

SUBDIVISION MEETING

December 18, 2003

Chair Varone: (tape started) .. 18th, it's about 9:00 in the morning. To my left is Commissioner Murray, to his left is Carole Byrnes our executive secretary, to my right in the missing spot right here is where Commissioner Tinsley usually sits but I have to be honest with you guys he is in his children's Christmas play today and that's exactly where he needs to be, so he not only has been excused, he's been encouraged to be there. I'll be attending my grandson's Christmas play which is going on at the same time, they do it twice a day except he has a son who's in kindergarten and they only do it in the morning because they get tired. So he doesn't have a choice of going in the afternoon and I do so I'll be there at 1:00 this afternoon to see the same thing. To my left is Sharon Haugen she is our Director of Planning and to her left is Ron Alles our Chief Administrative Officer and in the corner of the room, that corner of the room is Leslie Morgan, Leslie would you raise your hand, excuse me, Lindsay I'm sorry, Lindsay Morgan, Lindsay is our new planner, she comes from the Kalispell area. Just a word of interest, when she was interning, she interned for Sharon's brother so she comes highly recommended and we welcome her to our community. Welcome. One thing that we're going to be doing today is we're having a growth policy hearing and it's item 6 on the list, Commissioner Murray and I thought it might be a good idea to do that first off so that the folks that are in the audience won't have to sit through maybe an hour of other information. Now before I start today, in the front of the room looks like it's been passed around is a sign up sheet and an agenda if you have a chance to sign up and take a copy of the agenda and also if you do receive a ticket in the parking area today, you won't be responsible for paying it, bring it up to our offices on the third floor and we'll make sure it gets taken care of for you. That being said, would you please join the commission in the pledge.

Others attending all or part of the meeting: Carol Hanel, Stan Frasier, Mary Clark, Jeff Erickson, Phil Grossberg, Dave Stahly, Lindsay Morgan, Jason Mohr, Virginia Markell, Maxwell Milton and Dick Thweatt.

Pledge of Allegiance. (Everyone recited the pledge)

Chair Varone: So with the approval of the commission and staff, if we can move item 6 the County Growth Policy Hearing to the front the Commission will hear public comments on the Growth Policy before we begin.

Recommendation for Engineer for New and Existing Road Improvement Districts. (Eric Griffin/ Carol Hanel)

The Commissioners will consider the recommendation.

Carol Hanel: Yes, Good Morning Commissioner Varone, Commissioner Murray. You should have in your packet a recommendation for Engineer for new and existing road improvement districts. This is a request, we send out a request for proposals in October for new engineers for our rural improvement districts. In the past we've had two engineers, one for existing rural improvement districts and one for new ones and we haven't renewed, we've been amending one of the contracts for a couple years so we thought it was time to get a new engineer and we combined them under one engineer, both the new and existing rural improvement districts and we thought that would work better and it would be more efficient. We received nine proposals for engineer services and there was an evaluation team comprised of five county employees from planning and public works that evaluated these proposals. We met the first of December, we met and went over the evaluations and it was unanimously requesting the approval of Stahly Engineering and this is a request for the approval of that.

Chair Varone: Thank you Carol and Carol is this for one year?

Carol Hanel: We haven't said it, we'll negotiate that when we enter into contracts but I would recommend more than one year because it gives them time to get familiar with it, it's a learning process and the longer they're in there the more, there is a termination clause in there if for some reason it's not working, but probably two years to start out.

Chair Varone: Okay. Thank you. Any questions of Carol?

Commissioner Murray: Madam Chair, I would move that we adopt the staff recommendation and hire Stahly Engineers as our RID engineers.

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

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Carole.

Carole Hanel: Thank you.

Chair Varone: Congratulations.

Commissioner Murray: Madam Chair, I want to acknowledge the president of Stahly Engineers is here, Dave Stahly and we've had a nice partnership working with Stahly Engineers in the past, I appreciate their work and look forward to our continued relationship with Stahly Engineers.

