

SUBDIVISION MEETING

September 25, 2003

Chair Varone: Today is Thursday, September 25th it's approximately 9:00 in the morning. To my left is Commissioner Murray, to his left is Carole Byrnes our executive secretary, to my right is Commissioner Tinsley, to his right is Sharon Haugen our Director of Planning and to her right is Ron Alles our Chief Administrative Officer.

Others attending all or part of the meeting: Scott Piper, Cathy Robert, Jerry Shepherd, Georgianna Gulder, Darrell Buaman, Keith Allen, John Arrigo, Jock Bovington, and Brian Holling.

Pledge of Allegiance. (Everyone recited the pledge)

Swear-In Rimini Water & Sewer District Directors. (Michael McHugh)

The Commissioners will administer the oath of office to: John Arrigo, Darrell Bauman, Jock W. Bovington, Georgiana Gulden, and Phil Maynard.

Chair Varone: The first item of business today is to swear-in the Rimini water and sewer district Directors. I want to take this opportunity for, to tell you that we really appreciate what has taken so many years for you to develop and I think this is a huge step forward for the community of Helena, for your community of Rimini. What I'll do is I'll call your names and I'll swear everyone in at the same time and then we have an official Oath of Office that you will need to sign and once you sign that just drop it off with Carole if you would. I also wanted to give each of you a county pin before you left today, but Carole informs me that our order isn't in yet so as soon as it comes in you can expect a county pin in the mail. As I call your names would you please come forward. John Arrigo, Darrell Bauman, Jock Bovington, Georgianna Gulden and Phil Maynard. Please raise your right hand and follow after me. I, repeat your name, do solemnly swear that I will support, protect and defend the constitution of the United States and the constitution of the State of Montana and that I will discharge the duties of my office as Director of the Rimini Water and Sewer District of the County of Lewis and Clark, State of Montana, with fidelity, so help me God. Congratulations. What we'll need to do is, we need to contact Phil Maynard and we'll perform the swearing in for him at another time. Would you folks like copies of the Oath of Office sent to you also? That'd be great.

Chair Varone: The next item on the agenda, we have the wrong agenda today and the other two Commissioners have an appointment at 10:00, we didn't realize we'd be hearing two subdivisions this morning, so if we could move through as quickly as possible we certainly would appreciate it.

Proposed Minor Subdivision, Preliminary Plat to be Known as the Roberts Minor. (Jerry Grebenc)

The Commissioners will consider creating three spaces for lease or rent, each for one single-family dwelling. The subject property is located in the NE1/4 of Section 24, T11N, R3W, generally located west of and adjacent to Applegate Road.

Jerry Grebenc: Madam Chair, Commissioners, The applicant Mrs. Roberts is in the audience if you care to address her and then I will go forward.

Chair Varone: I apologize. Thank you. Mrs. Robert, would you please come forward. Just up to the microphone is fine, Thank you. Have you had an opportunity to read the report that the staff has prepared?

Cathy Robert: What I received, I received in the mail and I did go over this last night.

Chair Varone: So you had an opportunity to read it?

Cathy Robert: Yes

Chair Varone: What will happen is, Jerry will make a presentation and then after the presentation I will ask you to come forward again to see if you have any comments. And then we'll have the public hearing on it and you will also have an opportunity to close.

Cathy Robert: Okay.

Chair Varone: Thank you. Thank you Jerry.

