

## SUBDIVISION MEETING

April 29, 2004

Others attending all or part of the meeting: Steven Hoy, Brian Hollings, Mitch Rygg, Scott Goldthwait, Dennis Lay, Dean Retz, Connie Wellenstein, Ron Johnson and Ron Mercer.

**Pledge of Allegiance.** (Everyone recited the pledge)

Chair Murray: Good morning and welcome to the County Subdivision Meeting. My name is Mike Murray, to my right is Commissioner Tinsley to his right is Sheila Cozzie our Human Resource Officer and acting Chief Administrative Officer and to her far right is Carole Byrnes our executive secretary. Commissioner Varone is still ill and in the hospital to my understanding and she may not be back next week either.

**Award of Sierra Road Bike Path CTEP Project.** (Brian Holling, Transportation Coord.)

The Commissioners will consider awarding the bid.

Chair Murray: The first item on the agenda is the Award of the Sierra Road Bike Path CTEP project.

Brian Holling: Thank you Chairman Murray, Commissioner Tinsley. This item for your consideration is award the construction contract to Helena Sand and Gravel of Helena Montana for construction of the Sierra Road Bike Path, this is a CTEP project and received almost 86% of this funding from the state. The state has approved award of this contract.

Chair Murray: If you can Mr. Holling if you'll explain the path on Sierra Road goes from the school to Montana only.

Brian Holling: It goes from under the viaduct to the road just east of the interstate and all the way through North Montana cutting across the school out there.

Chair Murray: Thank you. Questions of Mr. Holling? Is there a motion?

Commissioner Tinsley: Mr. Chairman I would like to make a motion that we award the contract for the Sierra Road Bike Path CTEP project to Helena Sand and Gravel in the amount of \$136,942.20 and authorize the chair to sign.

Chair Murray: Second. Discussion. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Proposed Subdivision, Summary Review to be Known as Lakeside Heights Minor.** (Applicant, Connie Wellenstein and Ron Johnson) (Planner, Frank Rives) (cont from 4/27/04).

The Commissioners will consider creating five lots, four each for one single-family dwelling, and a remainder lot to be used for agriculture. The proposed subdivision is located in the SW1/4 of Section 34, T11N, R2W; generally located south of York Road, approximately one mile southwest of Lakeside.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the proposed subdivision summary review to be known as Lakeside Heights Minor and authorize the chair to sign.

Chair Murray: Second.

Commissioner Tinsley: Discussion

Chair Murray: Discussion

Commissioner Tinsley: Mr. Chairman, it pains me to see irrigated farm land going to residential development however I was heartened by if I can find it fairly quickly by Mr. Johnson's willingness to still incorporate some of the remaining land into irrigated leases hopefully and I, that is a positive point and I think and I'm glad to hear that he's willing to do that. So, I just wanted you folks to understand my feelings on that but it looks like you're going out of your way to make a good development here, I appreciate your willingness to \_\_\_\_\_ the left over ground for me so.

Chair Murray: Commissioner Tinsley I agree with comments on this. All in favor of the motion to approve the subdivision to be known as Lakeside Heights minor signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Proposed Subdivision, Summary Review to be Known as CoPart Minor.** (Applicant, Helena Regional Airport) (Planner, Frank Rives) (cont from 4/27/04)

The Commissioners will consider the proposal to create two commercial/light industrial lots from an existing 43.14-acre tract. The proposed subdivision is located in the NW1/4 of Section 27, T10N, R3W; generally located north of and adjacent to the Burlington Northern Railroad and south of Bozeman Avenue.

Commissioner Tinsley: Mr. Chairman I make a motion to approve the proposed subdivision summary review to be known as CoPart Minor and authorize the chair to sign.

Chair Murray: Second. Discussion.

Commissioner Tinsley: Mr. Chairman I'd like to amend the conditions of approval and add a condition under number 7 as soon as I find them which will be 7K condition of approval and should I read for the record?

Chair Murray: Please

Commissioner Tinsley: Notification of the property owner of tract B1 would be required to hook into City of Helena Sewer, or, if an exemption from DEQ is approved the applicant must obtain a septic permit from the City-County Environmental Health Department prior to construction of any structure requiring wastewater treatment and it lists the applicable sections of state law and County Subdivision Regulations.

Chair Murray: Second, if I haven't seconded to your amendment. Mr. Mercer have you received a copy.

Ron Mercer: Yes, we're fine with that.

