

PUBLIC MEETING
March 25, 2003

Chair Anita Varone called the meeting to order at 9:00 a.m. Commissioner Murray was present. Commissioner Tinsley was absent attending training. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Jerry Grebenc, Frank Rives, Nancy Everson, Ralph DeCunzo, Dan Hawkins, Mike McCarthy, Jaci Grenfell, Seth Carlson, Christine Gordon, Larry Midow, Becki Brandborg, Stanley Scott, David Nielsen, Michael McHugh, Leo Gallagher, Joe Mueller, Frank Cooney, Marvin Howeth, Sr., Jason Mohr, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Search and Rescue Request to Purchase a Hovercraft. Nancy Everson reported that the Lewis and Clark County Sheriff's Office and the Lewis and Clark County Search and Rescue are requesting approval for the purchase of a Hovercraft for search and rescue operations. The Search and Rescue organization will contribute \$10,000 to the cost and the Sheriff's Office will contribute the remainder. The total cost is approximately \$22,000. \$12,000 will come from the Sheriff's office restricted cash for capital purchases and be replenished through the budget process.

Ralph DeCunzo, Lewis and Clark County Search and Rescue discussed how the hovercraft works and the need for this piece of equipment.

Commissioner Murray moved to approve the early expenditure from the 2003 and 2004 budget cycle to purchase the Hovercraft. Commissioner Varone seconded the motion and it carried 2-0.

Resolution for Application to Montana Department of Commerce for First Time Homebuyers Program and Designation of Environmental Certifying Official. Sharon Haugen reported that the resolution authorizes Lewis and Clark County to submit an application to the Montana Department of Commerce to conduct a first time homebuyer program. The program is conducted by the Helena Housing Development Corporation. Lewis and Clark County has been asked to sponsor the program in the amount of \$330,000. In the past, the program assisted more than 20 homebuyers and includes single mothers with children, teachers, and several government employees.

The Commission opened the public hearing.

Seth Carlson, 980 Indian Road, stated he is a recent homebuyer using the GR8 HOPE program. Owning his own home makes him feel part of the community. He participated in the first time homebuyer class and the budget class. He encouraged the Commission to increase the amount of first time entry-level homes.

Christine Gordon, 1232 Butte #139, Helena. Ms. Gordon participated in the first-time homebuyers class and is in the final process of purchasing a home on Fee Street. She

discussed her struggle and how important purchasing a home has been for her and her son.

Larry Middagh, 1231 University. Mr. Middagh stated the program started out slow but is becoming a very successful program. Since its inception, the GR8 HOPE has loaned \$400,000 to 24 first time homebuyers. These homebuyers have cumulatively spent \$2.3 million buying real estate in the Helena area. Realtors and lenders are also seeing the value of the program. He encouraged the county to keep this program alive by supporting this application.

Becki Brandborg, 4835 N. Echo, Chair of the Helena Housing Development Corporation. Ms. Brandborg encouraged the Commission to continue this program by approving the application. She coordinates the classes on money management for the first time homebuyers program. The Helena Housing Authority will play the role of advisory counsel oversight with this grant application and offered any assistance to the county.

Hearing no other comments, this closes the public hearing. Commissioner Murray moved approve the resolution and submit a letter designating Sharon Haugen, Director of Community Development & Planning as the Certifying Official and authorize the chair to sign all of the appropriate documents. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Subdivision, Summary Review to be known as the B & F Ranchettes, Lot 15 Minor. The applicants propose to create an additional lot for one single-family dwelling. The proposal is generally located west of and adjacent to Spokane Creek Road and south of Mitchell Gulch Road. The applicant Stanley Scott was present. Jerry Grebenc presented the staff report. The covenants are in perpetuity and require a minimum of 10-acre lots. There are no irrigation facilities on the property. Soils have moderate to severe constraints and the long term availability of groundwater is unknown. The internal access road would need to be constructed to a 20-foot wide gravel standard meeting county standards typical Section #3 and terminating in a cul-de-sac. A hard-surfaced apron would need to be installed at the approach to Spokane Creek Road. The Lakeside FSA requests \$200 per new lot and recommends that all of the roads in the subdivision meet county standards. The proposal would have minor visual impacts. There is seismic activity in the area. The applicant would be required to submit a storm water drainage plan to the county and DEQ review and approval. Staff recommends approval subject to 14 conditions as outlined in the staff report. Staff also recommends changes to conditions 10.b and 10.f as follows:

Condition 10.b. The Uniform Building Code should be referred to as "Applicable State Building Code." All local jurisdictions in the state have until September to adopt the new codes.

