

SUBDIVISION MEETING

September 30, 2004

Chair Mike Murry called the meeting to order

Commissioner Verone was also in attendance while Commissioner Tinsely was excused. Others attending in all or a portion were Ron Alles, Erik Garberg, Marc PitmanCheryl Liedle, Jacalyn Grenfell, Terry Oler, Jerry Shepherd, Jerry Hamlin, and Carole Byrnes.

1. **Pledge of Allegiance.** Everyone recited the pledge.
2. **Public Hearing to Modify Conditions of Approval for the Green Acres Major Subdivision.** Sharon Haugen introduced modification of conditions for approval on the Green Acres Subdivision originally approved in 1990 and was Final plotted August 20, 2004. Mr. Hamlin, requested that the Board of County Commissioners consider an amendment to one of the conditions. The condition that he would like amended was 6-D. An accessing a utility easement 60 feet in width extending from the east edge of Green Acre Cul-de-sac to the East edge of the Subdivision portion of lot 18. Mr. Hamlin has suggested that the Commissioners reduce the easement from 60' to 50'. Mr. Hamlin's company built a house 8' into the easement. One correction to the encroachment survey, the drainfield easement is supposed to be a drainage easement that goes 40' North and South. Concerns expressed by Sharron were the width of Lifestyle Road and the Utilities buried underneath. Recommend approval of request with two conditions; 1. access and utility easement 50' in width and 2. the restricted covenants be amended to read no encroachments be allowed on any right away, notification to present and future land owners of the potential construction of a local street and that they waive their right protest it's future use for that purpose. Also recommended the usual covenant that holds the county harmless for granting that variance.

Mr. Hamlin agreed with the planner and asked that the Commissioners make their decision upon what the planner had already said unless they had any questions for him.

Chair Murray expressed concerns regarding the time restraints and the closing of the property with the bank, and recommended resolving the issue the day of this meeting.

Commissioner Varone moved to approve the request for modification of Subdivision approval for the Green Acres Subdivision including the recommended changes by staff, on condition of approval 6d as stated in her summary and also the findings of facts relative to who's responsible for improvement of the road should it ever take place and authorize Sharron's Design.

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Chair Murray seconded the motion. Motion was carried.

3. Request for a One-Year Extension of Two Forest Service Grants.

Sharron Haugen reported that these Rural Community Assistance Grants, the "Lincoln Community Plan" grant, and the "Smaller Diameter Woods Pavilion for Hooper Park" grant, from the Forest Service were awarded to the Lincoln Community Council. However, the Lincoln Community Council was not an eligible entity for the Forest Service, and the grants were transferred to Lewis and Clark County. We are asking today that the Commission consider a one-year extension on those two grants. Work will be completed on the Community plan this winter and there are some associated activities. We also are doing fire mitigation up there and she(Sharron) did not have the opportunity to check with Mr. McKelvy if he's completing his activities and construction of the pavilion will be completed next spring. She was contacted by the forest service on Monday, indicating that if the Commission wanted to extend these grants that they need this request in today. Staff has reviewed that and does recommend approval and she would be happy to answer any questions that the commission may have.

Commissioner Varone moved approval for the request for one year extension of two forest service grants one for the Lincoln Community plan and the second one for a small diameter kiosk at Hooper park. Commissioner Murray seconded the motion and it carried 2-0.

The document was then directed to be signed and faxed the same day passed.

4. Request for Capital Equipment Expenditure Under the FY03 Domestic Preparedness Equipment Grant. (Sheriff Liedle/Jaci Grenfall)

Sheriff Liedle spoke on the matter stating that they are asking for a budget amendment to move \$35,000.00 from their minor equipment into the Capital Equipment portion of their budget. The purpose of this amendment is to pay for a vehicle designed to contain their bomb explosive robot and different items of their bomb technician program equipment. The expenditure is going to be reimbursed by the Montana Department of Disaster and Emergency Services out of the FY03 Homeland Security Funding. At this time they are asking for approval of this budget.

Commissioner Varone moved approval to the request to amend the capital equipment expenditure FY03 Domestic Preparedness Equipment grant in the amount of \$35,000.00 and authorize Chair to sign. Chair Murray seconded. Motion passed 2-0.