Chair Murray: Commissioner, in testimony the applicant questioned the need for a \_\_\_ septic permit \_\_\_ to develop one of the two lots, does this condition Mr. Rives propose that condition number one or do we still have to amend condition number one.

Frank Rives: Chairman Murray, Commissioner Tinsley. The condition number one would be substituted by the notification because the tracts are over 20 acres so they're not required to get DEQ approval however they would be required to get DEQ \_\_\_\_\_ septic permit from the County at the time that they develop the structure on the property. So, condition number one would no longer be necessary.

Chair Murray: So we can eliminate condition number one?

Frank Rives: Yes

Commissioner Tinsley: I can add that to my amendment, my motion. I'll amend my motion to include the removal of condition of approval number one.

Chair Murray: second. So we've added proposed condition 7K and we've eliminated condition number one all in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Commissioner in Condition 7E we had discussion on dedicating Bozeman street for public easement, does this condition need to be amended to incorporate that?

Commissioner Tinsley: Mr. Chairman, I was hoping to hear from Mr. Rives on that, I assumed it would be addressed this morning but I thought there might be some language but I wasn't positive.

Frank Rives: Chairman Murray, Commissioner Tinsley. Bozeman Avenue from the records we have was a public access easement. In public testimony from the applicant stated that it was a private easement. In order to have legal physical access it would be required to have public access easement so we would have to address that in the conditions of approval.

Chair Murray: Mr. Mercer would you help us.

Ron Mercer: Chairman Murray, Commissioner Tinsley. We would add to the plat the designation of that right-of-way and do the paperwork \_\_\_ that is a public access. It's intended to be it's just not airport property and it's not been dedicated. We \_\_\_ do have condition of approval.

Chair Murray: Thank you. Commissioner Tinsley.

Commissioner Tinsley: Mr. Chairman, I'll at the staff's request or advice I will add another condition of approval and if the language is not fine with staff let me know but I think it's pretty simple language and we can fix it after we do a vote, Mr. Chairman I would move that we add another condition of approval number 7L to read prior to filing final plat, Bozeman must be made a public access easement and allow staff to fix the language as needed.

Chair Murray: Second. Mr. Mercer as the applicant, do you have any problems with that

Ron Mercer: That's fine.

Chair Murray: Thank you. Commissioner you have before you a motion to add condition 7L pertaining to public access easement for Bozeman Street, all in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. We have before us amended eleven, we have eleven conditions as amended approving the proposed subdivision to be known as the CoPart Minor, all in favor of the motion to approved the subdivision as amended, signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Thank you Mr. Mercer.

**Modification of Conditions of Approval for Northwest Minor Subdivision.** (Applicant, M&W Investments/Larry Marshall) (Planner, Michael McHugh) (cont from 4/27/04)

The Commissioners will consider modifying condition of approval #16.

Chair Murray: The applicant has requested the commission consider a public hearing to review condition

number sixteen and consider changing it.

Commissioner Tinsley: Mr. Chairman, while I disagree at this particular time with the intent of Mr. Marshall's request, I do feel he should have a public hearing and we can hear this thing and hear it from both sides and see if anything's added that might change my mind so I'm willing to make a motion to grant a public hearing to hear his request to change condition of approval #16 from his original preliminary plat and the only question is when do you want to do the public hearing and I don't know if there is advice from staff or you have any particular date you're interested in.

Michael McHugh: It requires 15 days public notice, so at a minimum you'd be looking at three weeks minimum to allow staff to notify adjacent property owners and necessary service providers and be the earliest we could do it.

Commissioner Tinsley: How about May 26<sup>th</sup>?

Chair Murray: I was going to suggest the 20<sup>th</sup>, the 26<sup>th</sup> is?

Commissioner Tinsley: We'll be out the 20<sup>th</sup>.

Chair Murray: The 26<sup>th</sup> is a Wednesday Commissioner.

Commissioner Tinsley: I'm at '05, how about the 27<sup>th</sup>?

Chair Murray: Second. All in favor of the motion to schedule a public hearing to review new evidence that would allow the change in condition #16 signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Proposed Minor Subdivision, Preliminary Plat to be Known as Capital Court Minor Subdivision.** (Applicant Scott Goldthwait) (Planner Michael McHugh) (cont from 4/27/04)

The Commissioners will consider creating five spaces for rent, two for single-family dwellings and three spaces for a mobile home park. The proposal is in the NE1/4 of Section 23, T10N, R3W; located south of and adjacent to the irrigation canal and west of and adjacent to Wylie Drive.

