

NOTICE OF SUBDIVISION MEETING

September 16, 2004

Others attending all or part of the meeting: Thurston Dotson, Betty Dotson, John Osborne, Linda Kindrick and Robin LeNeve

1. Pledge of Allegiance.

Everyone recited the pledge.

Chair Murray: Good Morning and welcome. This is our regularly scheduled public subdivision meeting we call it, or public meeting. My name is Mike Murray, to my left is Commissioner Varone to her left is Tammy Smith our Administrative Executive Secretary, to my right is Commissioner Tinsley, to his right is Ron Alles our Chief Administrative Officer.

2. Bid Award. (Fairgrounds Mgr. Keith Hatch)

The Commissioners will consider awarding the bid for the installation of chainlink perimeter fencing at the fairgrounds.

Ron Alles: Mr. Chairman, as you recall on Tuesday we opened bids for the fairgrounds fence. We received three bids, I'll just mention those; Bullock Contracting from Jefferson County bid \$36,951, Dave's Chain Link Fencing bid \$44,800 and than Capital Fence bid \$38,220. The last two are Lewis & Clark County businesses and the reason that I'm emphasizing that is because you have a decision to make in the award of this bid. Staff at the fairgrounds has indicated that Capital Fence over the years and through the construction of arena fences donated considerable amount of time down there. They are the second lowest bidder, they're higher than the lowest bidder by about \$1300. You do have the authority for bids under \$50,000 to select someone. We bid these due to the fact that we anticipated it might exceed \$50,000. These bids came in less than \$50,000 after consultation with the County Attorneys office they did say that you could award this bid to whomever. Staff has recommended that we go with Capital Fence and primarily because of the number of hours in volunteer time that they've put in down there as well. It is \$1300 higher than the next bidder though.

Chair Murray: Thank you.

Commissioner Varone: Mr. Chair. I'm going to make a motion and than I'd like a discussion if we may. I move to award the bid for installation of the chain link perimeter fencing to Capital Fence in the amount of \$38,220 and authorize the chair to sign.

Commissioner Tinsley: Second.

Chair Murray: We have a motion and a second, discussion. Commissioner Varone?

Commissioner Varone: Thank you Mr. Chair, Commissioner Tinsley. I'm relatively familiar with Capital Fence and what they've done at the fairgrounds and the exact amount of the difference in the two bids is \$1,269 and I also am aware of the quality of work that Capital Fence provides their donated services, their equipment and the support I can only speak for myself but I'm assuming the other commissioners support whenever possible on when there's a close bid that we award it to local contractors and I think that we need to be doing that.

Commissioner Tinsley: Mr. Chair I feel the same way, I believe we had the benefit of hindsight we would have probably gone with Capital Fence anyway if we would have known the bid would have come in under \$50,000 simply because of their commitment to the fairgrounds in the past. However, the fact that they are a local contractor I think also plays very heavily in our decision, at least in my decision and whenever we can help our local businesses out I think we should do it. That's not to say we shouldn't go outside the County occasionally but in this particular case I think it warrants it and I'm very happy to go with Capital Fence.

Chair Murray: And I too echo the other two Commissioners and want to thank Keith Hatch our fairgrounds manager. Mr. Hatch justified and documented for us reasons that Capital Fence should receive the bid award.

All in favor of the motion to approve the bid submitted by Capital Fence signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

3. **Proposed Major Subdivision, Preliminary Plat to be known as Grassland Major, Phase 1.** (Applicant, Duane & Beth Noel) (Planner, Frank Rives) (cont. from 9/14/04) Render decision.

The Commissioners will consider creating a subdivision of 63 residential lots, ranging in size from .229 to 5.31 acres, and a remainder lot of 46.72 acres, which may be developed in the future as a second phase. The proposed subdivision is located in the NE1/4 of Section 8 and the NW1/4 of Section 9, T10N, R3W; generally located east of and adjacent to the Pleasant Valley Subdivision and south of and adjacent to Munger Road.

Chair Murray: Commissioners? Are one of you prepared to make a motion?

Commissioner Tinsley: Well I will be glad to make a motion, I wanted to have some discussion on a couple of items I found in the, I believe it's the packet Mr. Noel gave us. Mr. Chairman I move approval of the proposed Major Subdivision preliminary plat to be known as Grassland Major Phase 1 with the twenty conditions that were recommended by staff in the original report and authorize chair to sign.

