

**PUBLIC MEETING**  
**March 23, 2004**

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

Commissioners Tinsley and Varone were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, K. Paul Stahl, Darrel Folkvord, Randall Kaiser, Police Chief Troy McGee, Frank Rives, Lindsay Morgan, Michael McHugh, Bill & Greg Bahny, Steve & Carol Stefely, John Grant, Garry Pistoria, Deborah Pistoria, Harry Jacobs, Janet Neumiller, Scott Goldthwait, Lyle & Lorraine Hostetler, Ralph Sorenson, Brenda Strong, Kathy Clark, Randall Kaiser, Jude Gleason, Christel Harrison, Donna Karper, Margaret Ryan, Robert Kolar, Jerry Shepherd, Libbi Lovshin, Craig Dean, Sharon Ryan, Chuck Hanson, Brenda Grossman, Bill Ries, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Bid Award. Darrel Folkvord reported the bids were opened March 16, 2004. Staff recommends awarding the bid for a roll back recovery vehicle for the county landfill to Missoula Truck Sales in the amount of \$59,634. The Public Works Department budgeted \$60,000 for this purchase. Commissioner Tinsley moved to approve the bid award and authorize the chair to sign the necessary documentation. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Taxes/Fees/Assessments Paid.

Oscar M. West. DOR representative, Randall Kaiser, reported Mr. West has requested a refund in the amount of \$183.80. Mr. West is a DAV exempt property owner. DOR recommends a refund due to erroneous assessment. Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Andrew Poole & Sandra Guedes. Randall Kaiser reported Andy Pool and Sandra Guedes have requested a refund in the amount of \$159.35. DOR recommends a refund based on a revised 2003 reappraisal. Commissioner Tinsley moved to approve the resolution and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

2004 Lewis and Clark STOP DUI Program Plan and By-Laws. Police Chief Troy McGee reported the recent session of the legislature has reinstated and increased the fees to restart the program. The funding will flow to the county and the city and the city will begin recruitment for the task force. Commissioner Varone moved to approve the program plan and By-Laws and authorize chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Request for a One-Year Extension of Preliminary Plat Approval for the 7R Guest Ranch Subdivision. (Applicant Sandra Adams) Frank Rives reported the applicant has demonstrated due diligence. staff recommends granting a one-year extension to April 17, 2005. Commissioner Varone moved to approve the request for a one-year

extension of preliminary plat approval and authorize chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Final Plat Approval for the Candelora Minor Subdivision. (Applicant, Dennis & Lani Candelora) Frank Rives reported the applicants have met all conditions of approval. Staff recommends approval. By consensus, the commission agreed to sign the final plat at the conclusion of this meeting.

Proposed Subdivision, Summary Review to be Known as Austin Minor Tract B Amended. (Applicant Bill & Greg Bahny). The applicants proposed to create three lots, each for a single-family dwelling. The proposed subdivision is generally located 9 miles north of Helena, on and adjacent to Birdseye Road. Bill Bahny is present and indicated his willingness to proceed.

Frank Rives presented the staff report. The Birdseye Fire Department requested the approaches be installed to adequately meet access requirements for fire trucks 15-20 feet wide. Larch Road is not constructed to county road standards. The applicant is required to obtain a road approach permits onto Birdseye Road and Larch Road. A five-year weed management plan is required. No floodplain is identified on this property or steep or unstable slopes. Earthquake faults are located 1.25 miles of the property. Staff recommends approval subject to 14 conditions as outlined in the staff report. A 40-foot wide drainage easement runs across the northern lot on the west side of the road and through the middle of the parcel.

Bill Bahny, 3355 Valley Drive, stated Larch Road splits the two smaller parcels and intersects with Birdseye Road so it makes a natural subdivision those two parcels are separated by themselves. He is in agreement with the proposed conditions.

Steve Stefely, 6220 Jasper Road. Opposed to the proposal because water availability is limited.

Craig Dean, 6215 Larch Road, stated his well water has a high iron content. He has a letter from Environmental Quality stating this area has been known for poor water quality. Requested a licensed hydrologist to analyze the water. He asked if there would be a covenant that this property will not be further subdivided.

Brenda Grossman, 6250 Larch Road, stated she still has trouble with the drainfield because of the clay soil and high amount of iron.

Carol Stefely, 6220 Jasper Road, stated she agrees with the previous comments and concerns about the water quality and quantity, if a water assessment will be done, and if the property will be further subdivided.

Frank Rives stated the applicant has made no indication that he had any desire to prohibit further subdivision.

Hearing no other comments, the public hearing is closed. Commissioner Varone moved to render a final decision Thursday, March 25. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Capital Court Minor Subdivision. (Applicant Scott Goldthwait) The applicant proposes to create five spaces for rent, two for single-family dwellings and three spaces for a mobile home park. The proposal is generally located south of and adjacent to the irrigation canal and west of and adjacent to Wylie Drive. The applicant is present. He requested a postponement of the public hearing to March 30.