Commissioner Tinsley: Chairman, I believe there's variances that go along and do they each need to be taken separately or as a group? Separately? Staff is indicating separately. Mr. Chairman I make a motion to deny variance request to Ethan Place private access easement with access off Wylie Drive as requested by the applicant.

Chair Murray: Second. Discussion?

Commissioner Tinsley: Mr. Chairman. Mr. Goldthwait, as I indicated to you I think in the last public hearing we don't take variances very lightly and there's a reason that we have these put in place however I think we as a commission and I'm not speaking for Mr. Murray yet but I got indications from him last time at the public hearing we're willing to work with you and it appears to us you're willing to and you have been and have shown a willingness to fix up this place that you've purchased and bring it into compliance and we appreciate that. The granting of variances is not something that we do lightly, I wanted you to understand that but we are willing to work with you and give you some time to do this and we'll see what happens okay. I just wanted you to understand that.

Chair Murray: All in favor of the motion to deny the variance request to place a private access easement off Wylie Drive signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Commissioner Tinsley: Mr. Chairman I make a motion to deny the request it is not necessary to widen the road by variance request as requested to widen the road by two feet to avoid having to widen the road by two feet and authorize the chair to sign.

Chair Murray: Second. Discussion. Commissioner Tinsley the testimony received from Mr. Goldthwait you indicated that if you would mow each side of the street you pick up a foot on each side and given your testimony I'm comfortable with just mowing it to gain the additional two feet.

Scott Goldthwait: I was just going to say, I don't know, I think the variances all pertain to that road so I don't know, that pretty much if the first variance was denied I think this one's kind of null and void because that was for the road that's there that I believe we're talking about.

Chair Murray: and in your testimony you indicated by mowing, just simple mowing each shoulder you thought you could pick up the additional two feet. All in favor of the motion to deny the variance request on the additional two feet signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries

Commissioner Tinsley: Mr. Chairman I make a motion to deny the request for right of way width to be 30' instead of 60' and \_\_\_\_\_ and authorize chair to sign.

Chair Murray: Second. Discussion. No discussion, all in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Commissioner Tinsley: Mr. Chairman I make a motion to approve the proposed minor subdivision preliminary plat to be known as the Capital Court Minor and authorize chair to sign.

Chair Murray: Second. Discussion.

Commissioner Tinsley: Mr. Chairman, Mr. McHugh raised his hand.

Michael McHugh: Because the request for variances were denied you need to delete condition of approval 11(H)(1) that talks about implications associated with bringing in variances.

Commissioner Tinsley: Mr. Chairman I would like to amend my motion, no I'll just make a motion, Mr. Chairman I'd like to make a motion that we delete condition of approval #11(H)(1) and authorize chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Commissioner Tinsley I'd like you to take a look at the requirement in condition #1, condition #2, condition #3, condition #4, requiring 180 days and if you make a motion I'd like to get this on the table, I appreciate that we're encouraging the applicant to work as quickly as possible which I believe the applicant is doing and I'm not sure that I want to with that type of restriction on there in this case based on the due diligence that he's exhibited with this property.

Commissioner Tinsley: Mr. Chairman any suggestion on what you'd like there?

Chair Murray: I was going to eliminate or consider eliminating it just as we would do with any other subdivision, that 180 days in testimony and staff was to encourage and move this property into compliance as soon as possible. I appreciate the staff's due diligence in getting us to encourage the applicant. I think the applicant is complying and I'm not sure that the requirement is necessary, condition #8 also I left the suggested 180 days there which is the fire compliance.

Commissioner Tinsley: You want to leave that, okay. Mr. Chairman I'd like to make a motion \_\_\_\_\_ we strike reference to 'within 180 days of approval' from conditions of approval #1, #2, #3, and #4.

Chair Murray: Second. Discussion.

Commissioner Tinsley: Mr. Chairman I believe that Mr. Goldthwait has shown considerable willingness to work with County and I appreciate that and also recognize that staff is being, using due diligence and I appreciate that as well however I think in this particular instance Mr. Goldthwait has exhibited an extreme amount of willingness to cooperate and we appreciate that and therefore I think we should pass this motion.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Commissioner we have before us an amended motion to approve the subdivision subject to the 16 conditions as amended. Discussion. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Thank you Mr. Goldthwait.

Scott Goldthwait: Can I make any comments?

Chair Murray: Certainly.

Scott Goldthwait: I just, I'm assuming that the Commissioners looked at this that fire assessment, I brought that up at the last meeting as far as that still an order even though taxes have been being paid on all three of the mobile homes ever since they've been there. I'm assuming. I don't know is that, I don't know how that works, is that, would that be like, I'm assuming some of the taxes that have been paid have been going to the fire district.