Commissioner Varone: Second

Chair Murray: We have a motion and a second, discussion. Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman I'm very interested in the traffic calming measures that the engineers proposed however, and this may have been covered but I don't see it in my notes, looking at this map the Noel's provided for the record it's the site plan, multi colored site plan, they've indicated a proposed speed bumps, it's my understanding that we don't allow speed bumps on any kind of public roads in our County. However, I do think, I am very interested in the traffic circle at the corner of Carmen Road and whatever that North-South Road is going to be called on the very extreme west of the subdivision. So I just wanted to get the discussion going on that I guess right off the bat and figure out a way that we can put in a condition and where it would go specifically to ensure that it's complied with as a condition of approval.

Chair Murray: Commissioner Varone?

Commissioner Varone: Mr. Chair, Commissioner Tinsley. I agree with that concept and if we could trust staff to craft the condition of approval I would second that if you want to make that motion.

Commissioner Tinsley: Mr. Murray are you fine with that because

Chair Murray: I'm fine with it, I've got four issues that I also want to discuss, three of which hopefully will result in amendments to the approval.

Commissioner Tinsley: I have others as well but I'm just going to go with this one for right now, but for the record we cannot put speed bumps in on any kind of public road. I do like the idea of the traffic circle, one other thing that I know that does prevent particularly on turn situations is sharper corners if you can corner it off more instead of having those big rounded corners that lowers speeds as people enter onto different roads and I don't know if that's integrated into your plan or not but I would like to make a motion that we include a traffic circle as proposed by the applicant be implemented at the corner of Carmen Road and the North-South road at the extreme west of the subdivision, I don't know how else to describe it I think everybody knows which one it is and authorize chair, make that as an amendment to conditions of approval I

guess.

Commissioner Varone: I'll second that.

Chair Murray: We have a motion and a second. Discussion. Commissioner Tinsley is that Kelly Road?

Commissioner Tinsley: No Kelly Road's up north, it's on this portion of the map, I'm talking about Carmen Road and South=West corner of the site plan.

Chair Murray: Commissioner Tinsley I agree with the two roundabouts, I'm concerned about traffic especially overweight traffic destroying the streets in the subdivision, or in Pleasant Valley. As a friendly amendment would you agree to add a 4-ton limit to the your proposed amendment. 4-tons as I understand it is the weight of a normal passenger car or utility truck. 4-ton's coincidentally is the limit that we placed on the Williams Street Bridge to prohibit cement trucks or heavy construction trucks using that bridge and that's my thought for the 4-ton limit at the two entrances to the subdivision through the Pleasant Valley Subdivision is, by putting the limit on I believe we can prohibit over or large heavy construction trucks from passing through the village and should they pass through the Pleasant Valley Subdivision we than can have them arrested or fined.

Commissioner Varone: Mr. Chair, if I may. I think that would probably be better as a separate condition of approval. I recall about a year ago when there was some construction that took place off of Montana Avenue, North Montana Avenue where heavy trucks were coming through private subdivisions and I'm not sure, Michael helped me with this, I'm not sure we can do that. If we can do it, I would recommend it be a separate condition of approval and I will second it, but I don't think we can.

Chair Murray: If we may Commissioners, Mr. McHugh if you can help us in the dilemma I've created.

Michael McHugh: Commissioners for the Oro Fino Subdivisions you placed a restriction on construction traffic and there's actually a sign that was put up by the County identifying the construction route so it prohibited

Commissioner Varone: But we can't do a limit, can we?

Michael McHugh: Yeah, yes you can I mean but you have to accommodate the construction traffic, there needs to be a limit that's suitable for concrete trucks and stuff, but you can identify that construction route and we have done this before and particularly there's still signs up I believe it's on Mostiff Road, it's on the west side of North Montana, but we have directed truck traffic and with the Rosemary Acres subdivision there was a condition placed that no construction traffic could go through Applegate Village, so you can identify construction routes.

Chair Murray: The applicant is proposing to use Munger Lane for construction and that was my thought if we prohibit, one way to do it is to put up a sign saying no construction traffic, the other way to do it is to place a weight limit which is within our authority, either will get you to the same place we're trying to go. We're trying to encourage or require that overweight traffic use Munger Lane to build homes in this subdivision.

Michael McHugh: I'm just pointing out in the past we've identified that construction route.