Dave Stahly: Madam Chair, Commissioner Murray if I may, I want to thank you for the confidence, Byron was going to attend with me but he had a conflict with one of those developers that at this time are meeting in our office and I've thoroughly enjoyed working with the staff on these RID's it's not always easy, but it's something that I think we have a good team set up and we can take a look at the RID's in an objective manner so Thank you very much for your confidence.

Chair Varone: Thank you Dave. I know we've had an opportunity to attend several RID meetings and because of your expertise and the work that you and your staff go through to prepare for what's always difficult for folks who have the option doing or establishing an RID means more money out of their pocket and you helped that process be easier to swallow for them because you have the information available to them. So Congratulations and welcome aboard.

Change Order for 2003 RID Projects. (Eric Griffin/Carol Hanel)

The Commissioners will consider the change order for Big Sky Asphalt. Increase in contract amount of \$4,208.

Carol Hanel: Yes. Thank you Commissioner Varone. Also in your packet, you have a request for a change order, approval of a change order. This is for the 2003 RID projects, Big Sky Asphalt out of Bozeman was the contractor and when the initial surveys were done in the spring a lot of things don't show up in the roads like it's hard to determine exactly how many cracks sealings are going to be done and what not and there were some, a couple of RID's that things were recognized as they were going that needed to be done this year it was something they couldn't put off until next year recommended by the engineer so there was more crack sealing and a couple of asphalt patches, large patches in Pleasant Valley and extra crack sealing in Treasure State and then there was buckboard drainage issue out in Eastgate that was changed at the last minute and that was agreed upon between the engineer and the contractors that were working on it, they thought it would solve the drainage issue out there a lot better so it resulted in an increase of \$4,208 total in the contract award and each of the RID's were aware of these changes before they were taken place and that we did an inspection, a punch list at the end of the project and drove through with the representative from each RID and got their approval on those so I would recommend your approval for payment for this contract. Thank you.

Chair Varone: Thank you Carol. Any questions?

Commissioner Murray: Madam Chair, I want to acknowledge the work that Carol does with the RID's and I appreciate that public works has held the change orders on the RID's to one which is very nice.

Carol Hanel: Thank you

Commissioner Murray: I would move that we accept the recommendation for the change order made by staff for Big Sky Asphalt in the amount of \$4208

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Carol

Carol Hanel: Thank you.

Capital Area Workforce System-One Stop Center Application. (Sheila Hogan, CTI)

The Commissioners will consider the application for a certified One-Stop Center.

Sheila Hogan: Good Morning Commissioner Varone and Commissioner Murray. Phil Grossberg is with me today. I am with Career Training Institute and Phil is with the Job Service and we're members of the Capital Area Workforce System. We're here today to seek your support for certification as a one-stop. The Capital Area Workforce System has an approved business plan and we've been working through the business plan and this is the next step, to be certified as a one-stop center and we'd like your support and Phil and I can answer any questions that you might have.

Chair Varone: Thank you. Sheila, Phil, I don't have any questions; I've been peripherally involved in this since I've been elected and support everything that you do. At one time worked at the job services so I understand the necessity of this so I don't have any questions, I fully support it, Commissioner Murray do you?

Commissioner Murray: I congratulate the folks for getting the one-stop application finally put together, we're a couple of years behind Butte, I'm glad we're here and we're going to be better than Butte. I would move that we accept the Workforce application system and authorize the chair to sign the Commissions endorsement of such.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Thank you both for being here today.

Sheila Hogan: I have the letter right here; I don't know what the process is.

Chair Varone: The original letter?

Sheila Hogan: The letter, right, for signature. Do I do that later or

Chair Varone: Why don't you give that to me and than I will sign it and give it to Carole and then she'll make sure it gets back to you. Thank you.

Phil Grossberg: Thank you very much

Sheila Hogan: Thank you

Chair Varone: Thank you.

