

**PUBLIC MEETING
JANUARY 31, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, January 31, 2013, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Mike Murray called the meeting to order at 9 a.m. Chairman Andy Hunthausen was present. Others attending all or a portion of the meeting included Eric Bryson, Katie Jerstad, Lindsay Morgan, Carrie Severson, Christal Ness, Keith Hatch, Bob Fusie, Glenn Hayes and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson) None.

Professional Services Contract Between Lewis & Clark County and Mosaic Architecture. (Keith Hatch) The Commissioners will consider the contract for a Feasibility Study for possible future Fairgrounds projects in the amount of \$3,905.00 for the period 1/31/13 – 2/20/13.

Keith Hatch presented the Professional Services Contract with Mosaic Architecture for a Feasibility Study for possible future expansion projects at the Fairgrounds in an amount not to exceed \$3,905.00.

Bob Fusie, 108 Jefferson Street, Helena, Montana. President of the Fairgrounds Foundation, and Chairman of the Fairgrounds Footprint Committee addressed the Commission and explained the contract was the result of 6 months of work by the Committee. Since opening the new 36,000-foot exhibit hall, the 6,700-sq. foot entry hall and the 5,000-seat outdoor performance arena in 2008, the facilities have experienced heavy usage. As a result, the Committee began review of every aspect of the facility's use and determined that additional construction might be warranted. They agreed the best way to identify costs was through contracting with Mosaic Architecture, the firm employed through the 2007-08 Fairgrounds expansion. Four items were included in the contract: 1) Rehabilitation of the existing Multipurpose Building; 2) Potential enclosure of the existing outdoor performance arena; 3) Development of a new indoor performance arena; and 4) Development of hard surface parking for new facilities.

No public comment was received.

Commissioner Hunthausen moved approval of the Professional Services Contract Between Lewis and Clark County and Mosaic Architecture as presented and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 2-0.

Tabbert Family Transfer Decision. (Eric Bryson) Decision.

Commissioner Hunthausen noted the hearing held on January 28, 2013. He moved to bring the record of that meeting forward into today's meeting record. Commissioner Murray seconded the motion. The motion carried 2-0.

Commissioner Hunthausen moved to deny the Tabbert Family Transfer as presented. Commissioner Murray seconded the motion.

Discussion –

Commissioner Hunthausen stated his reasons for recommending denial of the Tabbert Family Transfer: The original tract of land had been divided by exemption without subdivision review in the past, first being divided into 20-acre parcels in the '70's, and then a boundary line relocation had taken place when the Tabberts purchased the property sometime later. A previous family transfer request had been denied on the property by the Survey Review Committee and no appeal was made at that time. There was not a demonstrated need to provide Tabbert's daughter Shannon with a home as she already owned a home in Helena. Tabberts also own a rental property that could be given to their daughter to live in. Commissioner Hunthausen added that the history of the property already showed a pattern of land divisions by exemption. He stated the property did not meet the eligibility criteria according to the Attorney General's Opinion or the County's Subdivision and Platting Act. According to County rules, if the Tabberts wanted to divide their property, it would need to be done through subdivision review.

Commissioner Murray agreed that was the best way to divide this property and encouraged the family to pursue subdivision review. He felt this was clearly an evasion of the Subdivision and Platting Act. Staff was directed to contact the Tabbert family and explain the process, with the expectation that subdivision review and the transfer could be accomplished by spring.

The motion to deny the Tabbert Family Transfer carried 2-0.