Commissioner Tinsley: Point of clarification Mr. Chairman. You are talking about Kelly Road and Carmen Road not just Carmen, correct?

Chair Murray: That's correct

Commissioner Tinsley: Entrance from

Chair Murray: Both entrances

Commissioner Tinsley: Right. I will accept that as a friendly amendment.

Sharon Haugen: Mr. Chairman, if I might. One of the concerns that staff would have with regard to putting a weight limit, you recognize by putting a weight limit that would prohibit any construction for anything on those roads and that would include for any people in Pleasant Valley that would want to do any work on their house.

Chair Murray: Yeah, and I was very careful to place the weight limits at the roundabouts.

Sharon Haugen: The roundabouts are at the entrance, as I understand were going to be the entrance of the subdivision

Chair Murray: Which would still allow if someone in Pleasant Valley is remodeling and needs a construction truck still would allow access by the construction equipment by Pleasant Valley.

Sharon Haugen: The same restrictions at the roundabouts would be applied to anybody going into that subdivision, if I understand Mr. Casne's design, those are at the entrances off Frontage Road, the roundabouts, aren't they or are they in closer

Commissioner Tinsley: No, they're in

Chair Murray: The separator between Pleasant Valley and Grassland

Sharon Haugen: The other thing I would caution since right now you don't have any information with regard to how weight limit would mitigate, you would also have to probably look to add a condition like that, we would probably have to look at changing your findings of fact in addition to talk about every construction or trucks with heavier weight because that's an element of weight of traffic not necessarily of volume.

Chair Murray: Thank you

Sharon Haugen: and I'm just trying to advise the commission to make sure that our conditions comply with our findings and facts.

Chair Murray: I appreciate your advice trying to keep me out of

Commissioner Varone: Mr. Chair if I may, if we do, I understand Pleasant Valley folks not wanting the big trucks and I think that's a reasonable request, if I lived out there I'd want that too they spend a lot of money keeping those streets as nice as they possibly can. We still need to make accommodation for the new subdivision to be able to get their trucks in and out and if we place a limit at the roundabouts in the future what that will do, it will prohibit the folks in the new subdivision from expanding, building a garage, or those kinds of things. I think Michaels suggestion to have a route that's followed would probably be better

Chair Murray: Commissioner to mitigate the concerns of the people in Pleasant Valley that is the sole reason that I am proposing this. The construction and future expansions always will be available through Munger Lane.

Commissioner Tinsley: Yep. That's what I was going to say Commissioner. I don't believe this, the way he's proposed it I believe it does protect Pleasant Valley from any giant vehicles coming through from the west and it makes them go around Munger Road and for any future activity they could still go out Munger Road and come back in that way so I don't see a problem with it at all looking at the site plan.

Chair Murray: On second thought, if the commission is agreeable if we can separate out my concern for the weight of vehicles, pass the motion for the roundabout and then if I can get one of you to make another motion with weight limits to discourage overweight trucks from using Pleasant Valley with the condition that staff would be allowed to craft the condition so it meets the findings and facts and conclusions of law I would be content with that. I think that meets the needs that all three of us are in agreement that we have an obligation to protect the streets in Pleasant Valley and we'll get the speed limits in a moment also I hope. If the maker of the motion and the second would agree let's separate out weight limits and deal solely with

turnabouts or whatever they're properly known as.

Commissioner Tinsley: That's fine with me.

Chair Murray: Commissioner Varone?

Commissioner Varone: That's fine with me.

Chair Murray: We have before us a motion to approve or as a condition add roundabouts at Kelly and Carmen and allow staff to craft the language requiring the two roundabouts. Discussion? All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Commissioners if we now can go to weight limits or a construction prohibition through Pleasant Valley as access for this and again I would be content allowing staff to work with the applicant to construct the condition and let us see it at some time in the future but I think the three of us are in agreement with the intent of the motion, if there is one.

Commissioner Tinsley: Mr. Chairman, Commissioner Varone, I'd like to move a 4-ton weight limit condition be placed at the entrance, western most entrance of Grassland Major subdivision where it connects with the existing Pleasant Valley Subdivision on Kelly and Carmen Roads. The purpose of the 4-ton limit is to not allow trucks to use Pleasant Valley Subdivision to enter the Grassland Subdivision from that portion. I believe it would also allow trucks larger than 4-tons to access Pleasant Valley for any future work and any trucks that need to access the new subdivision can use Munger Road that's the purpose of my motion and I know I just broke Roberts rules of order by making a motion and than commenting on it, I apologize.