Resolutions Ordering a Refund of Taxes/Fees/Assessments Paid. (Cheryl Green)

a. Robert and Sandra Caudill, \$435

Cheryl Green: Commissioner Varone and Commissioner Murray. This is from the Lincoln Solid Waste

Management Board. They were paying, they had a double assessment on the landfill charge, only on the land there was a barn and a shed. They should not have been charging for the landfill fee. The board asked for a five-year refund, which amounts to \$435 and asks the board to sign.

Chair Varone: Any questions of Sharon?

Cheryl Green: Cheryl

Chair Varone: Cheryl.

Commissioner Murray: Mike. Madam Chair, I would move a resolution ordering a refund of fees paid to Roberts C. and Sandra K. Caudill in the amount of \$435 and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries

b. Shirley Kuykendall, \$172

Cheryl Green: This is her owning a mobile home and also the land that the mobile home sits on. She was being charged the landfill fee on the land and also the mobile home. The only thing on the land, I think in my notes is a, I didn't write it down; I think it's a shed that just on her land. She should be paying for the landfill on her mobile home and she is, so for 2001 and 2002 she was double assessed for the scratch gravel landfill fee. We ask for a refund of \$172.

Chair Varone: Thank you. Any questions?

Commissioner Murray: Madam Chair, I move we resolution ordering a refund of fees and assessment paid by Shirley Kuykendall for an erroneous assessment in the amount of \$172 and authorize the chair to sign.

Chair Varone: Second. Ron, did you want to comment?

Ron Alles: Yes Madam Chair, Commissioners, Cheryl. This particular bill had penalty and interest too attached to that 43 or you know I guess the \$86 for two years, so it says to me that those taxes were not paid on time. What do we do with the penalty and interest as a result of that?

Cheryl Green: Well, we have never refunded back penalty and interest.

Sharon Haugen: Madam Chair, Commissioner Murray. In the past if I recall correctly I think Deputy Attorney Stahl has indicated there is no authorization in the statutes to refund penalty and interest only the taxes and fees themselves, so in the past we just kept it I guess.

Ron Alles: Is the penalty and interest written off for that particular tax or is it deducted from the fee in the refund? Because right now there is a charge and an entry on the books for lack of better words that reflects the penalty and interest is due, so where does that come from?

Cheryl Green: They did pay their bill late, so they were charge penalty and interest, which they have paid, or we wouldn't be asking for the refund. Penalty and interest has been spread to the entities.

Chair Varone: And as I understand the law that the applicants were required to pay it and then request a refund and if they pay it late their responsible for the penalty and interest and since that's all been taken care of than I think all we're doing with it is \$172 is that correct?

Cheryl Green: Correct

Chair Varone: Any other questions?

Commissioner Murray: Madam Chair, I'd suggest that if staff has questions on these that they work it out with the other staff prior to the meeting so if we need the County Attorneys opinion we can get it prior to the public hearing.

Ron Alles: Absolutely, and I apologize. I just noticed the penalty and interest and thought I'd raise the question. Better late than never.

Chair Varone: That's right. Thank you.

Chair Varone: All those in favor

Commissioners: 'I'

Chair Varone: Motion carries

c. Philip and Carynn LeMieux, \$317.75

Cheryl Green: Commissioners, there is a change in this one. Will Selser you will see on the back of this application he asked for the refund to go back to 2000. Well Carole found a resolution back where we already had given him back 2000 and 2001 the fee, so on the landfill fee we're just going for 2002 and half of 2003 in the amount of \$126.50 and than the water quality is for 2000, 2001, 2002 and half of 2003 in the amount of \$19.25, the refund total would be \$145.75.

Chair Varone: Thank you Cheryl. If we've already refunded them from before how did this get passed scrutiny for future years?

Cheryl Green: I'm not sure and I'm going to have to ask, go in to the assessors office and see how they have this valued because it should be valued as like a shed and maybe it's not. Maybe they have not, when we refunded them a couple years back, maybe it was my fault I didn't give them this to go up and check it out to see that it was not livable.

Chair Varone: So you'll make sure that it's taken care of this time?

