

# PUBLIC MEETING AGENDA

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Phone Conference ID: **839 476 542#**

**THURSDAY, JANUARY 7, 2021 – 2 PM**

**1. CALL TO ORDER**

**2. LAND ACKNOWLEDGEMENT**

Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.

**3. PLEDGE OF ALLEGIANCE**

**4. PUBLIC ANNOUNCEMENTS**

**5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

**6. [CURRENT CLAIMS LIST](#)**

Claims received as of December 9, 2020 to December 29, 2020 by the Commissioners' Office total \$3,270,309.77.

**7. HEARINGS**

**a. Thorpe Family Transfer**

Matt Heimel, Planner I, Community and Planning Services

**b. Schmidt Road-Milwaukee Trail to Mullan Road Connector Public Trail Easement  
Open Space Acquisition project**

Kylie Paul, Natural Resource Specialist, Community and Planning Services

**c. Resolution outlining the need for safety while operating all-terrain vehicles**

Chris Lounsbury, Chief Administrative Officer, Missoula County

**d. Sxwtpqyen Neighborhoods Master Plan and Form Based Code**

Andrew Hagemeyer, Senior Planner, Community and Planning Services

**8. OTHER BUSINESS**

**9. ADJOURN**



# Request for Commission Action

## Public Hearing

Meeting Date: January 7, 2021

### Action Information

**Date Required:** 1/7/2021

**Action/Motion Requested:** Request the Board approve a resolution outlining the need for safety while operating all-terrain vehicles.

**Parties Involved:** Missoula County

**Fiscal Impact:**

**Budget Action Required:**

### Project Information

**Project/Item:** Missoula County has a long history of working to ensure public safety. This resolution calls out the need to exercise due caution when operating ATVs to make sure that they stay safe while recreating in Missoula County.

**Project Location:**

**Project/Contract Begin Date:**

**Project/Contract End Date:**

### Action Request Summary

### Action Request Approvals

Chief Operating Officer  
Attorney  
Risk & Benefits  
BCC Admin Staff

Created/Initiated - 12/19/2020  
Approved - 12/21/2020  
Approved - 12/21/2020  
Final Approval - 12/28/2020

### Commission Actions

Chair \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Action Date \_\_\_\_\_

Chair Authorized to Sign: No

**Resolution No. \_\_\_\_\_**

**A RESOLUTION TO ENCOURAGE AND PROMOTE SAFE USE OF ALL-TERRAIN VEHICLES, ESPECIALLY BY CHILDREN**

**WHEREAS**, as of December 31, 2018, the U. S. Consumer Product Safety Commission received reports of 15,744 all-terrain vehicle (ATV) related fatalities occurring between 1982 and 2018, with reporting ongoing and that number likely to increase;<sup>1</sup> and

**WHEREAS**, of those fatalities, 3,353 were children younger than 16 years of age representing 21 percent of all fatalities; and

**WHEREAS**, in 2016, the most recent year where reporting is considered complete, 11 percent were children younger than 16 years of age, and within that 11 percent, 45 percent were under age 12; and

**WHEREAS**, from 1982 through 2018, children under 12 generally represent almost half of all fatalities under the age of 16; and

**WHEREAS**, in 2018 there were an estimated 81,800 ATV-related injuries treated in emergency departments in the United States and an estimated 26 percent of these injuries involved children younger than 16 years of age; and

**WHEREAS**, in Montana the number of ATV-related deaths reported from 1982 through 2018 was 160, with reporting ongoing; and

**WHEREAS**, in 2018, 22 percent of the ATV-related injuries treated in emergency departments were diagnosed as contusions and abrasions and 30 percent were diagnosed as fractures; and

**WHEREAS**, in 2018, 29 percent of the ATV-related injuries treated in emergency departments primarily affected the arm from shoulders to fingertips, 29 percent primarily affected the head or neck, 22 percent primarily affected the legs, and 21 percent primarily affected the torso; and

