

PUBLIC MEETING
April 27, 2004

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

Comm T was present. Comm V was absent on medical leave. Others Sheila, K. Paul Stahl, Nancy Hallett, Cheryl Green, Bob Murdo, Ron Mercer, Tom Swindle, Carol Hanel, Marni Bentley, Scott and Eileen Goldthwait, Jim Cottrill, Dean Retz, Patrick Faber, Steve and Cindy Hoy, Ed Casne, Mitch Rygg,

Pledge of Allegiance. Everyone recited the pledge.

2003 Domestic Preparedness Equipment Grant for EDT. (Sheriff Liedle/Jaci Grenfell) The Commissioners will consider the grant in the amount of \$25,000 for the Sheriff's Explosive Disposal Team. Comm T moved to approve the grant and authorize the chair to sign. Comm M seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. (cont. from 4/22/03) (Cheryl Green) The Commissioners will consider the resolution to refund \$451.57 to James and Lea Little. Comm T moved to approve the refund and authorize the chair to sign. Include revision of current tax bill. Comm M seconded the motion and it carried 2-0.

Public Hearing-Helena Regional Airport Authority Bond Issue. Bob Murdo reported The Commissioners will solicit public comments for the Helena Regional Airport to issue a \$2,175,000 passenger facility charge revenue bond (payable over 128 months) and a \$1,500,000 airport revenue bond (payable over 195 months) to pay for a portion of the estimated \$12.4 million in costs of the remodeling and expansion of the airport terminal.

Bob Murdo reported approval of tax exempt bond be approved by highest elected official to authorize issuance of airport bonds of passenger facility revenue bonds and one million in traditional revenue bonds, portion of 12 million for total expansion and remodel project. Passed on April 20. bonds will be privately placed with Wells Fargo. Passenger facility charge for each passenger federal law that authorizes this. Funds can only be approved by the FAA. Traditional revenue bond: all of the net revenues that are left over are utilized to pay the bonds and the authority pledges the net revenues to repay the bonds. Hearing no public comments, the hearing is closed. Comm T moved to approve and authorize the chair to sign the resolution. Comm M seconded the motion and it carried 2-0.

Resolution to Create the Fawn Meadow Estates Rural Improvement District No. 2004-2, for the purpose of equitably funding road maintenance for Fawn Meadow Drive, Ed Rose Drive, Catrina Court and the mailbox turnout. (Marni Bentley) this is only for the roads. Munger Road was separated out of this proposal. Staff recomm approval. no letters in support or opposition were received.

Kenneth Bray, Fawn Meadows HOA. 80% of the people responded in favor of this RID.

Hearing no other comments, the public hearing is closed. Comm T moved to approve the resolution and authorize the chair to sign. Comm M seconded the motion and it carried 2-0.

Resolution to Create the Munger Road Rural Improvement District No. 2004-3, for the purpose of equitably funding road maintenance for the paved portion only of Munger Road. Marni Bentley reported April 1 the Board passed a resolution of intent to improve the paved portion of Munger Road only. Equitably assess the costs and includes 20 additional property owners. Staff recomm approval.

Hearing no public comments, the public hearing is closed. Comm T moved to approve and authorize the chair to sign the resolution. Comm M seconded the motion and it carried 2-0.

Resolution Levying and Assessing a Special Assessment on Property within the Gable Estates Rural Improvement District No. 2003-1, to defray the costs of improving and maintaining the roads. Marni

Bentley reported a rate hearing has been scheduled. No letters of protest were received. Staff recommend approval. Carol Hanel discussed the cost structure.

Steve Barrow, 2975 Arabian Road. member of Gable Estates HOA. There are mixed feels regarding this RID. Costs have risen since since. Supports the hard surface of the road. also request pave Mountain Heritage Drive. The cost should be split amongst the people who use the road.

Carol Hanel. Discussed the maintenance portion of the RID. Stated the HOA is in full control of the funds.

Hearing no other comments, the public hearing is closed. Comm T moved to approve the resolution and authorize the chair to sign the resolution and include staff work to include any other benefiting properties. Comm M seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Preliminary Plat to be Known as Capital Court Minor Subdivision. (Applicant Scott Goldthwait) (Planner Michael McHugh) (postponed from 3/23/04) The Commissioners will consider creating five spaces for rent, two for single-family dwellings and three spaces for a mobile home park. The proposal is in the NE1/4 of Section 23, T10N, R3W; located south of and adjacent to the irrigation canal and west of and adjacent to Wylie Drive.