Jerry Grebenc: Madam Chair, Commissioners. The subject property is located West and adjacent to Applegate Drive and actually South and adjacent of Applegate Village as you can kind of see on the aerial photo with the sunshine on it. This is a close up of the entire property; you can see Applegate Village to the North and Applegate Drive to the East and the Helena Valley Irrigation Canal on the southeast corner. Here's a close up of the developed portion of the property with the three homes. The applicant is proposing to create three spaces for single-family residences; two of the additional dwellings were previous permitted through family declarations, that's where the County permits an additional home on the property for an immediate family member. Due to changing circumstances, subdivision review is necessary for those additional dwellings. Currently the property is developed with three single family dwellings, two of the dwellings are served by a shared well and the third by an individual well. Each dwelling has an individual on-site wastewater treatment system and utilities. Portions of the property are utilized for horse pasturing and as mentioned earlier the Helena Valley Irrigation District's main canal does access, or does border the property on the southeast. Here's a photo of the property looking at the access drive and towards one of the southerly homes, you can see the irrigation canal bridge in the foreground. Here's another photo just north of the access point looking at the northern most home, you can see the horses pasturing on the property. This is the third home towards the back of the property. You can see it in the back, the green structure. With regards to agriculture, the soils on the property do have severe constraints for agriculture. As mentioned earlier, horse pasturing is taking place on the property and has been done so in the past. The Helena Valley Irrigation Canal is along the southeast corner of the property, due to the density, which is at almost $6 \frac{1}{2}$ acres per lot, if it was physically divided, fencing the canal may be impractical due to the density involved. Typically we look at fencing if we're talking an acre and a half or less sized lots. Here's a photograph of the irrigation canal that borders the property with the bridge across the canal. With regards to sanitary sewer, all of the homes have individual on-site systems, soils do have severe constraints for such systems, but all the systems are permitted and they were approved by the health department, that was part of the family declaration process, they did have to go through health review so all the individual systems are approved. Water supplies, they are shared and individual on-site wells, all those wells have been reviewed and approved and even though the property is in the North Hills Controlled Ground Water Study Area, those wells don't have to be pump tested because they were previously approved. With regards to streets and access, the legal and physical access to the property is in an approach on to Applegate Drive only an approach permit would be necessary since the property is not being physically divided, it's accessible right off of Applegate Drive. Probably what will happen is the applicant would have to install an asphalt apron that's due to the fact that Applegate is asphalt and to maintain the integrity of the edge of Applegate, that asphalt apron should be installed. Here's a couple of photos if you're standing at the approach. The top one is looking south down Applegate Drive with the irrigation canal bridge in the foreground, the bottom-most photo is looking north on Applegate Drive. With regards to Fire Protection, it's in the West Valley Fire District and it's approximately $3 \frac{1}{2}$ miles to the nearest station and the Fire Department did recommend \$200 per new lot in this case it would be new space created for lease or rent so \$400 total for this development and I believe Chief Shepherd's here if he wishes to comment at any point. With regards to the natural environment, no noxious weeds were identified, nonetheless the five year weed management plan would need to be done, soils do have a high risk for erosion. With regards to ground water, the water quality protection district has identified elevated nitrates in the area and as mentioned earlier the property is in the Ground Water Control Area. With regards to Public Health and Safety, the three biggest things would be our normal potential for elevated levels of radon gas and the fact that there is an earthquake fault located approximately 2 miles to the northwest. Additionally there is the irrigation canal which does serve as a attractive nuisance for children as mentioned earlier we are dealing with a rather large density. It's a 20-acre tract and three spaces so if it was actually physically divided it's almost $6 \frac{1}{2}$ acre lots, so typically the county has not recommended fencing with the density like that. With that, staff does recommend approval of the Roberts Minor Subject to nine conditions and I'd be happy to answer any questions the Commission might have. I would add one thing, I did put a handout on your desks there, staff neglected to put in the indemnification in the covenants for earthquake and irrigation canals. That's our standard boilerplate language and I would ask that that be amended into the covenants if the Commission chooses to do so.

Chair Varone: So that would be 6F. Thank you. Any questions of Jerry?

Commissioner Tinsley: Madam Chair, two questions. What is 6F? I must have missed it.

Chair Varone: 6F is this

Commissioner Tinsley: All right and secondly, Jerry I noticed Chief Shepherd indicated he would like to see a fuel mod plan, fuel modification plan that's approved by West Valley, I didn't see it in here.

Jerry Grebenc: Let me look quickly at the conditions of approval.

Commissioner Tinsley: I could have missed it.

Jerry Grebenc: Madam Chair, Commissioner Tinsley, you are correct. It should be added on to condition of approval #3, that a Fuel Modification Plan be submitted for review and approval to the West Valley Fire Department.

Commissioner Tinsley: Okay. Thank you.

Chair Varone: Any further questions of Jerry? Commissioner Murray?

Commissioner Murray: Madam Chair, Commissioner Tinsley, Mr. Grebenc I also noticed that the fire Chief indicates that the road is less than county standards.

Jerry Grebenc: Madam Chair, Commissioners, and I'll back up here to the photo. The entire property or the property Applegate Drive with an approach on to Applegate, typically when you create a space for lease or rent with access like this we typically don't require that you build a cul-de-sac into the property. The commission certainly can do that and could require such road construction.