Commissioner Tinsley: Commissioner Murray I'll give him my understanding and then I'd like to defer to Mr. McHugh because I know he has a great understanding of it. As I understand it these fees from the old fire did not go for anything that is existing, they don't go for infrastructure that's existing, it's to pay for future needs because of the impact that your subdivision is having on that district, but I'll defer to Mr. McHugh to allow him if he can to explain it further.

Michael McHugh: Staff did try to research whether taxes have been paid on all the mobile homes, apparently the two older mobile homes the taxes have been paid but under the current assessors records it appears that the third mobile home which would be the northern one is listed under a different ownership and there's no record that scratch gravel fees were, fire fees have been paid on that one. This was a request by the fire department and staff typically just includes all requests in there as presented by the fire department because they are the service provider.

Chair Murray: Commissioner Tinsley we also received some evidence from the applicant, pictures of his road,

pictures of the tree and geo code that is 25-feet tall now, showing the three trailer houses in the bottom photo. If you wish to continue review of this particular condition until Tuesday I think we're in our legal right to do it unless there is a reason to change it today. Perhaps only the one trailer house should be assessed this fire fee.

Commissioner Tinsley: Mr. Chairman, I \_\_\_\_\_ to your pleasure and follow your knowledge regarding this.

Chair Murray: Mr. McHugh, would you with your legal knowledge help me through this, is now the time to correct an inequity if one exists or can we continue this until Tuesday.

Michael McHugh: Unfortunately you've already

Chair Murray: We can reconsider the motion

Michael McHugh: you can reconsider it.

Commissioner Tinsley: We can reconsider it on Tuesday as well

Michael McHugh: You'll have to continue this and allow public comment. This is the same information discussed specifically.

Commissioner Tinsley: Mr. Chairman I believe we can add it as an agenda item for Tuesday which than will allow public comment again when we have the meeting. Close the public comment and make a decision after the public comment and after the \_\_\_\_\_ I believe. It would be in a form of a motion to reconsider.

Michael McHugh: What you'd have to do is reconsider your whole proposal.

Commissioner Tinsley: Right. With the intent of only going in and talking about this one portion and I understand that.

Chair Murray: Mr. Goldthwait it's my understanding that it's the intent of the commission to put this on the Tuesday agenda, do additional research between now and Tuesday on the Tuesday agenda we'll move to reconsider having both of us having voted in the affirmative we'll move to reconsider your approval and we'll look only at condition #8 based on the research that staff and both Commissioner Tinsley and I will do and if you find any additional information if you'd be prepared to present it at that time we will allow public comment on this proposed condition amendment.

Scott Goldthwait: I apologize if I've created, I just kind of, my expenses I can see are mounting with getting this in compliance and I really have to, I mean \$1500 is \$1500 and I know, I just paid taxes on this and these things are in there, the geo codes if you look back to 585 is when the sheet last shows and according to the assessors office

Chair Murray: We'll do the research Mr. Goldthwait

Scott Goldthwait: They just say they go back even further than that, If I don't have to pay it, I'm leaving it with you folks.

Chair Murray: The intent of the commission is to do all of our work equitably and correctly so we will go back and research this and I'm told if you take care of the dollars the pennies will take care of themselves so we're as concerned about your \$1500 as you are.

Scott Goldthwait: Okay, Thank you.

Chair Murray: Yes Sir. We'll see you on Tuesday.

**Proposed Minor Subdivision, Preliminary Plat to be Known as the Big Valley Tract 11B2 Amended Minor.**  
(Applicant, Cindy Hoy) (Planner, Michael McHugh) (cont from 4/27/04)

The Commissioners will consider creating five lots, each for one single-family dwelling. The subject property is in the NW1/4 of Section 7, T11N, R3W; generally located approximately  $\frac{1}{2}$  mile east of Applegate Drive and at the terminus of Jeanne Road.

Commissioner Tinsley: Mr. Chairman \_\_\_\_ a request for a temporary variance for the construction of the extension of Jeanne Road. Mr. Chairman I want to make a motion to approve the temporary variance as requested by Mr. Hoy and Mrs. Hoy regarding the extension of Jeanne Road.

Chair Murray: Is there a second. Discussion. Is there an end period in your motion?