The applicant was present and indicated his willingness to proceed.

Michael McHugh reported there are no covenants and no zoning in this area. staff could not locate any water rights on this property. The irrigation canals are fenced at this time. The applicants currently have existing shared wells.. Accessed by an unnamed access road along the south boundary of the property. The applicant requested that he not be required to bring the road up to county standard. request for a variance to have the road remain a private access easement. Property is located in the East Valley FD. The fire dept is requesting a \$500 fee on the mobile homes. The applicant is required to submit a 5 year weed management plan. There is limited floodplain on the property associated with the irrigation canal and dikeing. The applicant would be required to apply for a floodplain permit. The abandoned meat packing plant located near the property presents a health and safety hazard. This property has been out of compliance with the mobile home court. Require re-review of all septic and water supply systems obtain a license from DEQ for the mobile home court. Three variances for right of way width, construction of road to 24 foot wide, and the road remain a private access easement. The current owner of the property is not the current developer. Staff is requesting the applicant bring into compliance within 180 days.

Scott Goldthwait, 2180 R Drive. Tell people the property is private and stay off the grounds. Purchase the place December 15. Nothing is being changed in the proposal, only cleaning up the place. Has some of the money already going to the fire district? Variances: the road has been in place for many years—the grass can be cut to meet the standards. Agrees with the 16 conditions.

Hearing no comments on the proposal or the variances, the public hearing is closed.

Scott G. taxes on the improvements has been paid.

Comm T moved to render a final decision Thursday at 9:00 a.m. in this room

Proposed Minor Subdivision, Preliminary Plat to be Known as the Spring Creek RV Park Minor. (Applicant, Jim & Maida Paris) (Planner, Michael McHugh) **Note: This proposal will be heard at the Commissioners Government Day in Lincoln May 3, 2004 at 8:00 p.m. at the School Library in Lincoln. It must remain on the agenda for public comment because it has been legally advertised for today's date and time.** The Commissioners will consider creating three additional RV spaces for rent. The subject property is in the NE1/4 of Section 23, T14N, R9W; generally located north of and adjacent to MT Highway 200 and ½ mile west of North First Street in Lincoln, Montana.

Proposed Minor Subdivision, Preliminary Plat to be Known as the Big Valley Tract 11B2 Amended Minor. (Applicant, Cindy Hoy) (Planner, Michael McHugh) The Commissioners will consider creating five lots, each for one single-family dwelling. The subject property is in the NW1/4 of Section 7, T11N, R3W; generally located approximately ½ mile east of Applegate Drive and at the terminus of Jeanne Road.

Steve Hoy was present and indicated his willingness to proceed.

Michael McHugh. Individual on site wastewater treatment systems. Correction to the staff report—there is natural gas on the property. The roads do not meet county standards and will be required to bring to 24 driving width with a 60 foot easement. All proposed properties would need address plaques. Fire dept needs a wet hydrant or \$500 per newly dev lot. The applicant desires to pay the fee for fire protection services. The applicant is required to submit a five year weed management plan. The property is located in excess of 1,000 feet. The applicant requests a temporary variance to bring road to boundary and later when Northstar PUD is developed to tie into the proposal. Staff recomb approval subject to 14 conditions as outlined in the staff report.

K. Paul Stahl stated to use staff's lanauge for the temporary variance.

Dean Retz, 1430 Shirley Road. representing the applicants. The property is located within the North Hills Temporary Groundwater Control Area. contacted DEQ for a 24 hr pump test. The homeowner covenants state no more than 1 horse and the mobile home is to be moved within one year of filing the final plat. Temporary road variance: Jeanne Road will only have 4 new residences. Additional language to condition 7 to read, "The applicant may receive pro-rata contributiions from future development that benefits said road construction. The contribution to any developer would be based upon the ration of the number of lots served by the road network."

Steve Hoy. Lived on the property for 16 years. Getting weeds under control. No problems with wells.

Patrick Faber. Aqua Bono Consulting. 25 S. Ewing. Discussed handout on monitoring wells. Awaiting word from DEQ whether or not a pump test is needed.

Hearing no public comments, the hearing is closed.

Dean Retz. 11B2A-1. the irrigation well is farthest north 145 feet deep. This is the well has been dormant since 1987.

Comm T moved to render a decision April 29. Comm M seconded the motion and it carried 2-0.

Request for a One-Year Extension and to Schedule Public Hearing to Modify Conditions of Approval for Northwest Minor Subdivision. (Applicant, M&W Investments/Larry Marshall) (Planner, Michael McHugh) (cont. from 4/13/04) The Commissioners will consider granting a one-year extension and scheduling a public hearing to modify condition of approval #16.