Public Hearing. Resolution 2013-7 to Create the North Forty Subdivision Rural Improvement District. (Carrie Severson)

Carrie Severson, Special Districts Coordinator, reported on the Resolution to Create the North Forty Subdivision Rural Improvement District. In accordance with Condition of Approval No. 13 of the North Forty Subdivision, the developer was required to create a Rural Improvement District for the internal access roads constructed to serve the subdivision. The 14-lot subdivision and proposed district are located in the NW ¼ of Sec. 7, T11N, R3W, P.M.M., Lewis and Clark County, Montana, generally located east of Applegate Drive, south of and adjacent to Jeanne Drive. Larry Kim Smith, the sole owner of the property within the subdivision, had signed a petition requesting the creation of the District in order to maintain the common public infrastructure which is the only public access easement. The cost of maintaining the public access easement within this district is \$2,305.17 per year, which equals \$164.65 per lot, tract or parcel within the district. No protest period was required.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-7 to Create the North Forty Subdivision Rural Improvement District as presented and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 2-0.

Final Approval and Subdivision Improvements Agreement – Amended Plat of Lots 11B2A-3, 4, & 5 – Big Valley Subdivision. (Applicant: Larry Kim Smith) (Planner: Lindsay A. Morgan) The applicant has submitted an application for final approval of the Subdivision, a proposed development that will create 14 single-family residential lots. The applicant has also requested that the Commission enter into a Subdivision Improvements Agreement with him for some remaining improvements. The property is located in the NW1/4 of Sec. 7, T11N, R3W, P.M.M., Lewis & Clark County, Montana.

Lindsay Morgan, County Planner, presented the Staff Report noting that Kim Smith submitted an application for Final Approval of the Amended Plat of Lots 11B2A-3, 4 & 5, Big Valley Subdivision, also known as the North Forth Subdivision. The proposed development would create 14 lots located adjacent to the intersection of Jeanne Road and Rancho Deluxe Drive. Preliminary approval for this subdivision was granted on September 19, 2006, which was later modified on February 17, 2011, and is now subject to 23 conditions. After reviewing the final plat application, the plat was found to be in substantial compliance with the County Subdivision Regulations. With the exception of the driveway approach installation onto Jeannie Road, as required under Condition 9, and the United States Postal Service approval letter as required under Condition 19, it appeared that all conditions had been met and/or otherwise addressed by the applicant. Ms. Morgan showed photos regarding Conditions 9 and 19. Condition 9 required an approach permit for the single driveway entrance to Lot 5 which was 1.45 acres in size. The applicant was concerned that a future purchaser of the lot might want the approach installed in a different location; therefore Condition 9 had not been met. Condition 19 required the Applicant to provide an on-site neighborhood mailbox unit for the entire subdivision. The box unit has been located in the corner of Lot 1 adjacent to Jeannie Road. The mailbox bank for Jeannie Meadows, which is located just north of the property, is located in the same spot. Repeated requests to the U.S. Postal Service requesting confirmation that the box units were installed in accordance with their specifications have gone unanswered. The Applicant was also requesting that the Commission enter into a Subdivision Improvements Agreement for some of the remaining stormwater improvements in the amount of \$1,306.50.

Ms. Morgan recapped the options in front of the Commission which included: approving the plat as is, acknowledging that Condition 9 and Condition 19 were not met; deny the final plat approval; approve the final plat and require the applicant to bond for the driveway approach on Jeanne Road; or require the installation of the approach by a future owner. It was noted that all lots in the subdivision were required to obtain approach permits through the County and to pay for their own approach installation.

Commissioner Hunthausen moved to approval the Final Plat for Lots 11B2A-3, 4 & 5 – Big Valley Subdivision as presented, with the 23 conditions, excepting Condition 19 for Lot 5 and Condition 19, acknowledging they had not been met

Commissioner Murray seconded the motion.

Ms. Morgan asked that the Subdivision Improvements Agreement be included in the motion. Commissioner Hunthausen stated it was his intention to include the Subdivision Improvements Agreement. The motion carried 2-0.

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

There was no other business and the meeting adjourned at 9:27 a.m.

ATTEST:

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Paulette DeHart
Paulette DeHart, Clerk of the Board

Michael Murray
Michael Murray, Chairman

Andy Hunthausen
Andy Hunthausen

(Vacant)