Chair Murray: Motion dies for lack of a second

Commissioner Varone: No, no, no, no, no. No it doesn't die, I'll second it, I'll second it because I'm still confused about and I want to vote for this but I just want to make sure and maybe Michael can help us out here because I want to accomplish the same thing. I want

Sharon Haugen: Mr. Chairman, perhaps we could get Mr. Rives since he's the staff planner on this as opposed to Mr. McHugh

Commissioner Varone: Mr. Rives, I'm sorry Frank.

Chair Murray: If we can Commissioners I'd like to point out to you Ms. Haugen's advice that if a weight limit versus a construction prohibition may better tie into the findings at fact that all of our conditions have to relate to and the suggestion that we allow staff to craft

Commissioner Tinsley: Say that again, that's what I was trying to get to in my motion, perhaps I didn't articulate it well enough.

Chair Murray: It's my understanding that from staff that a weight limit may not tie into the findings of fact, a prohibition on construction vehicles using streets in Pleasant Valley may be better suited to the findings of fact. I'm suggesting as staff suggested that we allow our planning staff to craft the specific wordage, language in the amendment so it ties into the findings of facts and conclusions of law.

Commissioner Tinsley: That makes total sense to me and that was kind of what I was trying to get to and I know I didn't articulate it well enough. I'll withdraw my original motion and make a substitute motion with what you just said Commissioner Murray.

Chair Murray: Thank you, I take that as kind of a compliment, but I'm not sure.

Commissioner Tinsley: Staff understands it

Commissioner Varone; and I'll second that

Chair Murray: and you understand it Mr. Rives?

Frank Rives: Yes Sir.

Chair Murray: Mr. Casne, if you or Mrs. Noel have violent objections, I'd expect a waving of hands as we're adding conditions, we're not encouraging you to talk but if you need to to help us through this with the Commissions concurrence we will allow you to comment on the new conditions we're crafting.

Commissioner Tinsley: Mr. Chairman, we have a motion and a second before us

Chair Murray: We have a motion and a second on the floor.

Commissioner Varone: discussion

Chair Murray: will you agree to allow discussion Commissioners? Mr. Casne.

Ed Casne: Mrs. Noel just pointed something out to me which I didn't realize and that is in the course of their business that they bring sod trucks and need to use Kelly and Carmen Road and because it can't make the corner to get out on Munger, so I would wonder if there would be a way we could accommodate the traffic that they currently create in their business until such time that their sod business is no longer in existence.

Commissioner Tinsley: Mr. Chairman, Commissioner Varone. I believe Mr. Casne, thanks for pointing that out, I believe the way we restructured the motion I don't think it would affect that because we're talking about construction equipment in the motion, is that correct Commissioner?

Commissioner Varone: Correct

Chair Murray: Existing use we're not trying to attempting to prohibit in any way.

Commissioner Varone: We need to make sure that's included in the language when it's crafted Frank.

Chair Murray: Thank you Mr. Casne. We have before you a motion that Mr. Rives is going to craft and present to us for concurrence, all in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Next amendment or change.

Commissioner Varone: Mr. Chair.

Chair Murray: Commissioner Varone?

Commissioner Varone: Commissioner Tinsley, I just have one and it's a I believe old language that was used, it's on page 12 and it's condition of approval #15.g and it talks about the exterior lighting and I believe the language reads something like the exterior lighting shall be directed downward to minimize illumination beyond the property line something like that. So there's standard language that we use.

Frank Rives: I don't know why that thing keeps showing it's ugly head

Commissioner Varone: It keeps popping up

Chair Murray: By concurrence can we just agree

Commissioner Varone: Yes

Commissioner Tinsley: Second, by concurrence

Chair Murray: We have concurrence.

Commissioner Tinsley: Mr. Chair, I have a, so we don't need to vote on that since we agreed to fix that? I have a question for Frank and or Ms. Haugen, In the discussion and I know I have a letter here and I cannot find the persons name, in the discussion at the planning board hearing there was discussion regarding a woman who has a drainage tiles, I believe it's also referred to as a French drain that she feels like might be impacted by any construction. The applicant and his, their engineer have agreed to mitigate any damage or fix any damage that may occur to that system, is that something we need to condition or is that something that generally exists if damage occurs they are liable, is there a way that we can protect the existing property owner from any damage that might be incurred, do we need to do that in this document or what's your advice?