5. License Agreement (Sheriff Radio Project)

Sheriff Liedle introduced an agreement with the City of East Helena to give permission to install and maintain radio equipment on the roof of their new City Hall on Main Street in East Helena. This equipment consists of a tower on top of the roof and space within the building to contain the radio infrastructure equipment. There's no monetary exchange, it's just a standard lease agreement and has been reviewed by K. Paul Stahl from the County Attorney's office.

Murray asked if the City of East Helena will benefit from the radio project location/ tower location. Response: Yes, the city of East Helena will benefit significantly as they've always had difficulty with their radio communications within the city especially in building coverage and this tower will solve that for them.

Commissioner Varone moved approval of the license agreement with the city of East Helena for the

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Sheriffs radio project and authorized Chair to sign. Chair seconded and the motion carried 2-0.

6. Proposed Subdivision summary review to be known as the Bodner Minor Subdivision. (Applicant, Joe & Sue Bodner) (Planner, Lindsay Morgan)(cont. from 9/21/04) (Render decision)

Lindsay Morgan presented draft changes for the proposed development. She spoke with Mary Blake who's representing the Bodners and she was agreeable to the condition changes that she has proposed. Mary Blake of Big Sky Brokers spoke on behalf of the Bodners, stating that she had spoken with Lindsay on the change in some of the conditions, H, I, J, and P under number 9. In general she is in consensus. The questions she had is under I it still says that the gardens shall be fenced and shall be constructed of 7' woven wire. In order for a woven wire to be 7' tall you have to have two runs of wire, it only comes up to 6' that she knows that you can purchase. She is also concerned about the use of shell in J as well. Her recommendation on her request is that maybe it can say that all gardens, fruit trees, and compost piles should be fenced with deer proof, and the fences should be constructed of deer proof fence, and should be a minimum of 6', maximum of 7' tall. Also that all dogs should be restrained or penned at all times leaving the enforcement of the rule up to the leash law. Clarification for Chair Murray, she supports the second P. Recommended that the commission return the issue back to the planning board and that they ask the planning board to work with horse organizations and have at least two public hearings and that they bring back recommendations to the county commission for the staff/commission to look at the issue.

Commissioner Varone agreed saying that she was in favor of the recommended action. Chair Murray inquired as to why she thought two public meetings would be better than one. As a response, she stated that most people miss one and would then have the opportunity to attend the other one, and some wouldn't be able to attend because of the holiday.

She again reinforces the request for the two variances on the road service and the dead end road.

Chair Murray brought up her concerns on condition #12 regarding all applicants shall remove all junk vehicles and equipment located on the site which turned out to be farm equipment. She responded saying that she thinks that the equipment referred to was Dick Kelly's and therefore was not a problem.

Fire Chief Sheppard testified that after the last public meeting that he did go take a look at the proposed subdivision and did not have a problem with either variance. As he looks at the road, where the road narrows down, it's going to be right at the driveway and it will not be a problem for the fire trucks to get in and out of there as the way the road's built it's going to be a turn right at Buoy Drive and it's not a problem for width and as far as the dead end, he went down as far as he could and it actually dead ends down at Dick Kelley's property and there's plenty of room to turn around down in there so as far as the fire department is concerned it's not a problem.

Chair Murray offered Mary Blake the opportunity to close the public meeting. Commissioner Varone felt the need to consider the variances before considering the application. The first variance to approve/disapprove is the request to approve a dead end road over a thousand feet in overall length. Varone then moved to grant that particular variance and authorized chair to sign. Chair Murray seconded and motion was passed 2-0.

Commissioner Varone then moved to accept request the variance stating that the road does not meet

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county standards regarding the surface width. Chair Murray seconded motion. Motion passes 2-0.

Commissioner Varone moved to accept the Bodner Minor Subdivision including 15 conditions with the following amendments. Chair Murray seconded after condition #5 was changed from the East Fire District to the West Fire District and terminology of condition #9 modified to stating that gardens, fruit trees and compost piles must be fenced with deer proof fencing no less than 6' and no greater than 7' high, Condition of approval J was modified to read "a notification that all dogs", item P language change to now read "a prohibition of grazing of livestock on lot A1, A2, there shall be no boarding of animals not belonging to the occupant of the property. Once the property owners of lot A1, A2 can no longer use the adjacent pasture grounds there will be a prohibition on the raising, keeping or confining of livestock on lot A1, A2."

