no further business the meeting adjourned at 3:15 P.M.

ATTEST:



Clerk

APPROVED:



Chairman

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TUESDAY THE 3RD DAY OF MARCH 1987

FORM 12167-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of February 24, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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FEBRUARY 24, 1987

Commissioners attended the Montanan Sheep Growers Association banquet.

FEBRUARY 25, 1987

Commissioners met with Bill Baldus of Data Processing for progress report.

Commissioner Jelinski met with Buck Braniman concerning Thorpe Road.

Commissioners Visser and Jelinski attended the disaster Table Top Exercises at the Gallatin Field Fire Station.

FEBRUARY 26, 1987

Commissioner Jelinski attended the City/County Coop meeting.

Business as usual this day.

FEBRUARY 27, 1987

Commissioners sat as a Welfare Board.

Commissioners met with Gerald Wine, Clerk and Recorder and Ron Vaught of accounting for progress report.

Commissioners attended the Norm Stone grievance hearing.

Received the Clerk and Recorders report for February 1987 for fees received in the amount of \$18,249.75.

MARCH 2, 1987

Commissioners met with Bob Anderson regarding the Bear Proof Refuse Container Grant.

Commissioners Visser and Jelinski met with the Deaconess Hospital Board of Directors and Jim Spady regarding Rest Home expansion.

Commissioners met with Del Straub and Larry Merkel regarding Bridger Bowl.

MARCH 3, 1987

Commissioners attended the monthly staff meeting.

Commissioners worked on personnel matters.

Received numerous A101s for a total of \$4,199.81 credited to various accounts.

Received the following cancellation of taxes:

Greg Mecklenburg, \$1227.95, customer never owned this airplane. Incorrect assessment from the FAA.

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Wilbur Visser stated having the Affidavit of Publication for the bid opening on chemicals for the Weed Board. Reeves Petroff, Weed Board, read the bids from Gallatin Farmers Co., Churchill Equipment, AgriBasics Co. and Cargill, Inc. Wilbur Visser referred the bids to the Weed Board for a recommendation at the Public Meeting on March 10, 1987.

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Brad Johnson, Fair Board, recommended awarding the bid for materials for water improvement project for the Fair Grounds to Waterworks Industries Inc. of Billings. Motion by Jane Jelinski to award the bid to Waterworks Industries Inc. of Billings in the amount of \$24,350.08. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Peter Moncada has claimed the security for construction financing exemption. Mr. Moncada has submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Valley Bank of Belgrade has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the security for construction financing exemption for Peter Moncada. Seconded by Jane Jelinski. None voting nay. Motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 3RD DAY OF MARCH 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Bill Murdock, Planner, reported Daniell Henderson of Sundance Realty has claimed the occasional sale exemption. Mr. Henderson has certified that he has not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption for Daniell Henderson. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 1:50 P.M.

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ATTEST:

*Gerald R. White*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY THE 10TH DAY OF MARCH 1987 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Jim McKenna, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of March 3, 1987 as written. Seconded by Wilbur Visser. None voting nay. Motion carried.

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MARCH 4, 1987

Commissioners met with residents of Monforton Road and the Road Department.

MARCH 5, 1987

Commissioner Visser met with the Board of Health.

MARCH 6, 1987

Commissioner attended the conference with the Steering Committee of the Private Industry Council.

Commissioners attended a Budget Preparation Committee meeting.

Commissioners met with the Bridger Canyon Zoning Board regarding a conditional use permit for Randy White - permit granted.

Commissioners met with Mary Kay Peck of Subdivision Review.

MARCH 9, 1987

Commissioner Visser sat in on Legislature Conference Call.

Business as usual this day.

MARCH 10, 1987

Commissioners Visser and Jelinski met with the Forest Service and the Road Department on a road service agreement.

Received numerous A101s for a total of \$917,025.02 and credited to various accounts.

Received the following cancellation of taxes:

Mike and Connie Bush, David and Jean Fredenburg, \$95.60, mobile not in Gallatin County in 1986.

Mike and Connie Bush, David and Jean Fredenburg, \$86.03, mobile not in Gallatin County in 1985.

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Wilbur Visser stated the Weed Board has recommended awarding the bid for Weed Chemicals to Cargill, Inc. in the amount of \$17,485.29. The other bids were from AgriBasics Company for \$18,158.67, Gallatin Farmers Company for \$18,152.23, and Churchill Equipment Company for \$18,011.47. Motion by Jane Jelinski to award the bid to Cargill, Inc. as recommended by the County Weed Board. Seconded by Wilbur Visser. None voting nay. Motion carried.

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TUESDAY THE 10TH DAY OF MARCH 19 87

FORM 12187-TRIBUNE PRINTING

Office of County Commissioners  
Bozeman, Montana

Joe Baker, City County Planning Board, reported Arthur T. Scott requests preliminary approval for Scottish Acres Subdivision, which would consist of 23 lots. All of the proposed lots conform to the lot configuration standards contained within the Belgrade Area Subdivision Regulations. Each lot is proposed to be served by individual wells and septic systems. The subdivision will be limited to single family land uses by covenants, with the exception of a 3.7868 acre parcel that will be dedicated to the public as park lands. The size of the proposed park conforms to park dedication standards. The project site is currently vacant. The site of the proposed subdivision was given preliminary approval by the Gallatin County Commission as a major subdivision on October 23, 1984. All physical improvements required as a condition of the earlier preliminary approval have been constructed. The land uses to the west and north of the project site are rural single family residential. The property to the east and the south is undeveloped and in variety of agricultural uses. None of the property in the immediate vicinity of the proposed subdivision is currently zoned. One of the conditions of approval of the original application, was that a 30 foot access easement which exists on the western boundary of the proposed subdivision be vacated. This 30 foot easement continues to present many of the same types of problems that prompted the Gallatin County Commissioners to require the vacation of the easement in the original conditions of approval. From the testimony given during the Public Hearing of February 24, 1987, it is still not clear as to who has what interest in the access easement. Neither the applicant nor any other persons presented as evidence any documents that established a legal claim to any access easement on the project site. Based on the testimony, it appears that the original owner of the site of the proposed subdivision and surrounding parcels promised a number of individuals who purchased parcels created by a variety of Certificates of Survey that the access easement was created for their benefit. Several of these parcels continue to depend upon similar access easements located to the north of the project site for access. The point at which the access easement enters Thorpe Road does not provide for a smooth transition from Royal Road to the south onto the access easement alignment to the north. Because of this condition the County Road Department recommended that the access easement alignment not be used for a permanent subdivision road. There are several alternatives that the Gallatin County Commissioners might choose as a resolution to this problem. Alternative #1 would be to require complete vacation of the access easement between Thorpe Road and MacGregor Road on the project site. Alternative #2 would be to prohibit access to the easement from Thorpe Road and require that all access to the easement be from the North via MacGregor Road. The Belgrade City-County Planning Board recommends that the proposed Scottish Acres Subdivision be approved as submitted with 14 conditions stated. Tom Anacker spoke on behalf of Arthur Scott, the developer, stating the subdivision has been before the Belgrade Planning Board on two separate occasions and both times the Commission has found there is a need for this subdivision and have recommended approval, and this subdivision has been before the Gallatin County Commission on a prior occasion and gained approval, and that there are no circumstances that have changed. Mr. Anacker stated condition #4 is already being required, and condition #3 may raise some legal questions, and that there should be an addition to that condition that if it is required that the waiver come before final approval, also if one waiver or 23 waivers would apply. Mr. Anacker also stated that the change to be added to condition #12 is good, that the request for comment from various agencies, you do get a fairly standard response, and if there is a determination of adverse impact on community services, it needs to be done after a more intense study. Paul Kinshella, Sanderson, Stewart & Gaston Engineering, stated that with 2 main accesses, their standard projection is 10 trips per day per single family dwelling, which would give 120 trips approximately on each of the roads and that 500 trips a day is the breaking point for dust being a problem. Mr. Kinshella also stated that they seem to get the highest school projection from Belgrade than other districts and that the letter from the Sheriff's Department is the same one they have gotten on every subdivision they have done in the county. Jane Jelinski stated that the commission does not have the legal authority to require an offsite improvement but they have created a condition stating a subdivision could not be developed until someone provided proper standard access to the subdivision and if the commission should determine paving of Thorpe Road be required before they would approve the subdivision how would the developer feel about this. Mr. Kinshella answered that the developer would be paying an impact that has been generated by other areas and that they are willing to pay their fair share of it, but would like to see a definition of their fair share. And that since it probably can't go through the budget or won't have something done on it to pave all of it right now, they would be in agreement with the condition to sign a waiver. Wilbur Visser questioned Sam Gianfrancisco with the Road Department if they had done a traffic count on Thorpe Road. Mr. Gianfrancisco answered they had not but that a portion of Thorpe Road averages about 340 cars a day, the other portion probably has less than 100 cars a day, which would more than double it if they use Thorpe Road but their theory is that most people will use Royal Road because it is in better condition and there is not a dust problem at this time. Jane Jelinski questioned Mr. Gianfrancisco if he was satisfied that the conditions recommended would meet his concerns for the road and safety. Mr. Gianfrancisco answered yes, but their concern is with the other access they were talking about, and recommended the encroachment be denied. Tom Lahart, homeowner in Teepee Subdivision, stated he opposes the approval of Scottish Acres Subdivision because mobile homes will be allowed which will decrease the value of the homes in the area, Royal Village Subdivision already has lots that are available to mobile home owners which makes Scottish Acres Subdivision totally unnecessary, also the impact on the Belgrade School District because of the addition of not one but two more is going to be devastating. Mr. Lahart also stated that 90% of the people currently living in the area have signed a statement opposing the approval of Scottish Acres Sub. Ron Barnett stated Scottish Acres Subdivision is totally unwarranted, there is no basis for need for it, and it will be throwing more tax burden on already established residents. Dave Stevens, spoke against approving Scottish Acres Subdivision because there is no need for another subdivision in the area and stated he has 31 signatures from area residents opposing the approval, because of the additional burden on Belgrade School District #44, the Sheriff's Dept. and fire protection, the effects on taxation, the impact on the environment, and the increased traffic on the Belgrade interchange. Jill Stevens stated all the points made need to be taken seriously and that she opposes the subdivision. Jane Jelinski stated it is a complicated issue and would like to review this report and the report from the prior application, and would like to visit the site and look at the road. Wilbur Visser stated he doesn't see much difference in this application than the previous application, and feels the easement has been addressed better. Motion by Jane Jelinski to postpone a decision until the public hearing on March 24, 1987. Seconded by Wilbur Visser. None voting nay. Motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 10TH DAY OF MARCH 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

There being no further business the meeting adjourned at 3:15 P.M.

ATTEST:



Clerk

APPROVED:



Chairman

PUBLIC MEETING TUESDAY THE 17TH DAY OF MARCH 1987 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Ray White at 1:45 P.M. Also present were Commissioner Jane Jelinski, County Attorney Mike Salvagni, and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of March 10, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

MARCH 11, 1987

Commissioner Jelinski attended the interagency breakfast.

Commissioners Visser and Jelinski met with Edna Berg, Beverly Knapp and Mike Salvagni on libraries.

Commissioners Visser and Jelinski met with Joe Berry.

Commissioner White in Helena attending legislative hearings.

Wilbur Visser called meeting to order and introduced emergency resolutions to set load limits on the oil portion of Hidden Valley and Valley Center roads of 400 pounds per square inch as per requested by the Road Department. Ramon S. White motioned and Wilbur Visser seconded to adopt the resolutions. Motion carried by a majority and Commissioner Visser declared the meeting adjourned. Resolution Numbers are 646 and 647 respectively.

MARCH 12, 1987

Commissioner Jelinski in Helena as a member of the Board of the Montana Advocacy Program.

Commissioners Visser and White sat as a Welfare Board.

Commissioner Visser attended the Audit Committee meeting.

Wilbur Visser called meeting to order and introduced emergency resolution to set speed limits on the oiled portion of Amsterdam Road and Churchill Road at 35 MPH as per requested by the Road Department. Ramon S. White motioned and Wilbur Visser seconded to adopt the resolutions. Motion was carried by a majority and Commissioner Visser declared the meeting adjourned. Resolution Numbers are 648 and 649 respectively.

MARCH 13, 1987

Commissioner Jelinski in Helena - Montana Advocacy Program.

Commissioner Visser began two week vacation.

Business as usual this day.

MARCH 16, 1987

Commissioners met with Kathy Nowierski, Personnel Officer.

Commissioners attended the Royal Village Zoning Hearing.

Commissioners attended the Bridger Canyon Zoning Hearing.

Jane Jelinski called the meeting to order and introduced emergency resolutions to set load and speed limits on Visser Road of 350 lbs. per square inch of tire width and a speed of 35 MPH, and Little Holland Road of 350 lbs. per square inch of tire width and a speed of 35 MPH. Ramon S. White motioned and Jane Jelinski seconded to adopt the resolutions. Motion was carried by a majority and Commissioner Jelinski declared the meeting adjourned. Resolution Numbers are 650 and 651 respectively.

MARCH 17, 1987

Commissioner Jelinski met with Mary Ann Abraham of the Battered Womens Network regarding a fundraiser for the Battered Womens Network.

Commissioners White and Jelinski met with Buck Braniman and the Road Department regarding Thorpe Road.

Received numerous A101s in the amount of \$8,116.82 and credited to various accounts.

TUESDAY

THE 17TH

DAY OF MARCH

19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Beverly Knapp of the Library Board presented an annual report to the County Commissioners and thanked them for the funds and participation in the library. Jane Jelinski questioned how the reduction in hours has affected their circulation. Ms. Knapp answered they have changed their check-out policy from 2 to 3 weeks and have eliminated telephone renewals except for bedridden people and stated to get more hours for the library they would need about \$5,000.00 to open the library 1 hour for a year.

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Ramon S. White stated they have one application from David R. Spencer for the Mount Green Cemetery Board. Motion by Jane Jelinski to appoint David R. Spencer to the Willow Creek Mount Green Cemetery Board. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported George and Jean Francis have claimed the occasional sale exemption. The Francis's have certified that they have not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption for George and Jean Francis. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Richard Chretien has claimed the occasional sale exemption. He has submitted the appropriate certifications and only one parcel is being created. A history of the tract and adjoining tracts is as follows: In January, 1979, Maurice Klabunde used the occasional sale to create a 13 acre tract, COS 662. In February, 1979, Mr. Klabunde created 7 20 acre tracts on COS 689. In July, 1983, Mr. Klabunde and Gene Cook took an occasional sale of Tract 6, creating 2 10 acre tracts. Mr. Chretien, the claimant for Tract 5, is purchasing the parcel on contract from Messrs, Klabunde and Cook. Klabunde and Cook have sold all tracts on contract in COS 689 except Tract 3. The Commissioners need to determine if a pattern of exempt transactions have resulted in the equivalent of a subdivision without local government review. Based on this information, the Commissioners need to determine if this claim is a proper use of the exemption. Ramon S. White questioned if the parcel has ever been split by the occasional sale process. Bill Murdock answered no, not by using the occasional sale exemption. Jane Jelinski stated it is obviously an unreviewed subdivision and moved to deny the occasional sale exemption for Richard Chretien because it appears there has been intention to evade subdivision review. Seconded by Ramon S. White. Jane Jelinski voting aye, Ramon S. White voting nay. Motion died. Motion by Jane Jelinski to approve the occasional sale exemption for Richard Chretien. Seconded by Ramon S. White. Ramon S. White voting aye, Jane Jelinski voting nay. Motion died.

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Bill Murdock, Planner, reported Ron Bos has claimed the occasional sale exemption. He has submitted the appropriate certifications, and only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption for Ron Bos. Seconded by Ramon S. White. None voting nay. Motion carried.

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Marsha Elkins, Bozeman City-County Planning Board, reported Mr. Frank Trunk has requested Final Plat approval of the Second Amended Subdivision of Block 1, Rea Subdivision, 1st filing. Preliminary Plat approval was granted with seven conditions. The only item that was a concern during the review process was the creation of a Homeowners Association, apparently when the final plat for townhouse units was originally filed the owner did not file the Homeowner Association documents that were necessary so the land is somewhat in limbo until this final plat is filed today. The applicant has submitted a set of documents including a mutual reciprocal easement and covenants running with the land which would insure that the open space associated with the townhouse units would be maintained. The applicant has complied with each of those seven conditions. The Planning Staff recommends approval of the Final Plat. Motion by Jane Jelinski to grant final plat approval for Second Amended Subdivision, Block one, Rae Subdivision. Seconded by Ramon S. White. None voting nay. Motion carried.

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Marsha Elkins, Bozeman City-County Planning Board, reported John I. and Janet K. Kravetz have requested Final Plat approval of the Minor Amended Subdivision of Lot 62 of the Rearrangement of Lots 1 through 7 and 9 through 16, Hyalite Foothills Subdivision No. 1. Preliminary Plat approval was granted with five conditions. The applicant has satisfied each of those conditions. A certificate of deposit issued to Gallatin Co. has been provided to secure the installation of the driveway approach for Lot 62B. The Planning Staff recommends approval of the Final Plat. Motion by Jane Jelinski to grant Final approval of the Amended Subdivision plat, Lot 62, of Hyalite Foothills Subidivision One. Seconded by Ramon S. White. None voting nay. Motion carried.

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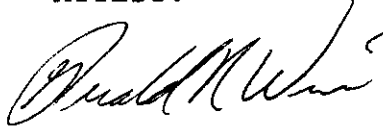
Jane Jelinski read the Proclamation proclaiming the month of March, 1987, as Developmental Disabilities Awareness Month and moved to adopt the Proclamation. Seconded by Ramon S. White. None voting nay. Motion carried.

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TUESDAY THE 17TH DAY OF MARCH 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

There being no further business the meeting adjourned at 2:15 P.M.

ATTEST:



Clerk

APPROVED:



PUBLIC MEETING TUESDAY THE 24TH DAY OF MARCH 1987

OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Acting Chairman Ray White at 1:40 P.M. Also present were Commissioner Jane Jelinski and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

MARCH 18, 1987

Commissioner Jelinski met with City-County Coop.

Commissioner Jelinski met with Lisa Vincent on taxes.