Commissioner Murray: Madam Chair, Commissioner Tinsley, Mr. Grebenc. How have you dealt with the sub-standard road? Waiver of right to protest?

Jerry Grebenc: Madam Chair, Commissioner Murray, are you speaking to the driveway located right here?

Commissioner Murray: No, I'm speaking to Chief Shepherds finding number 4.

Jerry Grebenc: and I believe Chief Shepherd is speaking to the driveway that comes into the property, the approach off of Applegate. Staff hasn't addressed that. We've included a waiver of the right to protest RID which would probably include Applegate Drive for the maintenance of that.

Commissioner Murray: Thank you.

Chair Varone: Sheriff, I mean Fire Marshall Shepherd. Or Chief.

Jerry Shepherd: Commissioners, my request, when I looked at the property, I did not understand that the three properties were already on the land. I looked at the twenty acres; looked at the land behind it with the idea it was going to get subdivided behind it and I just didn't want that narrow strip to run back 20 acres. I have no problem if that's the only road network. I thought they were going to subdivide behind it and the road is very narrow, but if it's just a driveway, I do not have a problem with that. That was my mistake.

Chair Varone: Thank you sir, Michael?

Jerry Grebenc: Madam Chair, if I might add, the applicants are going to have to submit a scaled sight plan that will be reviewed and approved by staff. If the sight plan changes at all it would have to come in for review with the Commissioners again.

Michael McHugh: I would like to remind the Commissioners that recently the Commission did approve the Rosemary Acres Second or Third addition and one of the conditions of approval was that there would be access from Rosemary Acres which is located to the West of this property to allow integrated road networks and things like that if the remainder of that property, I just wanted to bring that to the Commissioners attention.

Chair Varone: Thank you Michael. Jerry.

Jerry Grebenc: That's a good point, if the property is ever actually physically divided, the commission would probably want to look at adding an access easement. Right now unless we want to ask the applicant to file an easement or file an actual survey, which they don't do for spaces for lease or rent, they wouldn't do this at that time, but if they ever physically divided the property they probably would.

Chair Varone: Thank you. Any further questions? This is a public hearing. Mam, would you like to come forward, do you have any comments before we begin the public hearing? Alright, Thank you. This is a public hearing, anyone wishing to speak in support of and opposition to or in general, please come forward. Fire Chief Shepherd, I got it right.

Jerry Shepherd: Chairman, Commissioners, I guess I would like, I want to thank Commissioner Tinsley for adding that weed district in there. The other thing that I noticed, my assumption was that it was going to be divided but this is an area that I would like to see a weed mitigation project on because you do have 20-acres and we need to get it pastured or something just to keep the wild fire down because of the houses that are just north of this 20-acres and that best bet area, so.

Chair Varone: In the conditions of approval it is included under the fire plan.

Jerry Shepherd: Thank you.

Chair Varone: You're welcome. Anyone else? For the second call. The third call. Mam, do you wish to close. Do you have anything to say? You have an opportunity if you want to say anything before I close the public hearing. You don't have to if you don't want to. Thank you. This closes the public hearing. What's the Commissioners pleasure?

Commissioner Murray: Madam Chair, I don't feel I've had adequate time to study this proposal and apparently the statutory limit is tomorrow. Is it?

Sharon Haugen: That was my understanding. The option the Commission would have is to request the applicant consider extending it to maybe a week.

Chair Varone: Mam, would you come forward please. Mrs. Robert, since we have a deadline that we have to meet, we need to apologize to you as a full commission, the Commission was at a Montana Association of Counties meeting since Sunday, we got back late yesterday afternoon. What we'd like to do is we'd like to have an opportunity to go out and take a look at the property before we make a decision. In order for us to do that we need to ask you for an extension, would you approve an extension of a week for us so we can go out and take a look.

Cathy Robert: Yes, I would.

Chair Varone: That would run it to, October 3rd.

Commissioner Murray: Madam Chair, I would move that the applicants request we extend the deadline to October 3rd.

Commissioner Tinsley: Second

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

Commissioners: 'I'

Chair Varone: Thank you very much.

Commissioner Murray: Madam Chair, I move we render a final decision as first item on the agenda September 30th which is this coming Tuesday.

Commissioner Tinsley: Second

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

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Jerry.

Proposed Subdivision, Summary Review to be Known as Cactus Tracts Lot 3 Amended Minor. (Michael McHugh)

The Commissioners will consider creating two parcels, each for one single-family dwelling. The subject property is located north of Canyon Ferry Road and east of Dusty Maiden Drive.

