

**PUBLIC MEETING**  
**June 14, 2005**

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioners Varone and Murray are present. Others attending all or portion of the meeting included Ron Alles, Michael McHugh, Sheldon Bartel, Bob Fusie, Rick Hayes, Jason Mohr, Chick Smith, Tom Stevison, and Carole Byrnes.

Commissioner Tinsley: Good morning, please join us for the pledge of allegiance.

Pledge of Allegiance. Everyone recited the Pledge.

Commissioner Tinsley: Good morning, welcome to our Tuesday morning meeting. It's regularly scheduled at 9:00 am and we made this one at 8:00 am. However things are going to work a little differently this morning. We thought that the other two Commissioners were going to have to leave for Lewistown immediately following the Fairgrounds Footprint plan. It appears at least one of them, and maybe both of them can stay until 9:00 am, so, we've already advertised one other item on the agenda. Item number five, sale of County land for 9:00 am, so if we get done with everything prior to item number five, before 9:00 am, we're going to take a recess and come back in this room at 9:00 am, at least it will be a quorum of two Commissioners, possibly three and we'll finish the agenda. My name is Ed Tinsley to my left is Commissioner Varone, to her left is Carole Byrnes, our Executive Assistant. To my right is Commissioner Murray, and to his right is Ron Alles, our Chief Administrative Officer. Second item on the agenda this morning is the Fairgrounds Foot Footprint plan. This is continued from June 7, 2005 and we're going to render a decision on the plan this morning.

Commissioner Varone: Mr. Chair, I make a motion to approve the Fairgrounds Footprint Plan as recommended by the Fair Commission and authorize chair to sign.

Commissioner Murray: Second.

Commissioner Tinsley: We have a motion and second to approve the footprint plan. Any discussion? Any discussion? Are there any amendments?

Commissioner Varone: Mr. Chair, I have an amendment. I move to support the community's continued fundraising effort to preserve the west barn, including but not limited to, complying with current applicable building and safety regulations. Staff will work with the volunteers group to conduct a cost benefit analysis that compares the cost to preserve the historic barn versus building new horse stalls. If the Commission determines it is not cost-prohibitive, the county will move forward to work with the committee to revitalize and make whole the historic west barn so it can be used once again.

Commissioner Murray: Second.

Commissioner Tinsley: We have a motion and a second regarding the preservation of the west barn. Any discussion?

Commissioner Murray: Question.

Commissioner Tinsley: Question's been called on the motion to amend. All in favor of the motion to amend signify by saying aye.

Commissioner Varone: Aye.

Commissioner Murray: Aye.

Commissioner Tinsley: Aye.

Commissioner Tinsley: Motion passes.

Commissioner Murray: Mr. Chair, I move for historic preservation and the county attempt to retain the north five eighths of a mile of the existing track.

Commissioner Tinsley: We have a motion, by Commissioner Murray, is there a second?

Commissioner Varone: Second.

Commissioner Murray: Discussion Mr. Chair.

Commissioner Tinsley: Discussion, Commissioner Murray.

Commissioner Murray: Mr. Chair, this would include the northern straight stretch of the track and five eighths of a mile would include both the east and west curves of the track.

Commissioner Tinsley: Further discussion? Further discussion on the motion, hearing none, all in favor of the motion signify by saying aye.

Commissioner Varone: Aye.

Commissioner Murray: Aye.

Commissioner Tinsley: Aye. Motion passes three to zero. Other further amendments? Further amendments? Commissioners I believe we would need to take up at some point the possibility of renaming the Fairgrounds Commission to the Fairgrounds Board. There was a lot of confusion during the public hearing process and public comment period where people thought that all three Commissioners sat on the Fairgrounds Commission because it's called the Commission instead of a Board. I don't know if we want to take it up at this point or if we want to take it up at a future day.

Commissioner Murray: Mr. Chair, it would be my intent depending on the outcome of this particular motion to offer separate motion renaming the what is now the Fairgrounds Commission.

Commissioner Tinsley: Oh, I apologize.

Commissioner Tinsley: Commissioners you have before now a motion to approve the Fairgrounds footprint plan with to amendments. Is there any further discussion on the plan?

Commissioner Varone: Mr. Chair.

Commissioner Tinsley: Commissioner Varone.

