

## NOTICE OF PUBLIC MEETING

July 29, 2003

Chair Varone: (tape begins)... and to his right is Sharon Haugen, Director of Planning, and just coming into the room is Ron Alles our Chief Administrative Officer. My name is Anita Varone, would you please join us in the pledge.

**Pledge of Allegiance.** Everyone recited the pledge

Chair Varone: In the front of the room there is an agenda and a sign up sheet if someone would come up and be so kind as to start it off and also, I almost always forget this so I'm going to try and remember it at the beginning of the meeting, if you should go out to your car and find a ticket on your car because we're lengthy here, please bring it up to our offices and we'll make sure that it's, that your not responsible for paying for it.

Commissioner Tinsley: Except for you Mike.

### **Resolution Declaring County Property Surplus Property** (Amy Reeves)

The Commissioners will consider the Resolution

Ron Alles: Madam Chair, Commissioners. This vehicle, although not used up so to speak, is not practical for the Sheriff, she chose to trade this in and get a trailblazer. The difference in price was \$100.00 so they felt comfortable with the trade.

Chair Varone: Thank you. Any questions?

Commissioner Murray: Madam Chair, Commissioner Tinsley. Is this a vehicle that we actually should hang onto though for purchase of vehicles, we're getting Spangler a vehicle. I don't remember if we're getting anybody else a vehicle.

Ron Alles: Madam Chair, Commissioner Murray. The Sheriff felt that, well particularly in off road type situations, and I can see instances where perhaps the DES vehicle you know, they probably need to go off road to. I believe, that would be your decision, if you want to keep it around in some other department, we could do that. If they haven't already traded it or at least made the deal, I don't think it's out of our possession yet, but.

Chair Varone: I guess maybe, my thoughts on that are originally we thought a van would work for the Commissioners and then I found out early on that we need to have a 4-wheel drive SUV type of vehicle and I can imagine that Spangler would need one as well.

Chair Murray: Spangler has the keys to ours, by the way. If he ever needs a 4-wheel drive in an emergency, he's always been authorized to use ours.

Chair Varone: What's the pleasure of the Commission?

Ron Alles: Essentially Commissioners, if we want to keep it elsewhere in the County what we need to do is pay for this vehicle from whichever other department we choose to buy it for.

Commissioner Murray: Madam Chair, I'm not trying to create problems; I don't know what new vehicles have been authorized for this fiscal year. The only one that I'm familiar with is Spangler, but if there are other vehicles maybe some we'll want to consider rather than having this go to auction or.

Ron Alles: If you'd like Commissioners, we can look through the budget request. This, just as an FYI, would not go to auction. I think they're looking at trading it for another vehicle so it wouldn't actually hit the auction block, but if you want to postpone this until Thursday, we can look, search for other departments that need a Buick LeSabre.

Commissioner Murray: Madam Chair, I, rather than hold up the process, I'd like to search, but at the same time I'd move passage of a resolution declaring the Sheriff's Buick LeSabre as surplus property and authorize the chair to sign.

Commissioner Tinsley: Second

Chair Varone: All those in favor, signify by saying 'I'.

Commissioners: 'I'

Chair Varone: Motion carries and Commissioner Murray I understand that Paul might have a key to the Commission vehicle but as often or not when there's an emergency the Commissioners all have a need for the vehicle as well so some times it might (unknown) it.

Commissioner Murray: In an emergency I don't think we need a 4-wheel drive to get to the emergency operations center Madam Chair.

Chair Varone: You never know.

**Contract Between Lewis and Clark County and the Department of Agriculture** (Larry Hoffman)

- a. Noxious Weed Seed Free Forage Program.
- b. Contract with Cliff Cox. Water Sheep at Bucksnot Weed Management Area.

Chair Varone: Larry Hoffman is not in the audience. If I could ask staff to, someone to go down and get Larry we'll move on to item 4.

Larry Hoffman: The first contract is basically with the Department of Ag and we do it every year for Jim Nelson, Al Lindhoff and myself to do certified hay. It's a something that we've always had to sign off on. The second one with Cliff Cox is for the watering of the sheep and goats that are up in the Bucksnot Project. He'll be using his own truck, we'll be paying him \$48.00 an hour and most of those funds were not, they'll not come from county funds they'll be Bucksnot grant funds and livestock grazing funds. Are there any questions?