Chair Varone: Mr. And Mrs. Piper here? Mr. Piper would you please come forward sir. Good Morning.

Scott Piper: Good Morning.

Chair Varone: Have you had an opportunity to read the report that staff prepared before we begin?

Scott Piper: I have.

Chair Varone: Any questions before we move forward?

Scott Piper: Nope

Chair Varone: We'll be following the same process as we did with the last one.

Scott Piper: Okay.

Chair Varone: Thank you. Michael.

Michael McHugh: Just for the Commissioners note, I did notice in the staff report that there's a typographical error, under the review period it has September 15th, when it's actually October 3rd. I wanted to bring that to the Commissioners attention. What the applicant proposes is a two lot minor subdivision in an approximately 5-acre parcel; it's located to the east of Dusty Maiden Road and north of Canyon Ferry Road. The lot was originally platted in 1993 as part of the Cactus Tracts Minor Subdivision; this created four lots for approximately 5+ acres in size. Each of these lots were designated for Single Family Residential use. That subdivision that was platted in around December of 1993. What the applicants are proposing to do is to create two lots, one lot that would be approximately 2 acres in size and the other would be approximately 3 acres in size and the property is currently developed with a single family residential in the east central portion of the property, there's a garage located to the north on the property and there's a (unknown) building there and then the existing (unknown) is located to the south of the existing residence. Access to the property is via a driveway from Desert Court Road. Desert Court when originally constructed was originally constructed to County Standards but over time the road has deteriorated somewhat and the cul-de-sac is pretty (unknown) existent. The adjacent land uses in the area include single family residential units that vary from 5-20 acres in size and some of these smaller lots do have livestock on it, the farm animals are kept on it. As far as zoning, there are no zoning in the area the only covenants that are on the property are covenants that were originally placed on the property by the Board of County Commissioners at that time there were only six covenants and those dealt with matter about radon potential, restrictions on the exterior lighting, requirements for underground utilities, waiver of protest for joining both water and sewer and districts. As far as notice, notice was posted in the newspaper and all the adjacent were notified and no public comment was received by the County Planning Department. As far as the review criteria, there are two sewer-mapping units identified on the property. Both of them did have some agricultural value if irrigated, however there are no irrigation facilities located in this area and there has not been. There has not been irrigation activity in this area in approximately 30 years. Due to the small parcel size, which will be created to approximately 2 and 3-acre size, staff does recommend a covenant to be placed on the property that does restrict keeping, raising, confinement of livestock and other farm animals on the property. As far as impacts on local services, the applicant is proposing to utilize one additional individual onsite wastewater treatment system and because of some soil constrictions in this area due to poor filtering capacity it's possible that sand line trenches is going to be required. As far as water supply they're proposing to utilize individual wells the property is located in an area that served by (unknown) aquifer and there is adequate water supply in this area. All the necessary utilities are located adjacent to the property or on the property all additional installations of utilities would be required to be underground in compliance with the County Subdivision Regulations. As far as streets and accesses, a major concern is the condition of Dusty Maiden Road and the applicant has proposed as access to the new lots, what the applicant had proposed is to utilize this existing driveway to serve both properties that new development on the property would be served by a private driveway that would bifurcate from the existing driveway. However, County Subdivision Regulations prohibit accesses (unknown) lots and also requires that all lots be serviced by a standard and physical access. So staff has recommended that Dusty Maiden Road be extended from this deteriorated cul-de-sac in this area here and have it extended along moving down to lot 3b and then construction of a new cul-de-sac in this area here. I do know that the applicant does have some concerns about the cost with that. He at one time looked like providing both accesses off the cul-de-sac but there doesn't appear to be adequate separation