Commissioner Tinsley: Mr. Chair I have a number written on my paper here but I thought we would check with staff and get a suggestion from him prior to that since I didn't see it in the variance request. Mr. Chairman this, the intent of this request was to temporarily allow them not to have to improve the road until such time as and I can't think of the name, just east of

Michael McHugh: The intent of the variance is not to not allow them to improve the road, condition of approval

Commissioner Tinsley: Thank you for correcting me Mr. McHugh

Michael McHugh: #7 requires them to do that, but the variance request is to have a dead end road in excess of 1000' and Northstar subdivision is going through review again and the intent I filled out is to have the road running north-south and this road will connect to so it will require a connection between the two subdividers.

Commissioner Tinsley: So Mr. Chairman, Mr. McHugh the request is to allow the dead end but the condition of approval applies once the build out occurs and then he's required to extend the road is that correct or do we have to put a time period on it?

Michael McHugh: He's required to improve the road for final platting of subdivision. Instead of putting a time specific time on it because we don't know when the actual construction of that you could amend condition 1 10(H)(1) again and state that it will be a temporary variance granted until construction or final plat of the Northstar PID located east of the property requiring connection.

Commissioner Tinsley: Would you say that again.

Chair Murray: Commissioner I was going to suggest if the applicant is agreeable in the past we have allowed the applicant, or the applicants representative and staff to put this in proper English as long as we grasp the concept of what the motion provides. Mr. Retz if you wish to comment or Mr. Hoy.

Dean Retz: If I may comment Chairman Murray, Commissioner Tinsley. If the final plat is as proposed it will be final platted it could be possible all the parcels sold as fully built and than what would happen in say five years the time frame runs out what is the recourse?

Chair Murray: Mr. Retz as I understand it, staff is recommending that the condition be, when Northstar if and when Northstar is completed that you would complete to the end of the property line rather than put a date specific on this so if Northstar never builds out the applicant doesn't have to meet that condition. The concern I have and I think the concern you're trying to raise is once this is platted we lose our authority to make requirements so this may involve a bonding requirement of if the Hoy's happen to move on to Florida that there's a letter of credit that would allow this to built out or some type of credit that would allow this to be built out if and when Northstar develops this space.

Dean Retz: May I respond again?

Chair Murray: Please

Dean Retz: According to condition of approval #7, the road would be built to the property boundary.

Chair Murray: It was my understanding by this variance you wish to

Dean Retz: No the variance only deals with the fact the whole road build out 2194' and subject to regulations is 1000' so we're requesting a temporary variance only because assuming Northstar and/or Northwest which is Larry Marshall's subdivision is approved and built than there would be two accesses.

Chair Murray: Staff is shaking there head in the affirmative looking like both of us are wrapped around the axel one more time. How than do we provide that if and when Northstar is built the road is continued to connect to the Northstar Road Mr. McHugh?

Michael McHugh: By making it a requirement that the road be constructed to County Standards prior to final plat to the eastern property boundary as Northstar or Northwest develops, they would be required to bring because that would be there western boundary.

Commissioner Tinsley: So we don't need a time period Mr. Chairman we don't need a time period we just put prior to final plat and that basically is the

Michael McHugh: the variance again is just to be in excess of 1000' until such time and than because Northstar and Northwest will be reviewed there will be a condition of approval requiring them to connect to Jeanne Road at that time, but the proposal as designed right now will have a road in excess more than double the County Standards so you could call it a temporary variance or just a variance.

Chair Murray: Commissioner Tinsley it was my understanding in testimony the applicant with condition #7 wanted to put in a cul-de-sac and build out at a future date. I was questioning the phrase the eastern property boundary. Mr. Retz if you can help me through this please.

Dean Retz: Chairman Murray, Commissioner Tinsley. No, maybe I was not clear but in my testimony I thought I was clear. We concur with the language on number 7 what we were asking is after the language of eastern property boundary than we would include this language which would basically say is not my language it's been done in two other subdivisions I know of from staff,

Michael McHugh: That's not part of the variance discussed

Chair Murray: I understand that but we're, we've been all over the north forty Mr. McHugh. Commissioner Tinsley the recommendation of staff and the applicant is that we adopt the requested variance and even though it's called temporary it's in effect a permanent variance until Northstar builds out if and when this body allows Northstar to build out.

Commissioner Tinsley: So moved.

Chair Murray: Second. The motion before us is to approve a variance request for Big Valley Tract 11(B)(2a) Amended minor subdivision, which would allow one access easement until the time that Northstar, if and when Northstar is approved, at that time this road would work into Northstar is the motion I believe that we have before us. A rather lengthy motion, all in favor of the motion to approve the variance signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Commissioner what is your preference on the proposed subdivision?