Condition 10.f. Staff recommends this condition be deleted because the lots will be 10-acre tracts and it is unlike they will be subdivided in the future.

Stanley Scott. Mr. Scott stated his concern with condition 10.c. requiring him to waive the right to protest a maintenance district regarding Spokane Creek Road. He would like to retain his right to protest any maintenance districts that may come up in the future.

Hearing no other comments, the public hearing is closed. Commissioner Murray moved to approve the proposal subject to 14 conditions as recommended by staff. Commissioner Varone seconded the motion.

Amendments to Conditions of Approval.

Conditions 10.b. and 10.f. Commissioner Murray moved to change condition 10.b. and delete condition 10.f as recommended by staff. Commissioner Varone seconded the motion and it carried 2-0. Commissioner Varone stated for the record although she supports building to UBC requirements, the county has not yet adopted the building code provisions.

Condition 10.c. Commissioner Varone would consider a motion to remove this condition as requested by the applicant. Hearing no motion the condition will remain as is.

Condition 10.j. Commissioner Varone stated this condition is not applicable in this instance because the lots are 10 acres and would consider a motion removing this condition. Hearing no motion the condition will remain as is.

The motion to approve the proposal as amended carried 2-0.

Resolution to Adopt a Portion of a Private Road South of Colonial Drive as a County Road. Frank Rives reported that the city of Helena, Lewis and Clark County, and Jefferson County have been working to develop a north-south connection as part of an ongoing infrastructure project. It is necessary to abandon an existing private access easement between Jefferson County and the city by adopting the road as a county road for the purpose of abandoning the easement in order to proceed.

City Attorney David Nielsen reported this road was originally created as a private easement recorded in Jefferson County to gain access from the City of Helena to that subdivision. Through time and with usage it has been expanded and it has public easement to Montana City. As the City annexes property, the right-of-ways would convert through the annexation process to city streets.

After some questions and discussion regarding the road and alternate access, Mr. Rives stated the county would not actively abandon the road nor would the road be removed. It would be in the best interest of all parties to extend their driveways to access the newly established road. The county would not be building or maintaining roads in this area. The road would be privately maintained by the landowners.

Joe Mueller, 2002 Sweetgrass, understands the developer would build the road.

Theresa Quebedeaux, 13 Paradise Lane, stated no one has contacted her regarding the change in the road and is concerned about access.

Hearing no other comments, the public hearing is closed.

Commissioner Murray moved to table this issue to April 1 to allow the Commission time to visit the site. Commissioner Varone seconded the motion and it carried 2-0.

Resolution to Abandon a Portion of a County Road South of Colonial Drive as a County Road. Tabled to April 1.

Proposed Abandonment of an Alley Right-of-Way, within the Hewin Addition. The petitioners, American Park Associates, propose to abandon segments of an alley right-of-way within the Hewin Addition to allow for commercial development of the adjoining properties. The property is generally located in Block 8 north of Livingston Street from Stanley Street to Market Street; also Block 5 north of Townsend Street from Stanley Street to Market Street; and Block 4 from Market Street to Blaine Street. Michael McHugh presented the staff report. The subdivision was platted in 1888 and consisted of nine blocks and 107 lots. There are no utilities located within the proposed right-of-ways and utility and emergency service providers have indicated there is no need to maintain these proposed alleyways. A five-year weed management plan is required. Staff recommends approval of the petition to abandon the right-of-ways.

Joe Mueller, 2002 Sweetgrass, representing American Park Associates. Mr. Mueller read the documentation and has no questions.