distances for both (unknown). So staff is recommending the extension of the road be constructed and moving to a portion of lot 3b and that the remainder of Dusty Maiden, or Desert Court be improved which would require some grading and some crowning of the road to bring it up to County Standards. The other thing that staff did identify in this area is there is no road identification sign at the intersection of Desert Court and Dusty Maiden Road and staff was recommending that the applicant be required to replace the sign that was originally placed there. As far as school districts, the new development on property would probably generate approximately 1 ½ additional students and as far as the elementary school area, the one school does have some capacity constraints at this time and those students may be required to be bussed to distant schools and all the students would be required to be provided transportation at the general taxpayers expense. As far as fire protection, the subject property is located in East Valley Fire District and the distance is approximately 2 ½ miles from the nearest fire station. The East Valley Fire District has adopted a policy that requires all new residential units to contribute either \$250.00 per lot or the onsite, the fire district in this case does recommend the \$250.00 payment. As far as natural environment there was identified some infestation and spotted knap weed on the property so a Weed Management plan would be required. As far as impacts on Public Health and Safety in section 13 where the property is located the nitrate concentrations range from .01 milligram to a little over 1.5 milligrams per liter, this is well within the drinking water standards. As far as seismic activity, the Spokane fault is located approximately 2 ½ miles northeast of the property and by incorporating some building standards in the new development we could reduce risk of injury and damage. Based on this, staff has recommended with 12 conditions of approval, the major one the one of main concern to the applicant deals with the road improvements and the extension of the road network onto the property.

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

Commissioner Murray: Madam Chair, Commissioner Tinsley, Mr. McHugh. Have you been in contact with the water quality board, or water quality district? Somewhere in the Dusty Maiden area there was high nitrate.

Michael McHugh: The information that was provided in the staff report was provided by the water quality district. (Unknown) provided us (unknown) and Department of Environmental Quality information on nitrate concentrations and that's where we got the ranges that were from .01-.154 with the main concentration being .8 milligrams per liter. There are some isolated areas in there, and I don't know if they are located in section 13 or not but this is the information that was provided by the water quality protection district.

Commissioner Murray: Thank you.

Chair Varone: Michael I do have a question. When I read this yesterday I wondered about the keeping of large animals on a small lot and didn't see it in here even though you talked about it, am I missing it somewhere.

Michael McHugh: (Unknown) probation and confinement

Chair Varone: Prohibition

Michael McHugh: Prohibition, okay. Sorry about that. Spell check gets you every time.

Chair Varone: Okay, great. Thank you. That's the only question that I had. Commissioner Murray or Tinsley? Thank you Michael. Mr. Piper before we begin public hearing do you have anything that you'd like to speak about?

Scott Piper: Yep

Chair Varone: Please come forward Sir, and for the record just give us your name and address.

Scott Piper: My name is Scott Piper, address is 3261 Desert Court. My concerns as Michael talked about are the construction of the road. I mean I'm talking about a real prohibitive amount of money to build a road. What I had, and Michael didn't have the diagram, but I had come up with. What I wanted to do was split the cul-de-sac down the center so that we could enter both of these properties off of my quarter of the cul-de-sac. That's roughly 81-feet across in circumference, that's what we have for an opening there. I don't know whether that meets the criteria for entering two spaces, but I could create two driveways

both at least 20-feet wide off of that cul-de-sac and he's right about one thing, the cul-de-sac is just about non-existent, but it's not from my doing, it's from my neighbors I mean they've actually built on to the cul-de-sac and actually changed the cul-de-sac from what it was originally. At the time that happened, I did call the county to find out if they could do what they were doing because they were moving drain tiles and everything else. I never did hear a response back, I'm not sure if anyone came out and looked at it or not and I'm not sure if there would have been any documentation as to that phone call or not either. But that's my primary concern, as far as improving Desert Court goes, I'm willing to go ahead and grade that and fill in the chuck holes and stuff and put some crown on it and clean up the weeds that are encroaching upon the road as long as it doesn't come to a very large expense, I mean I wouldn't want to hire somebody to do that, I do have a tractor and a blade that I can grade with.

Chair Varone: Thank you Sir.

Scott Piper: That would be the only thing I've got.

Chair Varone: Thank you Sir. If I could back up a little bit and just ask Michael a question, if we allowed the applicant to do that it would require a variance to split the property land would it not?

Michael McHugh: What the applicant is talking about is having both of the driveway approaches come off the public access easement, but to date we have not received a site plan, I mean this is what was proposed. The commission has two options. They could go ahead and either approve or deny this proposal as it's been presented now and then the applicant could submit an alternative site plan at a later date and request a modification of conditions of approval or you could require him to do the road right now. As staff indicated before, since we don't know exactly where all the pins are because of the deteriorated condition of the cul-de-sac there, we don't know if there's adequate separation distances, what would be required as far as the drainage and things like that and that would be information that the applicant would have to provide to staff before we could make a determination on that.