Commissioner Tinsley: Mr. Chairman I make a motion we approve the proposed minor subdivision preliminary plat to be known as Big Valley Tract 11(B)(2) amended minor and authorize the chair to sign.

Chair Murray: Subject to

Commissioner Tinsley: Subject to

Chair Murray: fourteen conditions as recommended by staff

Commissioner Tinsley: fourteen conditions as recommended conditions of approval by staff

Chair Murray: Second. Commissioner we have before us a requested amendment to condition #7 that would provide the applicant \_\_\_\_\_ contributions of future development that would benefit said road construction. The contribution to any developer would be based upon the ratio of the number of lots served by the road network. Mr. McHugh do you wish to comment on the proposed condition?

Michael McHugh: The proposed condition as submitted by the applicant would only deal with the property owners located to the west of the subject property and unless they subdivided their property it wouldn't be applicable to them. Again we get into a time period but we also get into the bookkeeping problem if the current applicant was to sell his property and move away it would be difficult to reimburse him.

Chair Murray: But not impossible?

Michael McHugh: Not impossible.

Commissioner Tinsley: Mr. Chairman I'd like to make a motion that we amend condition of approval #7 as recommended by the applicant to include the language that he just put on the record after following the portion that reads eastern property boundary.

Chair Murray: Second. All in favor of the motions signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Now Commissioner I believe we still have to vote on the approval of the subdivision subject to the fourteen conditions all in favor of approving subdivision subject to the fourteen conditions as amended signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Thank you Mr. Hoy

**Request for Early Purchase Approval to Start the Bidding Process for a New Landfill Compactor in the FY05 Landfill Budget.** (Janet Pallister)

The Commissioners will consider the request.

Janet Pallister: Chairman Murray and Commissioner Tinsley. On April 20<sup>th</sup> the Board of Directors for the Scratchgravel Solid Waste District approved the FY05 Solid Waste Budget and included in the FY05 landfill budget was a new waste compactor for \$291,000.00. The current waste compactor has a five-year warranty or 7500 hours on the power train and that machine has 7120 hours on that warranty and we estimate that the warranty will expire some time in July. Once the warranty expires than the county is responsible for all costs associated with the repair of the power train warranty so it becomes critical that we try and replace the equipment as close to when the warranty expires as possible. The bid process is going to take about one month and once the contract is awarded it will take 60-90 days to get the equipment at the site so if we were to wait until the FY05 budgets to be approved by the Board of County Commissioners the warranty will have expired for approximately three months before we get the new equipment so I'm recommending that the board authorize this staff to begin the bidding process in May for a new compactor and authorize the payment for the piece of equipment after July 1<sup>st</sup> out of the FY05 plan of budget. Are there any questions?

Commissioner Tinsley: Mr. Chairman.

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: Ms. Pallister if you don't mind waiting for just a minute or so I asked, and I'm assuming since she isn't here to commenting that she's seen this, I was asking for Nancy to come and perhaps I could have asked you before I sent Sheila running down the hallway, I wasn't quite sure and I wanted to make sure before we continue

Chair Murray: While we're taking a minute Commissioner I'll present my question. My question is, as part of the bid are you requiring a trade in allowance of the compactor?

Janet Pallister: Yes we are, the \$291,000.00 price includes a buy back of approximately \$96,000.00 so that's the net price after a trade or buy back of \$96,000.00.

Chair Murray: My question than, if it only takes a month to advertise the bid would we be safe in waiting until the public works budget is presented, the public works 05 budget is presented to the commission and at that time bring this back and award or allow an early purchase, early advertisement of the bidding process.

Janet Pallister: The commission could certainly do that if they choose it will delay delivery of the machine by about 2-3 weeks because our work session is May 18<sup>th</sup> and so we couldn't begin the bid process until probably shortly after May 18<sup>th</sup>, say the end of that week so we wouldn't award the contract until sometime towards the end of June.

Chair Murray: Ms. Pallister let me ask you this, in the capital improvement fund do you have money set aside for the replacement

Janet Pallister: Yes we do. This will be paid out of cash reserves.

Chair Murray: Thank you. Having, do you have any questions?

Commissioner Tinsley: I just would like to and you can sit right there Nancy or he's got the microphone on over there so you don't have to get up, Mr. Chairman I would like to have Ms. Everson answer since she's right in the middle I'd like to get her comment on the request by public works.