**WHEREAS**, ATVs are not manufactured primarily for on-road use and do not meet the National Highway Traffic Safety Administration’s (NHTSA) statutory definition of a motor vehicle;<sup>2</sup> and

**WHEREAS**, of ATV-related fatalities for which location was reported, 65 percent occurred on roads and 74 percent of deaths on public roads were on paved roads; and<sup>3</sup>

**WHEREAS**, the U. S. Consumer Products Safety Commission recommends the following “rules of the trail to make safety a part of the plan for every ride and help reduce ATV-related deaths and injuries:”<sup>4</sup>

- Do not drive ATVs on paved roads.
- Do not allow a child under 16 to drive or ride an adult ATV.
- Do not drive ATVs with a passenger or ride as a passenger.
- Always wear a helmet and other protective gear such as eye protection, boots, gloves, long pants and a long-sleeved shirt.
- Take a hands-on safety training course.

**WHEREAS**, the All-Terrain Vehicle Safety Institute® recommends the “The ATV Safety Institute’s Golden Rules,” that include the following:<sup>5</sup>

- Always wear a Department of Transportation (DOT) compliant helmet, goggles, long sleeves, long pants, over-the-ankle boots, and gloves.
- Never ride on paved roads except to cross when done safely and permitted by law.
- Never ride under the influence of alcohol or drugs.
- Never carry a passenger on a single-rider ATV, and no more than one passenger on an ATV specifically designed for two people.
- Ride an ATV that's right for your age.
- Supervise riders younger than 16.
- Ride only on designated trails and at a safe speed.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Board of County Commissioners of \_\_\_\_\_ County, State of Montana this \_\_\_\_\_ day of \_\_\_\_\_, 202 that:

1. \_\_\_\_\_ County encourages and promotes safe use of all-terrain vehicles, especially by children.

2. \_\_\_\_\_ County endorses the following rules of the trail to make safety a part of the plan for every ride and help reduce ATV-related deaths and injuries:

- Do not drive ATVs on paved roads except to cross when done safely and permitted by law.
- Ride an ATV that's right for your age. Do not allow a child under 16 to drive or ride an adult ATV.
- Supervise riders younger than 16.
- Never carry a passenger on a single-rider ATV. Never carry more than one passenger on an ATV specifically designed for two people. Never ride as a passenger on a single-rider ATV. Never ride as a second passenger on an ATV specifically designed for two people.

- Always wear a Department of Transportation (DOT) compliant helmet and other protective gear such as goggles or other eye protection, over-the-ankle boots, gloves, long pants, and long-sleeved shirts.
- Take a hands-on safety training course.
- Never ride under the influence of alcohol or drugs.
- **Ride only on designated trails and at a safe speed.**

Attest

\_\_\_\_\_  
County Clerk & Recorder

\_\_\_\_\_  
Chairperson

( c o u n t y   s e a l )

Votes:    \_\_\_\_\_ for  
                  \_\_\_\_\_ against  
                  \_\_\_\_\_ absent  
                  \_\_\_\_\_ abstaining

\_\_\_\_\_  
<sup>1</sup> Except as otherwise noted, the source of statistics in this Resolution is “2018 Annual Report of ATV-Related Deaths and Injuries,” February 2020, U. S. Consumer Product Safety Commission.

<sup>2</sup> 49 USC 30102(a)(6).

<sup>3</sup> Rachel Weintraub and Michael Best, “ATVs on Roadways: A Safety Crisis,” Consumer Federation of America, March 2014.

<sup>4</sup> “ATV Safety Information Center,” U. S. Consumer Products Safety Commission, <https://www.cpsc.gov/Safety-Education/Safety-Education-Centers/ATV-Safety-Information-Center>.

<sup>5</sup> The ATV Safety Institute’s Golden Rules, <https://atvsafety.org/the-golden-rules/>