Commissioners White and Jelinski met with the Road Dept. and Joe Baker of Belgrade City-County Planning in Belgrade regarding Scottish Acre Subdivision and viewed the site of Scottish Acre Subdivision, Redtail Hawk Minor Subdivision and inspected Thorpe Road.

MARCH 19, 1987

Commissioners met with Jeff Rupp regarding Senior Transportation.

Commissioners toured the Detention Center.

Commissioners met with Subdivision Review on Hebgen Lake Estates.

MARCH 20, 1987

Commissioners met with Mr. Hape regarding dog problems.

Commissioners met with Bob Sybrant regarding legislation.

Commissioner Jelinski met with Mr. Emerich regarding Middle Creek Meadows Subdivision.

Commissioner Jelinski attended the Refuse District #1 Board meeting.

Commissioners met with McKinley Anderson and Mike Salvagni regarding the holding facility at Bozeman Deaconess Hospital.

MARCH 23, 1987

Commissioners met with Bob Sybrant regarding legislation.

Commissioner Jelinski met with James McCabe of SRS regarding the Welfare Department.

Commissioner Jelinski and the Governmental Appointments Committee met with Mike Pichette and Mark Bison in the Governor's Office.

MARCH 24, 1987

Commissioners met with Subdivision Review, Land Planning, Budgets, and Jack Schunke on Hebgen Lake Estates.

Received A101s in the amount of \$100.00, credited to the dumpster project account.

Ramon S. White stated receiving proposals from First Security Bank of Bozeman and Montana Bank of Bozeman for Re-purchase Agreement. Motion by Jane Jelinski to take them under advisement and make a decision at the public meeting on March 31, 1987. Seconded by Ramon S. White. None voting nay. Motion carried.

Ramon S. White stated the Gallatin County Health Department has requested an amendment to the Maternal Child Health budget and that they anticipated income of \$18,376.00 and have received, instead, a contract for a total of \$31,942.99. The amendment would be to increase Salaries and Wages by \$500.00 and Contracted Services by \$12,926.00. Motion by Jane Jelinski to approve the budget amendment for the Maternal Child Health budget to increase its Salaries and Wages by \$500.00 and to increase Counseling and Consulting fees by \$12,926.00. Seconded by Ramon S. White. None voting nay. Motion carried. Ramon S. White stated the Sheriff's Department has requested an amendment to their budget because the County has recently entered into a contract with Madison County to get law enforcement protection in the Big Sky area. Madison County has agreed to contract Gallatin County for this service and there was nothing in the budget for expenditures or revenues at the time the budgets were made out. Gallatin County will be receiving on a quarterly basis monies from Madison County for this protection which has necessitated the sheriff to add staffing and operating costs to his budget for the

TUESDAY THE 24TH DAY OF MARCH 19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

exact amount coming from Madison County. The amendment would be to increase Wages by \$6,000.00, Radio by \$2,100.00, Operating by \$800.00 and Repair and Maintenance by \$1,725.00. Motion by Jane Jelinski to amend the Sheriff's budget as requested. Seconded by Ramon S. White. None voting nay. Motion carried.

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Ramon S. White stated Mountain View Subdivision RID No. 338 and No. 339 are recently approved Rural Improvement Districts and that part of the work has been completed, the bonds have been sold and these monies are on deposit in the county for engineering and construction. At the present time there is no budget. The bonds will be repaid over the next 20 years by special assessments on the property owners within these districts. The request is for \$105,000.00 for administrative fees and capital outlay for RID #338, and \$350,000.00 for administrative fees and capital outlay for RID #339. Motion by Jane Jelinski to adopt the budget for Mountain View Subdivision RID #338 for \$105,000.00 and for Mountain View Subdivision RID #339 for \$350,000.00. Seconded by Ramon S. White. None voting nay. Motion carried.

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Joe Baker, Belgrade City-County Planning Board, reported Redtail Hawk Minor Subdivision as proposed by John K. Austin has complied with all of the requirements of the Belgrade City-County Planning Board and the Gallatin County Commissioners and it is the recommendation of the Belgrade City-County Planning Board that Redtail Hawk Minor Subdivision be granted final approval. Jane Jelinski stated they did go and view the road and subdivision site and made a motion to grant final approval for Redtail Hawk Minor Subdivision. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Richard Chretien has claimed the occasional sale exemption. Mr. Chretien has certified that he has not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, the Commissioners need to determine if this is a proper use of the exemption. Motion by Jane Jelinski to approve the occasional sale exemption for Richard Chretien. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Mike Baughman has claimed the security for construction financing exemption. Mr. Baughman has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Western Federal Savings has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption for Mike Baughman. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Barry and JoAnn McDonald have claimed the security for trust indenture exemption. This exemption must meet the same requirements as the one for security for construction financing. The McDonalds have submitted the appropriate certifications, and American Federal Savings has certified that the creation of the trust indenture parcel is necessary to secure the loan. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for trust indenture exemption for Barry and JoAnn McDonald. Seconded by Ramon S. White. None voting nay. Motion carried.

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Ramon S. White stated LeRoy Miller is the only applicant for the Montana Green Cemetery Board. Motion by Jane Jelinski to appoint LeRoy Miller to the Montana Green Cemetery Board for a 3 year term. Ramon S. White stated R.R. Williamson is the only applicant for the reappointment to the Bridger Canyon Rural Fire District. Motion by Jane Jelinski to appoint J.J. Williamson to the Bridger Canyon Rural Fire District for a 3 year term. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Emerich, President, Middle Creek Meadows Property Owners Association, stated the existing roads in the subdivision consist of approximately one mile of gravel surface with a driving area width which varies from nineteen to twenty two feet. These roads have been maintained and improved through RID 314 since 1977. The present roads have proven to be safe and practical, though expensive and having the inherent shortcomings of gravel surfaced roads. Mr. Emerich stated they would like to raise the level of maintenance on the roads to a higher standard through the application of an asphalt surface for cost effectiveness, property value enhancement, dust abatement and rock and gravel overflow. Mr. Emerich stated they may not be able to apply an asphalt surface to the roads without first widening them and adding four to seven feet of roadway would destroy established lawn areas and disrupt existing landscapes, degrade or destroy existing drainage contours, require the relocation of mailbox shelters and would probably require the relocation of cable TV installations. Mr. Emerich stated since the roads in question were built and approved in 1973 they would like the Commission to consider a grandfather exemption concerning the width of the roads in the subdivision and requested the Commission grant them a variance which would allow them to surface the roads to a twenty foot width. Ray Center, Consulting Engineer, presented pictures of the existing road and road site improvements and stated the project would be an improvement to what they have now. Fred Bell, homeowner, stated he is in support of the variance and that it would be one more positive step for the neighborhood. Sam Gianfrancisco, County Road Superintendent, questioned the 20 foot wide proposal stating they felt 21 to 22 feet would be more realistic. Ray Center stated the 20 foot width was the figure developed earlier by the previous engineer, and that they measured the gravel width and depth

TUESDAY THE 24TH DAY OF MARCH 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

and that there were a couple spots that measured 19 to 20 feet but most spots were 21 to 22 foot widths and the 19 to 20 foot widths could be widened to 21 to 22 feet. Sam Gianfrancisco stated the entrance way is 22 feet wide now and recommends that width be carried on to the next intersection and the rest is no problem at 20 feet. Motion by Jane Jelinski to grant a variance for Middle Creek Meadows #3, South Property Owners Association that is to pave the road they will require 22 feet width from the entrance to the first intersection and from there on a 20 feet width, the reason for this is there are unique circumstances because historic factors surround the creation of the road that strict compliance with our standards would cause undo hardship for the Homeowners Association and that the variance would be for the benefit of the public health, safety and welfare. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:25 P.M.

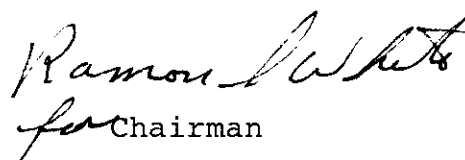
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ATTEST:

APPROVED:



Clerk



for Chairman

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PUBLIC MEETING TUESDAY THE 31ST DAY OF MARCH 1987

OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Shelley M. Cheney, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of March 17, 1987 and March 24, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

MARCH 25, 1987

Business as usual this day.

MARCH 26, 1987

Commissioner Jelinski sat on the HRDC Board.

Commissioners met with Data Processing.

Commissioner Jelinski attended the Local Government Advisory Council for the Job Training Partnership Act in Great Falls.

MARCH 27, 1987

Business as usual this day.

MARCH 30, 1987

Commissioners met with Dr. King regarding Rest Home Expansion.

Commissioners accompanied Bill Murdock of Land Planning to Belgrade to observe a Flood Plain problem.

Commissioner Jelinski met with Bob Frazier of MSU on Job Training.

Commissioners met with the Road Department regarding speed limits on county roads.

Commissioners met with Larry Williams of Montana Department of Highways regarding Valley Center Road.

Commissioners Visser and White met with Sid Kurland and Rick Levand on proposal to move houses on adjacent property.

Commissioners met with County Attorney Mike Salvagni.

MARCH 31, 1987

Commissioners Visser and White sat as a Welfare Board.

Commissioners met with the County Assessor regarding delinquent taxes.

Commissioners Jelinski and White met with Peter McGee, Gene Cook and the Road Department regarding Kagy Blvd.

Received numerous A101s totaling \$45,868.21 and credited to various accounts.

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Wilbur Visser closed acceptance of bids for painting the WIC & Health Departments and for the installation of new abutments and resetting of the modified Shedd's Bridge in Cameron Bridge location at 1:40 P.M.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 31ST DAY OF MARCH 19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Gayle Thompson reported to the County Commissioners that the notice of publication regarding the bids for Shedd's Bridge was published March 4, 1987 only and not on March 18, 1987, as was requested by the Road Department to the High Country Independent Press. Jim McKenna, Deputy County Attorney, directed the County Commissioners that notice should be given again as required by statute. Mr. McKenna explained the notice of publication should be advertised twice, not more than 21 days before the bids are opened and the second notice six days or more after that but at least 3 days before the bids are opened. A decision was made by the Board of County Commissioners and the Road Department to hold a special meeting April 22, 1987 at 10:00 A.M. after the notice is published properly.

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Wilbur Visser reported the affidavit of publication on March 18 and 25, 1987 for the bids regarding painting the WIC & Health Departments. The County Commissioners received the following bids: Dependable Paint, Ping McKay - \$2,250.00, Homewright Builders, David R. Hancox - \$2,325.00, Dick Dean Painting - \$2,400.00, Kinman Builders, Daniel Kinman - \$1,090.00, Dorrell's Custom Painting, Troy Dorrell - \$660.00. Motion by Ramon S. White to award the bid to Dorrell's Custom Painting of Belgrade, Montana in the amount of \$660.00 for the painting of the WIC & Health Departments. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Marcia Elkins, Bozeman City-County Planning Department, reported a Master Plan Amendment request from medium density to light industrial on property owned by Mr. Saccoccia and Jerry Perkins located on the area south of Baxter Lane. Motion by Jane Jelinski to approve the Master Plan amendment to change the land use designation from medium density residential to light industrial on the proposed parcel. Seconded by Ramon S. White. None voting nay. Motion carried.

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Jane Jelinski requested a recommendation from the Budget Officer and the County Treasurer regarding the repurchase agreement of bids. Dave Miller, County Budget Officer reported a discussion with Loy Carroll, County Treasurer, regarding the advertisement for two repurchase agreements with the recommendation of accepting both bids from First Security Bank of Bozeman and Montana Bank of Bozeman each bidding for one repurchase agreement. Motion by Ramon S. White to award one repurchase agreement to First Security Bank of Bozeman, located in Bozeman Montana and award a second repurchase agreement to Montana Bank of Bozeman, located in Bozeman, Montana. Seconded by Jane Jelinski. Motion carried.

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Ramon S. White, County Commissioner and Jim McKenna, Deputy County Attorney agreed that it would be improper to take more public testimony because public testimony had been closed at the end of the first hearing regarding the preliminary approval of Scottish Acres Subdivision. Discussion between the commissioners continued with the elimination of condition item #16 and 17 because those items would be regulated by zoning and not enforceable by the County Commissioners as a part of subdivision review. Mr. McKenna suggested that the regulations could be included within the homeowners association covenants. Discussion continued regarding access easements on Thorpe Road with Tom Anacker, Attorney representing Scottish Acres Subdivision, stating the developer understood the access easement restrictions and accepted the conditions, and the decision to state the easement restrictions along Thorpe Road on the final plat. Motion by Ramon S. White to approve preliminary plat for Scottish Acres Subdivision with the conditions number 1, 2 and 4 through 13 accepted as written and condition number 3 amended to read "That the developer sign and file a waiver of protest to any..." instead of the word "objection" prior to filing the final plat and the original condition number 14 be stricken and condition 14 shall read as follows: The access easements on the western boundary of the subdivision shall not be granted an encroachment permit to access directly on Thorpe Road from the Gallatin County Road Office at any time in the future further that this prohibition shall be shown on the final plat, and add to condition 15 that there be dedicated to the public the northern 30 feet of Thorpe Road along the southern boundary of the subdivision. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Motion by Jane Jelinski to enter into an agreement with William Tietz regarding the renewal of water use which is administered by the Middle Creek Water Users Association for the year 1987. Seconded by Ramon S. White. None voting nay. Motion carried. Ramon S. White suggested the County Commissioners consider selling the ownership of the water right because the original purchase was to use the water on the Rest Home properties, which is almost virtually impossible to utilize the water on those particular properties at this time.

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Motion by Jane Jelinski to appoint Mike Weller to the Dispatch Advisory Board of Big Sky Rural Fire District. Seconded by Ramon S. White. None voting nay. Motion carried.

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Motion by Ramon S. White to appoint Georgie Badgley and Joe Axtell for a three year term on the Gallatin Gateway Fire Department. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Motion by Ramon S. White to appoint Robert Hargrove to fill out the term for Herb Potts for a one year period on the Gallatin Gateway Fire Department. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Ramon S. White read the resolutions regarding the limit or weight restrictions for Churchill Road, Amsterdam Road, and Old Yellowstone Trail Road. Motion by Ramon S. White to approve

COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 31st DAY OF MARCH 19 87
OFFICE OF COUNTY COMMISSIONERS
BOZEMAN, MONTANA

Resolution #652 for Churchill Road. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Motion by Ramon S. White to approve Resolution #653 for Amsterdam Road. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Motion by Ramon S. White to approve Resolution #654 for Old Yellowstone Trail Road. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:20 P.M.

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ATTEST:

APPROVED:

Clerk

Wilbur Visser
Chairman

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PUBLIC MEETING TUESDAY THE 7TH DAY OF APRIL 1987 OFFICE OF COUNTY COMMISSIONERS BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

APRIL 1, 1987

Commissioners met with Peter Thatcher of Willow Creek Talc and Sam Gianfrancisco regarding load limits on Willow Creek Road.

Commissioners approved a suitability of access for Randy White. The two twenty acre tracts border Jackson Creek Road.

Received report from the Clerk and Recorder's Office showing the items of fees and other collections made for the month of March, 1987 in the amount of \$20,921.90.

Approved the following cancellations of taxes:

- Medicine Lake Outfitters, \$183.61, double taxed on real estate
Medicine Lake Outfitters, \$183.27, double taxed on real estate

APRIL 2, 1987

Commissioner Jelinski attended the transportation advisory committee meeting.

APRIL 3, 1987

Routine business this date.

Commissioner Visser toured roads with Sam Gianfrancisco.

APRIL 6, 1987

Commissioner White on vacation until April 14, 1987.

Commissioner Jelinski met with Pat O'Donnell regarding transporting surplus food commodities for the Food Bank.

Received numerous A101s in the amount of \$29,359.44 to the credit of various funds.

The public hearing for proposed Rest Home expansion is next Tuesday, April 14, 1987 at 1:30 P.M.

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Bill Murdock, Planner, reported Randall and Donna Grohman have claimed the realignment of a common boundary exemption. The relocation is to correct errors in construction of a stone fence which encroaches on neighboring properties. The appropriate deeds have been submitted and no additional tracts have been created. Based upon the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the realignment of common boundaries for Randall and Donna Groham. Seconded by Wilbur Visser. None voting nay. Motion carried.

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TUESDAY THE 7TH DAY OF APRIL 1987

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Bill Murdock, Planner, reported George and Celia Harrigfeld have claimed the security for construction financing exemption. The Harrigfelds have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Whitecap International, Inc. has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the security for construction financing exemption for George and Celia Harrigfeld. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Cowan and Skinner Ranch Company has requested summary review for a one lot minor subdivision because they have already used the occasional sale exemption to create other tracts in the area. The Skinner Subdivision appears to meet the criteria for summary review and for waiving the requirements for a public hearing and preparing an environmental assessment, as specified in Section 5 of the Gallatin County Subdivision Regulations. Access is provided by an encroachment already approved by the County Road Office on Dry Creek Road. The encroachment appears to be built to County Standards. An abandoned railroad right-of-way runs through the property, parallel to Dry Creek Road. Buried telephone and overhead powerline run adjacent to the railroad right-of-way. The site contains an existing well and drainfield used for a trailer previously located on the lot. The County Health Department has indicated that these can be used again for a new home presently being constructed on the site. The Subdivision Regulations require that new subdivisions adjoining unsubdivided land provide reasonable access to that property. The adjacent tracts appear to have reasonable access via Dry Creek Road. The proposed subdivision is located in the Belgrade Fire District. The proposed subdivision is surrounded by mostly pasture and farmland, but a growing number of residential units are in the vicinity. The surrounding land uses do not appear incompatible with the proposed one tract subdivision. County Subdivision Regulation (Section 5.F.4(f)) state that park dedication and cash in lieu requirements do not apply to any division that creates only one additional lot. This proposed minor subdivision will create only one additional lot. The County Weed Supervisor has asked that new subdivisions address the issue of noxious weeds in the covenants or articles of the homeowners association. The public interest criteria apply to the approval of minor subdivisions. The following are comments on the criteria: Effects on the natural environment should be slight. Because of the development that has already occurred, effects on wildlife will be negligible. Agricultural lands will not be removed from production. Public health and safety will be minimally affected. Additional tax revenues would accrue and demand on local services will increase slightly. The need for the subdivision is expressed by the subdivider's desire to create additional tracts. If the County Commission determines the Skinner Ranch Minor Subdivision to be in the public interest, the following conditions are suggested as a part of preliminary plat approval. 1. That approval of the subdivision be obtained from the State Department of Health and Environmental Sciences prior to final approval. 2. That a \$35.00 lot fee be paid to the Belgrade Rural Fire Department. 3. That all easements be shown as required by the Subdivision Regulations. 4. That a covenant running with the land be shown on the final plat stating that County declared noxious weeds will be controlled according to the County Weed Supervisor's recommendation. 5. That the County Road Office certify that the approved encroachment access has been built to county standards. 6. That the final plat conform to the Uniform Standards for Final Subdivision Plats and is accompanied by the required certificates. Ron Allen, Allen and Associates stated the purpose of the minor subdivision is for a tract of land for the owner to build and live on the ranch. Motion by Jane Jelinski to grant summary approval of the Skinner Minor Subdivision with the six conditions as drafted by staff. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Jane Jelinski read the proclamation proclaiming the week of April 5-11, 1987 as National Library Week and moved to adopt the proclamation. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 1:50 P.M.