Chair Varone: Larry, I do have one on each contract. On the Noxious Weed Seed Free Forage Program the compensation says 'The contractor will retain \$1.25 per acre of the \$1.50 inspection fees or the contractor portion of the minimum fee per field inspection...' '...The Contractor shall submit to the Department the \$0.25 per acre fee for each inspection except as provided...' in the administrative rule, what fee does that mean?

Larry Hoffman: We charge \$1.50 per acre when we go out and inspect. The \$1.25 comes back to the county, \$0.25 has to go to the state to pay for that inspection or their administration fees.

Chair Varone: What is the total amount of the contract. Because I guess I didn't know

Larry Hoffman: This is just a contract between the Department of Ag, then we have individual working with the producers. We charge the producer.

Chair Varone: Is there a maximum amount on this contract, I couldn't find one.

Larry Hoffman: There is no dollar value on the contract; it's just that we must give them \$0.25 per acre that we inspect. We'll be inspecting right around 6 to 800 acres this year, hopefully.

Commissioner Murray: I would remind the chair this is a major economic development program in Lewis & Clark County.

Chair Varone: The next question I have is on Cliff Cox, and it's \$40.00 an hour and is there any max amount on this as well?

Larry Hoffman: The maximum will be maximum of two hours a day for three weeks.

Chair Varone: Okay, Thank you Larry.

Larry Hoffman: It depends on how the weather goes and how are water supplies last. Within a week and a half we had to move them back down to derelict waters.

Chair Varone: Thank you. Are there any other questions of Larry? Commissioner Murray.

Commissioner Murray: Madam Chair, Commissioner Tinsley. Larry, you actually check the goats to be sure they're getting water.

Larry Hoffman: Yes, I have.

Commissioner Murray: and they're doing fine?

Larry Hoffman: and the sheep are also getting water.

Commissioner Murray: It's the goats that I'm concerned about.

Commissioner Tinsley: I won't say it.

Commissioner Tinsley: Madam Chair, would you like these two contracts together or separately.

Chair Varone: I think we can do them together, can't we Ron?

Commissioner Tinsley: Madam Chair, I'd like to make a motion that we approve two contracts. One, the first contract is the Noxious Weed Seed Free Forage Program between Lewis & Clark County Weed District and Department of Agriculture. The second is a contract with Clifford Cox, it's to water sheep at the Bucksnot Weed Management Area and authorize the chair to sign.

Commissioner Murray: Second

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries.

**Agreement between the Lewis and Clark County City-County Health Department and Joseph Kellogg.** (Kay Robertson)

The Commissioners will consider the agreement with Joseph Kellogg as a HIV prevention peer outreach worker until December 31, 2003

Kay Robertson: Good Morning. I'm Kay Robertson, public health nurse for Lewis & Clark County and we ask for contract approval for hiring an additional peer outreach worker to do HIV/AIDS prevention education work with the gay/bisexual community of younger gay/bisexual men in Helena and this monies would run from now until the end of December 2003.

Chair Varone: Thank you Kay. Any questions of Kay?

Commissioner Murray: Madam Chair I move approval of an agreement between Lewis & Clark County City-County Health Department and Joseph Kellogg group and authorize the chair to sign.

Commissioner Tinsley: Second.

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries.

**Proposed Minor Subdivision, Preliminary Plat Approval to be Known as the Griffin Davis Lot 22 Minor.**

(cont. from 7/22/03)(Michael McHugh)

The Commissioners will consider creating one additional space for one additional single-family dwelling. The subject property is located in the SW1/4 of Section 24, T11N, R4W and generally located between Bonner Road and Griffin Road and west of Applegate Drive.

Michael McHugh: For the record, Ms. Crider is here.

Chair Varone: Excuse me, Thank you Michael. Ms. Crider will you please come forward. Have you had an opportunity to review the documents that have been provided to us?

Debra Crider: Yes, I have.

Chair Varone: and do you have any questions before we begin?

Debra Crider: No, I do not.

Chair Varone: Thank you.

Debra Crider: I just like would all tell you thank you for extending this for me from last week.

