

PUBLIC MEETING
March 18, 2008

Chairman Ed Tinsley called the meeting to order at 9 a.m. Commissioners Andy Hunthausen and Mike Murray were present. Others attending all or a portion of the meeting included Ron Alles, Kelly Blake, Rebecca Shaw, John Hinshaw, Dean Retz, Michael McHugh, Larry Kline, John Herrin, Jack Walsh, Glenn Hayes, Matt Hayes, Jack Spillman, Cyrus Ghassabeh, Josh Wallery, and Maria Penna, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. Ron Alles reported on the consent agenda and recommended approval.

- a. Resolution No. 2008-23 Ordering a Refund of Taxes/Fees/Assessments Paid to Luke and Sherri Downing in the Amount of \$1,051.24. (Cheryl Green/Terry Swope)
- b. Resolution No. 2008-24 Ordering a Refund of Taxes/Fees/Assessments Paid to Varghese Parambi and Sonia George in the Amount of \$107.83. (Cheryl Green/Terry Swope)
- c. Interagency Radio Frequency Use Agreement with DOI/BLM/Lewistown Field Office to Allow Access to a DOI/BLM Radio System for Joint Operations or Mutual Aid. (Jack Spillman)
- d. Professional Services Contract with Elkhorn Appraisal Services for an Independent Appraisal of 5 Silsbee Street, Lot 1, Block 7, Woodlawn Park. Contract Amount Not To Exceed \$1,400. (Ron Alles). To determine the value of the property.
- e. Services Agreement between Justice Court/County and CitePay USA, LLC for Credit Court Services – Full Court Case Management System. (Ron Alles/Judge Wally Jewell) To assist Justice Court in the collection of fines and penalties, etc.

Hearing no public comments, Commissioner Hunthausen moved approval of the consent agenda and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried 3-0.

Road Naming Request For Road Off Of Howard Road. The Commissioners will consider the road naming request. (tabled from 3/20/08)

John Hinshaw reported that adjacent landowners were notified by petition of the request for road naming; and with no majority on an approvable road name the commission would decide. The name Lois Drive was submitted by one of the landowners.

Hearing no public comments, Commissioner Murray moved the road be named Lois Drive. Commissioner Hunthausen seconded the motion and it carried 3-0.

Proposed Major Subdivision, Preliminary Plat To Be Known As Aspen Spring Estates. (Applicant, Frontier Builders, Inc./Gwen Pozaga, CDM) (Planner, Michael McHugh) (tabled from 3/11/08) (Decision) The Commissioners will consider creating 109 lots,

100 lots each for one single-family dwelling and nine commercial lots. The existing 55.02-acre tract would be divided into 109 lots ranging in size from .31 acres to 4.38 acres. The proposed commercial uses would include financial and banking, storage, restaurant and office space. The subject property is generally located north of and adjacent to Lincoln Road and west of and adjacent to North Montana Avenue.

Mr. McHugh stated an agreement has been worked out with the school district to dedicate 3 of the proposed lots for parkland dedication to equal 1.71 acres, resulting in 97 residential lots with 9 commercial and utility lots. The applicant shall make a cash payment equaled to the market value amount of 1.97 acres in size. Condition 12 would be amended to reflect the change.

The location of the cluster box within the subdivision, design and location for the walking path, and waiver of right to protest participating in a rural maintenance district were discussed with the applicant, Matt Hayes.

Commissioner Murray moved approval of the proposed subdivision subject to 21 conditions as proposed by the planning board. Commissioner Hunthausen seconded the motion.

Amendments to Conditions of Approval.

Condition 9. Commissioner Murray moved to add the word "internal" to ensure that the cluster boxes be installed inside the subdivision. Commissioner Hunthausen seconded the motion. The motion passed 3-0.

Conditions 11 and 18. Commissioner Murray moved to amend either condition 11 or 18 specifying the waiver of right to protest the external walking path. Commissioner Hunthausen seconded the motion. Staff recommended that both conditions be amended. The motion passed 3-0.

Condition 12. Commissioner Murray moved to change 4.23 acres to 1.71 acres in the first sentence, and in the last sentence change 3.52 acres to 1.97 acres. Commissioner Hunthausen seconded the motion. The motion passed 3-0.