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ATTEST:

*Donald N. Wine*

Clerk

APPROVED:

*Wilbur Visser*

Chairman

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PUBLIC MEETING TUESDAY THE 14TH DAY OF APRIL 1987

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:30 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of March 31, 1987 and April 7, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

APRIL 7, 1987

Held monthly department head staff meeting.

Commissioners met with Doris Fischer of the Gallatin Development Corporation and Mary Kay Peck regarding public hearings for a CDBG application.

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 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

APRIL 7, 1987 continued

Received application for cancellation of taxes for Clinton Kallestad \$2,953.51 personal property over assessed.

APRIL 8, 1987

Commissioners attended Interagency breakfast.

Commissioners met with Personnel Officer Kathy Nowierski.

Commissioners attended a 911 planning meeting regarding establishing a 911 system in the county. Larry Peterson of the Department of Administration presented training procedures to develop a plan and release of state funding.

Bridger Canyon Zoning Commission decided to update the Bridger Canyon general plan and zoning ordinance and will take applications to form a nine member citizens study committee.

Jane Jelinski attended the Rest Home volunteers award ceremony.

Commissioner Visser and Clerk and Recorder Jerry Wine viewed roads petitioned for abandonment.

APRIL 9, 1987

Commissioners met with Arletta Derleth regarding overpayment of taxes by B. K. Reno.

Commissioners met with Judge Olson, Paul Franz, and Greg Morgan regarding funding for the law library.

Commissioners met as a Welfare Board.

Commissioners met with B. K. Reno regarding taxes.

Commissioner Jelinski attended the governmental affairs committee meeting.

APRIL 10, 1987

Commissioners met with Reeves Petroff and Sam Gianfrancisco regarding the placement of radios in Weed Crew vehicles.

Commissioners met with Richard Blevins regarding removal of two county buildings from behind the Courthouse.

Commissioners attended a farewell reception for retiring Welfare Director Bob Sybrant.

APRIL 13, 1987

Received numerous A101s in the amount of \$56,612.12 to the credit of various funds.

Received the following transfers of funds:

1. The sums of \$21.75 from fund 2110, \$99.20 from fund 2140, \$34.00 from fund 8041, \$166.00 from fund 2180, \$11.50 from fund 2190, \$13.25 from fund 2273, \$15.85 from fund 2275, \$6.25 from fund 2279, \$248.30 from fund 2290, \$74.55 from fund 5020 to fund 1000 for printing transfers.
2. The sum of \$55.50 from fund 2430 to fund 1000 for exp. transfers.
3. The sum of \$1,600.00 from fund 2281 to fund 2190 for exp. transfers.
4. The sum of \$6.25 from fund 2190 to fund 1000 for exp. transfers.
5. The sum of \$3.60 from fund 2110 to fund 1000 for exp. transfers.
6. The sums of \$278.84 from fund 1000 to fund 2310 for exp. transfers.
7. The sum of 79.40 from fund 1000 to fund 2180 for exp. transfers.
8. The sum of \$101.91 from fund 2279 to fund 2190 for exp. transfers.
9. The sum of \$8,120.92 from fund 2273 to fund 2190 for exp. transfers.
10. The sum of \$11,256.35 from fund 2110 to fund 1000 for exp. transfers.
11. The sum of \$88.84 from fund 2110 to fund 2130 for exp. transfers.
12. The sum of \$13.76 from fund 2110 to fund 2710 for exp. transfers.
13. The sum of \$2.60 from fund 2190 to fund 1000 for copies transfer.
14. The sums of \$68.71 from fund 2180, \$4.00 from fund 2290, \$1.20 from fund 2276, \$16.26 from fund 2440, \$19.19 from fund 5020, \$2.75 from fund 2110, \$32.05 from fund 2190, \$145.60 from fund 2120 to fund 1000 for store transfers.
15. The sums of \$1,359.23 from fund 1000, \$87.73 from fund 2160, \$76.31 from fund 2190, \$175.93 from fund 2430, \$2.83 from fund 2440, \$54.65 from fund 2761, \$10.60 from fund 5020, \$26.14 from fund 2180, \$19.08 from fund 2140, \$636.49 from fund 2130 to fund 2110 for gas transfers.
16. The sums of \$111.15 from fund 1000, \$7.70 from fund 2276, \$25.20 from fund 2440, \$.35 from fund 2110 to fund 2190 for minolta charges.

TUESDAY

THE 14TH

DAY OF APRIL

19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

## Transfers of funds continued:

1. The sums of \$3.40 from fund 2190 to fund 1000 for copy charges.
2. The sums of \$197.80 from fund 1000, \$2.15 from fund 2276, \$4.70 from fund 2110, \$19.95 from fund 2440 to fund 2190 for minolta charges.
3. The sums of \$87.30 from fund 2180, \$27.25 from fund 2290, the sum of 68.15 from fund 2190, the sum of \$53.70 from fund 2276, \$26.10 from fund 5020, \$82.66 from fund 2120 to fund 1000 for store charges.
4. The sums of \$27.60 from fund 2110, \$191.55 from fund 2120, \$125.00 from fund 2180, \$65.80 from fund 2190, \$51.50 from fund 2273, \$23.00 from fund 2276 to fund 1000 for printing charges.
5. The sum of \$130.60 from fund 2290 to fund 1000 for printing charges.
6. The sums of \$535.69 from fund 2130, \$1,304.49 from fund 1000, \$24.06 from fund 2180, \$60.93 from fund 2190, \$103.27 from fund 2430, \$36.84 from fund 2761, \$39.24 from fund 2140 to fund 2110 for RD Dept. gas transfers.
7. The sums of 73.79 from fund 2110 to fund 2130 for exp. transfers.
8. The sums of \$47.50 from fund 1000 to fund 2180 for exp. transfers.
9. The sums of \$232.14 from fund 2105 to fund 1000 for exp. transfers.
10. The sum of \$64.89 from fund 2105 to fund 1000 for exp. transfers.
11. The sums of \$144.36, & 210.67 from fund 2105 to fund 1000 for exp. transfers.
12. The sum of \$1,214.00 from fund 1000 to fund 2710 for exp. transfers.
13. The sum of \$667.00 from fund 2761 to fund 1000 for exp. transfers.
14. The sum of \$1000 from fund 2761 to fund 2710 for exp. transfers.
15. The sum of \$13,223.30 from fund 2761 to fund 2710 for exp. transfers.
16. The sum of \$298.34 from fund 298.34 to fund 1000 for exp. transfers.

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Motion by Jane Jelinski to appoint Mary Kay Peck, Subdivision Review Officer, to be the Hearings Officer for all county sponsored grants. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Robert Whittmeyer has claimed the security for construction financing exemption. Mr. Whittmeyer has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. Whitecap International has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based upon this information, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption for Robert Whittmeyer. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Garth and Carolyn Sime have claimed the occasional sale exemption. The Simes have certified that they have not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the security for construction financing exemption to Garth and Carolyn Sime. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Joe Baker, Planning Director, City-County Planning Board, reported Sanderson/Stewart/Gaston Engineering, on behalf of their clients A. Sprunger and A. Branning have requested a 1 year extension for phase I and a 5 year extension for phases II and III of Mountain View Subdivision. The Mountain Flower Subdivision was granted preliminary approval on April 22, 1986 by the Gallatin County Commission. This preliminary approval will expire on April 22, 1987. Sanderson/Stewart/Gaston Engineering indicated in their letter that approval from the Montana State Department of Health and Environmental Sciences has been received for the project. This letter further states that a 1 year extension of the preliminary approval of phase I would be required to facilitate the installation of improvements and the completion of financing for those improvements. The applicants also would like to have a 5 year extension for phases II and III of the project. The Belgrade City-County Planning Director has examined the applicant's request for extension and finds that the request is in accordance with the Belgrade Area Subdivision Regulations. It is the recommendation of this department that the applicant be granted the extension as requested. Motion by Jane Jelinski to grant a 1 year extension for phase I and a 5 year extension for phases II and III of Mountain Flower Subdivision. Seconded by Ramon S. White. None voting nay. Motion carried.

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TUESDAY THE 14TH DAY OF APRIL 1987  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Marsha Elkins, Bozeman City-County Planning Board, reported the Master Plan Amendment that would establish Master Plan Amendment Procedures. The Commissioners decided to defer a decision for 1 week to look over the proposal.

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Jim Spady, Administrator of the Gallatin County Rest Home, stated they are looking at expanding the Rest Home because they have had a waiting list for the last 2 years averaging 47 to 57 people on the waiting list. They also want to meet the needs as a public facility for the elderly in the community. Joe Rude, President, Health Marketing West, stated they had conducted a need assessment and concluded the need for expansion is 38 beds, and stated in budgeting for the expansion they found that within the second year of operation as an expanded facility it would break even and within the third year the facility would generate revenues in excess of its expenditures, which means it has the potential to no longer be a burden to the county. Dr. Edward L. King, stated he had talked to other physicians and they have all been supportive of enlarging the nursing home and urged the Commissioners to proceed with the certificate of need application. Dr. King also suggested adding some mental health beds. Billy Odneal stated his mother is a patient in the Gallatin County Rest Home and was a patient in another rest home and that he desperately tried to get her into the Gallatin County Rest Home because of the quality of care and the love and affection that she receives there and he would like to see the rest home expanded. Marie Gamble stated her husband is a patient at the Gallatin County Rest Home and she agrees that the facility needs to be expanded but is concerned that the quality of care stays the same. Jane Jelinski stated there will be an increase in staff which has been computed in the report done by the rest home. Mrs. Gamble also questioned when remodeling if it would be possible to put in an Alzheimers unit. Jane Forsythe stated she has been visiting patients in the Gallatin County Rest Home since 1947 and that the overall affection is unmeasurable and since she has seen the care is better in this rest home than the others she would like to see the Gallatin County Rest Home expanded. Betty Wendland, Registered Nurse, stated she has worked at both profit and non-profit nursing homes and her experiences have been that the patients are better taken care of in the County Rest Home and asked the Commissioners to please submit the certificate of need. Helen Morgan, retired Registered Nurse and was Administrator of the Gallatin County Rest Home from 1965 - 1976, stated then the beds were always filled and there was always a waiting list and that good care was established at a lower cost and has been carried thru the years and the county should continue to take care of their elderly citizens and build the expansion. Floyd Sutton, stated he and his wife have been having services in the rest homes in Bozeman and have found the patients are much more receptive and better taken care of in the Gallatin County Rest Home. Jane Jelinski stated she received phone calls from Sarah Jane Stein and Mary Trent in favor of the expansion and from Lynn Post in opposition of the expansion. Ramon S. White stated they have received letters in support of the expansion from Gary Lusin, Dr. Kurtz, Linda Botten, Dr. John Tkach, Dr. Center, Dr. Goltz, Dr. Robert Towers, Dr. Alvord, Dr. Balice, Dr. Gard, and Karen Kougioulis. Ramon S. White and Wilbur Visser also stated they had received numerous phone calls all in favor of the expansion. John Pickett encouraged the Commissioners to expand the Rest Home now because it will have to be expanded sometime in the future. Loretta Shekitka stated that Gallatin County will continue to grow and ought to be prepared for a growth and recommends the expansion. The Commissioners stated they were supportive of the expansion and Ramon S. White moved to have the board apply for a certificate of need. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:55 P.M.

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ATTEST:

*Gerald R. White*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY THE 21ST DAY OF APRIL 1987 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of April 14, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated David R. Spencer who was appointed to the Mount Green Cemetery Board was given an incorrect date for expiration of his term at the public meeting on March 17, 1987 and asked for a correction for the term to expire on December 31, 1987. Wilbur Visser also stated that Leroy Miller was incorrectly appointed to the Mount Green Cemetery Board as the board is full. Motion by Ramon S. White for a correction in the minutes. Seconded by Jane Jelinski. None voting nay. Motion carried.

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COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 21ST DAY OF APRIL 1987
FORM 12187-TRIBUNE PRINTING
OFFICE OF COUNTY COMMISSIONERS
BOZEMAN, MONTANA

APRIL 13, 1987

Commissioner Jelinski met with Grace Bates regarding the cleanup of pesticides on Schutter Road.

Commissioner Jelinski met with Jim McKenna regarding legal issues.

APRIL 14, 1987

Commissioner Jelinski attended a field hearing on RCRA alternative technologies.

Commissioners met with Rest Home Administrator Jim Spady regarding proposed expansion of the Rest Home.

APRIL 15, 1987

Commissioners met with Budget Officer Dave Miller and Clerk and Recorder Jerry Wine regarding budgets.

Commissioners attended a conference concerning problems associated with the birth of premature babies.

Received the following cancellations of taxes:

- Clyde Dellinger, 1986, \$9.30, never in Gallatin County
Jackson Construction, 1986, \$57.77, out of business for 1986

APRIL 16, 1987

Commissioners met with Treasurer Loy Carroll regarding investments.

Commissioners met with Personnel Officer Kathy Nowierski, Clerk and Recorder Jerry Wine and Auditor Carolyn Hartsog regarding staffing in the Clerk and Recorder's Office.

Commissioners met with Jim Goetz and Jim McKenna regarding Forswall Road.

Commissioners Visser and White attended the Audit Committee meeting.

Commissioners met with Earl Best regarding the study done by Allan Jackson for the Road Department.

Commissioners met with Richard Blevins regarding the sale of houses adjacent to the court-house.

APRIL 17, 1987

Routine business this date.

APRIL 20, 1987

Commissioners met with Personnel Officer Kathy Nowierski, Sam Gianfrancisco, Road Superintendent regarding Road Department union negotiations.

Commissioners met with Personnel Officer Kathy Nowierski and Sheriff Ron Cutting and Under-sheriff Dave Dunn regarding Sheriff Department union negotiations.

Commissioners met with residents of Baxter Road regarding improvement of their road.

Received numerous A101s in the amount of \$24,115.42 to the credit of various funds.

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Bill Murdock, Planner, reported Dorothy Hanson and Mike and Vicki Riley have claimed the realignment of a common boundary exemption. The relocation is being made to extend the Riley's backyard to an existing ditch. The appropriate deeds have been submitted, and no additional tracts have been created. Based upon the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the realignment of a common boundary exemption to Dorothy Hanson and Mike and Vicki Riley. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Ed and Mett Davis have claimed the security for construction financing exemption. The Davis' have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Whitecap International, Inc. has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the security of construction financing exemption to Ed and Mett Davis. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bill Murdock, Planner, reported Dan and Mary Verwolf are claiming the realignment of a common boundary exemption. The relocation is to add abandoned railroad right-of-way to their property. The appropriate deeds have been submitted, and no additional tracts are being created. According to the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the realignment of a common boundary exemption to Dan and Mary Verwolf. Seconded by Ramon S. White. None voting nay. Motion carried.

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TUESDAY

THE 21ST

DAY OF APRIL

1987

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Mary Kay Peck, Subdivision Review Officer, reported Henry and Karen Dyksterhouse and Mountain States Telephone and Telegraph have requested summary review for an amended plat of the West Church Hill Subdivision. The subdivision includes a tract of land recorded in Book 149, Page 146, and the southerly portion of Lot 1 of the West Church Hill Subdivision. One additional lot, 4,500 square feet in size, will be created if the amendment is approved. This minor subdivision was originally given preliminary summary review approval by the County Commission in January of 1986. However, the one year approval expired, so the applicant has resubmitted the application and asked that the review fees be waived, because there has been little change in the development proposal. The purpose of the subdivision is to provide a lot for the Manhattan Rural Fire District to build a substation. Current fire protection for the Churchill community is located in Manhattan. Access is directly to Churchill Road, and an encroachment permit has been obtained from the County Road Office. The site is very close to the intersection of Churchill and Amsterdam Roads. County Road Superintendent Sam Gianfrancisco expressed concern about the safety of fire trucks entering traffic in such proximity to the intersection. Mr. Gianfrancisco suggests that signs warning of emergency vehicle use would make for safer conditions. Because the speed limit on Churchill Road is 45 mile per hour, it may also be necessary to eventually lower the speed limit in the area of the firehouse. Sewer service will be provided by the Amsterdam Sewer District. Water service will be provided by an existing well which now serves the Amsterdam Lumber Company. Easements for the water line are shown on the plat and a written easement has been submitted. A maintenance agreement for the water system has been submitted. Adjacent land uses are the Amsterdam Lumber Company, a metal building owned by Montana Power Company, and a telephone company building. The Gallatin County Weed Superintendent has requested that lot owners be responsible for weed control, and that any areas disturbed by construction be revegetated. A protective covenant has been submitted which sets forth weed control requirements. The information submitted generally appears to meet the Subdivision Design Standards. Motion by Jane Jelinski to waive the application fee. Seconded by Ramon S. White. None voting nay. Motion carried. Motion by Ramon S. White to approve summary review of West Church Hill Minor Subdivision or the Amended Plat of West Church Hill Subdivision, which will be determined by the Clerk and Recorder, for Henry and Karen Dyksterhouse on behalf of the Manhattan Fire District with the conditions stated. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Motion by Ramon S. White to approve the master plan amendment procedures as submitted and recommended by the Bozeman City-County Planning Board and that the Chairman be instructed to sign the Resolution. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser stated the Commissioners received a letter from the Gallatin Canyon Rural Fire District stating that no one had filed as a candidate for the recent election to fill the two vacancies on the Gallatin Canyon Rural Fire District Board of Trustees and recommended Bob Donovan be appointed to the Board for a one year term and Dick Barton be appointed to the Board for a three year term. Motion by Jane Jelinski to appoint Bob Donovan to a one year term on the Gallatin Canyon Rural Fire District Board of Trustees. Seconded by Ramon S. White. None voting nay. Motion carried. Motion by Jane Jelinski to appoint Dick Barton to a three year term on the Gallatin Rural Fire District Board of Trustees. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated having the affidavit of publication for the bid opening for Foothill & Sourdough I, II, III Subdivisions RID #340. Jim Dombroski, Morrison & Maierle, read the bids. Pioneer Ready Mix bid \$129,028.00, Big Sky Paving Co., Inc. bid \$172,254.30 and Figgins Sand & Gravel bid \$172,565.12. Mr. Dombroski stated his engineers estimate is \$170,383.06 and recommended not awarding the bid until after the bond sale and he would write a letter after the bond sale and have a recommendation at the public meeting on April 28, 1987.

