

SUBDIVISION MEETING
August 18, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioner Murray and Commissioner are present. Others attending all or portion of the meeting included Ron Alles, Lindsay Morgan, Marni Bentley, Jerry Grebenc, Sheriff Cheryl Leidle, Jack Spillman, Jaci Grenfell, Cheryl Green, Jim Wilburn, Libbi H. Lovshin, and Maria Penna.

Pledge of Allegiance. All recited the pledge.

Chairman Tinsley: Good Morning, and welcome to our regularly scheduled Thursday morning meeting. I'm Commissioner Tinsley, to my left is Commissioner Varone, to her left is Maria Penna, our Executive Assistant, to my right is Commissioner Murray, to his right is Ron Alles, our Chief Administrative Officer, and to his right is Jerry Grebenc, our Director of Community Development and Planning. This is the August 18th meeting. Happy Birthday, Eleanor, my daughter, it's her 12th birthday. She's supposed to be watching.

First item on the agenda is the Consent Action Items. Mr. Alles.

Consent Action Items.

Ron Alles: Thanks Mr. Chairman, Commissioners, you have 4 items on the consent agenda, and actually there are 6 because there are 3 contracts under one item. The first Consent item is a resolution ordering a refund of taxes paid. This is to the Applegate Village Homeowners' Association. The crux of this argument is that the value of that property is already assigned to values of others, other properties in that area. The Department of Revenue agrees with that. The second item is the Sheriff's office. It's a paging RFP for the communications system agreement with Page Northwest. The Sheriff and some members of her staff are here to speak to that issue, if you would like to pull that from the consent item agenda and review that. The third item is with the Health Department. There are 3 contracts. The first is an air-monitoring contract. This is a renewal that's in the amount of \$23,376.00. The second contract is an increase for immunization services. This is also a renewal. It's in the amount of \$17,807.00. The third contract with DPHHS is a follow-up and control of TB cases in the amount of \$6,000.00. Our fourth agenda item is a new contract with Water Quality Protection District and the USGS. The purpose of this contract is to maintain and operate surface water monitoring station on Prickly Pear Creek near Clancy. The total cost to operate this site is \$12,600.00. Lewis and Clark County and the USGS will each provide \$6,300.00.

Chairman Tinsley: Commissioners, this is our Consent Action Item Agenda and we do have staff in the audience. I don't think we necessarily have to pull each and every item, unless you would like, but the opportunity is there. Or we can pass them all as one.

Commissioner Murray: Mr. Chair, I would move the approval of the Consent Agenda.

Commissioner Varone: Mr. Chair, I would like to allow the Sheriff the opportunity to provide the information that she was here for today, and I would also like the opportunity to hear item #D

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with the Water Quality Protection District. Just for the listening audience. I think it's very a important deal.

Chairman Tinsley: Commissioner would you care to amend your motion?

Commissioner Murray: I'll let Commissioner Varone. I intended to after we passed the Consent Agenda to ask that you allow the Sheriff to speak, but make your motion pulling off the items you want to pull off.

Chairman Tinsley: Commissioner Murray withdraws his motion.

Commissioner Varone: Mr. Chair, I would like to remove consent action items # B & D.

Chairman Tinsley: B & D all right. Is there a motion for consent items A & C?

Commissioner Varone: So moved.

Chairman Tinsley: Is there a second?

Commissioner Murray: Second to that 2 part motion, I believe.

Chairman Tinsley: It's a one part motion. Once accomplishes the other. (laughter) All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

You have before you Commissioners, consent action item B. Sheriff Leidle.

Sheriff Leidle: Good Morning Commissioners, Chairman Tinsley. We have with us today, Radio Administrator Jack Spillman and Finance Officer Jaci Grenfell to discuss the paging issue. At this time I would like to turn it over to them. Jack?

Jack Spillman: Good Morning Commissioners. A pleasure to be here. We have released an RFP, I believe it was our third one, for the paging system for the County, and we got a good, 2 responses back. One response from Cat Lamp, (sic), was again, deemed unacceptable, it did not meet the criteria. Mobile Phone, which is Page Northwest up at Kalispell, Montana, did meet the requirements of the RFP. The contract in front of you is proposed to Page Northwest with your approval, to begin construction on the paging system for the County.

Chairman Tinsley: Questions for Staff?

Commissioner Varone: Mr. Chair, Commissioner Murray. Not a question but a comment. I just want to compliment the Sheriff's Department, and you two in particular for all of the hard work you've done on this project. It's been an insurmountable, it seems at times, a situation. I just wanted to congratulate you, publicly.

Jack Spillman: Thank you very much.

Chairman Tinsley: Thank you Commissioners. Thank you Mr. Spillman. Is there a motion?

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Commissioner Varone: Mr. Chair, I make a motion to approve the Sheriff Office's Paging RFP communications agreement with Page Northwest, Inc in the amount of \$149,348.00 and authorize Chair to sign.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

Thank you very much.

Jack Spillman: Thank you.

Decision on Proposed Rural Improvement District for the Woodlawn Park Addition

Chairman Tinsley: Next item on the agenda is a decision on proposed rural improvement district for the Woodlawn Park Addition. The Commissioners will consider the resolution to create RID No. 2005-3, Marni is the Staff person.

Commissioner Varone: Oh, oh, I think we still have Item D.