Commissioner Tinsley stated although he was absent last Tuesday, he watched the discussion on TV and felt comfortable participating in the vote.

The motion to approve the proposed Aspen Spring Estates Major Subdivision passed 3-0.

Proposed Minor Subdivision, Preliminary Plat To Be Known As Baxendale Minor Subdivision. (Applicant, Montana Home Sales) (Planner, Rebecca Shaw) (Extended from 3/4/08) The Commissioners will consider creating five lots, each for one single-family dwelling. The existing 27.39-acre tract would be divided into lots ranging in size from 5.02 acres to 6.98 acres. The subject property is generally located north of US Highway 12 on the east side of Baxendale Road.

Rebecca Shaw reported that the applicant signed a waiver of the 35-day review period to postpone this hearing to next Tuesday.

Commissioner Hunthausen moved approval of the extension request to March 25 at 9 a.m. Commissioner Murray seconded the motion and it passed 3-0.

Road Agreement for the Proposed Minor Subdivision, Preliminary Plat to be known as Baxendale Minor Subdivision. (Applicant, Montana Home Sales) (Planner, Rebecca Shaw) The Commissioners will consider the road agreement to improve that segment of Baxendale Road from the intersection of US Highway 12 West to the north for 3,285 lineal feet to County Road Standard Typical Section No. 1, Local Road. (Subdivision Regulations Appendix J).

Rebecca Shaw presented the agreement to the Commissioners.

Hearing no questions or comments, Commissioner Murray moved approval of the agreement and authorized the chair to sign. Commissioner Hunthausen seconded the motion and it passed 3-0.

Proposed Minor Subdivision, Preliminary Plat To Be Known As RV Ranch Cell Tower. (Applicant, Summit Telecommunications, Cyrus Ghassabeh) (Planner, Rebecca Shaw) The Commissioners will consider creating a 75' x 75' leased space for a cell tower on an existing 14.1-acre tract. The subject property is generally located north of US Highway 12 on the Priest Pass Road corner.

Rebecca Shaw presented the staff report. The property is currently owned by the RV Ranch Company. Comments submitted by MDT said they would like any encroachment at that site to be permitted. Comments submitted by the Natural Heritage Program noted the wildlife species in the area and other general information. Priest Pass is a 60' wide public rural road with a 24' gravel driving surface. Best management practices would be utilized during construction to avoid spreading of weeds, and a 5 year Weed Management Plan would be necessary. No sanitary facilities were proposed. Staff recommended approval of the proposal subject to 10 conditions outlined in the staff report.

The applicant stated the tower would be constructed by Global Tower Partners and was designed to house equipment to accommodate multiple carriers.

Hearing no other comments, Commissioner Murray moved to render a final decision on March 25 at 9 a.m. Commissioner Hunthausen seconded the motion and it passed 3-0.

Mr. Ghassabeh asked for a decision today.

Commissioner Murray moved to reopen the hearing and render a final decision this morning. Commissioner Hunthausen seconded the motion.

Hearing no public comment on the matter, the comment portion was closed.

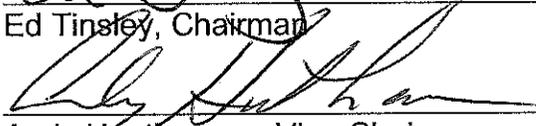
Commissioner Murray moved approval of the proposal subject to 10 conditions as proposed by staff. Commissioner Hunthausen seconded the motion. Commissioner Murray appreciated the comment letter from the Natural Heritage Program. He did not believe that putting up a cell tower would have any impact to this wildlife corridor. The motion passes 3-0.

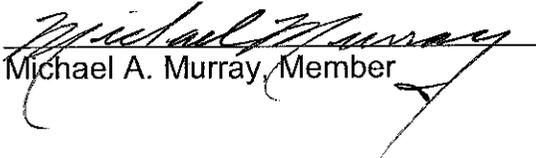
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 9:36 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Ed Tinsley, Chairman


Andy Hunthausen, Vice-Chair


Michael A. Murray, Member

ATTEST:


Paulette DeHart, Clerk of the Board