Hearing no other comments, the public hearing is closed.

Commissioner Murray moved to abandon alley right-of-ways within the Hewin Addition subject to four conditions as recommended by staff. Commissioner Varone seconded the motion and it carried 2-0.

Resolution of Intention to Create a Rural Improvement District for the Gable Estates Major Subdivision. Hearing is scheduled for April 1.

Tax Deed Property Located at Lake Helena. Sharon Haugen reported the county acquired .65 acres located in the NE1/4NW1/4 of Section 19, T11N, R2W, Lewis and Clark County through the tax deed process. State statute requires the Commission to set the sales price. Staff recommends the commission set the sales price at \$1,000 based on the costs of the survey, taxes owed on the property. Once the sales price has been established and the survey is finalized, the commission will hold an advertised auction at the site. Commissioner Murray moved that the Commission set the sales price at \$1,000 and proceed with plans for the auction. Commissioner Varone seconded the motion and it carried 2-0.

Board of Crime Control Grant Application. Leo Gallagher reported on the availability of a grant through the Board of Crime Control in the amount of \$125,000. The grant will assist law enforcement, prosecution, courts and correction agencies to help defray the cost of a Case Management System. This system will keep the County Attorneys office cases in a digital format allowing easy access from the computer. Hard money match is \$37,000. If Lewis and Clark County becomes a prototype there may be additional money for ongoing implementation. Commissioner Murray moved to authorize the County Attorney to submit the grant application to the Montana Board of Crime Control and authorize the chair to sign. Commissioner Varone seconded the motion and it carried 2-0.

Final Plat Approval for the Whiterock Minor Subdivision. Frank Rives reported the applicant Leanne Novack has met all conditions of approval. By consensus the commission agreed to sign the final plat at the conclusion of this meeting.

Final Plat Approval for the Hoff Minor G3-2 Subdivision. Frank Rives reported the applicants Floyd Hoff and Floyd Hoff Jr. have met all conditions of approval. By consensus the commission agreed to sign the final plat at the conclusion of this meeting.

Other business.

Lazy JC Acres. Frank Rives reported this hearing is scheduled for April 1 but was incorrectly advertised for today. The Commissioners opened the public hearing for the public in attendance and staff will give a brief summary today with a full presentation April 1.

Frank Rives reported the applicant Jerry Christison would like to amend the final plat to change the road configuration from the location established by the final plan and substitute it with the access and utility easement created in a previous certificate of survey.

Jerry Christison, 5220 Lake Helena Drive. Mr. Christison stated he has tried to accommodate the neighbors in the area by using crushed asphalt, installing a fence on the Davis property, and installing a culvert on the road. Moving the road will be a safety hazard because it will add more corners, there is a blind angle, a steep downhill approach, and less control of water run off. His photographs show the road did not wash out after the flood and the retention pond behind the Davis home.

David Hunt, 76 John G. Mine Road. Mr. Hunt stated he has lived in this area for 26 years and agrees with the applicant that the current location of the road is safe and he does not agree with the fence requirement.

Julie Davis, 7104 Antelope Way. Ms. Davis believes that leaving existing road as is will cause her family a hardship. Her privacy and health issues are very important. She asked the Commission to deny this proposal.

Karen Horn, 94 John G Minor Road. Her and her husband agreed to give the deed to the road to Mr. Christison. The current road configuration is safe and moving it will cause safety hazards.

Bernice C. Hunt, 76 John G Mine Road. Ms. Hunt spoke in support of the applicant leaving the road where it is. Changing the road will make it susceptible to more accidents.

Jeff McDermott, 7108 Antelope Way. Mr. McDermott stated the road is in good shape. His problem is with the portion of the road which runs east and west to the entrance to the new lot because the road narrows and washed out the entrance.

Gary Lynch, 7103 Antelope Way. Mr. Lynch's concern is blocked drainages.

The public hearing will be continued to Tuesday, April 1 at 9:00 a.m.

There was no other business and the meeting adjourned at 11:15 a.m.