

## **PUBLIC MEETING**

February 3, 2004

Chairman Mike Murray called the meeting to order at 9:00 a.m.

Commissioner Varone was present. Commissioner Tinsley was absent attending the Rocky Mountain Program in Colorado. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Janet Cerovski, Nancy Everson, Keith Hatch, Frank Rives, Don and Gary Burnham, Rick Steinberg, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

### Letters of Support.

- GLCI 2004 Application (USDA-NRCS). Janet Cerovski reported the grant is sponsored by the Grazing Lands Conservation Initiative for funds to supply water for sheep and goats in the Bucksnot area as part of the Fire Noxious Weed Grazing Project. Commissioner Varone moved to approve the grant letter of support and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.
  
- Montana 4-H Foundation People Partner Grant. Janet Cerovski reported that the grant was submitted by a local 4-H club for funding for a "Memorial Lane" for those individuals who have made a difference in the 4-H program. Commissioner Varone moved to approve the grant letter of support signed by Commissioner Murray on January 29. Commissioner Murray seconded the motion and it carried 2-0.

Request for Final Plat Approval for the Lazy JC Acres, Amended Plat. Frank Rives reported the applicant, Jerry Christison, has completed all of the modifications of conditions of approval and staff recommends approval. By consensus, the commissioners agreed to sign the final plat at the conclusion of this meeting.

Request for Modification of Conditions of Approval for South Boundary Acres II Major Subdivision. (Applicant, Archie Taylor). The proposal is located adjacent to and south of Boundary Street, approximately ¼ mile east of Lake Helena Drive. The Commissioners will consider modifying condition of approval #6 to read: (a) fire protection would be provided by the use of an existing fire hydrant located at the northwest corner of the subdivision owned and operated by the Eastgate Water and Sewer Association; or (b) contribute \$500 per lot to the Eastgate Fire Department. The applicant has requested this proposal be tabled to February 17 for all three Commissioners to be present. Commissioner Varone moved to table this proposal to February 17, 2004. Commissioner Murray seconded the motion and it carried 2-0.

Bid Opening. Closure of Phase I cell at the county landfill rescheduled to February 5, 2004 at 9:00 a.m.

Proposed Road Abandonment of a Segment of Old Canyon Ferry Road. (Petitioners, Don Burnham & Virginia Bompert) Frank Rives reported a petition was received by the

BoCC to abandon a segment of Old Canyon Ferry Road. The right of way is 3,250 feet long and 60 feet wide and is generally located northeast of the Helena Regional Airport and east of Bompat Lane. The purpose of the abandonment is the state built a new road through petitioners' ranch two years ago and is no longer used for public access. The abandonment will not adversely affect public health or safety, or the provisions of local services, emergency services and utilities. Staff recommends approval to subject to 4 conditions as outlined in the staff report.

Gary Burnham, 2515 Canyon Ferry Road, was present on behalf of Petitioners. Mr. Burnham stated MDT torn out the old road and the petitioners plan to fence it and revegetate the road.

Hearing no public comments, the public hearing is closed. Commissioner Varone moved to approve the abandonment and authorize the chair the sign. Commissioner Murray seconded the motion and it carried 2-0.

Request for Amendment of Restrictive Covenants for the Superior Propane Helena Terminal Minor Subdivision. The Applicant, Montana Rail Link & Dean South propose to create a space for lease on Montana Rail Link property for a propane gas receiving and distribution terminal. The proposed subdivision is generally located west of and adjacent to 18<sup>th</sup> Street and south of and adjacent to the railroad tracts. Rick Steinberg, was present representing MRL. Frank Rives presented the staff report. Mr. Rives reported Montana Rail Link had a problem with condition of approval 5. Their concern was this is a lease and they want to make sure that when the lease is over the restrictive covenants no longer apply to the property. MRL recommends additional language in Condition 5.h ...Upon any such termination, **MRL shall notify the Lewis and Clark County Planning Department of the termination of the lease and shall file with the Clerk and Recorder of Lewis and Clark County a recorded instrument...** Staff recommends approval of the additional language.

Rick Steinberg. Mr. Steinberg state MRL has no objections to the amendment.

Mr. Rives further stated this action would complete meeting the conditions of approval. The Helena Fire Department has submitted a fire plan and was approved by the East Valley Volunteer Fire Department.

Hearing no public comments, the public hearing is closed. Commissioner Varone moved to approve the amendment of the restrictive covenants and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Independent Contractor Contract. Keith Hatch reported that staff and the rodeo committee negotiated a contract with Western Ranch Supply not to exceed \$51,561 to supply materials for construction of a rodeo arena at the fairgrounds. Commissioner Varone moved to approve and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Request from County Attorney for Prosecutorial Assistance. Ron Alles reported the resolution requests prosecutorial assistance in the case of State v. Bohnemann. Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Public Comments. None.

There was no other business and the meeting adjourned at 9:30 a.m.