Cheryl Green: Yeah, I'm going to

Chair Varone: Thank you. Any questions of Cheryl?

Commissioner Murray: Ready for a motion?

Chair Varone: Please

Commissioner Murray: Madam Chair, I move a resolution ordering a refund of fees and assessments by Philip and Carynn LeMieux in the amount of \$145.75 and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries.

d. Western Hills Homeowners' Association, \$1267.45

Cheryl Green: Okay, as you can see from the notes kind of in the back, Western Hills took an assignment on this piece of property, assignment should not have been taken, I think there was some errors in some deeds that the assessors didn't work or didn't feel they should be worked. Well last month, me and Kim Larson and Paul Stahl met and the original, there was an original deed filed back oh gosh many years ago that should have given the roads and the common areas to the lot owners and them are inherent in the lot values, they should not have been a tax bill on this piece of property. Due to these deeds not being worked and things being messed up, Western Hills Homeowners Association took the assignment thinking this was the only way they could get the roads and the common areas in their name. Well the assignment should never have been issued, the original deed should have been worked so we're asking for the money that they've put out for the assignment which is going to be interest on their money also because when you take on an assignment you earn interest monthly until the property is redeemed, it's kind of like the one, the email that Paul had sent just another situation, pretty much the same situation as an assignment being taken that should not been taken so as it is their saying we never should have issued an assignment on this property, the Homeowners Association does own it, the value is inherent in the lot values of each owner in that subdivision and that we should refund the full amount of their money back plus interest.

Chair Varone: Thank you Cheryl. Any questions?

Commissioner Murray: Madam Chair. Cheryl. Are the homeowners paying taxes than to the center of the road?

Cheryl Green: Right, it's all

Commissioner Murray: On their individual properties?

Cheryl Green: Right, it's inherent yeah in the lot values. They take like the center and give it to each homeowner on that side and the value of their land so they're paying that in their tax bill.

Commissioner Murray: Madam Chair, than Cheryl who's paying the taxes on the park in the subdivision and the homeowners building in the subdivision or the homeowners' area?

Cheryl Green: I'm not sure of that, Commissioner Murray. I would guess I would have to look and see if that's another tax bill for the park, if there's a park, I guess I don't know if there's a park, well let me look here I've brought the folder.

Commissioner Murray: and I don't know that a park is taxable, but if it's not it should be under some nonprofit status shouldn't it? The County hasn't accepted the park I don't believe.

Chair Varone: Sharon

Sharon Haugen: Madam Chair, Commissioner Murray, to the best of my recollection I think less than a couple years ago we took out roads and parks from being taxed if the County owned them. But if the homeowners have a piece of parkland it's probably assessed for fees, probably not real property taxes if it's nonprofit but it will still have to pay fees and specials and those kind of things. But, we'll check on it. I don't recall if there's a park, I know there isn't a County park up here, so this may be common area too and that's a whole other issue, if it's not a park, it might be common area held by the homeowners, but we can certainly check on that.

Chair Varone: I'd like to recommend that we table this until next Tuesday, then you'll have more information.

Cheryl Green: Well on this document here that was in 77 where the subdivider, Mr. and Mrs. Monger created this subdivision and sold it to the Western Hills Homeowners Association they deed the roadways and park areas of Western Hills Subdivision located South and West of the Bureau of Reclamation Irrigation Canal as designated in the official amended plat of said subdivision on file. So from this deed, as I understand, when me and Kim and K. Paul met this is inherent in the lot values of the homeowners and I don't think a park has been

created out there. When the subdivision is created is a park usually owned by the County?

Sharon Haugen: Madam Chair, Commissioner Murray. To answer Cheryl's question, it's one of those questions where it depends. In the past the parks have either gone to the Homeowners Association, it's been actually deeded to the Homeowners Association, sometimes they were dedicated to the public and sometimes the County actually owned them. It is now the policy of the County if it's a County park that it gets deeded to the County, but in the past, that wasn't always done. I know that's not a very good answer but that's the answer.