Larry Marshall was present and indicated his willingness to proceed.

Michael McHugh. Two requests (1) one year extension (2) to change cond of approval. if the applicant has provided enough new information to request a modification from the original condition.

Staff has a copy of the extension letter for 2003.

Larry. Discussed the 5 points of due diligence.

The comm opened the public hearing.

Kim Wilson, Reynolds Law Firm. Mr. Marshall tentative site for new well. Concerns. Plat should not be

approved because no permission for the mixing zone. Change language at the time of the hearing. Opposition to the extent waiting for DEQ approval for a mixing zone.

Break for 15 minutes to allow staff to locate NW Major File.

Kim Wilson. The original approval of this plat would be grandfathered in whether you need state approval prior to preliminary plat is filed. Townview does not oppose approval—just for information.

Hearing no other comments on the one year extension, the public hearing is closed.

(1) Michael McHugh. Extension to be dated April 11, 2005

Comm T moved to approve a one year extension to April 11, 2005. comm M seconded the motion and it carried 2-0.

Request to change condition #16. change language from original cond of approval to "the applicant shall show existing easements on the final plat. The Townview Estates Water Users Association and the Applicant shall mutually agree on the location of the reservoir and additional wells before Tract 2A-1 (Lot 4) be developed."

Comm T moved to render a final decision on the modification change on Thursday April 29. comm M seconded the motion and it carried 2-0. No new information can be submitted.

Proposed Subdivision, Summary Review to be Known as CoPart Minor. (Applicant, Helena Regional Airport) (Planner, Frank Rives) The Commissioners will consider the proposal to create two commercial/light industrial lots from an existing 43.14-acre tract. The proposed subdivision is located in the NW1/4 of Section 27, T10N, R3W; generally located north of and adjacent to the Burlington Northern Railroad and south of Bozeman Avenue.

Ron Mercer was present and indicated his willingness to proceed. Discussed the CoPart company.

Frank Rives presented the staff report. there are no zoning regulations governing this portion of the land. No agricultural uses in the area. staff recomms waiving the right of protest for an RID because the area may be annexed into the city in the future. A five year weed management plan is required. Staff recomms approval subject to 12 conditions.

Dennis Lay. Condition #1—makes the request the 20 acre exemption be allowed to stand. No other problems with remaining conditions. Develop access easement from Bozeman Street similar to the other tract.

Ron Mercer. The road was built two years ago. Pave Bozeman Street and is actually a private road.

Frank Rives. Commented on the applicant's request in condition #1. could compromise by placing in the covenants a notification that developer of lot B1 apply for a septic permit. Notifying the person who purchases that lot to obtain a permit from DEQ. (the applicant agreed). Portion of Bozeman Road would have to be designated for public use before requiring public and legal access.

Dennis Lay. Do not want to develop Rock Ledge portion of this proposal.

Frank. Add another condition that reflects this designation.

Hearing no other comments, the public hearing is closed.

Ron Mercer. Intend to pave the road, already have done an environmental .

Comm M. spoke to the airport 6-9 months ago that a car parts wholesaler might purchase the property.

Comm T moved to render a final dec Thursday April 29. comm M seconded the motion and it carried 2-0.

Proposed Subdivision, Summary Review to be Known as Lakeside Heights Minor. (Applicant, Connie Wellenstein and Ron Johnson) (Planner, Frank Rives) The Commissioners will consider creating five lots, four each for one single-family dwelling, and a remainder lot to be used for agriculture. The proposed subdivision is located in the SW1/4 of Section 34, T11N, R2W; generally located south of York Road, approximately one mile southwest of Lakeside.

Connie Wellenstein was present and indicated willingness to proceed.

Frank Rives presented the staff report.

Staff recomb approval subject to 18 conditions as outlined in the staff report.

Connie Wellenstein, this is changed from the original plan. Leaving 25 acres in agriculture. Good access. Permit from MDT for approach onto York Road.

Steve Moore, Ames Lane. On the original proposal he was in opposition to agriculture land being reduced.

Connie W. comments on the irrigation. Not taking prime irrigation land out of production.

Ron Johnson, 4605 York Road. discussed drainfields on the assiniboine soil. Water rights will not be transferred, but will offer lease.

Connie. Four upscale residential homes.

Comm T moved to render a final decision Thursday April 29. comm M seconded the motion and it carried 2-0.

Public Comments.

Adjourn.