

Subdivision Meeting June 16, 2005

The meeting began at 10:00 am.

Those in attendance were: Commissioner Tinsley, Commissioner Varone and Commissioner Murray, Ron Alles, Vanessa Sanddal, Jerry Grebenc, Paul Putz, Nancy Everson, Michael McHugh,

1. **Pledge of Allegiance.**
2. **Consent Action Items.** (Ron Alles)

Item B was taken off the Consent Agenda.

- a. Final Plat Approval for Rod and Line Minor Subdivision. (Applicant, Leo Frank Cooper) (Planner Michael McHugh)
- c. Request for One-Year Extension of Preliminary Plat Approval for Hoff Lot 1B Amended. (Applicant, Randy Christiansen) (Planner, Lindsay Morgan). Extend to June 8, 2006.
- d. Request for One-Year Extension of Preliminary Plat Approval for Broadwater Estates Subdivision. (Applicant, Frank Gruber) (Planner, Jerry Grebenc). Extend to July 11, 2006.
- e. Request for One-Year Extension of Preliminary Plat Approval for Yuhas Tract 1. (Applicant, Randy Christiansen) (Planner, Frank Rives). Extend to January 18, 2006.

Ron Alles read the items listed. Commissioner Murray moved to approve the items a, c, d, e. Commissioner Varone seconded to motion. The items were unanimously approved. 3-0.

Final Plat Approval for Westview Estates Minor Subdivision #2 (aka Westview Estates Minor Subdivision. (Applicant, Janet Neumiller) (Planner, Lindsay Morgan)

Lindsay Morgan: The applicants have met all conditions of approval. At this time there is no County Attorney Signature on the face of the final plat. She can guarantee the taxes have been paid for the property and that's generally what the County Attorney's office looks for.

Commissioner Varone said she is agreeable contingent upon the signature of K. Paul Stahl. Commissioner Murray agreed. Commissioner Tinsley agreed. Consensus 3-0.

3. **Helena National Forest Memorandum of Understanding. Partnership for historic Preservation.** (Jerry Grebenc/Paul Putz)

Paul Putz: This agreement is from the National Forest Service in cooperation with our office. The agreement says we agree "to plan together". This was of interest to The Historic Preservation Commission and the Helena National Forest Cultural Resource Office. To work with properties within the county that may fall under the Helena National Forest. The document that allows us to make this agreement is an executive order from Bush Administration called Preserve America so agencies cooperate together. To Identify historic resources both agencies hold and work with them together. Two items to be addressed

-
- **Vendor Invoice Claims and Reports are available for public inspection in the County Budget Office.**
 - Lewis and Clark County will provide appropriate auxiliary aids to individuals with hearing, vision, or speech impairments. Availability of these services will be dependent upon sufficient notice to secure them. For assistance, please contact 447-8305 or TDD Relay Services 1-800-253-4093.

before Commission approval: 1) v1 should read iv1 2) the contact person for the county project will be Paul Putz 3) since the agreement was formatted, there now is a new Forest Supervisor, Kevin Roardon who will replace Jane Kollmeyer, who is the current acting supervisor. Staff recommends approval.

Commissioner Murray: If the document is signed now the document should have the acting supervisor's name on it since the new replacement is not here until August 2005. If we need to sign it now it's appropriate to leave the acting supervisors name on it. If we can wait, we can use the new supervisor's name.

Paul Putz: We will check on that.

Commissioner Murray moved that they approve the agreement and authorized chair to sign. Commissioner Varone seconded. Commissioner Tinsley agreed. Motion passes 3-0.

4. **Resolution To Establish Lewis & Clark County As A First Class County And Setting The Salaries For Certain Elected Officials.**

Ron Alles: The resolution is consistent with the County Compensation Board's recommendation. The only addition is another section of statute that Lewis & Clark County is a first class county.