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There being no further business the meeting adjourned at 2:05 P.M.

- - - -

ATTEST:



Clerk

APPROVED:



Chairman

- - - -

PUBLIC MEETING TUESDAY THE 28TH DAY OF APRIL, 1987

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

APRIL 21, 1987

Commissioners met with Sheriff Cutting, Undersheriff Dave Dunn, and Kathy Nowierski Personnel Officer regarding deputy sheriff's association negotiations.



TUESDAY

THE 28TH

DAY OF APRIL 19 87

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

FORM 12187-TRIBUNE PRINTING

APRIL 22, 1987

Special meeting was called to open bids to pour abutments and set modified bridge across West Gallatin River at Cameron Bridge. One bid was received from Flynn Company, Inc. in the amount of \$63,600. Bob Jordan, Bridge Foreman, will review the bids and make a recommendation on April 24, 1987 at 9:00 A.M.

Commissioners met with Mary Kay Peck, Subdivision Review Officer regarding staffing needs in her office.

Commissioners met with Sheriff Ron Cutting and Undersheriff Dave Dunn regarding a budget shortfall in the Sheriff's budget.

Commissioners Visser and White attended the refuse district meeting in West Yellowstone.

APRIL 23, 1987

Commissioners met with Bill Baldus, Data Processing Manager, regarding progress in his department.

Commissioners met as a Welfare Board.

Commissioners met with Ted Mathis, Airport Manager, Sales Ecton and Jim Taylor, Board Members regarding a proposed resolution giving the Airport Authority Board the power to appoint airport police.

Commissioners met with Sheriff Ron Cutting and Undersheriff Dave Dunn regarding the Sheriff's budget.

Bridger Canyon Zoning Commission met and granted a conditional use permit for a PUD for Potuzak.

APRIL 24, 1987

Special meeting was held to award the bid to pour abutments and set a modified bridge across the West Gallatin River at Cameron Bridge. Bridge foreman Bob Jordan recommended the bid be awarded to Flynn Company in the amount of \$63,600.00 Jane Jelinski made a motion to award the bid to Flynn Company, seconded by Ramon White, none voting nay. The motion carried. A preconstruction meeting will be held on May 4, 1987.

Jane Jelinski was the Master of Ceremonies for the Food Bank fund raiser at the Senior Center.

Commissioners met with Duane Johnson regarding road department negotiations.

APRIL 27, 1987

Commissioners met with Maintenance Supervisor Elmer Oakes.

Commissioners met with Sheriff Cutting and Dave Dunn regarding the Sheriff's budget.

Commissioners met with Doris Fischer of the Gallatin Development Corporation.

Commissioner Visser met with Coroner Doris Fisher regarding the DUI budget.

Received numerous A101s in the amount of \$4,501.01 to the credit of various funds.

Received the following cancellations of taxes:

Westgate Laundromat, \$2,290.57, overassessed  
Pete Williams, \$150.13, airplane not in Gallatin County

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Jim Dombroski, Morrison & Maierle, recommended awarding the bid for Sourdough Ridge RID to Pioneer Ready Mix for \$129,028.00 contingent on the bond sale. Motion by Jane Jelinski to award the bid to Pioneer Ready Mix for \$129,028.00 contingent on the bond sale. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported the request for Final Approval of Skinner Minor Subdivision. Skinner Minor Subdivision was given preliminary approval by the Commission on April 7, 1987. The subdivision has now been submitted for final approval. The conditions for final approval have been reviewed with the following comments. 1. Approval of the subdivision has been obtained from the State Department of Health and Environmental Sciences. 2. The thirty five dollar per lot fee has been paid to the Belgrade Rural Fire Department. 3. Utility easements are shown on the final plat. 4. A covenant is shown on the final plat stating that County declared noxious weeds will be controlled according to the County Weed Supervisor's recommendation. 5. The County Road Office has certified that the encroachment access has been built to County standards. 6. The final plat conforms to Uniform Standards for Final Subdivision Plats and was accompanied by the required certificates. It appears that the conditions for final approval have been met. Motion by Jane Jelinski to grant final approval to Skinner Minor Subdivision. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported the proposed amendments to the Floodplain Regulations. The National Flood Insurance Program has revised their program regulations. Because Gallatin County participates in the National Flood Insurance Program, it has been asked to update the local floodplain management ordinance to reflect the federal rule changes. The intent of the new regulations is to reduce the heavy taxpayer subsidy for disaster assistance and flood insurance

TUESDAY THE 28TH DAY OF APRIL 1987  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

claims paid for manufactured homes. Any amendments the county makes to the ordinance must satisfy the standards that the federal government has adopted. The new rules contain some minor additions to the flood-proofing standards for commercial and industrial structures. The main impact of the changes affect mobile homes and mobile home parks. The suggested amendments no longer permit replacing manufactured homes in the floodway zone, and replacement manufactured homes in the floodway fringe must be elevated two feet above the 100 year flood elevation and be properly anchored. A procedure for amending the regulations has also been suggested. Motion by Jane Jelinski to adopt the amendments to the Floodplain Regulations as proposed in the staff report. Seconded by Ramon S. White. None voting nay. Motion carried. Motion by Jane Jelinski that these amendments will go into effect immediately. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated having the affidavit of publication and receipt of certified letters for the proposed abandonment of a portion of Tracy Street in Gallatin Gateway. Ramon S. White read the viewers report. The viewing committee recommends that the petition be granted for the following reasons: The street has never been constructed and at the present time the road area which deadends at the West Gallatin River would serve no apparent purpose if the road was constructed, due to the terrain in the area and lack of useful building sites abutting the street. Motion by Ramon S. White to grant the abandonment of a portion of Tracy Street in Gallatin Gateway. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser stated having the affidavit of publication and receipt of certified letters for the proposed abandonment of a portion of Springhill Road and Opening of a Second Portion. Jane Jelinski read the viewers report. The viewing committee viewed and considered that portion of Springhill Road, being petitioned county road No. 86, the 30 foot strip being North of the South section line of Section 34, Township 2 North, Range 5 East to be abandoned. The viewing committee also viewed and considered that portion of Springhill Road being a road by use lying adjacent to the South 30 foot strip of petitioned county road No. 86 in Section 3, Township 1 North, Range 5 East, being 40 feet in width, to be opened. The portion of Springhill Road to be abandoned is being used as an access road to residents lying North and adjacent to petitioned county road No. 86. It dead ends and would be of no benefit to anyone but the residents of the area. The portion of Springhill Road to be opened has been a road by use and is paved. The viewing committee recommends that not only that portion of Springhill Road shown as a road by use be opened but also that portion of Springhill Road by use as it now is layed out and constructed along an existing fence line in a curve to the right in Section 3, Township 1 North, Range 5 East. Said curved portion to be surveyed by an independent surveyor before acceptance into that portion of the road to be opened. The viewing committee sees an immediate benefit to the County and hereby recommends that the petition to close a portion and open another portion as a county road with the above recommendation be accepted. Wilbur Visser stated at the time of viewing the road, they missed a curve on the east end that needs to be surveyed out and a right-of-way be put on the road the same as on the west end curve. Gale Thompson, Road Office, suggested postponing a decision until after the area is surveyed. Dave Warwood questioned the encroachments. Gale Thompson answered all existing encroachments would be honored. Ed Seifert favored a postponement until a proper survey has been done. Motion by Ramon S. White to postpone the hearing for eight weeks. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Jane Jelinski read the resolution giving the Gallatin Airport Authority the authority to appoint airport guards or police with full powers to enforce the rules, regulations, ordinances and resolutions adopted by the Airport Authority and to fix penalties for violations of the rules, regulations, ordinances and resolutions. Motion by Jane Jelinski to adopt Resolution #657 as read. Seconded by Ramon S. White. None voting nay. Motion carried.

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Ramon S. White read the resolution creating a fire season, that period to be from March 1, 1987, through October 31, 1987, during which no person may ignite or set any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or other open fire within county protection area on any forest, range or croplands of Gallatin County, without having obtained an official written permit to ignite or set such fire. This resolution to be acted upon each year. Motion by Jane Jelinski to adopt Resolution #658 as read. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated having a letter to reappoint George Reich to a 3 year term on the Willow Creek Rural Fire District Board. Motion by Jane Jelinski to reappoint George Reich to a 3 year term on the Willow Creek Rural Fire District Board. Wilbur Visser stated having a letter to appoint Henry VanderVos to the Bridger Canyon Rural Fire Board for a 3 year term. Motion by Ramon S. White to appoint Henry VanderVos to a 3 year term on the Bridger Canyon Rural Fire Board. Seconded by Jane Jelinski. None voting nay. Motion carried. Wilbur Visser stated having a letter to appoint Lyle Woosley to a 3 year term and Richard Wadell to a 2 year term on the Sedan Rural Fire District Board. Motion by Jane Jelinski to appoint Lyle Woosley to a 3 year term on the Sedan Rural Fire District Board. Seconded by Ramon S. White. None voting nay. Motion carried. Motion by Ramon S. White to appoint Richard Wadell to a 2 year term on the Sedan Rural Fire District Board. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:15 P.M.

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TUESDAY THE 28TH DAY OF APRIL 19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

ATTEST:

*Bruce A. White*  
Clerk

APPROVED:

*William W. Vissar*  
Chairman

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The following are quarterly securities submitted by the County Treasurer for the quarter ended March 31, 1987:

\$15,568,703.28 is on deposit in various banks in bonds and interest money.

<u>FIRST BANK OF BOZEMAN</u>	<u>CREDIT BALANCE</u>
First Bank #005 Checking	\$ -105.43 52,499.80

Cmnwlth of MA 6.20 8/1/93 300,000.00

<u>FIRST SECURITY BANK OF BOZEMAN</u>	<u>CREDIT BALANCE</u>
#89806	\$3,000,000.00
#5009111 Checking	\$4,053,507.87 500.00

3371	4.70	7/1/88	10,788.75
3372	4.50	9/1/96	30,000.00
6000	7.25	9/1/88	120,000.00
3379	5.00	9/1/92	25,000.00
4013	4.75	12/1/88	10,000.00
6430	5.00	10/1/89	100,000.00
254044	9.10	12/1/90	250,000.00
317558	9.50	12/1/93	200,000.00
078973	7.25	7/1/94	200,000.00
258944	8.50	11/1/02	270,000.00
239195	12.50	8/1/02	300,000.00
299138	9.30	6/30/90	300,000.00
136052	7.50	12/1/90	200,000.00
141642	9.85	9/1/96	270,000.00
260601	10.00	12/1/02	300,000.00
247590	10.375	9/1/90	500,000.00
498617	8 1/8	1/31/88	1,000,000.00
077333	5.80	9/1/90	100,000.00
498619	9.50	8/15/88	1,000,000.00
161947	7.25	8/1/92	170,000.00
503980	7.00	4/1/93	100,000.00
113967	8.75	11/1/95	100,000.00

5,558,788.75

<u>MONTANA BANK</u>	<u>CREDIT BALANCE</u>
#577529	\$3,000,000.00
#712388 Checking	2,758,755.17 3,327.16

Fed Natl Mtg	10.40	3/10/88	250,000.00
Fed Home Ln	7.25	6/27/88	350,000.00
TIGR Ser 18	0.00	2/15/88	445,000.00
Fed Natl Mtg	12.75	10/10/88	200,000.00
Fed Natl Mtg	11.75	12/12/88	300,000.00
TIGR Ser 14	0.00	2/15/89	320,000.00
TIGR Ser 11	0.00	5/15/89	228,000.00
CATS Ser T	0.00	11/15/89	321,000.00
TIGR Ser 20	0.00	5/15/91	220,000.00
TIGR Ser 21	0.00	5/15/92	434,000.00
HI SER AF	0.00	11/1/91	75,000.00
MA SER A	5.00	7/1/96	100,000.00
Flathead CNTY	4.50	7/1/87	4,000.00
Richey MT	5.75	7/1/87	8,000.00
Richey MT	5.75	7/1/88	8,000.00
Richey MT	5.75	7/1/89	8,000.00
Thr Fks	5.00	1/1/89	10,000.00
FHLB	12.15	10/26/87	250,000.00
FHLB	9.15	7/25/88	250,000.00
TIGR SER 12	0.00	11/15/88	220,000.00
TIGR SER 12	0.00	11/15/88	20,000.00
TIGR	0.00	5/15/90	268,000.00

<u>WESTERN BANK</u>	<u>CREDIT BALANCE</u>
Checking	\$ 2,162.00

<u>VALLEY BANK OF BELGRADE</u>	<u>CREDIT BALANCE</u>
Checking	\$ 13,031.44

27717	9.00	3/1/99	.00
30283	9.25	2/15/02	31,597.83
30596	9.25	5/25/97	18,731.81
30686	9.25	6/15/97	17,601.78
31390	9.25	1/10/93	14,293.55
31828	10.00	6/1/88	3,585.38
32117	9.75	6/15/03	33,554.00

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 28TH DAY OF APRIL 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

VALLEY BANK OF BELGRADE - Continued

32287	9.75	8/1/98	30,651.37
32479	9.25	9/10/98	30,786.55
32723	10.00	11/20/03	49,451.50
32728	11.00	12/1/94	13,633.05
32963	10.00	1/15/04	40,762.09
33720	11.40	8/1/09	34,960.67
34003	10.75	11/1/04	40,146.09
37198	13.50	2/8/87	44,218.57
38616	13.05	4/7/08	37,952.29
38737	16.50	5/6/88	37,142.62
38984	12.00	7/1/13	70,868.35
39066	13.50	7/17/86	62,303.25

612, 27,275

MANHATTAN STATE BANKCREDIT BALANCE

Checking

\$ 6,206.70

SECURITY BANK OF THREE FORKSCREDIT BALANCE

Checking

\$ 2,864.50

FIRST SECURITY BANK OF WEST YELLOWSTONECREDIT BALANCE

Checking

\$ 2,480.90

EMPIRE FEDERAL SAVINGS & LOAN

Fed Home Loan 13.00 5/26/87 100,000.00

OTHER BANKS

Commerce Trust	118.03
1st Natl Minn	454,470.83
Norwest	249,366.64
Southgate State	20,125.00
1st Trust Boz	172,920.90
1st Security Boz	930.00
1st Trust Billings	152,181.25
Cash in Office	410,420.94
School Investments	45,795.38
County Investments	1,167,144.20
	<u>\$15,568,703.28</u>

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PUBLIC MEETING TUESDAY THE 5TH DAY OF MAY, 1987

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of April 21, 1987 and April 28, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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APRIL 28, 1987

Commissioner Visser attended the Board of Health meeting.

Commissioners met with Gene Cook regarding improvements on Kagy Blvd.

Commissioners met with Sheriff Ron Cutting and Undersheriff Dave Dunn regarding deputy sheriff's association negotiations.

APRIL 29, 1987

Commissioners met with Gary Kenner, Administrator of Bozeman Deaconess Hospital regarding industrial development revenue bonds.

APRIL 30, 1987

Commissioners met with Don Brelsford regarding magnesium chloride treatment of county roads.

Commissioner Visser attended the Bridger Radio Users Association meeting.

Commissioner White met with Jim Summers of AT & T regarding phone service to the county.

MAY 1, 1987

Routine business this date.

MAY 4, 1987

Received application for cancellation of taxes for William Sharpe in the amount of \$1,152.23, airplane out of state, registered in Oklahoma.

TUESDAY

THE 5TH

DAY OF MAY

19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

MAY 4, 1987 continued

Received the following list of new employees:

Jean Hovey, Nutrition Aide, Health Dept. \$4.52/hr. 3-11-87  
 Sue Browning, Office Clerk, Rest Home \$5.40/hr. 3-3-87  
 Raymond E. Crane, Mechanic, Road Dept. \$9.55/hr 4-6-87  
 Shirley Fox, Nurses Aide, Rest Home \$5.05/hr. 3-24-87  
 Lauri Ward, Nurses Aide, Rest Home 5.05/hr. 4-22-87  
 Patricia Worman, Nurses Aide, Rest Home \$5.05/hr. 4-22-87  
 Rich Murray, Jailer, DUI Program \$5.2827/hr. 5-2-87  
 Betty Wendtland, Staff Nurse, Rest Home \$8.52/hr 4-27-87  
 Paul Layton, Custodian \$5.636/hr 4-27-87

Received report from the Clerk and Recorder's Office showing the items of fees and other collections made during the month of April in the amount of \$15,211.35.

Wilbur Visser stated having the affidavit of publication and the certification from the Clerk and Recorder certifying 199 protestors for the exclusion of the City of Belgrade from Refuse District No. 1. and that 199 protests are not enough to keep the City of Belgrade from withdrawing from the Refuse District No. 1. Jane Jelinski read the resolution and moved to adopt Resolution #659, excluding the City of Belgrade, Montana from Gallatin County Refuse District No. 1. Seconded by Ramon S. White. Jane Jelinski and Wilbur Visser voting aye. Ramon S. White abstained. Motion carried.