Chairman Tinsley: Oh, we do have Item D. I stand corrected. I'm one item ahead of myself. Consent Action Item D; 2D, a new contract with Water Quality Protection District and USGS. Maintain and operate surface water monitoring station on Prickly Pear Creek near Clancy. The total cost to operate is \$12,600.00. LCC and USGS will each provide \$6,300.00. And Kathy Moore or Jim Wilbur is hear to speak on the topic. Morning Mr. Wilbur.

Jim Wilbur: Good Morning Commissioners. Thank you. This is a contract to provide the operation and maintenance on the stream gauge on Prickly Pear Creek. This gauge has operated, I believe the period of record is approaching 90 years, but for the last 3 years it's been unfunded, and therefore, not providing the data that we depend on to determine the flows of Prickly Pear Creek, which of course, is the major stream flowing into the Helena valley. This sight also has a data platform and satellite uplink that was funded by Lewis and Clark County previously, and it's intended, I believe, that this provide, not only stream data, but also early warning indication for floods on this one stream. Any questions I can answer?

Chairman Tinsley: Questions for Mr. Wilbur? Is there a motion?

Commissioner Varone: Mr. Chair, I make a motion to approve the new contract with the Water Quality Protection District and USGS in the amount of the total cost to operate this site is \$12,600.00. LCC and USGS will each provide half of that, and authorize Chair to sign.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. Any discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0. Thank you Mr. Wilbur.

Jim Wilbur: Thank you Commissioners.

Decision on Proposed Rural Improvement District for the Woodlawn Park Addition

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Chairman Tinsley: Next item on the agenda, now, is a decision on proposed rural improvement district for the Woodlawn Park Addition. The Commissioners will consider the resolution to create RID No. 2005-3, Marni is the Staff person. Ms. Bentley is there anything you need to add?

Marni Bentley: I have no further information to present to the board.

Chairman Tinsley: What is the pleasure of the Commission?

Commissioner Murray: Mr. Chair, I move a resolution levying and assessing a tax upon all benefiting property within the Woodlawn addition, and authorize the Chair to sign.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion and a second. Any discussion on the matter? All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0. Thank you Miss Bentley.

Decision on Rate Hearing for the Oro Fino Rural Improvement District.

Next item on the agenda is a decision on the rate hearing for the Oro Fino rural improvement district. Again Miss Bentley is the Staff person. Anything to add Miss Bentley?

Marni Bentley: I have nothing further to add on this one, either.

Chairman Tinsley: Are there any questions for Staff? Is there a motion?

Commissioner Varone: Mr. Chair, I make a motion to approve the resolution levying and assessing a tax upon all benefited property within the Oro Fino rural improvement district and authorize Chair to sign.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. Any discussion? All in favor of the motion signify by saying Aye. Aye. Motion Passes 3-0. My goodness, we're efficient this morning. (laughter.)

Decision on Text Amendments to Special Zoning District #33 Town View Estates.

Next item on the agenda is a decision on text amendments to Special Zoning District # 33; Town View Estates. The Applicant is Larry Marshall, the Planner is Lindsay Morgan. I don't see Miss Morgan in the audience. This is continued from 8/16. Mr. Grebenc is there anything to add? Or do you have information for us? Do we need to act on this as we would on a normal decision day?

Jerry Grebenc: Correct.

Chairman Tinsley: All right. What is the pleasure of the Commission.

Commissioner Varone: Mr. Chair, I make a motion to approve the decision on the text

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amendments to special zoning district #33 the Town View Estates. This was a request that was designed to visit and amend the land use regulations and development opportunities for all properties zoned B-2 that lie within the Special Zoning District and it was put together in combination with Larry Marshall and Lewis and Clark County Staff. And in addition to that Staff asked for two amendments within that section. The first one is on page 7, it's section 8b.

Chairman Tinsley: First, what I think we will do is lets get the motion, and then we'll do the amendments separately, so we will have separate actions for those. If that's all right?

Commissioner Varone: That sounds great.

Chairman Tinsley: We have a motion. Is there a second? Is there a second? Is there a second? I will second for discussion purposes.

Commissioner Varone: Mr. Chair, Staff also requests there is a couple of amendments. The first on, oh, both of them are on page 7. The first one is section 8b: The rear of the yard originally read 15 feet and this is set backs and Staff recommended that be changed to 10 feet.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second to amend the Staff report, the text amendments. Any discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0. Commissioner Varone?

Commissioner Varone: The second request from Staff was section 8e. The first sentence reads: "parking shall be provided by parking/driving lanes adjacent to storage units." They asked that the last sentence be removed which reads: "these lanes shall be at least twenty six (26) feet wide when storage units open to one side of the lane only and at least thirty (30) feet wide when storage units open onto both sides of the lane." They asked that that be removed and they would establish it on a case by case basis.

Chairman Tinsley: We have a motion to amend 8e. Is there a second? I'll second the motion. Any discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0. Opposed same sign?

Commissioner Murray: Aye.

Chairman Tinsley: Motion passes 2-1.

Commissioners you have before you now a motion to approve the text amendments of the special zoning district #33 Town View Estates. Is there any further discussion? Any comments? All in favor of the motion signify by saying Aye. Aye.

Opposed same sign.

Commissioner Murray: Aye.

Chairman Tinsley: Motion passes 2-1.

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Public comments on matters not mentioned above

Seeing nobody in the audience for public comments not mentioned above, we stand adjourned.

Adjourn. Adjourned 10:15 a.m.

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