Chair Varone: Let me ask you this, would you recommend Cheryl that we table this until next Tuesday, you think we can move forward on the recommendation and if any changes occur you can come back with it to us with modification, what would you recommend?

Cheryl Green: I guess my recommendation is pass the resolution, because I know Kim Larson has looked, she has looked deeply into this and has been working for the people that there's been more problems that have been going on with this piece of property than what I'm talking about right now, but going back to the original deed, when the Mongers give it to the homeowners, from what I understand, in this deed the value of this property is inherent in the lot values.

Chair Varone: Madam Chair, Commissioner Tinsley. Cheryl. I get, my concern with this is there is a common area that the Homeowners Association controls, if that be the case then that would influence the amount of the refund because we wouldn't be refunding all of the area we let them take assignment on. The common area is an area that should be paying fee and perhaps fees and perhaps taxes, that's why I, Cheryl I don't want to disagree with you but I think we ought to table this to give you time to research if there is common area that properly belongs to the Association that fees are due on and if that amount should be deducted from that refund, the proposed refund to be made and having said that to allow you time to review the question I raised, I would move that we table this until December 30th as the 4th item on the agenda on December 30th.

Chair Varone: I'll second that, I don't disagree with the need to get this done as quickly as possible and that's why I asked the question if you'd like to come back with a possible modification, but we're only looking at another couple days and I think it would just be better for us to do it right the first time, this might be right amount, I don't know. But, I agree with Commissioner Murray so I do second it. All those in favor, signify by saying 'I'.

Commissioners: 'I'

Chair Varone: Opposed, sustained, Commissioner Tinsley just walked in the door a few seconds ago so he didn't get involved in this conversation, so he is abstaining, he's not voting this time. Motion carries. Thank you Cheryl.

e. Virginia Markell, \$2,970.82

Cheryl Green: I tried to attach to the resolution, kind of what went on with this property. The County took tax deed to the property in 1926; the County held that property until 1961 and then sold to Lloyd Markell. Then Mr. Markell passed away so the deed of distribution give it to his wife Virginia. In March of this year she a neighbor that has a lot right next to that asked if she would be willing to sell this lot to him so he could have more land to build his home and that stuff and she had agreed and he went to the title company you know to work on the title insurance and that and discovered that she did not own the property, that a quiet title had been done in November of 1978, that give this property to other people. So for all these years she understood she owned it and paid taxes on it. She had asked for a refund back for thirty years, because that's all we have as of record, thirty years of tax bills. I did go and figure out what the thirty years money total was from 1972 to 2002 because we have cancelled the 2003 tax bill due to it being a double assessment since a quiet title was done and that came to \$2970.82. I also did put there the five-year refund which is statute allows for 1998 to 2002 in the amount of \$1,271.65 and I know Mrs. Markell is here too speak also.

Chair Varone: Cheryl, if I could ask a question first. Since a quiet title was done all those years ago, whoever

purchased the property, what were the circumstances for that and have they also been paying the taxes or the taxes been paid twice on this property.

Cheryl Green: Since the quiet title was issued, the property has been double assessed.

Chair Varone: Any questions of Cheryl? Commissioner Murray.

Commissioner Murray: Madam Chair, the resolution, item 2 there's a gender error that we need to correct before the chair signs it. If the applicant is agreeable with the amount of the refund, I'm prepared to move the resolution with the one change in gender.

Chair Varone: Commissioner Tinsley?

Commissioner Tinsley: Second

Chair Varone: Discussion if we could. I'm glad to see the board supporting this full refund; I believe it is due and if I could ask Mrs. Markell if she does have anything to say, we'd be happy to hear you right now.

Virginia Markell: I don't understand how much of the refund you would approve?

Chair Varone: It would be the full amount for the thirty years, \$2970.82. Is there anything that you would just like to share with us?

Virginia Markell: I certainly would appreciate that refund. I was offered \$14,000 for the lot and that's when the title search was done and this mistake was brought to life. I would be satisfied with the thirty years.