- - - -

Ramon S. White read the resolution calling for the sale of bonds for RID 340 and moved to adopt Resolution #660. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser stated having the affidavit of publication for the request for Budget Amendment for the Sheriff's Department. Ramon S. White read the budget amendment to finish out the fiscal year of 1987. Salaries and Wages, Increase 1000-209-420100-110 in the amount of \$4,000.00, the source of funds are to transfer from other departments within the general fund as follows: Fund 1000-206-411240-120 - Maintenance overtime - \$1,800.00. Fund 1000-218-410555-210 - Budget Office Supplies - \$1,900.00. Fund 1000-214-410565-210 - Personnel Office Supplies - \$300.00. Total transfer - \$4,000.00. Transfers within the department not requiring a budget amendment that are planned are as follows: From Funds 1000-209-420100-226 - Uniforms - \$1,000.00; 1000-209-420100-340 - Utilities - \$2,000.00; 1000-209-420100-230 - Vehicle Maint. - \$2,000.00; 1000-209-420100-732 - Crime Prevention - \$500.00. Total within Department - \$5,500.00. Total salaries would be increased from \$642,880.00 to \$652,380.00. Motion by Ramon S. White to grant the requested budget amendment. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser stated having the affidavit of publication for the consideration of creation of Fairview Cemetery District. Jerry Wine, Clerk and Recorder stated he had petitions for the creation of Fairview Cemetery District signed by 195 people who are owners in the district which is more than 20% of the citizens who could sign the petition. Bill Fairhurst, member of the Three Forks Council spoke in favor of the formation of the Fairview Cemetery District because the cemetery serves the area not just the community, the cemetery district would be a fair and equitable manner in which to operate and maintain the cemetery, it would also insure that the Three Forks area would have an adequate and well maintained cemetery for future years. Gene Townsend, Mayor of Three Forks spoke in favor of creating the district to distribute the cost over the area it serves. Jim McKenna stated that if the requirements for the petition have been met then an election is called. Jerry Wine, Clerk and Recorder stated a possibility would be a mail ballot election with the cost being greater but more effective as far as voter turnout. Jane Jelinski proposed to postpone a decision for a week until they get a figure on the cost of a mail ballot election. Motion by Ramon S. White to accept the documents submitted today and set the election for November 3, 1987. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser stated having a letter to appoint Arnold Kallestad to a 2 year term to the Manhattan City-County Planning Board, expiring 12-31-88. Motion by Ramon S. White to appoint Arnold Kallestad to a 2 year term to the Manhattan City-County Planning Board. Seconded by Jane Jelinski. None voting nay. Motion carried. Wilbur Visser stated having a letter to reappoint Leo Lane to the Mosquito Control Board. Motion by Ramon S. White to appoint Leo Lane to the Mosquito Control Board, expiring 12-31-88. Seconded by Jane Jelinski. None voting nay. Motion carried.

- - - -

Ruthmary Tonn, a member of the Board of Directors for the Gallatin Development Corp. presented a Tri-County Update of the Overall Economic Development Plan and requested the Commissioners formally accept it today because they have a Community Development Block Grant Application that will be presented on Thursday, and would like to include that the development plan has been completed and accepted by the county. Motion by Jane Jelinski to formally accept the plan. Seconded by Ramon S. White. None voting nay. Motion carried.

- - - -

Ruthmary Tonn, Gallatin Development Corporation, presented the Working Plan Portion of the Strategic Development Plan from Gallatin Development Corporation and asked the Commissioners to endorse the Basic Strategic Plan stating the strategic plan is a 5 year economic development plan, the overall goal for the plan is to increase total employment in Gallatin County by 1000 by the year 1991, with nine basic strategies to accomplish these goals. Jane Jelinski stated she worked on the strategic plan committee and learned the process and feels it will benefit Bozeman and Gallatin County and moved they endorse the work plan of this strategic plan as presented by the Gallatin Development Corporation. Seconded by Ramon S. White. None voting nay. Motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 5TH DAY OF MAY 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Quarterly Securities were checked with the County Treasurer, Loy Carroll and found to be correct.

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There being no further business the meeting adjourned at 2:45 P.M.

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ATTEST:

APPROVED:

*Paul K. White*  
 Clerk

*Wilbur Visser*  
 Chairman

- - - -

PUBLIC MEETING TUESDAY THE 12TH DAY OF MAY, 1987 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of May 5, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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MAY 5, 1987

Held department head staff meeting.

Commissioners signed the contract with Flynn, Co. on Cameron Bridge.

MAY 6, 1987

Commissioners met with Bill Baldus regarding progress in the Data Processing Dept.

Commissioners met with Architect Wally Riffle and Jim McKenna, Deputy County Attorney regarding completion of the Detention Center.

Commissioner Jelinski met with Wendy Lewis, representative of Wind Call.

Commissioner Jelinski met with Dennis Swibold of the Chronicle and Jeff Rupp regarding JTPA.

MAY 7, 1987

Commissioners attended the CDBG hearing.

Commissioners met with Jerry Wine regarding staffing in the Clerk and Recorder's office.

Commissioners met with Budget Officer Dave Miller.

Commissioners met with Mary Kay Peck regarding Life Link's application for a CDBG.

MAY 8, 1987

Commissioner Jelinski attended a presentation of the Dept. of Commerce regarding economic development.

Commissioner Visser met with members of the Fair Board.

Commissioners met with Administrator Jim Spady and Connie Wagner regarding the state inspection of the Rest Home.

MAY 11, 1987

Commissioners attended the MACo district meeting in Montana City.

Received the following applications for cancellation of taxes:

Joe Zuelke \$240.03 1986 double taxed  
 James and Joyce Moore \$230.03 1985 2nd half cancellation  
 Roland Nuss \$118.85 1986 double taxed

Received numerous A101s in the amount of \$71,860.57 to the credit of various funds.

All agenda items must be submitted by 5:00 P.M. Thursday prior to public hearing.

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Wilbur Visser stated receiving a letter from Charles Fell resigning from the Story Mill Fire District Board of Directors because he is moving June 1, 1987 which leaves a vacancy on the board.

- - - -

TUESDAY

THE 12TH

DAY OF MAY

19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Bill Murdock, Planner, reported Duane Aughney has claimed the occasional sale exemption. Mr. Aughney has certified that he has not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on the information submitted, this appears to be a proper use of the exemption.

- - - -

Mary Kay Peck, Subdivision Review Director, reported the Gallatin Development Corporation has asked the County Commissioners to sponsor a Community Development Block Grant Application for Life Link International, Inc. Life Link is requesting grant funds for a low interest, long term loan to assist in their relocation and expansion to Bozeman. The loan will be used to acquire additional inventory and equipment. In accordance with the guidelines for Community Development Block Grants, this project is intended to benefit low and moderate income persons by creating new jobs, which has been identified as the top priority in a needs assessment of Gallatin County. The project would also stabilize and broaden Gallatin County's economic base. There were two public hearings on the grant application and public testimony at both hearings was entirely in support of the grant application. The application deadline is May 15, 1987. Jane Jelinski questioned if any other business has expressed an interest in competing for this grant in Gallatin County. Mary Kay Peck answered one other business expressed an interest but the timing isn't right for them. Jane Jelinski questioned Ms. Peck if she had any reservations about the quality of Life Link International, Inc. as an industry in Gallatin County that would contribute to the economic adversity of the county. Ms. Peck answered no, she feels they would be a valuable asset to the county. Jane Jelinski read the resolution where the County of Gallatin is applying to the Montana Department of Commerce for a Community Development Block Grant to assist in the relocation and expansion of Life Link International, Inc. and that the County of Gallatin agrees to conform with the regulations, statutes, terms and conditions described in the CDBG Statement of Assurances. Motion by Jane Jelinski to approve Resolution #663 as read and that the County sponsor this CDBG Grant Application. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, Planner, reported as a result of a Gallatin County Recreation plan update the need for more active and passive recreation space has been established. On January 14, 1987, the Gallatin County Commissioners appointed a Park Site Advisory Committee and directed it to locate a park site suitable for both multi-purpose sports fields and passive recreational uses such as picnic areas, pathways and maintained open spaces. The members on the committee are Phil Brug, Ken Ostermiller, Mary Ritter, Erhardt Hehn, Del Straub, Gary Mitchell and Rich Brauss. After careful consideration, and with one exception, the committee recommends the Love Lane site. The Love Lane site is located 5 miles west of Bozeman, 1/2 mile north of Huffine Lane and contains 60 acres. After canvassing area realtors, submitting an article to the paper, and receiving various personal solicitations, thirteen potential sites were offered. The committee based its decision on certain criteria, sent to the Commissioners in a memo March 13, 1987. Although several sites met many of the criteria, Love Lane was the only one which had good potential for both active and passive recreation. It also compared favorably in terms of proximity to population centers and traffic routes, buffer from adjoining land uses, price and development costs. The higher acreage on the bench is flat, very well drained and is traversed on one side by an irrigation canal. The present owners of the Love Lane property have applied for water rights sufficient for irrigation purposes. A Gallatin County water master has stated that the requested amount will soon be decreed. The lower twenty acres contains a stream with a trout population and sits thirty to forty feet lower than the upper two - twenty acre tracts. The lower 20 acres as a buffer from the ballfield uses projected for the upper acreage, and will provide excellent passive recreation opportunities such as picnicking, nature study, or walking for pleasure. An easement is offered through the King Tool property, which would avoid heavy traffic on Love Lane. The site is only a few minutes from Bozeman, and not much farther drive time from Belgrade than the other sites investigated. Huffine Lane is a major arterial which has future plans for expansion and population projections point to more growth west of Bozeman and south of Belgrade. The committee feels that based on the choices offered and the selection criteria used, that the Love Lane site has the greatest potential to serve the diverse recreation demands of Gallatin County's residents. If directed to do so, the committee will continue to formulate a management plan which will recommend financing development and regulations for park use. Jane Jelinski questioned if there was a long range maintenance projection or cost of development projection. Bill Murdock stated he has a rough draft management plan which has not been reviewed or discussed by the committee and stated the rough figure for the entire project, for all phases including purchase price is just under \$400,000.00 including \$100,000.00 for softball fields which would be the responsibility of the softball groups. Jane Jelinski questioned if there has been any indication from the Softball groups that they are willing and able to generate \$100,000.00 to build the 4 fields. Bill Murdock answered they have done it for 2 fields at the Bozeman Softball Complex which they are binded to for the next 3 years, so their spokesman will not make a commitment for the next 3 years but says they will be able to do it as long as there are no unforeseen problems. Jane Jelinski questioned if the phases are tied to time. Bill Murdock answered roughly Phase I would be purchased this year and completed before 1991, Phase II would be completed in 1992+, Phase III has no date yet. Mary Ritter, committee member, stated she opposes the site of Love Lane because the financing should be looked at first and then the site chosen and that a smaller site, maybe 20 acres should be considered. Jane Jelinski questioned if she would be willing to continue to work with the committee in developing the remainder of the information needed. Ms. Ritter answered yes she is still willing to continue on. Rich Brauss, committee member, spoke in favor of the Love Lane site stating of the 13 sites considered the Love Lane site showed the most use and has potential for both active and passive use. Jane Jelinski questioned if the committee had enough time to come to a thorough assessment of the best site or if he thinks the committee needs more time to look at other potential sites. Mr. Brauss answered of the 13 sites they looked at the Love Lane site seemed the best dollar wise. Jane Jelinski questioned if he would continue working on the committee. Mr. Brauss answered he would. Phil Brug, committee member, stated he agrees with the choice of the site but is concerned with the funding because a park without commitment, development and maintenance would not be a park that would serve the county or the residents so would like to see more funding in place before any commitment is made. Philip Schladweiler, stated with the economic problem the county is faced with now, there are more important issues that need to be addressed before a park. Jim Kamp, stated the land is swamp land and quite a road will have to be built to go across it and stated this site is not good for younger people because the road isn't safe for riding bikes to the park. Gay

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Passono stated she opposes this site for a park because of the lower portion being swamp land which doesn't offer much for picnic use. Diane Elliott, questioned the water rights and how the county is going to come up with \$400,000.00. Jane Jelinski stated she is concerned about dollars and would like to see this committee continue to work to develop the whole picture in terms of where alternative sources of revenue is, where the willingness is to pay for it and a very realistic picture of the long term cost of maintaining and developing the park because it seems that cost will be a burden on the taxpayer as long as the county owns the park, so she would hope that a decision is not made until the questions have been answered and ask the committee to continue their work and get the committees comments and concerns. Ramon S. White stated a decision needs to be made to acquire a piece of ground so they can start long range planning or they need to discontinue the whole idea, the committee has spent time reviewing the sites and if action isn't taken now the site may not be available. Jane Jelinski questioned how they can formally decide to purchase something before they know where the money's going to come from. Ramon S. White stated his theory is to use the monies available and take options on what they cannot afford at this time. Wilbur Visser stated they can use the park funds they have now and work out land trades with the developer and if it doesn't proceed after 3 or 4 years they can sell the land. Motion by Ramon S. White to accept the Park Site Advisory Committee's recommendation and further request that this committee continue working on a long range development plan and that this commission make a decision in 30 days, at the public meeting on June 23, 1987 on whether or not to purchase, take an option to purchase or to abandon the idea. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Jane Jelinski read the resolution adopting budget amendment for the Sheriff's Department and moved to adopt Resolution #662. Seconded by Ramon S. White. None voting nay. Motion carried.

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Ruthmary Tonn, reported the formation of Yellowstone Country, a non-profit corporation to promote economic development through tourism, and adoption of its bylaws has been accomplished as of May 7, 1987 at a meeting of representatives in Bozeman. This organization will approach the State Tourism Advisory Council for approval to administer Bed Tax funds allocated to this region. The bylaws state that each county in the region shall have one board seat; each incorporated community in each county shall have one board seat and each county shall have one board position from an unincorporated area. Ms. Tonn submitted two names and requested they be appointed on a temporary 30 day basis until the commissioners have a chance to set up a process to have a selection to choose from of people they would like to serve on this board of directors. This board of directors that will be set up May 18, 1987 at an organization meeting will be the recipient for this region's share of those bed tax dollars and they will be responsible for implementation for that. Terry Abelin who served on the Governors Tourism Advisory Council for several years and was an original member of Yellowstone Country Inc. and Todd Lund representing Big Sky, who is their chosen person to serve on the committee. Ramon S. White questioned where Todd Lund lives and if it is in Gallatin County. Ms. Tonn stated she did not know for sure but would find out before a permanent appointment. Motion by Jane Jelinski to appoint Terry Abelin and Todd Lund to a 30 day appointment to serve on the Yellowstone Country Visitors Bureau Board. Seconded by Ramon S. White. None voting nay. Motion carried. Jane Jelinski also asked that they seek applicants through a public notice to apply for permanent appointment to the board and that they can obtain applications from the commissioner's office. The permanent appointments to be appointed June 2, 1987 at the public meeting.

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The board discussed agenda procedures and the following procedures were agreed on. Motion by Jane Jelinski that the policy of the board shall be that any agenda items shall be submitted and approved by the Chairman prior to 5:00 P.M. on Thursday and that the Chairman retain the discretion to make a decision whether or not to allow additional items after that. Seconded by Ramon S. White and amended the motion that any items requested to be on the agenda after Thursday night be approved by majority of the board. None voting nay. Motion carried.

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Motion by Jane Jelinski to defer any decision until next week on the Consideration of resolution to sell and purchase bonds for Bozeman Deaconess Hospital because agenda procedures were not followed correctly. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 3:15 P.M.

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ATTEST:

APPROVED:

*Ronald K. White*  
 Clerk

*Wilbur Visser*  
 Chairman

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The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of May 12, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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MAY 12, 1987

Commissioner Visser attended the Board of Health meeting.

Commissioners met with representatives of the Road Office to discuss priorities for next year.

MAY 13, 1987

Commissioner Visser attended the Interagency breakfast.

Commissioners held City County Coop meeting in the Community Room.

Commissioners met with Gary Kenner, Administrator of the hospital, and the hospital board regarding expansion of the Rest Home.

MAY 14, 1987

Bear Canyon Zoning Commission met and adopted the development plan and ordinance.

Commissioners met with Gene Surber, Extension Agent, and Winter Fair secretary Peggy Metcalf regarding the Winter Fair.

Bridger Canyon Zoning Commission met and appointed a nine member citizens advisory committee to update the Bridger Canyon general plan and zoning ordinance.

Commissioner Jelinski chaired the local government advisory council meeting.

MAY 15, 1987

Commissioners Visser and White attended the DUI Task Force meeting.

Commissioner Visser attended the Audit Committee meeting.

Commissioner Jelinski attended the LGAC and PIC meetings.

MAY 18, 1987

Commissioners met with Rest Home Administrator Jim Spady.

Commissioners attended the Welfare Board meeting.

Received numerous A101s in the amount of \$1,332.18 to the credit of various funds.

Received the following cancellation of taxes:

Call America \$8,467.75 1986 Cancelled from centrally assessed by State Tax Appeal Board.  
Northwest Telecom \$575.77 1986 A supplemental bill in 1987 will be issued to replace this cancelled parcel  
Carl & Barb Pearson \$4.37 1986 double taxed

Commissioners met with Gary Refsland regarding Nordvedt Park and expansion of the Rest Home.