Frank Rives: I don't believe that it is, it requires a condition of approval, I think that it's a given that if they cause any damage during construction that they would be responsible for repairs but I don't believe it's necessary.

Commissioner Tinsley: Okay, that was kind of my thought also because Mr. Chairman, Commissioner Varone, also because it was discussed and pointed out and acknowledged by the applicant and his engineers so I think that's okay I just wanted to verify. Thank you.

Chair Murray: Commissioner Tinsley, I believe this is the only subdivision in the valley that uses a French drain, we've had problems during my tenor with the French drain in Pleasant Valley as they repaired there or passed an RID for their streets in Pleasant Valley part of that was re-engineering and working the French drains that exist there so it's a valid concern that needs to be part of this record that the French drains as now are improved need to be continued.

Commissioner Varone: Mr. Chair, Commissioner Tinsley. I guess I commend the applicant for offering to work with Pleasant Valley folks should that happen. My hope is that the French drains aren't on the applicants property illegally and if there is no easement to do that. I'm hoping that the two subdivisions will work together to remediate that if they need to do so.

Chair Murray: My turn Commissioners, in the conditions I want to ensure that Grassland Major will become a member of the Pleasant Valley RID that that RID will be extended and once Grassland streets are accepted, they and Pleasant Valley will belong to the same RID is there a condition reflecting that Mr. Rives?

Frank Rives: Commissioner Murray, Commissioner Tinsley, Commissioner Varone. The applicants already contribute to both RID's so they are already included in the RID and when they subdivide the property will be assessed according to the number of lots that use each road. An average will be determined

Chair Murray: I understand. Legally does that need to be a condition of approval?

Frank Rives: No, I don't believe so because they are already a part of the RID, is that correct Sharon?

Sharon Haugen: Mr. Chairman, Commissioners. That is correct. The only way they can get out of the RID right now is if we have a hearing and we annex them out through that petition process. If they're in the RID now,

they will remain in the RID and be termed benefiting properties and a RID probably could be created to maintain the roads within the Grassland Subdivision so in essence these people might, some of them might be part of three RID's, the Munger Road, Pleasant Valley and their internal roads. Does that answer your question Mr. Chairman?

Chair Murray: It answers the question but it also raises the confusion that I believe exists. How do the people that have an investment in Pleasant Valley maintain that investment, how do new property owners there use Munger Road know that they're part of that RID as well as the Grasslands RID. I think we're creating some confusion here and I don't know how to resolve it but I'm aware

Sharon Haugen: Mr. Chairman, Commissioners. I would assume that on the tile report would indicate that they are on the RID's, the Grassland RID has not been created yet so that would not be but that's an obligation that's on the property now as I understand it so it is continued so what will happen is that the number of lots contributing since I think both those are per lot RID's, the number of lots will increase so the number of contributing people will increase, granted the traffic will also increase so that is an offset, it is an unfortunate circumstance that happens any time we add property into an RID it's not unlike when people hook into the City sewer it's the same kind of concept to. How do you recover the costs in the past, we don't do hook up fees with RID's I guess would be the idea solution but the law doesn't provide hook up fees for new lots into an RID.

Frank Rives: If I may, if it was the commissions preference they could add to the covenants that we generate a notification that they are members of both RID's, that might assist, at least it would not tell the people Pleasant Valley that they are contributing but it would remind people in the subdivision that is Grasslands that they are a member of both RID's so that's a possibility.

Ron Alles: Mr. Chairman too, I need to point out, the County typically does not have residents that are members of multiple RID's, it may be beneficial to just add this property or continue with this property in the Pleasant Valley RID rather than having two or three RID's and those fees and assessments on those individuals property taxes. But staff can work through that with existing language we have within the conditions of approval to ensure that it's equitable for all the parties involved.

