

**SUBDIVISION MEETING**  
**January 12, 2006**

Chair Anita Varone called the meeting to order at 9:00 a.m. Commissioners Murray and Tinsley are present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Paul Spengler, Brett Lloyd, Kate Wilson, Dwayne McNeil, Lindsay Morgan, Larry Marshall, Joan Bowsher, Dean Retz, Jason Mohr, John Herrin, Ron Solberg, Gina Wiest, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Request for Modification of Preliminary Plat Approval, Hoff Lot 3 Amended Major. (Applicant, John Herrin) (cont. from 12/27/05). The applicant proposes to remove condition of approval 10.b. to improve Emerald Ridge Loop Road to the specifications required by the County Subdivision Regulations (Typical Road Section #2) from the NW corner of the subdivision to the beginning of the asphalt mat installed by the developers of the Emerald Ridge Major Subdivision at Topaz Court. Commissioner Varone stated she had an opportunity to read the transcript from the last meeting and would like to vote today.

Jerry Grebenc stated the applicant referred to South Boundary Acres Subdivision as being similar regarding his variance for road standards. Mr. Grebenc discussed the similarities and the Commission's approval of Archie Taylor's variance to not build the roads to the new standard. The Director of Public Works has indicated at a minimum an engineer would need to certify that the road meets the standard in Mr. Herrin's case. Commissioner Varone asked if the road in question has been approved by an engineer as meeting the standards. Mr. Grebenc stated Emerald Ridge Loop was certified by a contractor in 1999 but he cannot locate an engineer certification that the road has met county standards.

Commissioner Tinsley moved that the Commission accept staff's recommendation and amend condition 10.b to read, "Prior to filing the final plat for the second phase of the subdivision, the applicant shall complete the following to re-construct and hard surface Emerald Ridge Loop: b. Improve Emerald Ridge Loop to the specifications required by the County Subdivision Regulations (Typical Road Section #1) from the northwest corner of the subdivision to the beginning of the asphalt mat installed by the developers of the Emerald Ridge Major Subdivision at Topaz Court. An engineer registered in the State of Montana shall certify all road improvements as meeting County Standards with concurrence of the County Public Works Department." Commissioner Murray seconded the motion. Commissioner Varone voted against the motion. The motion carried 2-0.

Commissioner Varone stated to be considered equitable, she would like to stop the requirement where Barrel Loop Road begins rather than moving it south to Topaz Court because it requires the applicant to bring it up to standard Typical Road Section No. 1. Commissioner Murray stated the proposed amendment is a reasonable compromise.

Commissioner Varone left the meeting to attend a meeting in Three Forks and asked Commissioner Murray to continue.

Oath of Office. Paul Spengler offered his recommendation that the Commissioners designate Brett Lloyd as Deputy DES Coordinator for Lewis and Clark County. Mr. Lloyd has been involved in the revision of the Lewis and Clark County Emergency Operations Plan and Homeland Security Grants and was part of the Command Center personnel that presented the Weapons of Mass Destruction full-scale weeklong exercise at the Helena Airport in June.

Commissioners Murray and Tinsley administered the oath of office to Mr. Lloyd.

Consent Action Items. Ron Alles reported on the consent items and recommends approval.

- a. Vendor Claims Report for the week of January 9, 2005. (Audra Zacherl)
- b. Health Department Renewal Contract. Jeanie's Typing Service for transcription services in the amount of \$0.01 per word. (Kate Wilson)
- c. Request for One-Year Extension of Preliminary Plat Approval to 11/30/06 for Polaris Major Subdivision. (Applicant, Dwayne McNeil) (Planner, Lindsay Morgan)
- d. Montana Arts Council Cultural Trust Grant Agreement. Artisan Dance Company.
- e. Interim Professional Services Contract with Mosaic Architecture. To design and construct a 40,000 square foot Exhibition Hall, a 2500-3000 seat Grandstands, and Entry Portals to the Fairgrounds.

Commissioner Tinsley pulled consent item 'e' for discussion and public comment.

Commissioner Tinsley moved to approve consent agenda items a through d.

Commissioner Murray seconded the motion and it carried 2-0.

Consent Item e. Ron Alles reported the contract with Mosaic Architecture is an interim contract to explore with the stakeholders in the facility to come up with a design. Once the scope of the project and estimates on the final amount are determined then the county can enter into something other than an interim contract.

Hearing no public comment, Commissioner Tinsley moved to approve consent item 'e' and authorize the chair to sign the appropriate documents. Commissioner Murray seconded the motion and it carried 2-0.

Final Plat Approval for the Northwest Major Subdivision. (Applicant, Larry Marshall). Planner, Lindsay Morgan, requested this item to be tabled until proper documentation is received from the applicant. Commissioner Tinsley moved to table this agenda item until Tuesday, January 31, at 9:00 a.m. Commissioner Murray seconded the motion and it carried 2-0.

Public Hearing. Lewis and Clark County Dog Control Ordinance. (cont. from 12/15/05). Joan Bowsher reported the changes to the previous Ordinance are noted in underline. Commissioner Tinsley asked Ms. Bowsher to explain to the public why only dogs are allowed in this ordinance. Ms. Bowsher responded that state statute only gives counties the authority to regulate dogs. The county has the authority to deal with other animals if

they bite a person and there is a concern for rabies.

Gina Wiest, Director, Lewis and Clark Humane Society, reported the Humane Society Board of Directors appreciates the changes made to the Ordinance and offered two additional comments: (1) owners should be cited and fined for the dog's violation whether or not they pick up their dogs and (2) increase the license fee to \$100 for unaltered animals.

Hearing no other comments, the public hearing is closed.

In response to the Humane Society's additional comments, Ms. Bowsher stated raising license fees to \$100 may be difficult because it may deter people to buy a license, but she will follow the Commission's recommendation. Regarding the issue of citing and fining people, staff works with the Judge on whether it is appropriate to cite them because if it cannot be proved in court then there is no point in citing them.

Commissioner Tinsley moved to approve the revised Dog Control Ordinance and authorize the chair to sign. Commissioner Murray seconded the motion.

Amendment to Ordinance.

Section 7. Commissioner Tinsley moved to amend the section 7 adding the intent of the Commission to include collecting charges of more than 3 days from the owner and adding language regarding citation for any incidents that have been incurred by the owner. Commissioner Murray seconded the motion and it carried 2-0.

The motion to pass the revised Ordinance as amended carried 2-0.

Public comments on matters not mentioned above. None.

There was no other business and the meeting adjourned at 9:33 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

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Anita L. Varone, Chair

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Michael A. Murray, Vice-Chair

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Ed Tinsley, Member