Motion to accept Bodner Minor Subdivision including 15 conditions with the aforementioned amendments carries 2-0.

7. Proposed Subdivision. Summary Review to be Known as Rod and Line Minor.

Michael McHugh spoke on the issue stating that a public hearing was held on September 23, 2004. At that time the commission directed staff to try to contact the Dearborn Fire Service area Chief. One of their board of trustees staff did speak with Paul Brady, who is the fire Chief. They discussed the condition that required a fire protection plan. The Dearborn does not require a fire protection plan and does not require a fee to be paid to the fire district. The applicant and the fire chief have spoken on the phone, based on the findings if the commission does choose to approve this subdivision, staff would recommend deleting condition number five that dealt with the fire protection plan, then that would leave 11 recommended conditions.

According to Mr. Brady he regularly attends the fire council for Lewis and Clark County and is aware that other Fire districts do require the fee but, at this time their board of trustees has not taken an action to require that.

Commissioner Varone motioned to approve the proposed subdivision summary review to be known as Rod and Line Minor and authorize chair to sign the 11 conditions as recommended by staff. Chair Murray seconded motion, and suggested an amendment to the motion so that they would be accepting 12 conditions and removing condition number 5. Commissioner Varone accepted the amendment to the motion.

Commissioner Varone then made a motion to remove condition #5 to remove the Fire Protection Plan. Motion was Seconded by Chair Murray. Motion carries 2-0.

Commissioner Varone then made an inquiry regarding condition number 8d as it currently reads a any prohibition of any development or encroachment within a hundred foot wide stream easement. She would like to add language that says 'a prohibition of any permanent structural development' so that it would allow anyone to put a single shed or anything like that in the area that can be removed that is not a permanent structure.

Michael McHugh stated that, that was not the intent of the clause. It was to prohibit any fencing, landscaping as the applicant has indicated that he does not want any structural development whether temporary or permanent located in that hundred foot.

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Motion dies for a lack of second. Discussion continues regarding addition of permanent structure in a possible flood zone.

Motion to approve the subdivision Rod and Line Minor with 11 conditions as amended passes 2-0.

8. Request to Schedule Public Hearing to Modify Conditions of Approval for the Northwest Minor Subdivision.

Tabled due to absence of applicant. Staffs has requested that the applicant provide documentation that the Town v. Water Users Association is agreeable to this and that it would not impact their setbacks and everything. At this time staff has not received that documentation. At this time it is staffs recommendation that sufficient information dealing with ground water wells dealing with Town View has not been provided and any determination or amendment of the original approval would be contingent upon the agreement for that.

Commissioner Varone requested that all three commissioners review this issue and that they also provide Mr. Marshal more time to gather additional information that he believes that they need to make an accurate determination.

Commissioner Varone made a motion to table item until October 19. Motion was seconded by Chair Murray and passed 2-0.

9. Request to Schedule Public Hearing to Modify Conditions of Approval for the Bryant No. 3 Minor Subdivision.

Frank Rives spoke on the item. As stated this is an issue of request as by the developer and his representatives to reconsider conditions of approval. The Bryant Major No. 3 received preliminary platt approval on Nov. 25, 2003. The original proposal had access points on McHugh Dr, and Motsiff Rd. Conditidions 5 and 5a were placed on approval by the commission, these conditions require access to Montana Ave rather than Motsiff Rd. and that they obtain approach permits from MDOT. In accordance with condition 6, a traffic impact analysis was submitted to MDOT for review and approval. MDOT prefers access to be on Motsiff Rd. rather than Montana Ave. Landowner is therefore asking the commission to consider a request to modify condition 5 and 5a. If request is approved, staff will hold a public hearing and staff would analysis the request and prepare a report with recommendations. Mr. Garberg was present to represent the applicants.