Chair Varone: Alright, Thank you Mrs. Markell.

Virginia Markell: Markell

Chair Varone: Is it Markell, I apologize. Commissioners, all those in favor of refunding Mrs. Markell \$2970.82 signify by saying I

Commissioners: 'I'

Chair Varone: Motion carries. Cheryl, I'll just give this back to you with the other one and just change the him to her and I'll sign it.

County Growth Policy Hearing. (Jeff Erickson)

The Commissioners will hear public comments on the growth policy.

Chair Varone: Jeff Erickson is here, Jeff do you have anything you would like to say?

Jeff Erickson: Commissioner Varone, Commissioner Murray. I don't want to take up much of our limited time today, I know we've got a lot to cover on the agenda, but I would like to say that what I've observed is the Commission know has been through the growth policy, every page of it twice, the planning board collectively has spent many thousands of hours I think all together over the last year and a half going through it and what I've observed is the Commission and the planning board, while everyone doesn't agree with everything in the growth policy, I think the majority of the people on both those bodies are now in agreement on most of the major items in that document and I just from a planning perspective, that doesn't always happen and I feel very grateful for the time that you've spent and the time the planning board has donated I think trying to make this a better document. Based on some of the comments that we've received so far from the public, I think that people are interest for us to begin implementing the document and in fact we've already started some of that with the revisions of the Subdivision Regulations and the neighborhood planning effort that we've started in the Northeast Valley. I guess with that, I'd just like to remind people at the end of the comment

period is 5:00 tomorrow and I'd like to encourage everyone who has something they'd like to say as part of this hearing to also submit their comments in writing if possible. Thank you.

Chair Varone: Jeff, if I could ask a favor of you, I know before I left last week, Dick Thweatt came up apparently and hand delivered some comments and I was sitting at the desk where the copy was and I read that before I left but I don't have a copy of it now and also I won't have an opportunity I don't think to get through all of my emails and if you could make sure that each Commissioner has a copy of all the comments, hopefully by Monday morning or if possible before then so we can take them over the weekend because I know when I read Dick's last week there was some several recommendations to make sure that there were a few difficulties in different areas where they didn't match up, so I'd appreciate that.

Jeff Erickson: Okay. I gave Carole a copy of everything I received so far this morning and there will probably be a few more trickling in by the end of the day tomorrow. I'll get those to you.

Chair Varone: Okay, Thank you very much. And for the audience, Commissioner Tinsley will have an opportunity and will be listening to the comments that are presented today and at 5:30 tonight there's another public hearing on the Growth Policy for those of you that would like to attend as well. Commissioner do you have any questions before we begin? This is a public hearing, anyone wishing to speak in support of and opposition to or in general, please come forward now and for the record state your name and address.

Stan Frasier: Good Morning all, Stan Frasier, 7315 Priest pass Road Helena. Former member of the County Planning Board and from the perspective of one that has gone through this process for six years, it's been a long and torturous process and I'm glad we're at the end and I think we do have a better document than what we started out with. I certainly agree with Jeff that the first one we got was long and not well laid out and difficult to read and I do believe we really have made improvements in it and I'm glad for that. I certainly would encourage the County now to move forward now with planning, I think there's no question we're looking at a lot of growth in the Helena area, why I do not know I haven't been able to figure that out but every place you look there's new commercial building going on and the more we can do to guide that and make this a better community for all of us, we'll appreciate, our children will appreciate in the future. One of my special areas of interest, hopefully, a regulation guiding building along our major rivers in the County. The Montana Association of Conservation Districts have two resolutions on record. One urging the State Legislature to develop residential building setbacks along our major rivers and another one urging the Counties to do the same thing and it would be my recommendation that we have a minimum three hundred foot setback on any new residential new construction on our major rivers. Now I think this is something that should have been done decades ago. Building close to rivers causes problems for society, it causes problems for water quality and eventually it causes problems for the person that put that house there. If you've gone to Billings recently, it seems to me it's just the other side of Big Timber along the Yellowstone on an outside of a curve on that big hide ravel bank that keeps washing away, there's a brand new big log structure. About ten years from now that river's going to be right at the doorstep of that structure and that things going to be tipping into the river. Water always move, river channels do not stay stable and we've seen that several years ago in the Big Yellowstone flood some terrible damage that was done to residents along the Yellowstone down there. We can avoid that through careful planning and actually, if it's done properly, I think also increase those property values to the people that own their property and I, never ceases to amaze me some of the most valuable property in the Country is across from Central Park in New York. The most valuable property is not across from Lake Berkeley down here, it's next to places that are nice, next to places that people want to look at, next to places where people want to recreate here in the State of Montana. The places that are booming are the Flathead Valley, people want to be next to the scenery up there, they want to be next to the park, the Gallatin Valley the same thing down there, the scenery, the bridgers and the proximity of the park down there and the more we can do to protect those values now before it's too late will be appreciated forever more. Thank you.