Commissioner Varone: If I could just make a brief comment. I want to thank the Community for working as hard as they have over the last several years on helping put this plan together, and I particularly want to thank the Fair Commission, they did a yeomen's effort in putting together the plan as we're hopefully going to be adopting today. I wanted to say a few words about the west barn. It's been my intent for a long time to do what I could to help save the west barn and when we when the Commission, the Fair Commission, had their public hearing, there was several people that came forward and talked about the importance of a stall, a barn stall in that area

and it just seems reasonable that if the funding is available and there's a cost benefit for that, that we move forward and so I hope that can happen.

Commissioner Tinsley: Further discussion?

Commissioner Murray: Mr. Chair, Commissioner Varone.

Commissioner Tinsley: Commissioner Murray.

Commissioner Murray: I'm interested in the west barn obviously, but my primary interest besides the footprint itself was a preservation of our historic track. After going to the track, looking on site at the footprint of the plan, I'm satisfied for historic preservation and possibly horseracing if an interest group can get itself together, that saving five eighths of a mile of track will allow for horse racing. I was born and raised in Helena, never recall a race of one mile on that track in my lifetime. The races I've attended as an adult have all been quarter horse races, so there's a track out there that if a group in Helena decides to attempt to run races that is their choice, otherwise the track or portions of it will be saved for historic preservation purposes. Having said that I also want to thank the proponents and the opponents for the testimony they gave us. It made my decision as a Commissioner difficult. It involved a lot of research, a lot of reading and I appreciate the booklet that both sides put together for us. It made our work somewhat easier even though it was lengthy to try and absorb. Thank you.

Commissioner Tinsley: Thank you Commissioners I would also like to lend my thanks to both sides who conducted themselves in what I believe is a very fair and very balanced and reasonable discussion. There were some rough spots along the road, thank goodness it happened prior to coming to this body but that's why we have the process, and I just want to say thanks to the community leaders, Patty Rambo, Chick Smith, Ms. Score and I think Ms. Herring who gave some very eloquent testimony I believe at the last hearing regarding the historical aspects of the Fairgrounds. I'd also like to say thanks to some of the folks on our Fairgrounds Commission, Sheldon Bartel of Gateway Economic Development Corporation, Bob Fusie, who's undying enthusiasm for making the fairgrounds a great place went above and beyond his role as a volunteer. Rick Hayes and so many others folks from both sides are obviously very dedicated to this, there's obviously some disagreements just as there is with almost everything that comes before this board. Everybody didn't get what they wanted and I don't think that you can usually say that that's going to be the case, but in this particular instance I think the fact that we're looking at possibly retaining the south end of that west barn, which is important to a lot of people in the community, and it will I think benefit future generations to see if we can make it happen, is a good thing, it's a real good thing and Commissioner Murray's motion to amend is also a good thing if it can happen so again I want to say thank you to everybody and appreciate the hard work on everybody's part, and if there is no further discussion we're going to move to a vote. Hearing no disagreement all in favor of the motion as amended signify by saying aye.

Commissioner Murray: Aye.

Commissioner Varone: Aye.

Commissioner Tinsley: Aye, motion passes three to zero.

Commissioner Murray: Mr. Chair.

Commissioner Tinsley: Commissioner Murray.

Commissioner Murray: I would move that the name of the group overseeing the Fairgrounds be changed from Fairgrounds Commission to Lewis and Clark County Fair Board.

Commissioner Varone: Second.

Commissioner Tinsley: We have a motion and a second any discussion? Any discussion from the Fair Board members who are here today, any comment? Hearing none, all in favor of the motion signify by saying aye.

Commissioner Varone: Aye.

Commissioner Murray: Aye.

Commissioner Tinsley: Aye. Motion passes. Mr. Alles please work with the Fairgrounds Commission, Fairgrounds Board, the new name, excuse me. The Fairgrounds Board as well as the engineering architect and have some discussions with them regarding the amendments that were presented today. Thank you very much.

### Consent Items.

#### **2005 Jury Lists: (Nunc Pro Tunc)**

Commissioner Tinsley: The next item on the agenda is a consent items list, which is the 2005 jury list. I signed this nunc pro tunc, which means after the fact for, on Friday because Marilyn Bracken, our elections supervisor needed to have this by yesterday, so essentially I have all the lists here of the jury lists for the coming year, if anybody wants to take a look at them. Is there any, is there a motion?

Commissioner Murray: Mr. Chair I would move approval of the consent items.

Commissioner Varone: Second.

Commissioner Tinsley: We have a motion and a second for consent items. Any discussion? All in favor say aye.