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Gael Harris presented a petition with 100 signatures requesting dog control in Mountain View Subdivision and stated the dog problem in the area is creating a public danger and nuisance and the Homeowner's Association has no enforcement power. Motion by Ramon S. White to accept the petition and that the county makes an effort to adopt a dog ordinance for Mountain View Subdivision. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported Mark R. Garff has requested preliminary approval of the Dutch Henry Subdivision, consisting of 32.5 acres which would be divided into five lots, each 6.5 acres. Dutch Henry Subdivision was submitted to the Subdivision Review Office in May of 1986, as the Garff Minor Subdivision. At that time, the developer submitted a letter of request that the subdivision be given summary review. Several concerns were identified in the staff report which raised the question of whether or not the subdivision met the criteria for summary review. The developer chose to withdraw the subdivision before it went to public hearing. The subdivision has now been resubmitted with an environmental assessment. Because this is a five lot subdivision, the community impact statement is waived. The site has two very distinct topographical features. The west half rises rapidly into a steep hillside which is an aspen and fir forests. The east half is a relatively flat meadow which has been used as pasture. There are intermittent and perennial springs located on or near the property. The springs are generally found at the base of the hillside. It appears that the Bannack Trail may have traversed the meadow area of the site and that the springs may have attracted Indian campsites. Dr. S. L. Lahren conducted a cultural resource survey and found an Indian campsite located near the south end of the meadow. Dr. Lahren feels that the entire meadow area may contain cultural artifacts and that construction in the meadows should be avoided if possible. If construction is necessary in the meadow, Dr. Lahren recommends that an archeologist be present to supervise. According to the Department of Fish, Wildlife and Parks, this area is not considered a critical wildlife area, but is used as a minor winter range area for a local moose

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herd. Grizzly bear occasionally frequent the site. The Department has suggested measures to mitigate the impact that this development will have on wildlife. These measures include the following: 1. Fencing restrictions; 2. Bear proof garbage containers; 3. Limiting the cutting of Douglas fir trees, which are a favorite moose feeding area during the winter; 4. Requiring that springs be left in their natural conditions. These measures have all been included in the proposed covenants. However, the covenants may be changed by action of 75% of the property owners. The County Attorney's Office has suggested that these items be set forth in a separate document, and be subject to approval by the County Attorney's Office. Seismic activity appears to be a hazard for any development in this area. The nearest fault passes within 150 feet of the southeast corner of the property, but there is no evidence that this is an active fault. A study of the 1959 Hebgen Lake earthquake indicated that severely damaged buildings were located on either glacial outwash or on alluvial materials. Buildings constructed on or near bedrock suffered only minor damage. According to the study, wood-frame buildings were also found to suffer less damage than stone or masonry building construction be limited to wood-frame construction and be located on the western portion of the property to minimize any shaking from earthquakes. The intermittent springs found at the base of the hill may indicate high groundwater in the meadow area. Groundwater depth ranges from 3 feet in the northeast corner of the property to 6 feet in the southeast corner, to 70 feet at the west boundary of the property. The length to width ratio of the lots is 5.8:1, which exceeds the 3:1 requirement set forth in Section 6B6 of the Subdivision Regulations. The developer has requested the "a" variance from the length to width ratio for the following reasons: a.) The proposed lot design protects the existing meadow which contains significant archaeological evidence of Indian use of the Bannack Trail. b.) The proposed lot design allows the construction of all residential buildings on the seismically stable upper ground. c.) The proposed lot design allows the best possible aesthetic location of residential buildings by utilizing the existing trees as a screen. d.) The proposed lot design minimizes impact on the existing springs at the base of the hill by allowing residential construction on the higher ground. In addition, anticipated high ground water in the meadow area may prohibit any building construction on the lower ground. Section 12 of the Subdivision Regulations provides that: The Governing Body may grant reasonable variances from the design and improvement standards of these regulations where it is found that strict compliance would result in undue hardship and is not essential to the public health, safety, and general welfare when any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based. There is an irrigation ditch which runs in a north-south direction along the toe of the hillside slope. An easement for the ditch needs to be shown on the final plat. Utility easements also need to be shown on the final plat, in accordance with Section 6E2 of the Subdivision Regulations. Because all the lots in the subdivision are greater than five acres in size, the County Commission may waive the park requirements when the subdivision enters into a covenant to run with the land, revocable only by mutual consent of the governing body and the property owner, that the parcels in the subdivision will never be subdivided into parcels of less than five acres and that all parcels in the subdivision will be used for single family dwellings. This covenant has been included on the preliminary plat, but needs a signature line for the County Commissioners. Denny Creek Road is a county road, but is not maintained by the County in the winter and is not scheduled for future winter maintenance. The Commission may want to consider requiring a waiver of protest for a road maintenance district as a condition of final approval. There is one approach already installed, which serves Lots 1 and 2. The County Road Superintendent recommended that a common approach be used for Lots 3 and 4. To determine whether this subdivision would be in the public interest, the Commission is required to consider the following: Basis of Need: While there are many lots available on the west side of Hebgen Lake, there are few lots available in the Denny Creek area. Expressed Public Opinion: No comments have been received yet. Effects on Agriculture: Agricultural impacts will be minimal if the variance is approved, as the pasture land will be left intact. Effects on Local Services: Effects on the county road system were discussed above. Because the houses are intended for recreational use, effects on local service should be limited. It should be noted that there is no fire protection district for this area. Effects On Taxation: The subdivision and improvement of the property will increase its taxable value. Effects on the Natural Environment: The measures in the covenants should adequately protect the natural environment. Effects on Wildlife and Wildlife Habitat: The financing requirements and tree and spring preservation requirements set forth in the covenants should adequately mitigate wildlife impacts. Effects on Public Health and Safety: Public health and safety should be minimally affected. County Attorney Jim McKenna stated he would need one week to review the method of attaching enforceable restrictions on the land. Motion by Jane Jelinski to postpone a decision on preliminary approval of Dutch Henry Subdivision for one week. Seconded by Ramon S. White. None voting nay. Motion carried.

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Marsha Elkins, Bozeman City County Planning Board, reported the request by James E. & Anne W. Banks for Summary Review Approval of Minor Amended Subdivision, Lot 41 Hyalite Foothills. The Planning Staff has reviewed the proposed subdivision and has the following comments. The proposed subdivision is located within the Bozeman City-County Planning Board's jurisdictional area. However, it is not located within the City of Bozeman's zoning jurisdiction or County zoning District #2. Therefore, there are no applicable zoning regulations with which the proposed subdivision must comply. The proposed lot split is located within a designated rural development node as identified in the Bozeman Area Master Plan. The Master Plan encourages the development of this area at the highest density allowed by State Health Department requirements. The proposed lot split would substantially conform with this policy. However, the proposed lot split must receive approval from the Montana Department of Health and Environmental Sciences prior to Final Plat approval. The Master Plan also identifies this property as being located in the general vicinity of a designated fault zone. Care should be taken during the construction of structures in this vicinity to insure the personal safety of inhabitants through the utilization of appropriate safeguards. The proposed lot split is within the Rae Volunteer Fire District. The County Commission has, in the past, required that a \$35.00 per lot fee be assessed to insure fire protection of all undeveloped lots. The Staff would recommend that the applicant provide documentation of the \$35.00 per lot fee to the Rae Volunteer Fire Department prior to Final Plat approval. The Planning Staff has reviewed the certificates contained on the face of the Preliminary Plat. Pursuant to Section 16.40.080 of the Bozeman Area Subdivision Regulation, the Planning Board Director's Certificate should be added to the plat prior to Final Plat approval. The property in question is located adjacent to an existing developed road, Meadow Lark Drive. Foothills Drive, abutting the southern boundary of the property, has been dedicated but is not developed. The primary function of

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Foothills Drive is to provide access to the undeveloped land east of the proposal site. Access for Lots 41A and 41B would be provided from Meadow Lark Drive. Pursuant to the current subdivision regulations, the approaches for both lots must be constructed prior to Final Plat approval or guaranteed by an acceptable method of security. Motion by Ramon S. White to grant Summary Review approval for Minor Amended Subdivision, Lot 41 Hyalite Foothills Subdivision #1 as requested by James E. and Anne Banks. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser asked for a presentation for a Resolution Setting Public Hearing Date for Proposed Industrial Development Revenue Bonds for Bozeman Deaconess Hospital. Jane Jelinski stated she had questions she would like answered in regard to the request and the hospital was aware they needed to have representation at the public meeting so would not want to see the resolution passed. Ramon S. White stated this request for resolution for the Industrial Development Revenue Bonds for Bozeman Deaconess Hospital does not comply with the general statement of purpose of issuing this type of funding and moved the Resolution Setting a Public Hearing Date for the Proposed Industrial Development Revenue Bonds for Bozeman Deaconess Hospital be denied. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Jane Jelinski stated Larry Peterson from the Department of Administration, Telecommunications Division, made a presentation to the City-County people in Gallatin County in regard to the need to develop a plan to implement 911 in the county. The first step of this implementation is for the county to appoint a coordinator who will work with the phone companies and the Department of Administration to put together a proposal that will be discussed and acted on and if it is approved by the Department of Administration it would free up the funds that have been designated for Gallatin County by the 25 cent per line fee that was imposed two years ago by the State Legislature. Motion by Jane Jelinski to appoint Clark Robinson to serve as the county's 911 coordinator. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:20 P.M.

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ATTEST:

*Bernard K. White*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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PUBLIC MEETING TUESDAY THE 26TH DAY OF MAY, 1987 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

MAY 18, 1987

Commissioners met with Gene Cook regarding park lands.  
Commissioners met with Budget Officer Dave Miller regarding next fiscal year's budgets.

MAY 19, 1987

Commissioners met with Road Superintendent Sam Gianfrancisco and Gale Thompson of the Road Office and entered into an agreement with the Highway Traffic Safety Division to evaluate traffic accident cluster sites.  
Commissioners hosted a staff meeting to discuss "The State of the County" and what could be expected for the next budget year.

MAY 20, 1987

Commissioners Visser and Jelinski attended a breakfast meeting regarding the possibility of the U.S. West Research Facility locating in Bozeman.  
Jane Jelinski gave welcome address at Sr. Citizen 20th birthday party.  
Commissioners met with Bill Baldus regarding progress in the Data Processing Dept.  
Commissioners met with Alan Jackson of the Engineering Dept. at MSU regarding the operation of the Road Department.

Commissioners attended a public hearing on the possible sale of Valley Vista and Ranch Subdivision parks. It was decided to sell Valley Vista park and the homeowners in Ranch Subdivision were instructed to prepare a park plan within two weeks.

MAY 21, 1987

Hebgen Lake Zoning Commission met and amended the Hebgen Lake Zoning Ordinance to allow non conforming lots to be increased in size.  
Commissioners met with members of the town council in West Yellowstone to discuss J.P. Court and City Judge consolidation methods and to establish court hours.

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MAY 21, 1987 continued

Commissioners Visser and White attended the refuse district meeting in West Yellowstone.

MAY 22, 1987

Commissioners met with Road Superintendent Sam Gianfrancisco regarding Alan Jackson's report.

Commissioners attended a floodplain variance hearing and granted a variance to the Dept. of Highways to allow an 18 foot culvert at the Bridger Creek crossing at the fish hatchery.

Commissioner Visser met with 911 Coordinator Clark Robinson.

MAY 25, 1987

HOLIDAY - MEMORIAL DAY

MAY 26, 1987

Received the following list of new employees:

Mark Tollefson, Jailer, DUI Program \$5.2827/hr. 5-8-87  
 Danny McGhee, Nurses Aide, Rest Home, \$5.05/hr. 5-12-87  
 Ann White, Kitchen Aide, Rest Home, \$5.05/hr. 5-12-87  
 Kimberly Fredericks, Nurses Aide, Rest Home, \$5.05/hr. 5-12-87  
 David Collette, Scale Operator, Hebgen Basin Refuse District, \$3.65/hr. 5-5-87  
 Terri Daniels, Dispatcher, Sheriffs Dept. \$5.2827/hr. 5-11-87  
 Lani Nelson, R.N., Rest Home, \$8.52/hr. 5-14-87  
 Susan Henderson, Part Time Cook, Sheriff's Dept., \$5.2827/hr. 5-17-87  
 Duane Visser, Weed Crew, \$5.9425/hr.  
 William Peterson, Weed Crew, \$5.9425/hr.

Received numerous A101s in the amount of \$18,400.57 to the credit of various funds.

Received the following application for cancellation of taxes:

City Vac & Sew 1986 \$152.94 double assessed  
 John & Nancy Nichols 1986 \$141.30 double taxed  
 Valley View Golf Club 1986 \$4122.72 overassessment, new owners  
 Dan McReynolds 1986 \$35.81 on real estate  
 Debbie Troyer 1986 \$9.11 Taxpayer already paid 1987 in full and was out of state

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Jim Spady, Administrator of the Gallatin County Rest Home, stated the purpose of the Rest Home Expansion Advisory Committee would be to review and define the components of care services for an expanded Gallatin County Rest Home which would include a physical layout and the programs themselves. Mr. Spady stated he had 6 applicants. The commissioners stated the committee should consist of at least 9 applicants and would like to advertise through the paper so postponed any appointments for 3 weeks.

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Mary Kay Peck, Subdivision Review Director, reported Howard and Bonnie Rogers have claimed the security for construction financing exemption. The Rogers have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. First Bank Bozeman has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption for Howard and Bonnie Rogers. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported John Shadoan has claimed the security for construction financing exemption. Mr. Shadoan has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. American Federal Savings and Loan has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption for John Shadoan. Seconded by Ramon S. White. None voting nay. Motion carried.

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Jim McKenna, Deputy County Attorney, stated he had concerns with the conditions suggested in the staff report on the request for summary review approval of Dutch Henry Minor Subdivision but has determined that if the conditions are worded properly they will be enforceable and he is prepared to work with the developer in setting up and establishing the language that would be necessary to enforce those types of conditions. Motion by Jane Jelinski to approve the Summary Review Approval of Dutch Henry Minor Subdivision with the variance and the 9 conditions as drafted by staff. Seconded by Ramon S. White. None voting nay. Motion carried.

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Motion by Jane Jelinski to appoint Ian Elliott to the Story Mill Rural Fire District Board, term to expire March, 1989. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mike Salvagni, Gallatin County Attorney, presented the Resolution Setting Poker and Keno License Fees and the Renewal Application for Gambling Licenses. Motion by Ramon S. White to adopt Resolution #664 Setting Poker and Keno License Fees with the amount of the fee in paragraph 2 to be \$100.00. Seconded by Jane Jelinski. None voting nay. Motion carried. Motion by Jane Jelinski to adopt the Renewal Application for Gambling Licenses and the concept of the permits subject to changes in format. Seconded by Ramon S. White. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 2:20 P.M.

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ATTEST:

*Ramon S. White*  
 Clerk

APPROVED:

*Wilbur Visser*  
 Chairman

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PUBLIC MEETING TUESDAY THE 2ND DAY OF JUNE, 1987

OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

MAY 27, 1987

Commissioners met with Mary Kay Peck, Subdivision Review Officer, regarding having the services of an intern for the summer.

Held bid opening on county vehicles for sale. Vance Ruff was awarded the bid on a pickup topper shell. Paul Landsgaard was awarded the bid on a 1980 AMC Eagle, a 1985 Plymouth Grand Fury, a 1965 Ford pickup and a 1974 Chevrolet Suburban.

Commissioners worked on budgets.

MAY 28, 1987

Jelinski attending Montana Advocacy Program meetings in Helena today and tomorrow.

Commissioners met as a Welfare Board.

Commissioners met with Hank Wruck and Dave Morrow of Comtronics regarding repairs in the microwave link at High Flat.

MAY 29, 1987

Routine business this date.

JUNE 1, 1987

Commissioners attended the groundbreaking ceremony at the Belgrade Senior Center.

Received the following applications for cancellation of taxes:

Xerox Corp.	\$99.74	double taxed	See Mtn Bell assessment
Rocky Mountain Candy Co.	\$108.51	Bankruptcy	per Loy
Rocky Mountain Candy Co.	\$141.55	Bankruptcy	per Loy
Rocky Mountain Candy Co.	\$128.60	Bankruptcy	per Loy
Montana Clay & Gift Shop	\$115.37	Bankrupt	per Loy
Montana Clay & Gift Shop	\$153.61	Bankrupt	per Loy
Montana Clay & Gift Shop	\$186.52	Bankrupt	per Loy
Montana Clay & Gift Shop	\$208.61	Bankrupt	per Loy
Marvin Donahue	\$112.65	Taxed on RFF 14280	double taxed

Received numerous A101s in the amount of \$5,984.19 to the credit of various funds.

The following boards have vacancies:

- Board of Health
  - Dentist: 3 year term, expires 6/30
  - Physician: 3 year term, expires 6/30
- Search and Rescue Advisory
  - Sheriff's Posse: 3 year, exp. 6/30
  - Bozeman Nordic Ski Patrol: 3 year 6/30
  - Bridger Ski Patrol: 3 year 6/30
  - Underwater Divers: 3 year 6/30

Addition to minutes of May 21, 1987:

Jelinski attended refuse district meeting in Manhattan.

There will be no public meeting next week, Commissioners at MACo meeting.

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TUESDAY THE 2ND DAY OF JUNE 1987  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Motion by Jane Jelinski to approve the minutes of June 19, 1987 and June 26, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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Jim Dombroski, Morrison & Maierle, read the bid from D.A. Davidson with a net effective interest rate of 8.118% for the Bond Sale for RID 340. Wilbur Visser referred the bid to Attorney Michael Sands for review with a recommendation to be given at the end of today's meeting.

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Mary Kay Peck, Subdivision Review Director, reported Deborah and Daniel Gustafson have claimed the security for construction financing exemption. The Gustafsons have submitted a statement certifying that only one parcel is being created within the original tract, and that they will retain title to and possession of the original tract. Valley Bank of Belgrade has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption for Deborah and Daniel Gustafson. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported Larry Klompier has also claimed the security for construction financing exemption. Mr. Klompier has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. American Federal Savings and Loan has certified that creation of the mortgage parcel is necessary to secure a construction loan. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the security for construction financing exemption for Larry Klompier. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported Steve De Boer has requested summary review for a two lot minor subdivision which would divide a 3.551 acre tract into a 2.0 acre lot and a 1.296 acre lot. The De Boer Minor Subdivision appears to meet the criteria for summary review and for waiving the requirements for a public hearing and preparing an environmental assessment, as specified in Section 5 of the Gallatin County Subdivision Regulations. Access would be onto Cottonwood Road, which is a part of the County road system. An encroachment permit has been obtained for a common driveway. The encroachment needs to be installed or meet the security requirements of Section 6D16 before final approval. Adjacent land uses include the Anderson School, agriculture, and rural residential, and appear compatible with the proposed subdivision. The Subdivision Regulations require that new subdivisions adjoining unsubdivided land provide reasonable access to the unsubdivided land. The remaining portion of Tract 1 has frontage on both Cottonwood Road and Pasha Lane, which would appear to be reasonable access. It has been the Commission's policy that parkland dedication requirements do not apply when only one additional lot is being created from an existing lot. This policy is in accordance with Section 6F4f of the Subdivision Regulations. The County Weed Supervisor has asked that new subdivisions address noxious weed control. Utility easements need to be shown on the plat. The public interest criteria apply to the approval of minor subdivisions. Following are comments on the criteria: Because of the development that has occurred in the area, effects on the natural environment and wildlife should be slight. Three acres of land will be removed from agricultural production, which should not be a great impact.

