

PUBLIC MEETING MINUTES

October 5, 2004

Chairman Mike Murray called the meeting to order at 9:00 a.m. Commissioner Tinsley was present. Commissioner Varone was absent on personal leave. Others attending all or a portion of the meeting include Ron Alles, Sharon Haugen, Michael McHugh, Lindsay Morgan, Beverly D'Amato, John McDunn, Dean Retz, Steve Kologi, John Duncan, Glen Hart, Sandra Mihelish, E. Drketz, John McDunn, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Resolution Directing the County Treasurer/Clerk and Recorder to Give Notice to all Parties who may have an Interest in Properties Located in Lewis and Clark County for Which Real Property Taxes are Delinquent for Tax Year 2000.

Properties listed in the attachment will enter the Tax Deed process. Commissioner Tinsley moved to approve the resolution and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Preliminary Plat to be Known as Hart Minor.

The applicants submitted a written notification requesting a full commission be seated and therefore request the hearing be postponed to October 19 at 9:00 a.m. and the review period be extended to October 29. No public comments were received during the public hearing. Commissioner Tinsley moved to grant the applicant's request to postpone the public hearing to October 19 and extend the review period to October 29. Commissioner Murray seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Preliminary Plat to be Known as Amended Plat of Lot 44E-1-Big Valley Minor Subdivision.

John McDunn, 3833 Rotweiller Court, representing the applicant indicated his willingness to proceed.

Lindsay Morgan presented the staff report. North Hill road does not meet county standards and the applicant has requested a variance. Exceeding the cul-de-sac length of 1,000 feet. The applicant has proposed additional covenants and restrictive uses. The proposed subdivision lies within the North Hills Temporary controlled ground water study area. Dry wells have been reported near the development site. New lot owners must waive their right to protest the Rural Improvement District. The area is sensitive to drought and may be experiencing declining water levels. The West Helena Valley Fire Department has requested a water storage tank and wet hydrant capable of delivering 500gpm for 30minutes equipped with a well, or each lot owner pay a \$500 fee for the proposed lot. West Helena Valley Fire Department will also be requiring the applicant to submit a fuel modification plan approved by the fire district. Fish Wildlife and Parks recommends no further subdivision occur, as it is restricting movement of animals. No floodplains or slopes are located on the property. Staff recommends approval subject to 16 conditions as outlined in the staff report.

John McDunn, representing the applicant, stated that all new access would be off Applegate Dr.

John Duncan, 3380 Rottweiler Court, is against this proposal for fear of his well going dry.

Commissioner Tinsley moved to render a decision October 7 at 9:00 a.m.
Commissioner Murray seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Preliminary Plat to be Known as Big Sky III.

Sandra Mihelish was present and indicated her willingness to proceed.

Beverly D'Amato presented the staff report. Adjacent uses are generally residential. A set of covenants will be added, similar to Big Sky #1 and Big Sky #2. Proposed lots will have individual waste water systems, and wells. Access will be provided off of McHugh via Edgerton. West Helena Valley Fire district requires installation of a tank providing 500gpm for 30mins, or \$500 per lot. Potential ground water contamination due to permeable soils has been identified. A five-year weed management plan will be required. Lot A would be required to provide an easement to Benton Avenue. No parkland dedication would be required. Commissioner Tinsley questioned the direction of the slope for drainage of the lot. Staff recommends approval subject to 13 conditions as outlined in the staff report.

Steve Kologi, 538 Toole Court, agrees with the covenants. Mr. Kologi stated that street maintenance has been a concern. Would like to see the county maintain the roads.

Beverly D'Amato stated that the utilities would be underground.

Susan Laboy, 512 Stadler Road, concerned that the plat would change the covenants in the Big Sky I & II. She is worried that the covenants will not be upheld or enforced.

Sandra Mihelish stated that the concerns that Mr. Kologi stated. She also stated that the remainder of the property would possibly someday be developed. There is no official filing for the larger 70acre piece, and the person living in the mobile is not a relative.

Commissioner Tinsley moved to render a final decision October 7, 2004. Commissioner Murray seconded the motion and it carried 2-0.

Request to Schedule Public Hearing to Modify Conditions of Approval for Lakeside Village Subdivision.

Frank Rives presented the staff report. Neither the applicant nor representative were present at the meeting. Requesting a boundary line relocation that will split the commercial lot into two lots, separating the bar and restaurant from the marina. Simple boundary line relocation would not work because it will change the approval of the condition.

The conditions would not be changed it is just the approval statement, there for they are requesting a modification of approval statement. A public hearing was not held for this item at this meeting.

Commissioner Tinsley moved to schedule a public hearing to modify a condition of preliminary plat approval on recommendation by the planning department.
Commissioner Murray seconded the motion and it carried 2-0.

2004-2005 Fire Protection Agreement for Westside Fire Service Area.

Ron Alles reported the agreement for fire protection in the amount of \$91,581. As the city extends the city limits the West side fire service diminishes. This amount has not increased from last year. Staff recommends approval of this agreement. Commissioner Tinsley moved to approve the agreement and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Public comments on matters not mentioned above. The public declined to comment.

Adjourn. Chairman Murray adjourned the meeting at 10:10 a.m.