Commissioner Varone motioned to approve the resolution and authorized chair to sign. Commissioner Murray seconded the motion. Motion passed 3-0.

5. **Resolution To Set The Salary For The Lewis & Clark County Justice Of The Peace And Establishing Office Hours.**

Ron Alles: The statute calls a resolution for the establishment of hours and salary for the Justice of the Peace. Perhaps later in the year the resolution can be readdressed. You have allocated funds for more hours, such as Saturday or evenings, or possibly hire a part-time Justice of the Peace. Staff recommends approval today as is.

Commissioner Murray moved to approve and authorized chair to sign. Commissioner Varone seconded. The motion passes 3-0.

Commissioner Murray noted that this helps the public so that the office is open 12-1 for better access for paying fines on lunch hours.

6. **Proposed Minor Subdivision, Preliminary Plat To Be Known As North Hills Lot 82.** (Applicant, Wendy Ochadleus) (Planner, Michael McHugh) (Continued from 6/7/05)

The Commissioners will consider a proposal to create one additional lot for one single-family dwelling. Property is located in the NW1/4 of Section 9, T11N, R3W; generally located north of and adjacent to No Creek Court and approximately one-half mile east of Glass Drive.

Michael McHugh: The applicant agreed to all conditions. Some variances requests need to

-
- **Vendor Invoice Claims and Reports are available for public inspection in the County Budget Office.**
 - Lewis and Clark County will provide appropriate auxiliary aids to individuals with hearing, vision, or speech impairments. Availability of these services will be dependent upon sufficient notice to secure them. For assistance, please contact 447-8305 or TDD Relay Services 1-800-253-4093.

be acted upon. The variance requests deal with the length of the dead end road, which is No Creek Court and the requirements for construction No Creek Court and Sleeping Giant Drive to county standards. There is an established RID for the area that the property is located in. In the original staff report, it was highlighted what would need to be amended if the variances were granted. The first action would be to act on the variance requests: 1) a dead end road in excess of 700 feet and 2) To bring both No Creek Court and Sleeping Giant Drive up to county standards. The lengths to be improved of both roads are in excess of 3000 feet.

Commissioner Tinsley: the first item before us is a variance to construct Sleeping Giant View Drive to county standards. Is there a motion?

Commissioner Murray: I move to deny the variance request. Commissioner Tinsley seconded the motion to deny. Discussion?

Commissioner Murray: He does not agree with the applicant's justifications for the variance (taxes and county responsible for road) I don't believe either reason is correct and that's why I denied it.

Commissioner Varone: She wanted to require Sleep Giant View Drive to be brought to standards, but allow a variance for No Creek Court.

Michael McHugh: The current development is served by Sleeping Giant View. The new lot would be served by No Creek Court if the new parcel was created.

The variance (Sleeping Giant Drive) was denied unanimously 3-0.

Commissioner Tinsley: Next variance request is not to construct No Creek Court to county road standards.

Commissioner Varone motioned to deny the variance request. Commissioner Murray seconded the motion. The variance was denied unanimously 3-0.

Commissioner Tinsley: The next variance request is to allow No Creek court to exceed the maximum 700 foot dead end road length.

Commissioner Murray moved to deny the variance of the 700 feet road length. Commissioner Tinsley seconded. Motion to deny passed 2-0. Commissioner Varone approved.

Michael McHugh: Because you have denied the variance for the dead end road in excess of 700 feet, you would be required to deny the subdivision. There's no way they can comply with the other requirements without that variance.

Commissioner Tinsley: Is there a motion from the commission?

Commissioner Murray: I believe the proposed subdivision has the option of establishing

-
- **Vendor Invoice Claims and Reports are available for public inspection in the County Budget Office.**
 - Lewis and Clark County will provide appropriate auxiliary aids to individuals with hearing, vision, or speech impairments. Availability of these services will be dependent upon sufficient notice to secure them. For assistance, please contact 447-8305 or TDD Relay Services 1-800-253-4093.

another road from looking at the map. I'm prepared to go ahead to make a motion to approve the subdivision.