Chair Murray suggested that the request be tabled until October 19, 2004. Chair Varone moved to table the request until all three Commissioners were present on October 19, 2004. Chair Murray seconded, motion passed 2-0.

10. Final Plat Approval for the Robert Minor Subdivision.

All conditions have been met or otherwise addressed by the applicant, it is staffs (Lindsay Morgan) recommendation that the commission approve the final plat for the Robert Minor Subdivision. Commissioner Murray asked and was given a consensus to sign the final plat of the Robert Minor Subdivision.

11. Contract with Helena Insulation

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Mrs. Pallister presented a contract with Helena Insulation to add insulation to the Cooney Home attic. Currently the insulation is 20 years old and in poor shape. The contractor will install enough insulation to provide for a uniform R factor of 38 throughout the attic. The old insulation will not be removed, just filled in with the new insulation. Accessibility made for sprinkler installation would make this an optimal time to install the insulation. If the commission decided to wait the firewalls would be repaired and the contractor would have to go through each patient room causing disruption to patients. This project was not specifically budgeted in the building maintenance FY05 budgets. They should have enough budget authority to cover the cost of this project. Moneys out of the sprinkler system budget were insufficient and had to be taken out of the Cooney home budget to replace rather than repair the sprinkler system. The money in the sprinkler system budget would cover the cost of the insulation contract. Recommended that the commission accept the contract.

Commissioner Varone made a motion to approve the contract not to exceed \$19,194 with Helena Insulation to add insulation to the Cooney Home and authorize chair to sign. Chair Murray seconded, motion carried 2-0.

12. East Helena Police Department- DUI Task Force Agreement.

Jacalyn Grenfell presented the agreement through the DUI Task Force with the East Helena Police Department to cover reimbursement of overtime caused equipment necessary to run their program. Request that the Commission sign their agreement so that the program can go forward. The contract is for \$1500 and the Sheriffs Department is requiring the East Helena Police Department to submit a monthly financial report. Commissioner Varone made a motion to approve an agreement with the East Helena Police Department relative to the DUI Task force not to exceed the amount of \$1500. Chair Murray seconded, motion carried 2-0.

13. New Contract with Montana Department of Environmental Quality

Contract to inspect public water supplies. Most of the proposed inspections are in bars and trailer courts that the department already inspects. The Water Quality department used to do these inspections and then gave up the contract. The last couple of years the Department of Environmental Quality has contracted with a private contractor to do them, but has asked to take the task over. Inspection of the systems includes wellheads, tanks, inspection of whole system, taking samples, GPS the sites of the wells and equipment, pictures the sites of the wells and equipment will. They will get reimbursed for each section of the inspection that they do.

Commissioner Varone moved to accept the contract with the Montana Department of Environmental Quality to inspect and test small public supply water systems. Chair Murray seconded, motion passed 2-0.

14. Resolution Declaring County Property Surplus Property.

Ron Alles presented. Items include two replaced photocopiers, a horserace association building at the Fairgrounds that has been torn down, infield stalls also at the Fairgrounds. Staff recommends approval. Commissioner Varone motioned to approve the resolution declaring County property Surplus Property. Chair Murray seconded, motion passed 2-0.

15. 2004-2005 Fire Protection Agreement for the Fairgrounds

City Fire Chief Larson presented. No changes in the agreement from the previous year. Recommends approval. Commissioner Varone moves approve the 2004-2005 Fire Protection Agreement for the

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Fairgrounds in the amount of \$4056. Chair Murray seconded, motion passes 2-0.

16. Special Lease of State Lands #6032871

Ron Alles presented. Lease with the department of natural resources on behalf of the Lincoln Solid Waste District. Staff and Board of Trustees of the Lincoln Solid Waste District recommend approval. Commissioner Varone motioned to approve a special lease of State Lands on behalf of the Lincoln Solid Waste District for a term of ten years with an annual rent of \$1733.10. Chair Murray seconded, and motion passed 2-0.

17. Appointments to Development Permit Committee

Commissioner Varone moved to table Appointments until October 19, 2004. Motion was seconded by Chair Murray and passed 2-0.

18. Public Comment

None.

19. Adjourn

Chair Murray adjourned the meeting at 10:10am.

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