Chair Murray: What I'm hoping the staff will work through it with also the road associations with Pleasant Valley. Commissioners if we're ready for ____ I would like to go first with you permission. In reviewing the subdivision and the recommendation of the planning board, the planning board I believe left the commission between a rock and a hard spot. The planning board recommended not approving this subdivision and left us without findings of fact or conclusions of law to justify how they got to this decision. As one Commissioner in reviewing this subdivision, listening to the testimony of residents that genuinely are going to be impacted by this decision, I cannot find a legal reason to not approve the Grassland Subdivision. It was my intent this morning and I assume with my peers our intent to mitigate the impacts that to some extent we are creating on the residents of Pleasant Valley. As a result of approving this subdivision, I believe that with the roundabouts we have slowed traffic down, we have asked your new neighbors who will build new homes in the subdivision to participate in your RID, we are working on waiting for a speed study of Frontage Road, it's our responsibility as your Commissioners when that speed study comes back accompanied with accident reports to attempt to mitigate with the Montana Department of Transportation, the impacts of development on Frontage Road and the safety factor that I realize eventually as we add traffic to that is going to become a problem. I believe we've attempted to mitigate that with the approval that we are about to grant this morning. I believe the applicants are very serious about building and developing an excellent subdivision. They too are aware of the impacts that getting to their subdivision may cause Pleasant Valley and have attempted to mitigate those. I cannot find a legal reason that will stand up I believe in court to not approve and encourage Grasslands to go forward. Commissioner Varone?

Commissioner Varone: Mr. Chair, Commissioner Tinsley. Thank you very much. Mr. Chair I appreciate your comments and I absolutely agree with everything that you said. In reading the summary that was provided to us by the planning board, the testimony that they received and the discussion that they had clearly reflected that all the laws were and the subdivision regulations were being met in this case and only at the last minute after the deliberations and the comments and compliments on how the applicant worked very hard to work with

the residents of Pleasant Valley to mitigate as much as possible the addition of another subdivision, something that happened to them twenty or thirty years ago, I don't know how old that subdivision is. And then after all of that discussion, after all of the compliments, after all of the hard work that the applicants went through, the planning board made a motion to deny and, for no legal reason, and Mr. Chair I'm glad, I'm really pleased with your comments and again I just want to ask staff that the planning board receive the kind of training that they need and that they be cautioned that they need to follow the law and they need to take a look at the subdivision regulations and make their decisions based on law and the regulations that we're adopting. Thank you.

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, Commissioner Varone. With all due respect Commissioner I think you're being a little tough on our planning board. They are a very dedicated group of people who I do believe you know feel they were doing their job. I disagree with their vote, but what they were trying to achieve was noble I think, they recognized there is some traffic safety problems on Frontage Road and this was their attempt to bring that to light of the folks who can fix it. Whether it was a correct attempt or not is up for personal interpretation, but our planning board folks do an admirable job and I think they should be commended as often as possible. I would also like to commend the applicants and their engineer, I think they brought forth a very fine plan and subdivision and it's one that should be held up as an example of the types of subdivisions that need to be done in the parts of the valley that we're talking about. I would also like to thank the residents for their dedication to trying to protect their existing property and we've done everything we can in this particular case so thank you very much for your participation.

Chair Murray: Commissioners you have before you a motion to approve the subdivision subject to twenty I believe

Commissioner Tinsley: twenty, we added

Frank Rives: I believe it will be twenty-one

Commissioner Varone: twenty-two

Commissioner Tinsley: twenty-one

Chair Murray: twenty-one conditions as amended, all in favor of the motion signify by saying Aye

Commissioner Varone: Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries

Commissioner Varone: Twenty-two

Chair Murray: Twenty-two conditions

Chair Murray: I again want to remind members of the public that participated in this, to this point in the meeting if you have the misfortune of receiving a parking ticket please bring it to our office so we may mitigate the parking ticket for overtime parking.

4. **Resolution Ordering a Refund of Taxes/Fees/Assessments Paid.** (DOR, Rocky Haralson) (cont. from 9/14/04)

The Commissioners will consider the resolution to refund Barbara J. Trego in the adjusted amount of \$32.61.

Chair Murray: Ms. Green. Thank you, if you'd introduce Robin please from the Department of Revenue. We'll let her present the case before us.

Cheryl Green: This is Robin LeNeve with Department of Revenue.

Chair Murray: The case before us is Barbara Trego. Welcome Robin.

Robin LeNeve: Mr. Chairman, Commissioners.

Chair Murray: Or Mrs. LeNeve if you wish. Help us through the case, there was question last Monday as to whether the refund of \$32.61 was appropriate.