Public health and safety should be adequately protected by Department of Health review. Additional tax revenues will accrue and demands on local services will increase slightly. There are buyers for both lots, so there appears to be a need for the subdivision. There has been no expressed public opinion. Motion by Ramon S. White to approve De Boer Minor Subdivision with the 6 conditions recommended by staff. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser stated having the affidavit of publication, the resolution creating the district and the petition for the Creation of a Cost Sharing Improvement District for Cobb Hill Road. Wilbur Visser stated he also received a letter from the bank stating that the money, consisting of 75% of the cost is in an escrow account for the project. Ramon S. White read the resolution and moved to adopt Resolution #665, Creating a Cost Sharing Improvement District for Cobb Hill Road #87-101 and requested the Road Department to proceed. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Motion by Jane Jelinski to appoint Terry Abelin and Todd Lund to a one year term on the Yellowstone Country Visitors Bureau Board. Seconded by Ramon S. White. None voting nay. Motion carried.

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Jim McKenna, Deputy County Attorney, stated the bid from D.A. Davidson for the Bond Sale for RID 340 appears to be in proper form and recommended it be accepted as there were no other bids. Attorney Mike Sands also recommended the bid be accepted. Motion by Ramon S. White to award the Bond Sale for RID 340 bid to D.A. Davidson at an interest rate of 8.118%. Seconded by Jane Jelinski. None voting nay. Motion carried.

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## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

FORM 12187-TRIBUNE PRINTING

TUESDAY THE 2ND DAY OF JUNE 19 87

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

There being no further business the meeting adjourned at 2:00 P.M.

ATTEST:



Clerk

APPROVED:



Chairman

PUBLIC MEETING TUESDAY THE 16TH DAY OF JUNE, 1987

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioner Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Ramon S. White to approve the minutes of June 2, 1987 as written. Seconded by Wilbur Visser. None voting nay. Motion carried.

JUNE 1, 1987

Commissioners worked on budgets.

Jane Jelinski met with Jeff Rupp regarding the JTPA public hearing.

JUNE 2, 1987

Held department head staff meeting.

JUNE 3, 1987

Commissioner Visser attended the transportation committee meeting.

Commissioners met with Personnel Officer Kathy Nowierski.

Commissioner Jelinski attended the JTPA public hearing.

JUNE 4, 1987

Commissioner Visser attended the Bridger Radio users meeting.

Commissioner Jelinski met with Jan Berry regarding the Humane Society agreement.

Commissioners met with Cliff Halls of Halls Emergency, Inc., Mark Bryan, County Attorney Mike Salvagni and Polly Peterson regarding charges for night service made by Halls Emergency.

Commissioners worked on budgets.

Commissioners met with public defenders regarding payment for their services during the upcoming fiscal year.

JUNE 5, 1987

Commissioners met with Jim Kack and Mary Kay Peck regarding the U.S. West Research facility.

Commissioners attended the HazMat Van launching ceremony.

Commissioners worked on budgets.

JUNE 7 - 10, 1987

Commissioners Visser and White attended the MACo annual conference in Havre. The conference will be held in Bozeman in 1989.

Commissioner Jelinski on vacation.

JUNE 11, 1987

Commissioners met with Pitney Bowes representative Jim Wollenberg regarding the purchase of equipment.

Commissioners met with members of the City Commission, Drs. Tietz and Jutila of MSU and Jim Kack regarding the U.S. West Research facility.

Commissioner Jelinski attending the Job Training Coordinating Council meetings in Billings.

JUNE 15, 1987

Commissioner Jelinski on vacation this week.

Commissioner Visser attended a meeting at the airport with members of the City Commission representatives of MSU and Congressman Ron Marlenee regarding the U.S. West Research facility.

## COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 16TH DAY OF JUNE 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Commissioner Wite appeared in court regarding an exemption claimed by Tammy Leach that was denied by the Commission.

Commissioners met with Roger Ala and Joy Nash regarding the Council on Aging.

Commissioners met as a Welfare Board.

Commissioner Visser attended a meeting at MSU regarding the Bridger Radio site purchase.

Received numerous A101s in the amount of \$122,850.05 to the credit of various funds.

Received the following letter from Loy Carroll, County Treasurer:

June 5, 1987

Federal Reserve Bank of Minneapolis  
 Montana Bank of Bozeman  
 Board of County Commissioners

Gentlemen:

At the request of the above named bank, we hereby release the following pledged receipts:

Flathead Cnty MT SD #3 for \$4,000.00 @4.50% due 7-1-87  
 Richey MT HSD 2 Bldg. Bond for \$8,000.00 @5.75% due 7-1-87

This is your notice to release the above pledges.

Sincerely,

Loy Carroll  
 Gallatin County Treasurer

Received report from the Clerk and Recorder's Office showing the items of fees and other collections made during the month of May in the amount of \$13,023.45.

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Mary Kay Peck, Subdivision Review Director, reported Arthur, Patricia, Shirley and John Zuelke have claimed the occasional sale exemption. The Zuelkes have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. From the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the Zuelke family the occasional sale exemption. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported Wayne and Cynthia Moretz have claimed the realignment of common boundary exemption. The relocation is to acquire additional land to increase the size of an existing parcel. No additional parcels are being created. Deeds are not required because Mr. and Mrs. Moretz own all the property that is involved. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the realignment of common boundary exemption to Wayne and Cynthia Moretz. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported William Brummond and Alvin, Georgia, Gerald and Lucille Goldenstein have also claimed the exemption to realign common boundaries. The relocations is for the purpose of acquiring additional land. The appropriate deeds have been submitted, and no additional tracts are being created. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the realignment of common boundary exemption to Wililam Brummond and Alvin, Georgia, Gerald and Lucille Goldenstein. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, City-County Planner, reported Earl and Clarice Skogley have claimed the occasional sale exemption. The Skogley's have certified that they have not taken prior occasional sales from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. Based on this information, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the occasional sale exemption for Earl and Clarice Skogley. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Bill Murdock, City-County Planner, reported Ken Le Clair, representative of the HRW Development Company, has claimed the realignment of a common boundary exemption. The relocation is being made to align lot lines with existing building lines. The claimant owns all three lots, therefore no quitclaim deeds are required. No additional tracts are being created. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the realignment of a common boundary exemption for Ken Le Clair. Seconded by Wilbur Visser. None voting nay. Motion carried.

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TUESDAY THE 16TH DAY OF JUNE 19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Wilbur Visser stated having the petition, the affidavit of publication, the viewers report and the receipt of certified letters sent out for the proposed abandonment of a portion of High Flat Road. Wilbur Visser read the viewers report stating the committee recommends that the petition be granted for the following reasons: The road is being used only for farm field access. It is impassable when wet. There are no residences being served by the road. Ramon S. White read a letter of protest from Ruth B. Antonsen for Antonsen Partnership stating it is the only access to Section 25 and if landowners plowed it up it would create a difficult situation for them and that by keeping the road as a county road would help to insure that the road is not made impassable for hauling grain, etc. Motion by Ramon S. White to abandon that portion of High Flat Road as petitioned for the reason it does not serve the general public and that it is very expensive for the county to maintain. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Ramon S. White read the Resolution Setting Fees for Encroachment Permits. Wilbur Visser stated there is alot of time involved with the Road Department going out and viewing these and for the Clerk to type these encroachment permits up so have determined it is necessary to charge a \$5.00 administrative fee for the encroachment permit. Motion by Ramon S. White to pass Resolution #666 that resolves that the Gallatin County Road Department shall charge and collect a fee of \$5.00 for each Encroachment Permit for Gallatin County. Seconded by Wilbur Visser. None voting nay. Motion carried.

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Motion by Ramon S. White to appoint Edward Tharp as a Manhattan representative to Refuse District Board #1. Seconded by Wilbur Visser. None voting nay. Motion carried. Motion by Ramon S. White to appoint Steven Daniels as the West Yellowstone representative for Hebgen Basin Refuge Board Board. Seconded by Wilbur Visser. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 1:52 P.M.

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ATTEST:

*Berald R. Wine*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

- - - -

PUBLIC MEETING TUESDAY THE 23RD DAY OF JUNE, 1987 OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

Motion by Jane Jelinski to approve the minutes of June 16, 1987 as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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JUNE 16, 1987

Routine business this date.

JUNE 17, 1987

Commissioner White made a presentation for Women's Week at MSU.

Commissioner Visser participated in the CNFR Parade.

JUNE 18, 1987

Hebgen Lake Zoning Commission met and denied a variance request by Spady and Davidson.

Commissioners White and Visser attended the refuse district meeting in West Yellowstone.

JUNE 19, 1987

Commissioner Visser attended a meeting with city and university officials regarding U.S. West.

Commissioners met with Sheriff Cutting, Dave Dunn and Bob Pearson regarding sheriff office facilities in West Yellowstone.

Commissioners Visser and White had lunch at the Senior Center with former Commissioner Joy Nash.

Commissioner Visser attended the Audit Committee meeting.

Received numerous A101s in the amount of \$12,351.14 to the credit of various funds.

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TUESDAY THE 23RD DAY OF JUNE 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

Mary Kay Peck, Subdivision Review Director, reported Greg Poncelet has claimed the occasional sale exemption. Mr. Poncelet has certified that he has not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. From the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the occasional sale exemption to Greg Poncelet. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported Jay Scott has applied for a one year extension of preliminary approval of Pine Butte Trails Minor Subdivision. The Commission voted in June of 1986 to grant preliminary approval for the minor subdivision. Extension of the approval is allowable under the Gallatin County Subdivision Regulations. Mr. Scott has had the subdivision road constructed, has fenced the canal, and appears to be making progress toward meeting the conditions. However, sanitary restrictions have not yet been lifted. It appears that Mr. Scott is making a sincere effort to meet the approval conditions. Motion by Jane Jelinski to grant a one year extension of preliminary approval of Pine Butte Trails Minor Subdivision. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported over the past few years the Gallatin County Commissioners have received numerous requests from recreation groups for additional playing fields. In response to these requests, the Commission formed a Park Site Advisory Committee to recommend a site that would most suitably meet the recreation needs of Gallatin County residents. In May of this year, the Committee recommended the acquisition of a sixty acre site located on Love Lane. At the May meeting, the Commission voted to accept the Park Site Committee's recommendation. The Committee was directed to formulate a long range development plan and to recommend methods of financing land acquisition and park maintenance. In summary, the Committee recommends that the Love Lane site be acquired by using cash-in-lieu of parkland funds, grant funds, and proceeds from the sale of subdivision parks. Development of the park would be done according to an adopted plan, and would occur when the demand from the public and user groups so warrants. The bulk of funding for development would have to be raised by user groups. The Committee felt that groups would be much more likely to fund the development and maintenance of an already purchased site. Until the need and funding were great enough to develop the site, the site could be leased to provide a small annual income. The Committee felt that user groups would be much more likely to fund the development and maintenance of an already purchased site. Until the need and funding were great enough to develop the site, the site could be leased to provide a small annual income. The Committee reviewed the acquisition of the Love Lane site as an investment in the future of Gallatin County. Based on the 1987 recreation survey, plan update and input from user groups, it has been determined that a 30 to 60 acre site is desirable. For active recreation purposes, 4 adult softball fields and 12 soccer fields would best serve those user groups' needs. With almost no extra expense, the area could also be used for cross-country ski and running trails. The Love Lane site contains the most promising terrain for these uses of all the sites investigated. Passive uses could include picnic areas and barbecue grills, children's facilities such as merry-go-rounds and swingsets, a pond and pathways. A centrally located restroom facility is essential. The Committee suggests that the County Commissioners acquire all sixty acres of the Love Lane site at terms that are the most convenient for the County. The County has approximately \$35,000.00 in the Park Fund that could be used as a down payment and/or to secure options to purchase. Payments can be spread out over a period of five years. It is anticipated that the remainder of the purchase price will be obtained through grant funds, cash-in-lieu of park donations, and the sale of subdivision parks. It is suggested that the user groups enter into contracts with the County assuming all annual maintenance costs except the road, for Phase II. An option available for financing improvements and maintenance costs for all phases is a County Park District. Park Districts are created either by a resolution of intent which is passed by the County Commission or by a petition signed by not less than 15% of the qualified electors of the proposed park district. The County Commission is then required to hold a public hearing on the creation of the park district. If the County Commission approves the formation of the district, approval must then be obtained from the electors within the proposed district. A county park district can include the entire county or any part of the county, and may include incorporated municipalities. County park districts may operate and maintain park and recreation land within the district, and may levy property taxes to carry out those functions. The maximum mill levy must be included on the ballot when the question of district formation is decided by the voters. A park district would accelerate the development phases, because of its revenue generating power, thereby removing the uncertainty of user group funding capability. Most importantly it would give the County adequate funding for maintenance and repairs. Wilbur Visser stated receiving letters and a phone call from the following: Jack Dugan, President of Little League Baseball, Gary B. Kline and Mary Ritter who do not support the park proposal because of cost and the location. And from Marshall Bennett, Michaela Shyne with Appraisal Associates, Ray Atteberry, Robert Lehrkind, Jeremiah Cashman, and Robert and Barbara Paugh who are in support of the proposed county park on Love Lane because of need within the county. Jim McLean, Everett Egbert, John Miller, Gene Cook, Bob Paugh, Gary Popiel, Gene Thornburg, Ken Ostermiller, Gary Mitchell, President of the Gallatin County Softball Association and Del Straub all spoke in favor of the county park proposal on Love Lane because of the value to the community, the long term benefits, and the need for such a park. There was also concern as to the safety of the location. Jackie Renbarger, Joan Clark, Joyce Hines, Russ Vance, Philip Schladweiler, Stephanie Alexander, Terry Threlkeld and Diane Elliott spoke against the county park proposal on Love Lane because of the cost of the project, no commitment for funding, the funds available in the park fund are too small compared to the projected cost of the project, any additional taxes generated from a special park district will compete with revenues needed for other critical county needs. There is concern with safety and the location and that there is a need for ball fields but feel there is no need for picnic areas or passive uses. Jane Jelinski commended and thanked the committee for the time and effort spent on the project. Jane Jelinski stated she is convinced that the county needs more ball fields but looking at the financial reality of less than \$40,000.00 of available funds and the financial situation the county is in she would have to vote against this project today. Jane Jelinski also stated Love Lane would need to be paved before increasing traffic and

TUESDAY THE 23RD DAY OF JUNE 19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

there is no money available in the road budget this year, that it would be a good idea to get a signed written commitment from the organized groups for contributing towards the cost of the development and the cost of maintenance prior to making a commitment to purchase the site and that the organized groups don't seem to be in favor of this site. Jane Jelinski stated that going before the voters in regard to a park district is a good idea. Ramon S. White stated the park is needed but would not support a park district for financing and feels there is money available. Ramon S. White also stated that he supports the location because the general thrust of the community of Bozeman is westward and feels in a very short time this park would be in a high density area and that Huffine Lane will be expanded in the next few years which would compliment the Love Lane property for the park. Wilbur Visser stated he doesn't see enough commitment from user groups or the availability of funds to support this project and that there may be a better location than the Love Lane site that should be looked into. Motion by Jane Jelinski that the county does not purchase a park site at this time. Seconded by Wilbur Visser. Wilbur Visser and Jane Jelinski voting aye. Ramon S. White voting nay. Motion carried.

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Bill Murdock, City-County Planning Board, reported Banks Minor Subdivision was given preliminary approval on May 19, 1987. The applicant requests that the Minor Subdivision be given final approval. The Staff has reviewed the conditions for final approval and have the following comments, which correspond with the conditions. 1. The Certificates on the Final Plat include the Planning Board Director's Certificate as required in Chapter 16.40 of the Bozeman Area Subdivision Regulations. 2. The Rae Volunteer Fire Department has received and acknowledged payment of \$35.00 per lot for Lots 41A and 41B. 3. Approval of the subdivision has been obtained from the Montana Department of Health and Environmental Sciences. 4. The driveway accesses for Lots 41A and 41B have been installed in accordance with County Standards. It appears that the conditions for final approval have been met based on the foregoing information. Motion by Ramon S. White to grant final plat approval of Banks Minor Subdivision. Seconded by Jane Jelinski. None voting nay. Motion carried.

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David Penwell, Attorney for Owners Association for Middle Creek Meadows Sub #3, presented a petition requesting amendments of RID 337. The proposed amendments would be to amend the RID boundaries to provide for equal assessment and then impose an assessment for the paving of the streets to be over a 10 year period. Dave Penwell stated the assessment is not going to be paid for by bonds but have made arrangements with Western Bank to finance the estimated \$39,080.00 for the paving, the loan to be taken out by the owners association, the monies to pay that loan off would be obtained from the assessments imposed by the county. Mr. Penwell stated there are 45 lots in the subdivision, and they have 36 signatures to this petition, one has abstained and one has refused, and they are advised that the remaining seven will sign which will be almost 98% of the people in the subdivision petitioning for the Amendment of RID 337. Jane Jelinski questioned if the petitions have been certified by the Clerk and Recorder. Mr. Penwell stated no, not yet. Motion by Ramon S. White to accept the petitions to be certified by the Clerk and Recorder to be considered at the public hearing on June 30, 1987. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Bob Planalp, Attorney, presented a petition requesting an RID for Rocky Creek Subdivision and stated the signatures on the petition consist of 63% of the property owners. Mr. Planalp stated the cost of the improvements is approximately \$96,000.00, it is anticipated that the district will use the bond procedure but will look into cost sharing. Mr. Planalp stated there are two private accesses to Rocky Creek Subdivision crossing Burlington Northern Railroad right-of-way property, Burlington Northern has notified the homeowners that they are going to terminate their access which leaves them with no access to their homes. The proposal for the RID is to construct a road starting at the county road along the railroad right-of-way to the subdivision road, if the railroad deeds an easement to the Homeowners Association or the county. Motion by Jane Jelinski to accept the petition to be forwarded to the Clerk and Recorder for certification and that we reschedule consideration of Resolution to Create an RID for Rocky Creek Subdivision at the public hearing on June 30, 1987. Seconded by Ramon S. White. None voting nay. Motion carried.