Michael McHugh: Would that alternative route Commissioner Murray suggests need to go back through the process or is that something we should do at this point?

Michael McHugh: It would need additional discussion and presentation. The only option available to the applicant is to construct a road that would extend from No Creek Court to Sleeping Giant View Drive on one of the boundaries of the property, but due to the slope on portions of the property that might exceed the 11% grade requirement. There's not a possibility to extend No Creek Court to the east since that's private property.

Commissioner Tinsley: Would it be possible to table this to explore the possibility or should we act now. What is your recommendation?

Michael McHugh: Consultation with the applicant would have to first take place because of all the additional costs to establish an alternative route. Staff would request you table the motion until staff has had time to discuss with the applicant and the road department to determine the feasibility of an additional road connection in this area.

Commissioner Varone: There's two lots, both about 10 acres each with 2 properties on that. The fire department didn't indicate that'd be a problem. That's why I voted yes to granting the variance. I believe it's do-able thing. If they decide to subdivide or add in the future, I think that's the time you need to come back and make further improvements.

Commissioner Murray moved to table the subdivision for a 2 week period. Commissioner Varone seconded the motion.

Michael McHugh: This may require additional public notice and that public notice requires a 15 day minimum.

Jerry Grebenc: I think if you table it for 2 weeks and if we find we need to do notice we can let you know and you can take action on it before that 2 week period.

Commissioner Murray: We have a problem because this Monday, June 20, is statutory deadline.

Michael McHugh: Staff will contact the applicant and find out what her wishes; whether to proceed with this subdivision or to amend or withdraw her application.

Commissioner Tinsley: Is tabling a legal option that the commission has regarding statutory deadline?

Jerry Grebenc: You either need to make a decision before the statutory time frame expires or the applicant needs to request an extension.

Commissioner Tinsley: And the tabling motion?

-
- **Vendor Invoice Claims and Reports are available for public inspection in the County Budget Office.**
 - Lewis and Clark County will provide appropriate auxiliary aids to individuals with hearing, vision, or speech impairments. Availability of these services will be dependent upon sufficient notice to secure them. For assistance, please contact 447-8305 or TDD Relay Services 1-800-253-4093.

Jerry Grebenc: It doesn't help in this situation unless the applicant agrees to an extension of their statutory timeframe to allow you that 2 weeks.

Commissioner Tinsley: My question is, if we table it today and she says no extending it, theoretically it would be approved because there was no action taken.

Michael McHugh: If there's no action taken prior to the June 20 deadline it is automatically approved.

Commissioner Tinsley: It's hard for me to believe tabling it is not an action from a governing body.

Commissioner Murray: If I can withdraw my motion I would move to table the proposed subdivision for a 2 week period subject to the applicant requesting the extension of the statutory Deadline for a 2 week period. If short of that, the application will be denied.

Michael McHugh: He asked for time during this meeting to attempt to make contact with the applicant and get a verbal commitment on her wishes today.

Commissioner Murray: Agreed to withdraw his motion pending contact with the client before the end of the meeting.

(A short recess was taken so Mr. McHugh could contact the applicant)

Michael McHugh: Staff was unable to contact applicant. They tried 3 phone numbers and left messages.

Commissioner Tinsley: We have a couple of options: 1) We can deny given the vote of the variances or we can 2) allow a recess until contact is made with the applicant

Michael McHugh: There is another option. You can amend the conditions of approval and require an additional road to connect No Creek Court and Sleeping Giant View Drive. You can make that a condition of approval. You'd probably need to amend several other conditions and to staff's recommended findings also.

Commissioner Varone: We could approve the length of road variance request and then we would be okay. Commissioner Varone motioned to approve the dead end road to extend the 700 feet and authorize the chair to sign. There was no second so motion died for lack of second.

