

PUBLIC MEETING MINUTES

June 10, 2003

9:00 a.m. Room 330

Chair Varone called the meeting to order at 9:00 a.m. Commissioner Murray and Tinsley were present. Others attending all or a portion of the meeting were Carole Byrnes, Sharon Haugen, Ron Alles, Eric Griffin, Jerry Grebenc, Marni Bentley, Sue Clark-Jones, Budd Williams, Donna Jones, Jeff and Jody Welch, Ted Clearman, C.D. Oliver, John Northley, Sam Prestipeno, George Schlosser and Wayne Woodland.

Pledge of Allegiance. Everyone recited the pledge.

Minutes. January 7, 9, 14, 16, 21, 23, 28 and 30, 2003.

Commissioner Murray moved approval of the minutes and Commissioner Tinsley seconded the motion. It carried 3 – 0.

Proposed Abandonment of an Alley Adjacent to Lots 18-24, Block 8 of the Woodlawn Addition. (Petitioner, Donna Jones) (cont. from 4/22/03) (Jerry Grebenc)

Jerry Grebenc reported that Stahly Engineering is going to recommend that the sewer and water lines be installed in the main right-of-ways rather than the alleys. The Commission had requested a draft condition of approval requiring set backs within that right-of-way if it is abandoned. The Board should have a copy of the memorandum dated June 10 with a draft condition of approval number six requiring a ten-foot setback. This draft condition would not allow the construction of any new building within that right-of-way.

Commissioner Murray stated he still favors abandoning this alley, splitting it down the middle. Until a final report is given on the study, he is reluctant to abandon the alley. Commissioner Murray stated that he would move to delay this for one month.

Chair Varone stated that with agreement they would open up the public hearing.

Ms. Jones indicated she has had an opportunity to read all of the information that staff has provided and she has no comments.

Ms. Jones asked if it would be okay to start to take down the old building on the property.

Sharon Haugen stated she doesn't know of any reason not to take the building down.

Jerry Grebenc stated because it is a County owned right-of-way, technically the building shouldn't be there in the first place. If it is removed, the County will not have a problem with that. Plus the conditions of approval as drafted require that the building be removed.

Chair Varone opened the public hearing.

Wayne Woodland, 302 Beaverslide Drive in East Helena stated he is there with Century 21. They do have Donna Jones' property for sale right now. If that property does sell in the next month, with that garage being on the alleyway, would the new owners be responsible to tear there down?

Jerry Grebenc reported that the conditions of approval as drafted say the building needs to be removed, a weed management plan needs to be done on the properties, deeds and a certificate of survey need to be completed and filed with the Clerk and Recorder's office. There will be a year to complete these if the

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Board approves this. Theoretically Ms. Jones could sell the property, but that property can't be transferred until all of these conditions of approval are met.

Chair Varone closed the public hearing.

Commissioner Murray moved to table this until Mr. Rives gets back and can give them a reasonably close date of when the study will be completed.

Sharon Haugen reported the preliminary study might be done this summer however; the final decision is not made until the project design is done.

Frank Rives stated that Dave Stahly said his best estimate was mid July, July 18.

Jerry Grebenc suggested abandoning the right-of-way, but reserve a utility easement through the property.

Commissioner Tinsley moved to approve the abandonment of this alley and include a seventh condition of approval, which would retain the utility easement through the abandoned portion of the right-of-way and authorized the chair to sign. Commissioner Murray seconded the motion.

Jerry Grebenc stated the language on the seventh condition of approval would read, "The abandoned portion of the right-of-way shall be retained as a twenty foot wide utility easement."

The motion carried 3 – 0.

The motion to approve the abandonment of the alleyway carried 3 – 0.

Consideration of a Resolution Annexing Land into the Canyon Creek Fire District (North Area).

Marni Bentley reported that the Planning Department received a petition from the adjacent property owners of the Canyon Creek Fire District. The petition met the statutory requirements. They had 68.29 percent of the area and they were a majority of the taxpayers, that's 56.52 percent. After the petition was verified, it was forwarded to the Board of Trustees of the Canyon Creek Fire District. They approved the request, but wanted to inspect each property and provide information to landowners on correcting any problems or concerns. Notice was sent out according to the statutes, all property owners were notified and legal ads were published. Staff received no comments on the proposal. Staff recommends approval of the attached resolution.

Chair Varone opened the public hearing.

Sam Prestipeno stated he has property at 12967 Flesher Acres Road. It is his understanding that this proposal is the land adjacent to Canyon Creek and not Flesher Acres. He encourages the Commission to consider annexing the parcels next to the Canyon Creek District.

Chair Varone closed the public hearing.

Commissioner Tinsley moved to approve the proposed resolution annexing land into the Canyon Creek Fire District (North Area) and authorized the chair to sign. Commissioner Murray seconded the motion and it carried 3 – 0.