Nancy Everson: Mr. Chairman, Commissioner Tinsley, I agree with the request from public works. Janet and I talked about it a couple days ago. As she said the money now's been accumulating in the cash reserves in the landfill fund, they don't want to run out of warranty on the trash compactor which is why the requested this. I think waiting until the budget meeting would be fine as well.

Chair Murray: Once the bid is signed, does the warranty really matter?

Janet Pallister: It does because we continue to use the existing piece of equipment until the new piece of equipment arrives so whatever hours accumulate on that until the new piece of equipment is delivered and the old one is taken it counts on the warranty.

Chair Murray: Thank you. Further questions Commissioner Tinsley? Is there a motion?

Commissioner Tinsley: Mr. Chairman I'd like to make a motion that we, I'm okay with \_\_\_\_\_, I make a motion that we approve the request of an early purchase of a landfill compactor and authorize the chair to sign \_\_\_\_\_ some discussion on it

Chair Murray: Second. Discussion. Commissioner the fact that we're paying this out of cash reserves that the landfill has wisely and public works has wisely set money aside over the years to ensure that the cash is now in the budget I'm comfortable with this also so I seconded this motion and I'm prepared to vote in the

affirmative. Further discussion? All in favor of the motion to allow the staff to start the bid process for a new waste compactor as soon as possible and authorize payment of the equipment out of the 05 landfill budget signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Request for Approval to Amend the FY04 Landfill Budget to Allow the Purchase of Minor Equipment Items and a New Monitoring Well.** (Janet Pallister)

The Commissioners will consider the request.

Janet Pallister: Chairman Murray and Commissioner Tinsley. If it's alright with you I would recommend the items in this memo as two separate motions. The first item I'm requesting, the FY04 landfill budget includes \$267,000.00 for the construction and closure of our phase I cell. In July of 2003 the scratch gravel board of directors also approved or directed staff to include in the bid for the closure of phase I the construction of Class 4 construction demolition pit. So we did go out to bid on both of those projects together, we did during the winter and we received extremely favorable bids, which resulted in a savings in the FY04 landfill budget of over a hundred and two thousand dollars. The FY04 budget at the time it was compiled we were not aware that there would be a new monitoring well required by the Department of Environmental Quality for the Class 4 pit. We have now been instructed by DEQ that we have to install this monitoring well and test it prior to the Class 4 pit receiving any construction and demolition waste. So, I am here today asking that the board recommend approval of installation of a new monitoring well and transfer of \$11,325.00 from contracted services to capital improvements for the installation of the well.

Chair Murray: Thank you. Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman I think it's wonderful the efficiency of the Public Works Department that they've managed to save the County over \$100,000 I appreciate that, good job. Mr. Chairman I'd like to make a motion that we approve the request from Public Works for the 04 budget authority to install a landfill monitoring well \_\_\_\_ cell and authorize the chair to sign.

Chair Murray: Second. Discussion. Ms. Pallister I believe you said, if you'd explain one more time, the class 4 cell is solely for construction waste.

Janet Pallister: For construction and demolition waste so this would be like large chunks of concrete, building demolition, it could be for large trees and things like that but the composter does not use, the company that makes compost so we'd actually be saving space in our class 2 cell which receives normal household waste and other solid waste, we'd be saving space in that cell which would hopefully prolong it's life and than moving this waste into a separate cell that doesn't have as stringent monitoring requirements and regulations on it because of the type of waste that's going into that cell (tape ended)

Chair Murray: (tape begins)... the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Janet Pallister: My second request today in this memo is for the purchase of several minor equipment items out of the FY04 landfill budget. To date the minor equipment line item in this budget still has \$6544 left in it and that was money was proposed to be used for purchasing a sander and plow for one of the pick-ups at the landfill but throughout the year the landfill manager has identified other equipment purchases that he feels are higher priority than these two items for the operation of the landfill. The first one would be a back-up tarp for daily cover for \$2,750 and the back-up tarp I think you know is used to cover the solid waste that's compacted everyday and by law if you don't have a tarp to cover this daily than you have to cover it with dirt