Chair Varone: Would it be prudent for us to ask for an extension on this so the applicant could provide that or do we need to make a decision?

Michael McHugh: The applicant can request an extension of the review period and submit the revised site plan in a timely manner and we could proceed that way. Staff does have a very heavy workload right now.

Chair Varone: If the applicant were to do that would we still hold a public hearing today?

Sharon Haugen: Madam Chairman, Commissioners, what you would do is set a date specific and you would hear the matter again and probably need a public hearing open so comments can be made at that time if the applicant did allow you to extend the review period.

Chair Varone: Mr. Piper is that something that you would wish, or do you want us to make a determination.

Scott Piper: No that would be fine. I guess

Chair Varone: We need to have you come forward Sir. Sorry, we're recording it, Carole's taking down every word.

Scott Piper: That would be fine. I don't know what would be required from to provide for documentation I guess for what do we need for that, what do I need to do?

Michael McHugh: What we would need to do is identify the pins and the original configuration of the cul-de-sac to see and then where Mr. Piper would like to provide the driveway accesses, so we would need a site plan and some documentation of where the property is. Staff did go out there a second time and tried to identify, but because of the vegetation and deteriorated road condition, we couldn't identify property lines and things like that.

Chair Varone: Thank you. What that means is you have to make a choice. We can either make a decision which will probably be one day next week or you can ask for an extension to a later date specific correct, and then we'd hold a public hearing today and then keep it open until that date specific. So, we need to just ask you what you prefer to do.

Scott Piper: An extension is fine. Again, what do I need to do to provide the information? Do I need to survey this,

Chair Varone: Why don't you get together with Michael, Mr. McHugh and he'll tell you what you need, does that sound alright? And then we'll need to set a date specific, what would be an appropriate date?

Michael McHugh: Staff would recommend at least a 30-day extension because we would have to contact the Water Department and get additional comments from them and because of work load

Commissioner Murray: Madam Chair, at the applicants request, I move we continue the hearing through November 7th.

Commissioner Tinsley: Second

Chair Varone: It's been moved and seconded, All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries. This is a public hearing, anyone wishing to speak in support of and opposition to, please come forward. For the second. For the third time. We will remain open until November 7th. Thank you Sir.

Resolution Abandoning and Vacating Segments of Alley Right-of-Way Within the Hewin Addition, Block 8 North of Livingston Street from Stanley Street to Market Street; Block 5 North of Townsend Street from Stanley Street to Market Street; and Block 4 from Market Street to Blaine Street. (Michael McHugh)

The Commissioners will consider the resolution and two quitclaim deeds.

Michael McHugh: Commissioners, This is a follow-up on an action that was taken by the Board of County Commissioners on March 2nd, 2003 for these abandoned alley way segments located within (unknown) conditions. What's required of the Commissioners today is signature of the plat that will be filed also signature by the Chair of quit-claim deeds and that's a signature on the resolution 2003-139 to officially abandon and vacated these alley ways.

Chair Varone: Do we do this by consensus or with a vote?

Sharon Haugen: Madam Chairman it's a vote and as part of the motion probably it should be noted that all conditions were met and that's why we're adopting this

Michael McHugh: I apologize for that.

Commissioner Tinsley: Madam Chair, I make a motion we approve resolution 2003-139 and note that all the conditions were met and authorize the chair to sign as needed.

Chair Varone: Second. All those in favor.

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Michael.

Final Plat Approval for Lowes Tract 3, Phase 2 Subdivision. (Applicant, Ann Pierce) (Michael McHugh)

The Commissioners will consider approving and signing the final plat.

Michael McHugh: Commissioners, this was a 16-lot major subdivision that was originally approved in February of 2002 with 17 conditions, however it required phase one was completed and final platted in March of 2003 all conditions have been met, taxes are current and have been paid and staff does recommend signature of final plat.

Chair Varone: By consensus. Thank you Michael.

Final Plat Approval for Wood Minor Subdivision. (Applicants, David & Susan Wood) (Jerry Grebenc)

The Commissioners will consider approving and signing the final plat.

Jerry Grebenc: Madam Chair, Commissioner Tinsley, this is a three lot minor subdivision located off of Eagle Bay Drive. Part of the property is adjacent to Hauser Lake. The applicants have met all the

conditions of approval, the taxes are current and staff recommends signature of the final plat.

