

SUBDIVISION MEETING
July 12, 2007

Vice-Chairman Tinsley called the meeting to order at 9 a.m. Commissioner Hunthausen was present. Commissioner Murray was attending a NACo Conference in Virginia. Others attending all or a portion of the meeting included Ron Alles, Frank Rives, Audra Zacherl, Jeff Sealey, Laura Erikson, Paulette DeHart, Michael McHugh, Michele Peterson, Larry Kline, Kathy Moore, P.L. Nichols, Joe Silverthorne, Roy Andes, and Maria Penna-Recording Secretary.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. Ron Alles reported on the consent action items. Staff recommended item 'b' pulled for discussion and approved the remaining items.

- a. Vendor Claims Report for the week of July 9, 2007. (Audra Zacherl)
- b. Ordinance to Control Community Decay. (Deputy County Attorney Jeff Sealey)
- c. Change Order with Valley Sand and Gravel for the Fairgrounds Campground Improvements for Increased Turning Radius on the Entrance of Road B and Road C. Amount \$968. (Keith Hatch)
- d. BLM Financial Assistance Agreement for Hazardous Fuels Reduction. To Increase Funding to Continue Project of Hazardous Fuels Reduction in Lewis and Clark, Jefferson and Broadwater Counties. Agreement Amount \$100,000. (Pat McKelvey)
- e. Network Access Agreement with Helena Abstract and Title Company. To provide the title company access to county property tax records. (Art Pembroke)

Without objection, the Commissioners pulled consent action item 'b'. Commissioner Hunthausen moved approval of consent items 'a, c, d and e' and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried 2-0.

Consent Item 'b'. Ordinance to Control Community Decay. Ron Alles provided background information. The county adopted the ordinance in 1987 and today's action updates the old ordinance and allows the county some more flexibility in keeping our community clean.

Deputy County Attorney Sealey said the ordinance has been streamlined and he discussed the changes.

Section 3-Violation. Describes with more clarity some things that could be considered community decay. It is not an exhaustive list but it does provide some guidance to the public.

Section 4-Enforcement and Abatement. The procedures have been streamlined and made easier to understand and follow. The appeals process has been altered to first appeal the Board of County Commissioners and then District Court.

He noted the Health Department and the Planning Department were actively advising and believed they would recommend approval.

Commissioner Tinsley opened the public hearing. Hearing no public comments, Commissioner Hunthausen moved approval of the Ordinance and authorized the Chair to sign. Commissioner Tinsley seconded the motion and said this has been an ongoing process for the county. We have been doing a pretty good job of enforcing the current ordinance but this just gives us a little bit more teeth to act and to do things that we have not been able to do in the past. The motion carried 2-0.

Open Tax Software Proposals. Paulette DeHart, Treasurer/Clerk & Recorder, received three Requests For Proposals.

1. Black Mountain Software, Kalispell. First year costs \$64,803.00. Ms. DeHart did not immediately see a bid bond but would go through the document.
2. Joe Silverthorne Computer Software Associates, Billings. Total \$213,788.00.
3. Tyler Technologies, Plano, Texas. Total \$211,200.00.

Commissioner Hunthausen moved to accept the bids, return them to the bid committee for review and make a recommendation to the commission at a future public meeting. Commissioner Tinsley seconded the motion and it carried 2-0.

Resolution of Intention to Amend the Woodlawn Park RID No. 2005-3. Laura Erikson recommended the resolution be tabled until next week. Staff would like to work with State Revolving Fund (SRF) to secure a reduced loan rate for that area because of the number of low to moderate-income individuals.

Commissioner Hunthausen moved to table this item until next Tuesday, July 17, 2007 at 9 a.m. as recommended by staff. Commissioner Tinsley seconded the motion and it carried 2-0.

Bid Award. Fairgrounds/Dunbar Wastewater Improvements Project. Laura Erikson reported all three 3 bids were deemed complete. The lowest bid was submitted by Johnson-Wilson Constructors in the amount of \$1,078,179.00. Staff and Stahly Engineering recommended contracting with the low bidder Johnson-Wilson Constructors, Inc. Construction would begin August 1.

Hearing no public comments, Commissioner Hunthausen moved to award the bid to Johnson-Wilson Constructors for the amount of \$1,078,179.00 as recommended by staff and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried 2-0.

Subdivision Improvements Agreement for Northstar PUD. (Applicant, Northstar Development, LLC) (Planner, Michael McHugh) Kelly Blake reported the applicant is ready to final plat Phases 2 and 3. Applicant has submitted a Subdivision Improvements Agreement and Irrevocable Letter of Credit in the amount of \$3,055,338.75. Staff recommended approval of the agreement.

Hearing no public comments, Commissioner Hunthausen moved approval of the agreement and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried 2-0. ***[Note – the final plat was also signed but inadvertently not mentioned in the staff report.]***

Proposed Major Subdivision, Preliminary Plat to be known as The Amended Plat of Lot B3, D-Ten Subdivision. (Applicant, Tim Rice) (Planning Technician, Michele Peterson) (tabled from 7/10/07) (Decision). The applicant proposed creating one additional lot for an existing single-family dwelling. If approved, the existing tract would be divided into 2 lots, a 1-acre parcel (Lot B3-2) and a 4-acre parcel (Lot B3-1). The subject property is generally located north of and adjacent to E. Howard Road and west of and adjacent to Baxter Drive.

Michele Peterson responded to previous Commission questions regarding the septic system. Because applicants do not have two individual parcels they cannot get two individual septic permits.

Commissioner Hunthausen asked about the status of the current wastewater system and when they would have to replace it with the Level II system?

Ms. Peterson said the current system was approved by DEQ and they can continue to use that system until it is exhausted and assuming that interim zoning was still in affect they would be required to put in the two individual Level II systems. However, until that system fails they are not required to but they still need DEQ approval in order to final plat.

Kelly Blake added as a matter of clarification, because we are creating separation of this parcel we would need users agreements between the two parties to ensure that it continues to be utilized in that fashion. At such time they choose to go to separate systems, those agreements will be null and void.

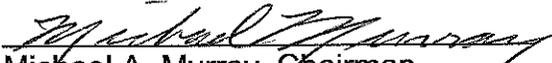
Commissioner Tinsley explained to Mr. Nichols about what is going on with regards to the septic issues. The county has a group working together to come up with a proposal and plan that will address what the county has deemed as an emergency situation regarding wastewater in the certain parts of the valley. When that group can come up with some kind of solution, and your application may or may not be affected, this commission is willing and ready to pull the interim zoning prior to the one-year expiration date. There is also a one-year extension date that can be imposed if deemed necessary. Commissioner Tinsley thanked Mr. Nichols for his patience and appreciated his comments.

Commissioner Hunthausen moved approval of the proposed major subdivision subject to 10 conditions of approval and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried 2-0.

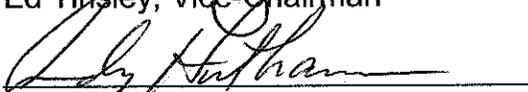
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 9:23 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Ed Tinsley, Vice-Chairman


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board