

**PUBLIC MEETING
February 5, 2009
MINUTES**

Chairman Andy Hunthausen called the meeting to order at 9:0 a.m. Commissioner Mike Murray and Commissioner Derek Brown were present. Others attending all or a portion of the meeting included Ron Alles, Kelly Blake, Jeff Sealey, Keith Hatch, Lindsay Morgan, Giles Walker, Ed & Loyce Baum, Ray Fuller, Jack Hamlin, Nick Hamlin, Janet Braico, Robert Braico, Susan Epstein, Steve Pilcher, Carina Zock, Jayce Cox, Wayne Brewster, Lillian Brewster, Keith Hatch, Russ McDonald, Gayla Lott, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. Ron Alles asked that consent item 'd' be pulled for discussion. Staff recommended approval of the remaining items.

- a. Vendor Claims Report for the week of February 2, 2009. (Marni Bentley)
- b. Change Order #6 for the Fairgrounds Exhibit Hall Project \$41,115.04. (Keith Hatch)
- c. Health Department Contract Renewal for Licensed Clinical Social Worker to provide mental health screening in Helena high schools. Contract amount is \$7,875. (Mike Henderson)
- d. Establishing the 2009-2010 Fire Season for Lewis and Clark County. (Ron Alles)

No public comment was received.

Commissioner Murray moved approval of consent action items 'a', 'b' and 'c' and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Consent Item "d." Mr. Alles reported on the proposed resolution establishing the burn season for Lewis and Clark County. Staff is in the process of establishing a web-based permitting system that would charge a fee for the burn permit, as well as adjusting the burn schedule in the resolution. A draft resolution will be presented to the Commission next Thursday.

Regulations for Special Zoning District No. 45 South Scratchgravel Hills Planning and Zoning District. (tabled from 01/29/09) Planner, Lindsay Morgan, reported that the Planning and Zoning Commission adopted a development pattern and neighborhood plan for Special Zoning District 45 and recommended regulations for the district.

Commissioner Murray moved to incorporate the record from the Planning and Zoning Commission meetings into the public record. Commissioner Brown seconded the motion. The motion carried 3-0.

Ray Fuller, 706 Knight Street. The 10-acre minimums for special zoning district #45 makes his 327 acres worthless and unsalable. He suggested 5 acre minimums on the annexed property to have an opportunity to re-coop his money.

Jack Hamlin, 2535 McHugh Lane. The property he bought for development was not part of the Green Meadow Study. A hired hydrologist did well water tests and concluded the Franklin Mine was the purest groundwater he had ever seen.

Steve Pilcher, 4521 Pay Dirt Drive, stated that 64% of the residents were supportive of the original proposal. Future development in this area may be limited in potential development but not rendered useless. He supported the adoption of the special zoning of district as proposed.

Hearing no other public comments, the public comment period was closed.

Commissioner Murray moved approval of the resolution creating zoning regulations for special zoning district #45 and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. Commissioner Murray supported the proposal because it was the will of the people and how they want their neighborhood to look.

Commissioner Brown offered an amendment to consider cluster development as provided in the subdivision statutes. It provides the capability to focus development into a smaller area, provide community water, and waste water systems. The motion died.

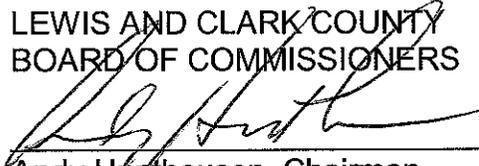
Commissioner Brown made a statement regarding water resources and portion zoning districts. Chairman Hunthausen stated the county should respect citizen initiated zoning, not commissioner initiated zoning.

The motion to approve the adopted regulations carried 2-1. Commissioner Brown opposed the motion.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:32 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



Michael A. Murray

Derek Brown

ATTEST:



Paulette DeHart, Clerk of the Board