

SUBDIVISION MEETING
May 24, 2001

Chair Karolin Loendorf called the meeting to order at 9:00 a.m. Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included Janet Pallister, Ron Alles, K. Paul Stahl, Jerry Grebenc, Frank Rives, Sharon Haugen, Andy Adamek, Jim Utterback, Michael McHugh, and Carole Byrnes.

Minutes. There were no minutes to approve.

Bid Opening. The Commissioners opened bids for gravel crushing in Augusta. Bids were submitted by: (1) Jim Clark & Sons. The Commission acknowledged receipt of Addendum #1. The required bid bond was attached. The total bid is \$55,200; and (2) Konitz Construction of Lewistown. The Commission acknowledged receipt of Addendum #1. The required bid bond was attached. The total bid is \$42,840. Commissioner Murray moved that the Commission take the bids under advisement and return them to staff for a recommendation at a future public meeting. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Conditions of Approval for the Minor Subdivision, Summary Review, Black Eagle Minor. (cont. from 5/22/01). The applicant proposes to create two lots, each for one single-family dwelling. The proposal is generally located south of Lodgepole Road and north of South Hills Drive. The applicant, Jim Utterback, was present and indicated his willingness to proceed. Andy Adamek was present representing the applicant. Jerry Grebenc stated that if the Board grants preliminary plat approval and adopts the conditions of approval he would recommend the following amendments:

Condition 7. Changed to state "the applicant shall establish a building envelope on lot 2. The location and size of the building envelope shall be indicated by staff and the applicant at the approximate location identified in the preliminary plat application."

Condition 12.m. Modified to read, "all roads in the development shall be maintained as fire apparatus access roads (i.e. all weather access routes)."

Condition 12.p. Change the language to state "a prohibition on any fencing of perimeter lot lines."

Andy Adamek stated that the applicant agrees with condition 2 a storm water drainage plan in the context of the chip seal extension if the variance is granted so that the drainage plan would be consistent with the road surface, as the applicant has offered through the variance process.

The applicant rejects condition 4.a-d and re-offers their initial variance request for a 20-foot road width instead of 24 feet.

The applicant opposes the language in condition 12.f and propose "any exterior lighting shall be arranged and shielded so that no direct beam illuminate other private property or public roads."

The applicant opposes condition 12.g as redundant. The applicant will have gone through an assessment for septic permit licensing as well as for individual wells which have been started on lot 1.

Condition 17. The applicant proposes "preliminary approval shall be approved for two calendar years. At the request of the applicant, the BoCC may extend the approval an additional calendar year, not to exceed a maximum of four years."

Hearing no public comments, the Chair closed this portion of the hearing. Commissioner Murray moved that the Commissioner render a final decision on May 29, 2001. Commissioner Varone stated she will be out of the office from May 29 to June 12, but is willing to render a decision today.

The Commissioners will render a decision at 11:00 a.m. this morning.

Signatures and Quit Claim Deeds for an Alley Abandonment Survey in the Seymer Park Addition, Block 8, Lots 1-4, etc. for Richard Cary and Vickie Jo Cary, RDM Holding, and Arthur Tinsley. Michael McHugh reported that the Commissioners approved this abandonment April 1997, but due to the death and probate problems of one of the applicants this was not finalized. All 3 conditions have been met and staff recommended approval. Commissioner Murray moved to approve the quit claim deeds and authorized the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Request for Waiver of Fees for John Seliskar. Sharon Haugen reported that no written request has been received. Commissioner Murray moved to table this until we receive a letter in writing requesting the waiver of fees and the rationale for the request. Commissioner Varone seconded the motion and it carried unanimously.

Final Plat Approval for the Ransier Minor, Lot 1 Amended. Jerry Grebenc reported that this two lot minor subdivision is located east of Eagle Bay Drive, approximately 1/2 mile north of Canyon Ferry Road, in the NE 1/4 of Section 8, T10N, R1W. The applicants, Cathy and Willis Ransier have met all of the conditions of approval and the taxes are paid. Staff recommended approval. By consensus the Commission agreed to sign the final plat.