and that dirt takes up space in your landfill so what we do is we cover all of the garbage once a week and use the tarp on a daily basis. This tarp, we have a tarp right now it has a tear in it and sometimes these tears can become so large that you need to take the tarp off and then you have to use the dirt which again uses up your landfill cell space so we would like to buy a back up tarp that can be used in situations when the other tarp becomes damaged and is unusable so that we don't have to use daily cover for dirt or dirt for daily cover. The second item is a tarp stitcher as you're rolling the tarp in and out over the garbage it tears it gets hooked on a sharp object and as long as those tears are small our staff could stitch them. Right now we don't have this piece of equipment so the tears become larger and larger while we're waiting for the vendor to get there to repair them and that generally takes two to three weeks and that tarp stitcher would cost \$1,200. We're also asking for a mig welder as you know we have a full time mechanic now at the landfill site and he is able to do a lot of the welding out there but he doesn't have this piece of equipment so whenever he has to do this type of weld we have to contract for this to be done at a cost of \$60 an hour so this would save us in outside repair costs. And then there are two safety issues, the first is a radio for the landfill managers office for \$500. There are many times when an equipment operator and the landfill manager are the only employees on the site and the operator is out in the pit you know compacting the garbage doing whatever and Will is up in his office when he tries, when the operator needs to contact Will he does it by radio and the radio on the first floor of the building can't be heard by Will on the 2<sup>nd</sup> floor of the building so they tried hand held radios to see if those would work and they don't have the power to transmit out of the building this request is to get an additional radio set for the landfill manager in his office for safety reasons. The fifth request, that radio costs \$500. The fifth request is for an outdoor bathroom facility for the composting site. We have a contract with Big Butte to manufacture compost and OSHA has said it is a requirement to provide bathroom facilities for those employees so we are proposing to buy a concrete holding tank with a \_\_\_\_ type port a potty type facility over the holding tank for \$1,000. The total estimated cost of all of these items is \$6,650 so the minor equipment line item would need an additional budget authority of \$110 and it is my recommendation that the commission transfer that \$110 from contracted services to minor equipment. Are there any questions?

Chair Murray: Questions of Mrs. Pallister. Since, going back to item #5 an outdoor bathroom facility as required by OSHA my question is since this will serve primarily in the composting operations and we contract with Big Butte with composting operations why is it not incumbent upon them to provide the bathroom facility?

Janet Pallister: We actually own the site and they lease it from us and so we are required to provide any infrastructure or anything like that that is required for their operation to be there but it is something we could look at in amending their lease agreement because they do pay us and maybe we could amend their lease payment to include some of this cost or \_\_\_\_\_.

Chair Murray: Commissioner, Mrs. Pallister, that would be my recommendation down the road that you consider asking the contracting agency to allow us to amend their lease to play this \$1,000 cost I have real heart burn with the users of our landfill system paying for a bathroom for another contract agency that we're giving special consideration to anyway to keep them in business and to get our yard waste and that recycled and made into compost, I think this is a cost that should be passed on. Commissioner Tinsley is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion we approve the request by staff for the purchase of minor equipment listed in Janet's report for fiscal year '04 and also the transfer of commission budget authority in the amount of \$110 from contracted services to minor equipment and authorize chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Request for Additional Budget Authority for Fuel Purchases in the FY04 Fuel Revolving Budget.** (Janet Pallister)

The Commissioners will consider the request.

Janet Pallister. Chairman Murray and Commissioner Tinsley the next request is to increase the FY04 Fuel Revolving Budget and it's for actually two reasons. Our historical usage at the site has increased this year and fuel prices have also risen as everyone is aware so because of those two problems I guess you could say there isn't enough money in our FY04 Fuel Revolving Budget to make it through the end of the fiscal year so my recommendation is to increase the gas and oil line item in that budget this year by \$43,110.0 and those expenditures that we will spend on fuel will be recuperated on revenues that are charged back to the users of the site. Are there any questions?

Chair Murray: Questions of Mrs. Pallister. Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the request by staff to increase the gas line item for fiscal year '04 Fuel Revolving Budget by \$43,100.00 and authorize chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Thank you Mrs. Pallister

**Resolution Declaring County Property Surplus Property.**

The Commissioners will consider the resolution to surplus two broken TV's, a VCR, and an Epson printer.

Commissioner Tinsley: Mr. Chairman I make a motion we approve the resolution declaring County property as indicated on exhibit A of the staff report County Surplus Property and authorize chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Public Comments.**

Chair Murray: This is the time on our agenda when any member of the public present that has wishes to bring an item in front of the commission that we have authority over, this is your opportunity and there's no-one present. I do want to take one minute Commissioner and congratulate HCTV they've been invited into the Supreme Court to present to the public viewers and Lewis & Clark County the tobacco argument this morning before the Supreme Court they are to be congratulated for going after rights to keep the public totally informed. Do you have a comment also?

Commissioner Tinsley: I echo your admiration.

Chair Murray: We're adjourned.

**Adjourn.**