Chair Varone: You're welcome. Thank you for being so kind as to do it, I know time was of the essence for you.

Debra Crider: Thank you.

Chair Varone: Thank you Michael. Ms. Crider, you have an opportunity to speak after Michael has the presentation. Thank you.

Michael McHugh: The proposal before us is to create a space for rent, lease or other conveyance on a 2.5-acre property located within the Griffin Davis Subdivision. The Griffin Davis Subdivision was a subdivision that was reviewed subdivision was platted back in the early 1970's; it's located west of Applegate Drive and south of Lincoln Rd. The property itself is developed with single-family residential unit on the northern portion of the property, there's numerous out buildings located around it. The well is located to the north of the primary residence and the septic system, which was replaced in 1999, is located to the west of the home. The predominant vegetation on the property is mainly bunchgrasses, wheat grasses and cacti. The property is level and there is a small infestation of some noxious weeds, primarily down in this area here. As you can tell by the previous pictures from this the subdivision was originally platted all the lots were 2.5 acres in size, there's been numerous subsequent subdivisions around the coulee parcels approximately 1.25 acres in size. As far as the zoning, there is no zoning in this area and as far as notice we did not receive any public comment on this proposed additional space for another conveyance. As far as agriculture uses, the soil mapping in this area are not considered to be prime or of statewide importance. There are no irrigation easements, water rights associated with this property. As far as effects on local services, the new development on the property would utilize individual on-site wastewater treatment systems and because of the soil constraints in this area the health department would probably require sand-lined trenches for the on-site wastewater treatment system. As far as water supply, the applicant is proposing individual wells the subject property is located in a transition area here between bedrock and Helena alluvial aquifers. All the immediate and adjacent properties do have the adequate water supply and have not seen any (unknown) of water supplies in the recent past. Subject property

is located within North Hills Temporary Groundwater Control Area that was established in October of 2002. The applicant and well drillers would like to comply with all of the restrictions associated with this control area. As far as streets and access, access would be provided from Bonner and Griffin Road. The new property would be accessed from here. The existing road network does comply with our County Development Standards. As far as integrations of road networks, this subdivision itself does not comply with existing standards because of length of dead-end roads, but there is possibility of extending roads to the west in this area, there's still 3 38 vacant parcels located in this area. This area down here is, the Rosemary Acres Subdivision that the Commissioners just approved last week. There would be the ability to get another soft connection and also connections with the roads in this area here. As far as other concerns, subject property is located within the Jim Darcy attendance area. Jim Darcy right now is experiencing fairly severe capacity restraints, approximately 60 students are being bussed to other schools. The middle school, CR Anderson is also experiencing some capacity restraints. Because of the distances, middle schools and high school age students would be required to be bussed at the general taxpayers expense and this is equal to approximately \$2.90 per student per mile per day. As far as fire protection, this subject property is located within the West Valley Volunteer Fire District. The District has asked that a \$200.00 payment be made per new residential structure on the property. As far as impacts on the natural environment, water quality district has indicated that there's been a wide range of nitrate concentrations in this area. They range from approximately 1.7 mg per liter to in excess of 20 mg per liter, which exceeds the states standards, drinking water standards by twice. While there haven't been any direct studies done, as a source of nitrates in this area, it's been assumed by the water quality district and DEQ that the majority of the elevated nitrate concentrations is associated with people keeping livestock primarily horses on the small acreages in this area. Because of this, staff has recommended that there be a prohibition for any large livestock or anything to be kept on the property. As far as the Lewis and Clark County Comprehensive plan, the subject property is located within a rural growth designation and it does comply with the standards that were established in the comprehensive plan. There's no resource conservation values identified with this subject property and the proposal has complied with all the subdivision regulations as far as creating space for rent lease or other conveyance. Therefore, staff is recommending approval of creating one space for rent, lease or other conveyance on this subject property subject to 10 conditions.

Chair Varone: Thank you Michael. Any questions of Michael? This is a public hearing, anyone wishing to speak in support of and opposition to please come forward now. For the second. Third time. This closes the public hearing. Ms. Crider you now have an opportunity to speak if you'd like to. When you come forward take the mic and put it down a little bit so we can hear you.