Chair Varone: Thank you Stan. Anyone else wishing to speak in support of or in opposition to please come forward.

Mary Clark: I would like to echo Stan's comments; I certainly appreciate what he said.

Chair Varone: For the record

Mary Clark: Mary Clark, 118 South Benton here in Helena. I'm in favor of the changes and the recommendations that have been made and I appreciate all the time that the Consolidated Board has put together on this and the time that you folks have put on it and your consideration. One area that I was just concerned about which doesn't have to much to do with the Helena Valley but I was looking at the Wolf Creek/Craig area and in section 137D, I just thought it had eliminated the entire goal and action items for controlled subdivision development and to ensure high standards in building in those areas and so I would just like you to look at that and reconsider that section. I will be submitting written comments, but for the most part I just think it's a workable document, but I would like to see the implementation plan go forward. Thank you.

Chair Varone: Thank you Mary. Anyone else wishing to speak today please come forward. For the second time.

Max Milton: Good Morning Commissioners, I'm Max Milton, I live at 111 Alfalfa Road. I just want to echo the last two speakers, I appreciate all the hard work that has gone into making this a more usable document and sort of firming up the language and the intent and I encourage, I approve of passing this and moving on to the implementation stage. I know there is a lot of work to do there and I encourage the County to get us all involved in that. I strongly echo what Stan Frasier said about setbacks, I think that really is important and Thanks again for all you're hard work.

Chair Varone: Thank you Max. Anyone else wishing to speak today please come forward. For the second time. The third time. This does not close the public hearing it will be continued until 5:30 tonight for anyone who wishes to attend.

Ron Alles: Madam Chair, Commissioners, I would just like to take this opportunity to acknowledge Sharon and in particular Jeff for the work he's done on this. I think when he accepted employment at the County we had pretty high hopes to utilize his expertise and he's proven that expertise in coordination of this documents and some of the writing that's gone on so I really appreciate it.

Chair Varone: Thank you Ron. I too and I'm sure Commissioner Murray agrees that both the expertise of Jeff and Sharon have been driving the factor in the document as we see it today. There's been a lot of hard work that's been put into it, but without the work that Jeff has put into it and Sharon has put into it, what the folks have talked about and we've argued about and they've stressed over and they've sweated over, ultimately ends up in Jeff's hands and Sharon's hands to make sense of all the discussions that have taken place and the document is still big, it is still long, but it is so much better as a result of everyones hard work but in particular theirs. Thank you. I echo Ron's comments. Sharon.

Sharon Haugen: Madam Chair, Commissioner Murray, I too would like to echo Ron's comments, not necessarily about myself but, although I've been known to do that on occasion, I would like to commend Jeff and his hard work and I would also like to take this opportunity and I'll do this at 5:30 to also Thank the commission and the planning board for their hard work and dedication in seeing this process through and we're all looking forward to implementing. Thank you.

Chair Varone: Thank you. Commissioner do you have anything you'd like to say? Thank you, I'll move forward then.

