

SUBDIVISION MEETING
September 20, 2001

Chair Karolin Loendorf called the meeting to order at 10:00 a.m. Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included Ron Alles, K. Paul Stahl, Sharon Haugen, Jerry Grebenc, Frank Rives, Joan Bowsher, Janet Pallister, Fred Smith, Harry Lauer, Raymond and Penny Killham, Paul Spengler, Lloyd Huttinger, Skee Tenneson, Debbe Pistoria, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Minutes. There were no minutes to approve.

Auditor Report. Commissioner Murray moved to approve releasing and paying the claims as presented. Commissioner Varone seconded the motion and it carried unanimously.

FEMA Pre-Disaster Mitigation Grant Applications. Paul Spengler requested approval of a Project Impact Disaster Resistant Community application package. Up to \$500,000 will be provided by FEMA to the state for distribution to the requesting counties for free disaster mitigation projects. This money will be used by the applicants to continue mitigation projects. Because no specific amount is requested, the review committee will make that determination. Commissioner Murray moved to authorize the grant application and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

United Way Donations. Paul Spengler discussed the United Way Campaign and would like to solicit information to county employees. By consensus, the Commissioners agreed to allow the information to be distributed to county employees.

Bid Opening. The Commissioners opened Requests for Proposals for Bridge Evaluation Engineering Services. Janet Pallister reported RFPs were submitted by Stahly Engineering & Associates of Helena, Entranco of Helena, Lacy and Ebeling Engineering of Great Falls, and Morrison-Maierle of Helena. Commissioner Murray moved to take bridge proposals under advisement and that staff make a recommendation to the BoCC at a later public meeting.

Intercap Loan Document. Ron Alles reported that the loan application for the imaging system in the Treasurer/Clerk and Recorder's office has been previously approved by the Commission. This is the final closing document. Staff recommended approval. Commissioner Varone moved to approve the documents and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Bid Award. Janet Pallister reported that three bids were received in the Public Works office for a reroofing project at the Law Enforcement Facility. The FY02 budget includes \$24,750 for this project. Two of the bids were over budget and one bid was under

budget and did not include architectural fees or other contingencies for the project. The county's engineer, Schlenker and McKittrick proposed three options. Option 1 is to award the bid to Golden Eagle Construction in the amount of \$24,400. Including the architect fees, the total project would be \$27,600, which exceeds the budget amount by \$2,850 and does not include any contingencies. Option 2 is to award the bid to Golden Eagle Construction in the amount of \$24,400 and prepare a change order reducing the contract amount by \$1,400 by eliminating heat tapes and other small elements. When the contract amount is reduced to \$23,000 add the architect fees and \$550 for contingencies, the project is still over budget by approximately \$2,000. Option 3 is to not award the bid at this time and go out for bids in January 2002. Staff recommended that Option 2 be approved. After discussion, Commissioner Murray moved to approve option 1 and later if Public Works has budget problems in this fiscal year, the Commission will consider using contingency money to cover the overage in the low bid. Commissioner Varone seconded the motion and it carried unanimously.

Westview Estates Major Subdivision-Results of Pump Test. (cont. from 9-18-01). The Commission will determine whether or not to include additional language from attachment 1 regarding irrigation restriction, minimum well depth, and easement to well TH2 that was recommended by DEQ.

Commissioner Murray moved that one additional condition be added that the subdivider require each lot buyer to sign an acknowledgement that the buyer understands that a sufficient water supply may not be available on site and that the signed acknowledgement will be filed with the Lewis and Clark County Clerk and Recorder before deed or other instrument of transfer is recorded. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Subdivision, Summary Review to be Known as Grand View Addition, Lot 7 Minor. (cont. from 9-18-01). The applicant proposes to create one additional space for a single-family dwelling. The existing tract is developed with a single-family dwelling served by an individual well, individual on-site wastewater treatment system, and utilities. A second site would also be served by well, individual on-site wastewater treatment system, and utilities. Access to the lots would be from Valley Drive connecting to Lanning Road. The proposal is generally located north of and adjacent to Lanning Road and west of Valley Drive. The applicants, Raymond and Penny Killham, were present.

Variance Request. To leave Lanning Road width at 20 feet. Commissioner Murray moved to approve the variance request. Commissioner Varone seconded the motion and added the applicant has provided sufficient information to authorize the condition to grant this easement for the variance. The motion carried unanimously.