Commissioner Varone: Aye.

Commissioner Murray: Aye.

Commissioner Tinsley: Aye. Motion passes.

#### **Request for modification of conditions of approval for Holmberg Village Estates Lot five one.** The applicant's Ron Thompson. The planner's Michael McHugh.

Michael McHugh: Holmberg village phase one was originally granted preliminary approval in October of 1999. It was granted approval for forty-four single-family lots, two multi family lots and two commercial lots. The two lots in question were the multi family lots and you may ask yourself what the difference is between a condominium and multi family use. But state statute 76-3-205 is very specific as to revue of condominiums and they are required to undergo additional review. The action the Board needs to make today is a determination if there's new evidence here that

would precipitate another public hearing and then at that time after notice public hearing would be held and the commission could make their determination at that time.

Commissioner Tinsley: Questions for staff?

Commissioner Varone: Mr. Chair.

Commissioner Tinsley: Commissioner Varone.

Commissioner Varone: Am I correct in understanding that if we move forward on this, will that go back then before you to take another review and present additional conditions before us?

Michael McHugh: Possibly there would be additional conditions of approval based on a review of it, but condominiums are specifically addressed in the subdivision and platting act because you do have separate ownership of the building and it has a requirement of compliance with the unit ownership act.

Commissioner Tinsley: The second to last sentence in there requests says we realize we must comply with the unit ownership act and are aware of the current sprinkler requirements for each unit. What are their feelings on that? They obviously are pointing out that they observe that it exists.

Michael McHugh: The applicants are very much aware of the requirement for the unit ownership act. The two commercial lots have undergone modifications to allow for condominiums on those lots and as a requirement by the fire departments they've been required to have sprinklers within those units.

Commissioner Tinsley: So they're not going to come back to us at some future time before final plat and attempt to modify again with a variance?

Michael McHugh: This subdivision's been final platted since the year 2000, but the specific use on that was multiple family units. Under the previous conditions of approval, multi family units were required to have sprinkler systems within them, but because of the specific statutory language under 76-3-205 it has to get specific permission from the Board of County Commissioners. This would be a very minimal review. The impacts would be very minimal; probably the only additional conditions if the board chooses to go forward would be a condition.

Commissioner Murray: Our only other choice would be to have the developers come before us for a subdivision review?

Michael McHugh: The subdivision was originally approved for multi-family use up to 4 units per lot. What the applicant is proposing to do on the 2 lots is put 4 units per lot on there. The only difference is the requirement to comply with the Unit Ownership Act. So it's a modification of conditions and a modification of the approval statement.

Commissioner Murray: This is the least expensive easiest way to handle this?

Michael McHugh: And it's the easiest for staff also.

Commissioner Murray: Move to schedule a public hearing for modifications of conditions.  
Commissioner Varone seconded the motion. Motion passed 3-0.

Michael McHugh: We need 15 days for public notice.

The commission recessed until 9:00 am to allow for the 9:00 am advertised time.

**Sale of County Owned Land.** (Director of Community Dev. & Planning, Jerry Grebenc) The Commissioners will consider selling a parcel of land obtained through the tax deed process located in block 308 of Bellevue Addition; generally located west of and adjacent to the intersection of Hauser Blvd and Park Drive.

Jerry Grebenc: This is the sale of County Land located on block 3 on the West side of Helena. It's approximately 25,265 square feet (1/2 acre). The county posted two notices in the Independent Record per statute and requested sealed bids at the appraisal price of \$7,000 or more. We received 4 bids. We will open those to the public.

Ron Alles: The county Public Works and Planning Department has determined this property is not necessary for any county function. This is one of the reasons it's being surplus and sold.

Tracy and Janice Long: \$8,001.

Ross Johnson, 1735 Jerome Place: \$7,275.

Michael and Sheri Dowling: \$12,500.

David B. Gallick: \$13,226.

In the notice it stated that the highest bidder must present the county with a cashiers check within 24 hrs. Upon receipt the county will draft a quit-claim deed to be signed by the Commission Chairman. The Money will be deposited at the same time the quit-claim deed will be filed at the county treasurers office.

Commissioner Murray moved to sell property to highest bidder and authorized the chair to sign all appropriate documents. Commissioner Varone seconded. Motion passes 3-0.

**Public comments on matters not mentioned above.** None.

There is no other business, the meeting adjourned at 9:06 a.m.