Final Plat Approval for the Ries Tracts, Lot 2 Minor Subdivision. Frank Rives reported that the applicant, Thomas Ries, has met all of the conditions of approval. Staff has received the county attorney's signature and recommended approval. By consensus, the Commission agreed to sign the final plat.

Contract and Encroachment Agreement. Sharon Haugen reported that this agreement with Three Rivers Telephone Cooperative is to cross Diamond Bar X Road to install telephone cable in the Dearborn Canyon Road right-of-way. Staff recommended approval. Commissioner Varone moved to approve the agreement and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Helena Area Chamber of Commerce. Commissioner Murray reported that the bill is in his name and moved to approve the \$230 membership fee as long as it is for county membership and all employees for the period 7/1/2001 to 7/1/2002. Commissioner Varone seconded the motion and it carried unanimously.

Salary Compensation Board. Sheila Cozzie reported that the last Legislature passed a bill for a Salary Compensation Board setting salaries for elected officials each fiscal year. Under the law, three County Commissioners and the County Attorney are automatically appointed to the Board. The Commission needs to appoint three other elected officials and two resident taxpayers. Commissioner Varone moved to appoint Ron Mercer and John Solheim as the resident taxpayers. Commissioner Murray seconded the motion with a concern that Mr. Mercer may have a perceived conflict of interest. The motion carried unanimously. Ron Mercer to serve a 3-year term and John Solheim to a 2-year term. The first meeting is June 12.

Commissioner Varone moved that the Commission appoint the Treasurer/Clerk and Recorder, the County Superintendent of Schools, and the Sheriff as the three elected officials. Commissioner Murray seconded the motion and it carried unanimously.

The Commission recessed at 9:50 a.m. and reconvened at 11:00 a.m.

Continuation of Black Eagle Minor. Commissioner Varone moved to approve the variance based on the fact that the applicant has provided significant and adequate information as stated on the variance application. Commissioner Murray seconded the motion and it carried unanimously.

Commissioner Murray moved to approve the proposal subject to 17 conditions as proposed by staff. Commissioner Varone seconded the motion.

Amendments to Conditions of Approval:

Condition 4.a-d. Commissioner Varone moved to delete a-d. The applicant shall extend the chip seal surface adjacent to the applicant's property consistent with the variance submitted with the preliminary plat application. Commissioner Murray seconded the motion and it carried unanimously.

Condition 7. Commissioner Varone moved to accept the recommendation of staff and the applicant to read, "the applicant shall establish a building envelope on lot 2. The location and size of the building envelope shall be as indicated by staff and the applicant at the approximate location identified in the preliminary plat application." Commissioner Murray seconded the motion and it carried unanimously.

Condition 10. Commissioner Varone moved that new language be added, "the applicant has entered into a fire service contract with the Montana City Volunteer Fire Department. The applicant shall maintain and keep this fire protection contract current." After discussion by applicant's attorney, the motion was withdrawn.

Condition 12.f. Commissioner Varone moved to modify the language to read, "any exterior lighting shall be arranged and shielded so that direct beam illuminates downward onto public or private roads." Commissioner Murray seconded the motion and it carried unanimously.

Condition 12.g. Commissioner Varone moved to delete the waiver of right to protest joining a community water or wastewater treatment system improvement or maintenance district. The motion died for the lack of a second.

Condition 12.m. Commissioner Varone moved that condition read, "all roads in the development shall be maintained as fire apparatus access roads (i.e. all weather access routes)." Commissioner Murray seconded the motion and it carried unanimously.

Condition 12.n. Commissioner Varone moved to modify this condition read, "the keeping of domestic agricultural animals such as chickens, goats, sheep, cows and horses for commercial purposes is prohibited on lots 1 and 2." Commissioner Loendorf seconded the motion and it carried 2-1. Commissioner Murray opposed the motion.

Condition 12.p. Commissioner Varone moved to delete this condition. The motion died for the lack of a second. Commissioner Varone offered a substitute motion to change 12.p to conform with the language agreed to by staff and the applicant. Commissioner Murray seconded the motion and it carried unanimously.

Condition 12.r. Commissioner Varone moved to delete this condition. The motion died for the lack of a second.

Condition 17 will remain the same as recommended by staff.

The motion to approve the proposal as amended carried unanimously.

There being no other business, the meeting adjourned at 11:32 a.m.