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Wilbur Visser stated receiving 9 applications for the Rest Home Expansion Advisory Committee. Motion by Ramon S. White that a 7 member Advisory Committee for the Expansion of the Rest Home consist of Shirley Hinz, Edward King, Billy Odneal, Joan Gilbertson, Milly Gutkoski, Gary Refsland and Gary Lusin. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Ramon S. White read a letter from County Assessor Arletta Derleth requesting a resolution be passed, amending the boundaries of the Churchill Lighting District, and that the method of assessment for charging be changed from a front foot basis to the assessed value of the property within the district. Ramon S. White read the resolution and moved for adoption of Resolution #667 Amending the Boundaries of Churchill Lighting District. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 4:05 P.M.

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ATTEST:

*Donald R. White*  
Clerk

APPROVED:

*Wilbur Visser*  
Chairman

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TUESDAY THE 30TH DAY OF JUNE 19 87  
 OFFICE OF COUNTY COMMISSIONERS  
 BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:40 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

JUNE 23, 1987

Commissioners met with Bill Asher regarding Sheldon Ranch access.

Jane Jelinski met with Kung Chang Lin, Taiwan Secretary for Community Civil Affairs.

Commissioners worked on budgets.

JUNE 24, 1987

Commissioners attended a meeting regarding U.S. West.

Commissioner Jelinski attended the Local Government Advisory Council meeting.

JUNE 25, 1987

Commissioner Visser attended the Board of Health meeting.

Commissioners met with Terry Sutherland, Al Shearman and Dave Dunn regarding the rural fire chief budget.

Commissioners met as a Welfare Board.

Commissioners appointed Morris Jaffe to the Tax Appeal Board to fulfill the term of Regina Lindvig.

Commissioner White met with Sam Cotterell regarding taxes.

Commissioners met with Peggy Voorhees and Jan Berry regarding renewal of the Humane Society agreement.

Commissioners toured the site of the variance request by Stoltzfus for a highway setback in Bridger Canyon.

Commissioners Visser and Jelinski attended the refuse district meeting in Manhattan.

JUNE 26, 1987

Commissioners met with Personnel Officer Kathy Nowierski regarding negotiations of the Sheriff's Department.

Bridger Canyon Zoning Commission granted a variance for a highway setback for Stoltzfus.

Commissioners met with Justice of the Peace Goan regarding his budget.

JUNE 29, 1987

Commissioners met to determine the function of the Rest Home Expansion Advisory Committee.

Commissioners met with Lorraine VanAusdol regarding disbursement of fees from her budget.

Commissioners met with Mike Duncan of the Department of Commerce and Carolyn Hartsog, County Auditor, regarding the county's external audit.

Received numerous A101s in the amount of \$1,624.08 to the credit of various funds.

Approved cancellation of taxes for Hamilton Stores in the amount of \$64.66 for 1986, mobile out of state.

Received the following list of new employees:

Carolyn Judge, Account Clerk, Treasurer's Office, \$842.19/mo., 5-26-87  
 Carol Boyer, Nurses Aide, Rest Home, \$5.05/hr., 5-26-87  
 Cindy Lewis, R.N., Rest Home, \$8.52/hr., 5-26-87  
 Helen Miles, Nurses Aide, Rest Home, \$5.05/hr., 5-26-87  
 Frank Calvin, Dispatcher, Sheriff's Dept., \$915.65/mo., 6-1-87  
 Weed Crew:  
 Douglas Deaton, 5.6368/hr.  
 Bradley Jones, 5.6368/hr.  
 Bryce Kawasaki, 5.6368/hr.  
 Scott Webster, 5.9425/hr.  
 Joseph Kuiken, 5.6368/hr.  
 Ronda Stewart, Nurses Aide, Rest Home, 5.05/hr., 6-11-87

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Jack Schunke, Morrison & Maierle, opened the bids for Asphalt Materials. The bids are to be taken under advisement with a recommendation at the public hearing July 7, 1987.

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Mary Kay Peck, Subdivision Review Director, reported Elwin and Roanne Kundert have claimed the family sale exemption to transfer a 1.826 acre tract to their son, Darrell. Mr. and Mrs. Kundert have certified that no prior family transfers have been conveyed to this family member and that the original tract was not created through the use of exemptions. From the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the family sale exemption for Elwin and Roanne Kundert. Seconded by Ramon S. White. None voting nay. Motion carried.

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TUESDAY THE 30TH DAY OF JUNE 19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

Mary Kay Peck, Subdivision Review Director, reported DeBoer Minor Subdivision was given preliminary approval by the Commission on June 2, 1987. Mr. and Mrs. DeBoer have requested that the minor subdivision now be given final approval. The conditions have been reviewed for final approval with the following comments: The encroachment permit has been obtained and the approach has been installed and approved by the County Road Office. A covenant that requires the control of County declared noxious weeds has been placed upon the face of the plat. A \$25.00 per lot fee has been submitted to the Rae Rural Fire Department. Approval of the subdivision has been obtained from the State Department of Health and Environmental Sciences. Utility easements are shown on the final plat. The final plat conforms to the Uniform Standards for Final Subdivision Plats and is accompanied by the required certificates. It appears that the conditions for final approval have been met. Motion by Jane Jelinski to grant final approval of DeBoer Minor Subdivision. Seconded by Ramon S. White. None voting nay. Motion carried.

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Bill Murdock, City County Planning Board, reported in August, 1986, the Planning Board, City and County Commissions approved numerous amendments to the Bozeman Area Subdivision Regulations. Since then, changes in Montana law and in City and County administration require corresponding changes to the Regulations. The changes primarily reflect the City of Bozeman's elimination of the Examining Land Surveyor position, Gallatin County's removal of the position of County Engineer, and the 1987 Montana Legislature's repeal of the over twenty acre parcel access review. Another change corrects references to effective time frames for preliminary plat approval for minor subdivisions. Motion by Jane Jelinski to adopt Resolution #674 incorporating the proposed amendments to the Bozeman Area Subdivision Regulations. Seconded by Ramon S. White. None voting nay. Motion carried.

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Dr. King, Gallatin County Health Department, stated the State WIC Program has allocated additional funds for operation of WIC so would like to amend the Health Department budget in the following way: Salary #110, increase by \$914.86. Benefits #140, increase by \$155.74. Indirect costs #791, increase by \$53.40. Motion by Ramon S. White to approve the Budget Amendment for the Gallatin County Health Department. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Deputy County Attorney, Jim McKenna, stated last week the Commission was presented with a petition requesting approval of an existing Rural Improvement District, #314. That district was created to provide continuing maintenance to roads, fences and lights in the subdivision. The amendment that was presented requested the boundaries of the district be changed and to amend the purpose of the district to include paving of roads in the subdivision. Jim McKenna stated his opinion on the action that would be taken under the petition would be in the nature of an improvement not in the nature of a maintenance and that it would constitute a significant change in the purpose and in the nature of the Rural Improvement District and concluded Section 7-12-2161 could not be used to amend RID #314 to accomplish the purposes stated in the petition and stated his legal opinion was that the County Commission does not have the authority to pass a resolution of intention to amend the district for the purposes requested. Dave Penwell, Attorney for petitioners, stated the original district created was not a maintenance district but for road improvements, fence maintenance and lighting maintenance and that there is no addition of additional land to this district. The boundaries are being changed but the only change is to amend the boundaries of the district so that all of the parcels within the district are the same size to provide for equal assessment. Mr. Penwell also stated they want to do the work now, that was contemplated when the district was created which is to do road improvement including paving. Neil Howarth, homeowner, stated he was part of the group who worked toward the creation of the original RID #314. At the time the RID was created, they were very adamant that this RID would continue further for road improvement as they were able to finance it with the intent to eventually pave the road. Ramon S. White stated when the RID was created it was created as a Rural Improvement District including maintenance and not as a maintenance district and stated the method of assessment has been changed on many occasions in other Rural Improvement Districts and supports the amendment of RID #314. Jane Jelinski stated because the change in the method of assessment has recently been allowed within an operating Rural Improvement District, gave the county precedence. The expressed intent of the original RID was to provide for current and future improvements of the road and that intent is confirmed by two people who testified today and feels it is important to help the people accomplish their intentions and she supports the amendments as the changes do not constitute substantial changes. Wilbur Visser stated receiving the petition, the certification of the petition for the Clerk and Recorder's office with at least 66% of the signatures certified. Motion by Ramon S. White to pass Resolution #668 with the Intent to Amend RID #314 for Middle Creek Meadows Subdivision. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Wilbur Visser stated having the petition, the certification from the Clerk and Recorder with at least 85% of the signatures certified for the Intent to Create an RID for Rocky Creek Subdivision. Bob Planalp, attorney, stated the railroad is still interested in working with them and that the process needs to work quickly. Deputy County Attorney, Jim McKenna stated he has examined the proposed resolution of intention and it meets all the requirements imposed by statute and the county policy and suggested the map be attached or referred to in the resolution. Jim McKenna stated the county can go ahead with the procedure and pass the resolution of intention but recommended the resolution of intention be passed on the condition that the railroad grant to the public an interest of some kind whether its titled to the property as with a dedication that occurs in subdivisions or a right-of-way in favor of the public across the land on which the road would be located and that that grant be expressed in a written instrument that he can examine and approve and have recorded in the Clerk and Recorder's office before the resolution creating the district is passed. Sam Gianfrancisco, County Road Superintendent, stated Burlington Northern Railroad contacted him requesting action be taken right away and that they are willing to grant an easement to the public or county or whatever it takes. Jim McKenna stated it must be understood by the homeowners that maintenance of this road will not be the responsibility of the county. Motion by Jane Jelinski to adopt Resolution #671 of Intention to Create a Rural Improvement District for Rocky Creek Subdivision on the

TUESDAY

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condition that the railroad will grant an interest to the public in the form of a title to the property or public right-of-way and that it be a written instrument that will be approved by the County Attorney's Office and recorded in the Clerk and Recorder's Office before the district is created. Seconded by Ramon S. White. None voting nay. Motion carried.

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Motion by Jane Jelinski to reappoint Drs. Feist and Thompson to the Board of Health, their term to expire June 30, 1990. Seconded by Ramon S. White. None voting nay. Motion carried. Motion by Ramon S. White to reappoint Joel Juergens, Norman Eggert and Chris Kent to the Search and Rescue Advisory Board for 3 year terms. Seconded by Jane Jelinski. None voting nay. Motion carried. Motion by Ramon S. White to appoint Wesley Milner to the Mosquito Control District Board. Seconded by Jane Jelinski. None voting nay. Motion carried.

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There being no further business the meeting adjourned at 3:15 P.M.

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ATTEST:



Clerk

APPROVED:



Chairman

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PUBLIC MEETING TUESDAY THE 7TH DAY OF JULY, 1987

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

The meeting was called to order by Chairman Wilbur Visser at 1:35 P.M. Also present were Commissioners Jane Jelinski and Ramon S. White, Deputy County Attorney Jim McKenna and Cynthia L. Hertzog, Deputy Clerk and Recorder, Acting Clerk to the Board.

The following proceedings were had to wit:

JUNE 29, 1987

Special meeting was called to order by Chairman Wilbur Visser at 4:05 P.M. for the purpose of setting salaries for county employees and elected officials. Ramon White made a motion to increase health insurance benefits by \$25.00 per month for full-time employees and to give a 1.5 percent salary increase to all employees excluding union employees, seconded by Jane Jelinski, none voting nay. The motion carried.

JUNE 30, 1987

A special meeting was called to order by Chairman Wilbur Visser for the purpose of awarding bids for the traffic safety study. Ray White made a motion to award the bid to Morrison-Maierle for the traffic safety study approved and funded by the State Department of Highways, seconded by Jane Jelinski, none voting nay. Motion carried.

Commissioners passed Resolution #670 setting the salary of the County Coroner.

JULY 1, 1987

Zoning District #1 Commission met regarding an alleged zoning violation by Vince and Debbie Arkell. It was found that the Arkell's were not in violation of Section 8A of the zoning ordinance.

Commissioner Jelinski attended the Weed Seminary at MSU.

Commissioners met with County Attorney Mike Salvagni, Deputy County Attorney Jim McKenna and Personnel Officer Kathy Nowierski regarding personnel procedures.

Special meeting was called to order by Chairman Wilbur Visser for the purpose of setting elected official's salaries for FY 87-88. Ray White made a motion to pass Resolution #669, seconded by Jane Jelinski, none voting nay. The motion carried.

JULY 2, 1987

Commissioners met with George Reich and Darrell Kurk regarding burning permits and the fire season.

Commissioners met with Cliff Halls regarding the budget for Halls ambulance Service.

JULY 3, 1987

HOLIDAY -INDEPENDENCE DAY

JULY 6, 1987

Commissioners met with members of the Rest Home Expansion Advisory Committee regarding the charge of the committee.

Commissioners met with Clark Robinson regarding 911.

TUESDAY THE 7TH DAY OF JULY 19 87

FORM 12187-TRIBUNE PRINTING

OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

JULY 6, 1987 continued

Commissioners met with Subdivision Review Officer May Kay Peck.

Commissioners met with Sheriff Ron Cutting regarding budget cuts in his department.

Received report from the Clerk and Records Office showing the items of fees and other collections made during the month of June in the amount of \$14,541.97.

Received numerous A101s in the amount of \$7,334.22 to the credit of various funds.

Commissioner Jelinski was reappointed to the Job Training Coordinating Council by Governor Ted Schwinden.

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Ramon S. White read the amended Resolution received from the Gallatin Development Corporation Implementing Tax Incentives for new businesses. Jim Kack stated the tax incentives are on a case by case basis whereby the county or city would have the ability to review those situations that are a desirable situation and stated he would like to see this resolution passed. Darla Joyner, Bozeman Chamber of Commerce, stated the process was begun before U.S. West and that they were looking at this kind of incentive for existing businesses as well as those in the future. Ms. Joyner also stated it is a good sign for business to use this kind of incentive and urged the commission to pass the resolution. Jane Jelinski urged passing of the resolution because of its benefit to the community's development and enhancement and moved to adopt Resolution #672 Implementing Tax Incentives for Qualified New or Expanding Industry as written. Seconded by Ramon S. White. None voting nay. Motion carried.

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Sam Gianfransico, Road Supervisor, gave his recommendation for bid awards on asphalt materials. The recommendations were for Schedule #1, for Cobb Hill Rd. to Pioneer Ready Mix with a bid of \$29,550.00. Motion by Ramon S. White to award the bid to Pioneer Ready Mix for Schedule #1 for Cobb Hill Rd. Seconded by Jane Jelinski. None voting nay. Motion carried. Schedule #2 for Monforton School Rd. to Pioneer Ready Mix for \$14,750.00 with the contingency that the money be made available within 3 weeks if not the bid will not be awarded. Motion by Ramon S. White to award the bid for Schedule #2 for Monforton School Rd. to Pioneer Ready Mix for \$14,750.00. Seconded by Jane Jelinski. None voting nay. Motion carried. Schedule #3 for Airport Rd. not be awarded and taken off their priority list because the district did not raise their 75% and informed the road department that they would like this dropped for this fiscal year. Motion by Jane Jelinski to drop Airport Rd. project from their priority list for this fiscal year. Seconded by Ramon S. White. None voting nay. Motion carried. Schedule #4 for Valley Center Rd. award Pioneer Ready Mix just the material contract and the county do the work for the total cost \$15,950.00. Motion by Jane Jelinski to award the bid for Schedule #4 for Valley Center Rd. to Pioneer Ready Mix for materials only for \$15,950.00. Seconded by Ramon S. White. None voting nay. Motion carried. Schedule #5 for Churchill-Amsterdam Rd. for 4 miles to Pioneer Ready Mix for \$111,400.00. Motion by Jane Jelinski to award the bid for Schedule #5 for Churchill-Amsterdam Rd. for 4 miles to Pioneer Ready Mix for \$111,400.00. Seconded by Ramon S. White. None voting nay. Motion carried. Schedule #6 for Gateway South Rd. to Pioneer Ready Mix for \$45,363.00. Motion by Ramon S. White to award the bid for Schedule #6 for Gateway South Rd. to Pioneer Ready Mix for \$45,363.00. Seconded by Jane Jelinski. None voting nay. Motion carried. Schedule #7,8,9, & 10 for cold mix and hot mix to accept the bid for 1/2 inch cold mix for 2,000 ton to Pioneer Ready Mix for \$14.50 a ton. Motion by Jane Jelinski to award the bid to Pioneer Ready Mix for 1/2 inch cold mix at \$14.50 a ton for Schedules #7,8,9, & 10. Seconded by Ramon S. White. None voting nay. Motion carried. The alternate schedule for hot mix 3/4 inch material at 1500 ton and the schedule for 4,000 ton of hot mix at 3/4 inch recommended neither be accepted. Motion by Jane Jelinski that neither alternate bids be awarded. Seconded by Ramon S. White. None voting nay. Motion carried. 3,000 ton of hot mix to Pioneer Ready Mix at \$13.00 a ton. Motion by Jane Jelinski to award the bid for 3,000 ton of hot 1/2 inch mix to Pioneer Ready Mix for \$13.00 a ton. Seconded by Ramon S. White. None voting nay. Motion carried. Sam Gianfransico stated the total for these projects is approximately \$241,000.00

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Jane Jelinski read the resolution for Budget Amendment for the Health Department and moved to adopt Resolution #673 Amending the Budget for the Health Department. Seconded by Ramon S. White. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported Carl L. Pearson has claimed the security for construction financing exemption. Mr. Pearson has submitted a statement certifying that only one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. The mortgage is being financed privately, and the lender has certified that creation of the mortgage parcel is necessary to secure a trust indenture. Based on the information submitted, this appears to be a proper use of the exemption. Motion by Ramon S. White to grant the security for construction financing exemption for Carl L. Pearson. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Mary Kay Peck, Subdivision Review Director, reported Lynn and Norah Williamson have claimed the occasional sale exemption. The Williamsons have certified that they have not taken a prior occasional sale from this tract or contiguous tracts, that the original tract was not created through the use of the occasional sale exemption, and that only one parcel is being created. From the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to grant the occasional sale exemption for Lynn and Norah Williamson. Seconded by Ramon S. White. None voting nay. Motion carried.

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COMMISSIONERS' JOURNAL NO. 41 PUBLIC MEETING

TUESDAY THE 7TH DAY OF JULY 19 87  
OFFICE OF COUNTY COMMISSIONERS  
BOZEMAN, MONTANA

There being no further business the meeting adjourned at 2:15 P.M.

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ATTEST:

*Gerald R. Wene*  
Clerk

APPROVED:

*William V. Vissel*  
Chairman

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