Commissioner Tinsley moved to grant applicant's request. Commissioner Varone seconded the motion with an amendment to postpone the hearing to Tuesday, April 6 at 9:00 a.m. so she could be present. The applicant agreed and Commissioner Tinsley seconded the amendment.

The Commission opened the public hearing. Hearing no comments, the public hearing will be heard April 6 at 9:00 a.m. The motion to postpone the hearing carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Lowe Tract 10 Amended Minor Subdivision. (Applicant, Lyle Hostetler)) The applicant proposes to create five lots, each for one single-family dwelling. The subject property is generally located south of York Road and west of and adjacent to Pioneer Park Drive. The applicant was present and indicated his willingness to proceed.

Michael McHugh presented the staff report. Covenants exist on the property. The applicant must obtain all necessary wastewater treatment system permits from DEQ and the City-County Health Department.

The applicant is required to bring the county road up to county standards. Because of limited access to undeveloped areas staff recommends preserving an easement to the western property line to provide for an integrated road network. The East Valley Fire District requests a \$500 per new lot fee for water supply facilities. No noxious weeds have been identified on this property. An earthquake fault located within 2 miles east of the subject property. Staff recommends approval subject to 13 conditions as outlined in the staff report.

Lyle Hostetler, 3200 Snapple Bit Court, stated he is willing to comply with most or all of the requirements. The 60-foot easement was established at the time the original plat was filed.

Larry Hostetler, 3200 Snapple Bit Court, stated he is concerned if owner of land to the west decides to subdivide, that would be the only access to that land.

Hearing no other comments, the public hearing is closed.

Michael McHugh stated another access will be provided for further subdivision. The documentation is not complete to indicate a 60-foot wide access easement at the site. Staff would try to create an integrated road network so this would not be the only access.

Lyle Hostetler. Mr. Bossell, the owner of that 40 + acres indicated he believes there is an access right of way along the east side.

Commissioner Varone moved to render a final decision Thursday, March 25 at 9:00 a.m. Commissioner Tinsley seconded the motion and it carried unanimously.

The Commission recessed 10 minutes.

Proposed Minor Subdivision, Preliminary Plat to be Known as Westview Estates Minor Subdivision #2. (Applicant, Deborah Pistoria, Harry Jacobs, & Janet Neumiller) The applicants propose to create 5 single-family residential lots. The proposed subdivision is generally located north of U.S. Highway 12 West, immediately west of Baxendale Drive. John Grant is present representing the applicants and indicated his willingness to proceed.

Lindsay Morgan presented the staff report. This subdivision was originally approved as a 10 lot major subdivision. Road construction is required to provide standard physical access to all lots. A settlement agreement has been reached between the applicants and the county and outlines the process for review of the proposed subdivision. No zoning regulations govern land uses within the planned development site. No covenants affect the property. The applicants have proposed restrictions to govern the development and use of the proposed parcels. Based on the applicant's revised water use restrictions and onsite data DEQ determined that adequate water is available, but not for continued development at this site. The Baxendale Fire Department recommends the applicant pay a fee of \$600 per lot fee for water facilities. The Montana Department of Fish, Wildlife and Parks recommends against the development of Westview Estates Minor Subdivision #2. If the subdivision is approved however, they do recommend a series of stipulations to help reduce impacts on wildlife and wildlife habitat. No flood plain or steep or unstable slopes have been identified on site. Baxendale Drive does not meet County gravel standards, the fences along the road appear to be encroaching onto the right of way of Baxendale Drive. There may be issues with adequate sight distance at the intersection of Baxendale Drive and Forest View Drive. The applicants must obtain a road approach permit for the access point off Baxendale Drive onto Forest View Drive. Staff recommends approval subject to 19 conditions as outlined in the staff report.

John Grant, 203 North Ewing, believes all of the conditions have been complied with and request approval.

Christel Harrison, 6150 Highway 12, stated the road is of great concern because it does not meet county standards and has site constraints. Ms. Harrison asked if there is any

stipulation that new property owners help with the maintenance of this road. Currently, the Isaac Tract homeowners association pays a yearly fee for road maintenance. Water quality and gallons per minute is also a concern and requested lot sizes be at least 10 acres in size.

Larry Marshall, 6324 Highway 12 West, stated he is not for or against the subdivision, but there is a problem with the main drainage down the hill. A culvert needs to be installed at the low point to allow proper drainage. That section of the road should be improved to county standards.

John Grant stated in the agreement with the county, the road meets county standards.

Hearing no other comments, the public hearing is closed. Commissioner Varone moved to render a final decision Thursday, March 25 at 9:00 a.m. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Strong Minor Subdivision. (Applicant, Jerry & Brenda Strong). The applicant proposes to create five single-family residential lots. The proposed subdivision is immediately located south of US Highway 12 West, west of Colorado Gulch Drive. The applicant, Brenda Strong, is present and indicated her willingness to proceed.