Commissioner Varone moved to approve the proposed subdivision subject to 11 conditions as outlined in the staff report. Commissioner Murray seconded the motion.

Amendments to Conditions of Approval:

Commissioner Varone moved to correct the recommendation statement to read: the preliminary approval is for one additional space for rent. Commissioner Murray seconded the motion and it carried unanimously.

Condition 5. Commissioner Varone moved to delete the requirement for a fire protection plan until there is a subdivision regulation in place that addresses standards. The motion died for the lack of a second.

Condition 8.b. Commissioner Varone moved to delete the radon requirement. The motion died for the lack of a second.

Condition 8.i. Commissioner Varone moved to delete a waiver of the right to protest joining a community water or wastewater treatment system because it is zoning. The motion died for the lack of a second.

Condition 8.k. Commissioner Varone moved to delete a requirement that all dwelling units within the subdivision be constructed to UBC specifications. The motion died for the lack of a second.

Condition 8.l. Commissioner Varone moved to delete a waiver of the right to protest joining a maintenance district. The motion died for the lack of a second.

The motion to approve the proposal subject to amended conditions carried unanimously.

Proposed Subdivision, Summary Review to be Known as Yuhas Tracts Lot 5 Minor.

(cont. from 9-18-01). The applicant proposes to create an additional space for a single-family dwelling. Both dwellings would be served by a shared well, and each would have an individual on-site wastewater treatment system, and separate utilities. Access to the lot is proposed from Westview Road connecting to Grandview Road and ultimately to Valley Drive. The proposal is generally located approximately ½ mile south of Canyon Ferry Road, approximately ½ mile west of Valley Drive. The applicant, Lloyd Huttinger, Jr. was present and indicated his willingness to proceed. Jerry Grebenc presented the staff report. Previously, the applicant indicated he did not feel the road needed to be brought up to county standards. Therefore, the applicant has submitted a variance request potentially relieving him from the requirement to construct the short section of Westview to county road standards. The Commissioners also requested comment from Larry Hoffman regarding the applicant's past weed plans, and comments from the Health Department.

Commissioner Varone stated that the BoCC received a memorandum dated September 19, 2001 from Larry Hoffman stating the applicant needs a weed management plan and certification before approval by the Weed District.

Joan Bowsheer stated that the property located at 2910 Westview Road was issued a 30-day notice in August 1996 for junk vehicles, and this problem has been taken care of. On August 23, 1996, a septic system was installed and approved by the Health Department.

Mr. Huttinger stated that the vehicles have been moved and the vehicles are in running condition.

Variance Request. To remove road construction requirement from Grandview Road south on Westview Road. Jerry Grebenc stated the road width varies from 35-20 feet and does not meet county standards for construction. Mr. Huttinger stated there are five properties that use Grandview Road to his property line and this road has been adequate. The road would be very expensive to rebuild.

Hearing no other comments, this closes the public hearing portion. Commissioner Murray moved that the Commission deny the requested variance. Commissioner Varone seconded the motion and it carried unanimously.

Commissioner Murray moved to approve the proposal subject to 17 conditions as recommended by staff. Commissioner Varone seconded the motion.

Amendments to Conditions of Approval:

Condition 6. Commissioner Varone moved to modify this condition to read: The applicant shall comply with the contract conditions of the East Valley Fire Department for the provision of a fire protection water supply. After further discussion, Commissioner Varone amended her motion to use the standard language that is written on other staff reports. Commissioner Murray seconded the motion and it carried unanimously.

Condition 12.a. Commissioner Varone moved to delete the radon condition. The motion died for the lack of a second.

Condition 12.b. Commissioner Varone moved to delete the UBC specifications. The motion died for the lack of a second.

Condition 12.c. Commissioner Varone moved to delete the requirement for a road maintenance agreement and waiver of right to protest joining a maintenance district. The motion died for the lack of a second.

Condition 12.e. Commissioner Varone moved to modify the language to read: any exterior lighting shall be arranged and shielded so that the beam is directed downward to minimize visibility from beyond the property lines. Commissioner Murray seconded the motion and it carried unanimously.