Debra Crider: I'm just Debra Crider and I own this property and I've lived out there for 30 years and I really am looking to do this to put another dwelling on it for my son, Dane, so he can live there to.

Chair Varone: Okay, Thank you. Any questions of Debra? Thank you Debra.

Debra Crider: Thank you very much.

Chair Varone: What's the pleasure of the commission?

Commissioner Tinsley: Madam Chair, I make a motion we approve the proposed minor subdivision preliminary plat to be known as Griffin Davis Lot 22 Minor, authorize chair to sign.

Commissioner Murray: Subject to 10 conditions as proposed.

Commissioner Tinsley: Subject to the conditions as indicated in the staff report.

Commissioner Murray: Second.

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion passes. Debra work with Michael on this if you have any questions, he'll walk you through it. Thank you.

**Final Plat Approval, Signature and Improvements Agreement** (Michael McHugh)

- a. Amended Plat Lots 6 and 7 for Gable Estates Major Subdivision
- b. Oro Fino #7, Lot 13AA Minor Subdivision

Michael McHugh: The first subdivision improvements agreement for you I believe is for Gable Estates Major Subdivision amended. This is for lots C6 & C7 this is creating 7 lots. This was given preliminary approval in January of this year. This is just the first phase of this subdivision; the improvements agreement is basically this property owner's share of the cost of developing on-site fire protection improvements. We do have cashiers check certified cashiers check in the amount of \$5,687.37 to cover this. All the other conditions have been met, all the taxes have been paid on these particular lots and staff does recommend signature of the improvements agreement and final plat.

Chair Varone: By consensus. Do we need a motion on this?

Commissioner Murray: Don't we need a motion because of the improvements agreement?

Chair Varone: Okay.

Commissioner Murray: I move we accept the improvements agreement and authorize the chair to sign.

Commissioner Tinsley: Second

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries. Oro Fino #7 Michael.

Michael McHugh: This is a 4-lot minor subdivision located west and adjacent to North Montana Ave. It received preliminary approval in August of last year. The improvements agreement is in the amount of \$48,000.00 and includes the installation of utilities, some road improvements and things. Several of these improvements, i.e. some of the utility installations have been completed at this time but the applicant wish to have those covered. Staff does recommend signature of the final plat and all taxes have been paid and all other conditions of approval have been met. Staff does recommend signature of the final plat.

Chair Varone: Any questions of staff?

Commissioner Tinsley: I just have one. How do we compute the security deposit or the bond? What was that based on?

Michael McHugh: County Subdivision Regulations require the applicants to submit bids for the required work to be done. The bids are read by staff and if necessary by the public works department to see if they're adequate to cover the proposed work. County Subdivision Regulations do allow the county to require anywhere from 110% to 125% of the total cost to cover it. In this case the applicant just went out and got a letter of credit to cover everything that he needed. It's way in excess of what we need. But usually it's just 110% of the total cost.

Chair Varone: What's the pleasure of the Commission?

Commissioner Tinsley: Madam Chair, I make a motion we approve the subdivision improvements agreement for

the Oro Fino No.7 Lot 13AA Minor Subdivision and authorize the chair to sign.

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries.

**Public comments on matters within the Commission's jurisdiction.**

RMDC Emergency Shelter Grant.

Cheryl: Madam Chairman, Commissioners. What you have before you is a work plan for the emergency shelter grant. This program is conducted by Rocky Mountain Development Council and they get this money from the State and pass it through to Gods Love to Leo Pocha Clinic, Friendship Center and Montana Youth Home. This is usually a shorter notice than we normally have but Mr. Leuwer contacted my office yesterday and said if we can have this plan reviewed and get the letter back to him he would be able to get the money out to Gods Love and the other agencies this month if we have to wait another week it will be another month so staff has reviewed the work plan and does recommend approval. I'd be happy to answer any questions I can.

Chair Varone: Any questions of Cheryl?

Commissioner Tinsley: Madam Chair, I make a motion that we approve the Rocky Mountain Development Corporation Grant, Emergency Shelter Grants program and authorize chair to sign.

Commissioner Murray: Second

Chair Varone: All those in favor signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries.

Chair Varone: This is an opportunity for public comments on matters within the Commission's jurisdiction. Since there's no members in the public we will be adjourned.

**Adjourn**