Lindsay Morgan presented the staff report. According to the Lewis and Clark City-County Health Department, no permit was issued to provide water and sewer to the second dwelling unit, which is a trailer on this site. The applicants will therefore be required to disconnect sewer and water from the second dwelling unit. Because the second dwelling unit will no longer be utilizing any sanitary facilities it can no longer be used as a residence. No zoning regulations govern land uses for this proposal. Covenants currently affect the use of the subject property. The applicants have proposed establishing a homeowners association for a road maintenance and well association. The address coordinator has indicated the house and trailer shall have separate addresses, however the applicants would be required to disconnect all water and sewer facilities from the trailer because the trailer will no longer be utilized and the sanitary facilities and can no longer be used as a residence, therefore there is no purpose for the trailer to have an address. The Baxendale Fire District requests the applicants either pay a fee of \$600 per additional lot in lieu of water or provide a water supply to service the subdivision for water protection. They also request a 15-foot setback from any building to the property line, the internal access road be built to county standards, and any dead-end street be designed to turn around fire apparatus. The applicant shall be required to place a building envelope on lots 1-4 and shall meet all required setbacks due to its proximity to the floodplain. The County Flood Plain Administrator recommends a flood plain development permit for Zone A. Staff recommends approval of the proposal subject to 16 conditions as outlined in the staff report.

Commissioner Tinsley asked Deputy County Attorney Paul Stahl if the county could collect back fees for the Scratch Gravel Landfill District since the trailer at one time had

been used as a residence.

Deputy County Attorney Stahl stated the long standing practice has been not to go back more than three or five years for taxes, but will research the question and have an answer Thursday.

Brenda Strong stated the original owner gave her permission to put the trailer on the lot and she paid taxes to Lewis and Clark County. She is in the process of removing the structure.

Bob Kolar, Baxendale Fire Department Trustee, stated in lieu of the \$600 fee, Ms. Strong could grant the fire department an easement to the pond.

Ralph Sorenson, 114 Prairie Road West, representing the applicants, stated the applicants have no problem with granting the fire department an easement to the pond located on the south side of the highway.

Larry Marshall, 6324 Hwy 12 West, stated the original owner has allowed access to the pond for neighborhood children to fish and he also set up a picnic area for people to use as a recreational area. The property has some historic significance and would like to see it remain

Hearing no other comments, the public hearing is closed. Commissioner Tinsley moved that the commission render a final decision Thursday, March 25 at 9:00 am. Commissioner Varone seconded the motion and directed staff to work with the applicant on language for an easement agreement. The motion carried unanimously.

Youth Forest Monitoring Program \$25,000 Title III Request. Amy Teegarden, Helena National Forest, requests the county become a partner with the Forest Service and contribute \$25,000 to keep this program moving forward.

Liz Burke, Youth Forest Monitoring program coordinator, stated the program will network with forest professionals. The goal of the program is to provide an opportunity for students to become more aware and more involved in their public lands and giving students an avenue to make recommendations to forestry professionals. The hands-on program is a seven-week summer course and is open to students in grades 9-12 and includes Broadwater County. The Helena National Forest will contribute \$25,000.

Ron Alles reported the funding is available from timber receipts in accordance with the Department of Agriculture Title III program.

Commissioner Tinsley moved to approve the expenditure of Title III funds for the Youth Forest Monitoring Program in the amount of \$25,000 and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolutions to Provide for a Study Commission and Funding. Ron Alles reported the

resolution is required every ten years calling for an election to provide for a local government review study commission. Commissioner Varone moved to approve the resolution including the provision of five members and one ex-officio member and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously. The resolution language will be on the June 8 election ballot.

Ron Alles reported the request for funding the study commission provides for and gives the electorate the opportunity to decide whether or not they want to vote for a tax that would pay for this study commission. Based on the expenses the county incurred with the last study commission, staff proposes funding between \$40,000 and \$50,000.

Commissioner Tinsley moved to approve the resolution providing funding for the study Commission not to exceed \$44,000 (½ mill) in FY05 and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

HCTV Advance Funding Request. Ron Alles reported HCTV has requested the county advance them \$40,000 of the \$85,000 amount agreed upon in order to increase their staff and equipment so the public meetings can be televised. The money will be taken from contingency account and will be reimbursed at a later date. Staff recommends approval.

Commissioner Varone moved to approve the request and authorize the chair to sign any necessary documentation. Commissioner Tinsley seconded the motion and it carried unanimously.

Ambulance Service Agreement. Ron Alles reported the agreement between the Emergency Medical Service Board and St. Peter's Hospital was approved yesterday by the Ambulance Board. The agreement has been modified from last year relating to standards of response times. The Board and St. Peter's Hospital have reviewed and approved the agreement. Staff recommends approval. Commissioner Tinsley moved to approve the agreement and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Public Comments. None.

There was no other business and the meeting adjourned at 11:20 a.m.