Commissioner Murray moved to table for a 2 week period subject to applicant's extension of the statutory deadline. If short of that, we deny the subdivision. Commissioner Tinsley seconded. Motion passed 2-0. Commissioner Varone denied.

Commissioner Murray: What I'm attempting to do is give the applicant a chance to take a look at the proposal. My motion favors the applicant to allow her time to come up with other

-
- **Vendor Invoice Claims and Reports are available for public inspection in the County Budget Office.**
 - Lewis and Clark County will provide appropriate auxiliary aids to individuals with hearing, vision, or speech impairments. Availability of these services will be dependent upon sufficient notice to secure them. For assistance, please contact 447-8305 or TDD Relay Services 1-800-253-4093.

options.

Michael McHugh: So the motion is that the subdivision would be denied unless the applicant expresses the desire to extend the statutory deadline prior to the June 20 requirement. Is that what the motion is?

Commissioner Murray: Yes, that is the motion.

The motion passed 2-0. Commissioner Murray and Commissioner Tinsley were in favor. Commissioner Varone opposed.

7. **Resolution of Intention to Change the Solid Waste Service Fee as Recommended by the Augusta Solid Waste District and to Rescind Resolution 2005-47.** (Nancy Everson)

The Commissioners will consider the resolution that the annual assessment rate per residential unit be decreased by \$5.00 and the annual assessment rate for commercial units be decreased by \$25.00; and that a Commercial Class 5 assessment rate of \$900.00 be added to the commercial unit rate structure.

Nancy Everson: A revised resolution. The Fee would be decreased from \$75-70 for a residential unit and there were 4 commercial classes already established by a prior resolution. Those rates have been decreased by \$25 each. A new commercial class 5 was added at \$900/year. May's prior public notice did not clearly notice the intention of this district to add the Commercial Class 5 and decrease the rates on the residential and the commercial class. This will clarify and it will be noticed again to the public. Protest period starts July 8 if passed at Augusta's regular meeting.

Commissioner Varone: I am on board of Scratch Gravel Solid Waste and we agreed to set aside \$2.50 from fees to research the possibly of using those fees to hire someone to manage the community decay around the county. Intent is to have each SWD and the rest of county also consider setting aside money, rather than returning it initially to the fee payers. Has there discussion on that or are there reserves for that?

Nancy Everson: Staff discussed it, but felt it would be better to wait until next year and discuss it then with both Lincoln and Augusta solid waste districts.

Commissioner Murray: The Augusta SWD meets quarterly and this issue has not been discussed yet. The proposed rate fees were discussed May 13 at the regular meeting. It's on the agenda today due to the dinner club being closed and lack of agenda items for Augusta. Last Friday's Augusta Government Day meeting was canceled until next month so that's the reason it shows on our agenda as a resolution of intent, rather than on the Augusta agenda. The ASWTD does not meet until July to discuss the proposal of holding money back for fund a Community Decay staff member for the county.

Commissioner Murray moved to approve the new resolution and rescind the resolution 2005-47 and authorized chair to sign. Commissioner Varone seconded. Motion passed 3-0.

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

-
- **Vendor Invoice Claims and Reports are available for public inspection in the County Budget Office.**
 - Lewis and Clark County will provide appropriate auxiliary aids to individuals with hearing, vision, or speech impairments. Availability of these services will be dependent upon sufficient notice to secure them. For assistance, please contact 447-8305 or TDD Relay Services 1-800-253-4093.

9. **Adjourn.** Meeting Adjourned at 10:45 am.

-
- **Vendor Invoice Claims and Reports are available for public inspection in the County Budget Office.**
 - Lewis and Clark County will provide appropriate auxiliary aids to individuals with hearing, vision, or speech impairments. Availability of these services will be dependent upon sufficient notice to secure them. For assistance, please contact 447-8305 or TDD Relay Services 1-800-253-4093.