

**PUBLIC MEETING**  
**April 1, 2003**

Chair Anita Varone called the meeting to order at 9:00 a.m.

Commissioners Murray and Tinsley were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Jerry Grebenc, Sheriff Cheryl Liedle, Jacalyn Grenfell, Jason Mohr, Jerry Christison, Dean Retz, Julie Davis, Kathy Moore, Jerry Shepherd, Tom Anderson, Allen Anderson, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Collection Agreement-U.S. Forest Service. Paul Spengler reported the agreement with the United States Department of Agriculture, Forest Service, and Helena National Forest is to document contribution of funds from the county for financial assistance, watershed restoration, and design contract on the Cave Gulch Drainage. The Conservation District intends to increase funding from \$5,000 to \$10,000 for the project. Commissioner Murray moved that after the document is written in proper English format, the chair be authorized to sign the agreement. Commissioner Tinsley seconded the motion and it carried unanimously.

Request for Proposals. The Commission acknowledged receipt of one proposal for Detention Center Holding Cells and Security Monitoring System for the Sheriff's office. Jaci Grenfell reported Tyco Fire and Security submitted a proposal in the amount of \$11,965.59. Cameras will be installed in the cells for better security. The Sheriff's Department budgeted \$12,000 for the project. Commissioner Murray moved to accept the proposal and return it to staff for review and recommendation to the Board at a future public meeting. Commissioner Tinsley seconded the motion and it carried unanimously.

Request for Modifications of Conditions of Approval for Lazy JC Acres Minor Subdivision. The applicant proposes to amend the final plat to change the road configuration from the location established on the final plan and substitute it with the access and utility easement which was created in a previous certificate of survey. The existing substandard access road serving the Lazy JC Acres Minor Subdivision and an adjacent parcel Tract B-1 is located within that easement. The applicant, Jerry Christison, was present. Jerry Grebenc presented the staff report. The subdivision was approved with 17 conditions. Condition 8 deals with the roads location and construction standards. The road does not meet standards for design or construction. Construction of this road is a major concern of the neighbors because the natural drainages have been significantly altered. During a recent storm the water flowed sediment-laden water onto the neighbors' property. The storm water drainage plan has not been completed and is part of the improvements agreement. The relocation of the internal access road would create further soil disturbance and alter the natural drainage patterns would not improve drainage or storm water retention. Staff recommends mitigating the existing problems with the road and storm water runoff and retain the access easement reserved with the boundary line relocation and bring the existing road to county

standards as soon as possible and institute a new storm water drainage plan that will retain storm water runoff. Staff further recommends a condition that the applicant shall improve the internal access road to typical section #3 for the entire length.

Jerry Christison, 5220 Lake Helena Drive. Mr. Christison stated his surveyor and engineer informed him this configured road approach is dangerous because of the angle from John G. Mine Road and it adds more corners for emergency vehicles and traffic. His other concern is the soil disturbance.

Tom Anderson. Mr. Anderson stated he purchased tract 1AE for development and is concerned about another approach onto John G. Mine Road. It makes sense to leave the road where it is.

Julie Davis, 7104 Antelope Way. Ms. Davis mentioned that dust is a major health issue. Her family's health and privacy is very important. She requested that the commission deny this proposal.

A.T. Anderson. Mr. Anderson supports the applicant's modification.

Jerry Christison. (verbatim). The fence is still a requirement and we have a signed contract with Julie Davis agreeing to that fence as soon as we can get the road designation lined out and the fence is being done by an independent insured license, which there is no license for it, but anyway that's what you required, a licensed fencing engineering. He says he has a city license, so I guess that's the kind of license, but that has all been contracted for and it's been bonded for, so that's taken care of.

Commissioner Varone. (verbatim) Before we move forward, I will not be voting for this. First of all, when Mr. Christison came forward this morning he said this is a compromise. This isn't a compromise, this is a cheap way to put in a subdivision whose road has already been installed and installed improperly. I have a real problem when folks who are in an established subdivision and have had a back yard and have had privacy that they've been imposed in my opinion in a situation where their privacy is no longer there. If I were to buy a piece of property there and build my house as far back from the road as possible to provide privacy when the folks in front of them don't have a backyard because there is a road in front of, in back of, and along side of, I have a problem with that. And the further back you build from that road, means more dust is going into that individual's yard. And even the importance of privacy is completely gone. That's what we as a Commission are attempting to keep from happening when we change the road. Making a jog in the road in my opinion is not a danger when the road swerves to the left and should go straight forward and someday when John G Mine Road is expended to the north and it is straightened out, the configuration of the approved proposal that Mr. Christison is asking to be changed will then be a straight shot right into John G Mine Road and not be a problem and I expect that to happen a few years down the road. What has been approved in the past provides front yards and backyards for everyone in that subdivision. Taking a cheap way out and seeing that the land is going to be compromised because there's going to be two roads then are going to have to change

the road back to the original in my opinion is what needs to be done. And for those reasons I'm going to be voting no to this proposal today.

Hearing no other comments, the public hearing is closed. All those in favor of the proposal signify by saying Aye? Commissioner Murray-Aye, Commissioner Tinsley-Aye. All those opposed? Commissioner Varone-Nay. The proposal passes 2-1.

The Commissioners recessed and reconvened at 10:00 a.m.

Resolution to Adopt a Portion of a Private Road and County Road South of Colonial Drive as a County Road. (cont. from 3/25/03) Commission Tinsley moved to table a decision until Thursday, April 3 to allow the Commissioners to visit the site this afternoon. Commissioner Murray seconded the motion and it carried unanimously.

Resolution of Intention to Create a Rural Improvement District for the Gable Estates Major Subdivision. Sharon Haugen reported preliminary plat approval requires the developers to create a rural improvement district for the roads within the subdivision for road improvements and road maintenance. The proposed annual fee is \$1,257.09 for improvements and \$185.65 for maintenance for a period of ten years. Staff recommends approval of the resolution.

Dean Retz, 1430 Shirley Road. Mr. Retz stated the landowners have been made aware of the creation of an RID. The maintenance includes another chip seal in seven years, sanding, snow plowing and weed control. The homeowners association has the ability to look at this and add or subtract to it. Mr. Retz suggested a condition be added that anyone subdividing within the immediate area pay a prorata share of the existing road network.

Commissioner Tinsley moved to approve the resolution and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously. A public hearing will be scheduled on the creation of the district.

County's Participation in MACO-JPIA Insurance Program. Ron Alles reported the resolution sets forth the county's intention to continue to participate in the JPIA program. Staff recommends approval of the resolution. Commissioner Tinsley moved to approve the resolution and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Water Quality Protection District Contract with DEQ. Kathy Moore reported on the contract for source water assessment and delineation reports for public water supplies in the north hills area of Lewis and Clark County. Eighteen of 114 public water supplies in the county have been completed. Students from the Helena College of Technology will assist in the project. Commissioner Tinsley moved to approve the contract and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

There was no other business and the meeting adjourned at 10:30 a.m.