North Valley Infrastructure Study Consultant Selection. (Jeff Erickson)

The Commissioners will consider the recommendation.

Jeff Erickson: Madam Chair, Commissioners Tinsley and Murray. Earlier this fall the County distributed requests for qualifications for the North Valley Infrastructure Study. The approximate boundaries of the area that we're looking at are from Glass Drive on the East, Lincoln Road on the South, Diamond Springs Road on the West, and the Base of the North hills on the North. Essentially we're going to be looking at three main types of infrastructure in the study to determine how they relate to existing and future patterns of

development. We'll be looking at transportation, water quantity and quality, as well as wastewater issues. In response to the RFQ we received responses from seven firms, we assembled a departmental team of County staff to evaluate the RFQ's and selected the top three firms back for a presentation and interview last week. As a result of our staff evaluation we'd like to recommend Anderson-Montgomery as the firm that our team believes is most qualified to carry out this study and would like to request from the Commission permission to enter into a contract with the firm and begin the study.

Chair Varone: Jeff, isn't this the same firm that did the large overall study of the Valley several years ago?

Sharon Haugen: Madam Chair, Commissioners. Anderson-Montgomery is the firm that did the West side, the Helena Wastewater the hot study was done by at that time Damschen and Associates now known as Entranco.

Chair Varone: That's right. Okay. Any questions of Jeff?

Commissioner Tinsley: Madam Chair, I make a motion that we approve the staff recommendation for the North Valley Infrastructure Study Consultant Selection and choose Anderson-Montgomery authorize the chair to sign, is that the motion you need?

Chair Varone: It is.

Commissioner Murray: Included in that is authorizing staff to negotiate a dollar amount I'm assuming Commissioner.

Commissioner Tinsley: I'll accept that as a further amendment

Commissioner Murray: Second.

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

Commissioners: 'I'

Chair Varone: Motion carries.

Detention Center Consultant Contract. (Ron Alles)

The Commissioners will consider the contract with the Helena Physicians' Clinic to appoint Dr. Kurt Kubicka as medical consultant for the Lewis and Clark County Detention Center.

Chair Varone: It's my understanding that that's not ready yet to be discussed and we'll table it until the 30th, until next Tuesday.

Public Comments.

Ron Alles: Madam Chair, Commissioners, just one thing. Dick Alberts, he's a member of the Lewis and Clark Bicentennial Commission for the County. They have requested similar to what the Myrna Loy has requested, a letter of support to seek a grant to put up seven signs within the County related to the Lewis and Clark travels. We don't have that letter prepared yet, but he's under the gun to get it, we need to get that in by either today or tomorrow and I would just ask that you'd authorize us to proceed with that and sign the letter.

Chair Varone: Do we need to do that with a motion or can we do that by consensus?

Ron Alles: I think consensus works.

Chair Varone: Commissioners?

Commissioner Tinsley: I concede

Commissioner Murray: Also you might bring up Feather Pike Ranches requested a similar letter, I don't believe it's for Lewis and Clark signs, but

Ron Alles: Okay, I haven't seen that request for a letter, but we'll certainly

Commissioner Murray: Sharon can you help me there.

Sharon Haugen: Madam Chair, Commissioners, I know they indicated they had talked to you but they haven't talked to me but if you want us to follow up with the Feather Pike Ranch we can on that to see, because I know these grants are probably due by Friday at 5:00. I'll follow up with them to see if they could give us something in writing to describe what they're doing, at least that would be helpful for the Commission in drafting the letter and knowing what they're doing.

Chair Varone: Thank you Sharon, I appreciate it. Anything else before the Commission?

Commissioner Tinsley: Madam Chair, Commissioner Murray, I just want to say Thank you for letting me come in late today, I was at my son and daughters Christmas play and I will go back and read the public record and listen to the tape of the Growth Policy Hearing.

Chair Varone: Thank you very much. We will reconvene at 5:30 tonight.

Adjourn.