Chair Varone: By Consensus. Thank you Jerry

Jerry Grebenc: Thank you.

Funding Agreement for Update of the Helena Area Transportation Plan. (Brian Holling)

The Commissioners will consider the agreement between Lewis and Clark County, City of Helena, and Montana State Department of Transportation.

Brian Holling: Madam Chair, Members of the Commission. This is a funding agreement between Lewis and Clark County, City of Helena and Montana State Department of Transportation. The funding will be used for consultant services to deliver the updated Helena area transportation plan. Approval and signature of this agreement will commit the funding for all three parties.

Chair Varone: It's my understanding that 25% or \$37,500 comes from both the City and the County and MDT funds is \$75,000 for a total of \$150,000.

Brian Holling: That's correct

Chair Varone: Thank you. Any questions of Brian?

Commissioner Tinsley: Madam Chair, I move that we approve the funding agreement for the update of the Helena Area Transportation Plan 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. Thank you Brian.

Health Department Contract Renewal. (Joan Miles)

The Commissioners will consider the contract with DPHHS for the Montana Tobacco Use Prevention Program.

Joan Miles: Thank you Madam Chair, Members of the Commission. This is a renewed contract for tobacco prevention program. We did not have to submit a competitive grant this year because we were one of the communities that was funded last year when we had very minimal funding, this year they are opening it up to more communities but those of us that had funding, actually got increases this year so we would recommend signing the contract.

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

Commissioner Murray: Madam Chair, I'd move we continue or enter into a contract with the State Department of Health and continue the tobacco program 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. Thank you Joan

Montana Arts Council-Final Narrative Report. (Sharon Haugen)

The Commissioners will consider the final report for Holter Museum of Art.

Sharon Haugen: Madam Chairman, Commissioners, what you have before you is a funding report for the Holter Museum for cultural and steady projects. Since Lewis and Clark County is the sponsoring agent we are responsible for our signings final report. Staff has reviewed the report and find it's in compliance with all grant requirements and recommends the signature of the commission. I'd be happy to answer any questions the commission may have.

Chair Varone: Questions of Sharon? Commissioner.

Commissioner Tinsley: Madam Chair, I make a motion that we approve the Montana Arts Council Final Narrative Report and authorize the chair to sign if needed.

Commissioner Murray: Second

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

Commissioners: 'I'

Chair Varone: Motion carries

Cooney Convalescent Home Medical Director Contract. (Marlene Lauretta)

The Commissioners will consider the contract.

Chair Varone: Item number 11 is the Cooney Convalescent Home Medical Director Contract. There was nothing in our agenda to read

Ron Alles: Madam Chair, Commissioners, I would ask that you continue this until Tuesday

Commissioner Murray: So moved

Commissioner Tinsley: Second

Chair Varone: All those in favor

Commissioners: 'I'

Chair Varone: Motion carries

Adopt Mill Levies 2003-2004. (Nancy Everson)

The Commissioners will consider adopting the mill levies.

Nancy Everson: Madam Chair, Commissioners, you have before you the resolution to adopt the Mill Levies for fiscal year 2003-2004. The value of our Mill this year is \$83,917.00, which is an increase of \$753.00 from fiscal year '03. The Mill Levies countywide Mill Levies and the outside Mill Levies the road planning and emergency disaster increased from prior year 7.37 mills. That's 6.75 mills for the float just calculated based on the new growth, the inflationary factor of 1.22 percent and some decreases in personal property reimbursements from the state. There's an additional 2 mills for the emergency disaster and then there's a decrease in health facilities mill levy and the health insurance mill levy. The reason for those decreases is because they're not based on the formula that allows for the growth, they're based on a specific factor, the health facilities mill levy is based on the amount of money you need in that year to pay off the debt that's due that year and the health insurance mill levy is based on the number of employees times the \$170.00 the increase in the premium and that fluctuates a little bit every year as well. Any questions?

Chair Varone: Any questions of Nancy? What's the pleasure of the commission?

Commissioner Tinsley: Madam Chair, I make a motion we approve or we adopt the Mill Levies for 2003-

2004 as prepared by staff and authorize the chair to sign, authorize all three of us to sign.

Commissioner Murray: Second

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

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Nancy

Commissioner Murray: I just have a real problem getting this this morning and not having time to study it.

Chair Varone: Thank you Nancy

Public Comments on Matters Within the Commission's Jurisdiction.

Adjourn.