Condition 12.j. Commissioner Varone moved to delete a waiver of right to protest joining a community water or wastewater treatment system. The motion died for the lack of a second.

Condition 14. Staff recommended modifying this condition to read: Construction and location of the fencing shall be reviewed and approved by the irrigation association or district with jurisdiction over the subject ditch. Commissioner Varone moved to approve the new language as recommended by staff. Commissioner Murray seconded the motion and it carried unanimously.

The motion to approve the proposed subdivision with amended changes carried unanimously.

Request for Modification of the Subdivision Approval for Tenneson Estates II Major Subdivision. (cont. from 9-18-01). The applicant proposes to modify condition of approval 4 to delete the requirement for the second ingress/egress route to Lake Helena Drive. The applicant, Skee Tenneson, was present. After discussion on the construction of the road. Commissioner Varone moved to add language of a waiver of right to protest the road being built and that the applicant and staff work out an emergency ingress-egress route. Commissioner Murray seconded the motion and it carried unanimously.

With granting the variance, staff recommended that the following language be deleted from Condition 4: The applicant shall also construct the second ingress-egress route to Lake Helena Drive prior to final platting the second phase of the subdivision. The road shall be constructed to typical section #3. The approach of the second ingress/egress route to Lake Helena Drive shall be at a 90-degree angle. Staff will incorporate the new language for a waiver of the right to construct the second ingress/egress route with the next phase of the subdivision and the applicant will work with staff to identify an emergency ingress/egress.

Speed Zone Study-Secondary 229/N. Montana Avenue. MDT representative, Lee Alt, reported that at the request of Lewis and Clark County a speed limit investigation was conducted on Sorenson Road to the subdivision north of Lincoln Road. The accident history is not significantly higher than the statewide average. MDT recommended a 60 mph speed from Sorenson Road to Lincoln Road and posting a 55 mph zone south of Lincoln Road. Commissioner Murray moved to take report under advisement and allow Public Work's staff to make a recommendation at a future public meeting. Commissioner Varone seconded the motion and it carried unanimously.

Annual CLG Contract for Historic Preservation Agreement with the City of Helena. Ron Alles reported that this agreement is to fund the joint halftime position of the Historic Preservation Officer. Staff recommended approval. Commissioner Murray moved to approve the agreement and authorized the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Speed Zone Study - Bean Lake and Flat Creek Road. Janet Pallister reported that staff performed the study and recommended the installation of 40 mph speed limit signs, installation of narrow bridge signs at two locations where there are one-lane bridges, and the installation of turn signs with speed limit signs at the locations noted in the study. Staff will measure the width of the bridges. Commissioner Murray moved to adopt staff recommendation. Commissioner Varone seconded the motion and it carried unanimously.

Fairgrounds Fire Protection Agreement for 2001-2002. (cont. from 9/13/01). Ron Alles reported that the city is willing to lower the agreement amount, but it has not yet been finalized. Commissioner Murray moved to authorize the chair to sign and staff to negotiate a final agreement with the city. Commissioner Varone seconded the motion and it carried unanimously.

Renewal Amendment 1-CustomPREP, Inc. Ron Alles reported that this agreement is for Office 2000 software. Commissioner Murray moved to approve the agreement and authorized the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Supporting the President of the United States to defend against acts of terrorism. Commissioner Varone moved to adopt the resolution and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Resolution - Vigilant, but not Vigilantes. Commissioner Varone moved to adopt the resolution and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Proclamation - POW-MIA. The proclamation is to dedicate September 21, 2001 as National POW-MIA Recognition Day. Commissioner Varone moved to adopt the resolution and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Board Appointments.

Consolidated Planning Board. Carole Byrnes reported that the vacancy announcement to appoint two members is closed. Commissioner Murray moved to table a decision to a future public meeting. Commissioner Varone seconded the motion and it carried unanimously.

County Tax Appeal Board. Carole Byrnes reported that one application was received with a term to expire June 30, 2004. Commissioner Varone moved to appoint Wes Stewart to the County Tax Appeal Board. Commissioner Murray seconded the motion and it carried unanimously.

U.S. Forest Service Grant. Sharon reported that Project Impact was awarded \$5,000 from the U.S. Forest Service for the South Hills Fuel Management Plan. Commissioner Murray moved to approve the grant application and authorized the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 11:40 a.m.