Consideration of a Resolution Annexing Land into the Canyon Creek Fire District (Flesher Acres Area).

Marni Bentley reported that only the percentages have changed. All the statutory requirements were met and all procedures and the law were followed. No comments were received.

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Chair Varone opened the public hearing.

John Northley, 6270 N. Hickory Road stated he strongly support the petition. Under the current scenario, if there is a fire call in Flesher Acres, Canyon Creek will answer it anyway under the mutual aide.

Sam Prestipeno, 12967 Flesher Acres Road stated he is the President of the Flesher Acres Homeowners Association. They are very much in favor of this annexation.

Commissioner Murray moved a resolution annexing land into the Canyon Creek Fire District and authorized the chair to sign. Commissioner Tinsley seconded the motion and it carried 3 – 0.

Commissioner Murray stated the \$20 that was collected from property owners last year for the homes in this area will be transferred to the Canyon Creek Fire Department before the end of the fiscal year.

Hattie Street Abandonment Plat

Frank Rives reported all the conditions of approval have been met with the exception of the one requiring that a quick claim deed be prepared. Those would be filed at the same time the plat is.

By consensus.

Final Plat Approval for the Boone Minor Subdivision. (Applicant, Doris Boone)

Frank Rives reported that Doris Boone has met all of the conditions and is ready to go forward.

By consensus.

Contract Amendment #2 - Johnson Controls Service.

The Commissioners will consider the amendment for service on temperature controls and HAVC system at the Law Enforcement Center.

Eric Griffin reported this is a contract amendment for a one-year renewal to a previously approved contract between Johnson Controls and Lewis and Clark County. Johnson Control services automatic temperature controls and the HAVC systems at the Law Enforcement Center. Staff recommends approval of Contract Amendment #2 with Johnson Controls.

Commissioner Murray moved authorization of Contract Amendment #2 to the Johnson Control Contract and authorized the chair to sign. Commissioner Tinsley seconded the motion and it carried 3 – 0.

County's Participation in MACO-JPIA Insurance Program.

The Commissioners will consider signing the Note Resolution, Property and Liability Agreement, Promissory Note, and Officials' Certificate.

Ron Alles suggested taking three separate actions authorizing signature on the three different sets of documents.

Ron Alles stated the first document is the County Note Resolution. This resolution authorizes the County to participate in the pooled self-insured property and liability program. This authorizes these bonds be sold. The second document is the program agreement. This clarifies the County's participation and obligation to fulfill the note and the bonds. These bonds will be paid for by the premiums paid by the County for the JPIA pool. In the even that that money is not enough, the only obligation of the County is to fulfill that difference. The third set is the certificate to be signed by the chair of the board. This signifies

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that the County has fulfilled all the process and completed all the documents to fulfill its obligation to the JPIA Authority.

Commissioner Murray moved to authorize the chair to sign the County Note Resolution and Commissioner Tinsley seconded the motion. The motion carried 3 – 0.

Commissioner Tinsley moved to approve the Property and Liability Program Agreement which clarifies the County's roll of participation in this program and authorized the chair to sign. Commissioner Murray seconded the motion and it carried 3 – 0.

Commissioner Tinsley moved to approve the Certificate as the resolution and adopting the vote relating to the participation in a pooled self insured property and liability program and authorized the chair to sign. Commissioner Murray seconded the motion and it carried 3 – 0.

Commissioner Murray stated he would move that the chair be authorized to sign another document if another document needs to be signed. Commissioner Tinsley seconded the motion and it carried 3 – 0.

East Helena – East Main Speed Limit. (cont. from 5/15/03)

Eric Griffin reported this is East Helena's wish. They concur with the recommendations brought before the Commission from the Department of Transportation. Their only wish is to extend the 25 mile per hour speed limit to the East approximately 1500 hundred feet to Oak Avenue. Staff recommended adoption of the Department of Transportation's recommendation on the speed zone study that they've done on Old Highway 12 with the exception of the recommendation to extend the 25 mile an hour speed limit to Oak Avenue.

Commissioner Tinsley moved to approve the resolution accepting the speed zone study in East Helena with the recommendation from the Mayor of East Helena to extend the 25 mile per hour speed zone to Oak Avenue and authorized the chair to sign. Commissioner Murray seconded the motion and it carried 3 – 0.

Resolution Providing for Public Participation.

Chair Varone stated a memo was received from Jack Holstrom with MACO recommending a resolution and providing a draft resolution. The Deputy County Attorney needs to have an opportunity to look at this and comment on it. She would like to table this until a response is given from the Deputy County Attorney.

By Consensus.

Public Comments on matters within the Commission's jurisdiction.

No public comment.

Adjourn.

Chair Varone adjourned the meeting at 9:45 a.m.

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