Robin LeNeve: There had been a slight miscalculation on the total taxable valuation difference. Initially presented I believe was it Tuesday and after reviewing that taxable valuation and that calculation, my manager Rocky Haralson and I did agree that the taxable valuation had been adjusted incorrectly initially and as presented today the new adjusted value is \$332 which than the difference after she had paid the first half of her general tax so that difference would have amounted to \$188.29 thus a refund request of \$32.61. The second half of her general tax has been deleted for tax year 2003.

Chair Murray: Questions of Ms. LeNeve?

Commissioner Varone: Mr. Chair I move approval of a resolution ordering a refund of taxes in the amount of \$32.61 to Barbara J. Trego and authorize chair to sign.

Commissioner Tinsley: Second.

Chair Murray: We have a motion and a second, all in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Thank you and you're always welcome to come back Robin.

Commissioner Tinsley: Thanks Robin.

5. **Request for One-Year Extension of Preliminary Plat Approval for the Bridge Creek Estates Major Subdivision.** (Applicant, Jerry Hamlin & Phil Wirth Developer/Owner) (Planner, Frank Rives)

The Commissioners will consider the one-year extension to May 27, 2005.

Sharon Haugen: Mr. Chairman, Commissioners. You have before you a request made from Stahly Engineer on behalf of the two developers. I did happen to discuss this with Mr. Rives and he says they have performed due diligence and staff does recommend approval of the extension, if approved the extension will be to May 27, 2005. I'd be happy to answer any questions the commission may have.

Chair Murray: And just so that we are comfortable with where Bridge Creek Subdivision is, if you could point it out to us please.

Sharon Haugen: Bridge Creek Subdivision is up by Ranchview Subdivision is if you know where that is, north of Lincoln Road on North Montana. It's south of Ranchview.

Chair Murray: Thank you. Questions of Ms. Haugen? Is there a motion?

Commissioner Tinsley: So moved

Commissioner Varone: Second

Chair Murray: We have a motion and a second to grant a one year extension of the Bridge Creek Estates Major Subdivision. All in favor of the motion signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

6. **Request for One-Year Extension of Preliminary Plat Approval for the Silver Creek Commercial Subdivision.** (Applicant, Phil Wirth Developer/Owner) (Planner, Michael McHugh)

The Commissioners will consider the one-year extension to May 27, 2005.

Michael McHugh: Commissioners this was a 24-lot subdivision for commercial development located between Interstate 15 and North Montana Avenue and North of Lincoln Road. It was granted preliminary approval on May 27th of 2003, with twenty conditions. The applicant has been pursuing obtaining the beneficial water right permit from DNRC they need to get this because they are going to have a community water system and community sewer system in this area and it takes approximately two years to obtain that permit from DNRC. They've also obtained approach permits from Montana Department of Transportation for accesses off of Lincoln Road and also they've done the sedimentation and erosion control plan. If this request is granted the extension will be granted until May 27, 2005.

Chair Murray: and to add to Mr. McHugh's presentation, Silver Creek Commercial is adjacent to Bob's Valley and the Grub Steak and just directly north of it.

Michael McHugh: It's located in between.

Commissioner Varone: So moved and authorize the chair to sign

Commissioner Tinsley: Second

Chair Murray: We have a motion and a second to grant a one year extension, all in favor of the motion signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion Carries.

7. UURequest for Public Hearing for Variance/Modification of Conditions of Approval for the Green Acres Subdivision. (Applicant, Hamlin Construction/Jerry Hamlin) (Planner, Sharon Haugen)

The Commissioners will determine whether or not to consider the modification request and if so, proceed with scheduling a public hearing. Condition 6.d reads, "An access and utility easement 60 feet in width extending from the east edge of Green Acre cul-de-sac to the east edge of the subdivision across the southern portion of Lot 18." The applicant would like a variance from the requirement to allow for 50 feet instead of 60 feet.

(Tape ended)

(Tape begins)

Sharon Haugen:... the decision that the Commission makes today is whether or not they want to consider this modification and if so than we'll schedule a public hearing at the end of the month. I'd be happy to answer any questions that you may have.

Chair Murray: Questions of Ms. Haugen? Is there a motion?

Commissioner Tinsley: Mr. Chairman this seems like a very unique situation and I'm interested in hearing more so I want to make a motion that we hear the variance request, and that's what we do today right?

Sharon Haugen: Yeah.

Commissioner Tinsley: because we don't do any action on it. Okay. I move that we

Sharon Haugen: consider the modification

Commissioner Tinsley: consider the modification and go to a public hearing at some point scheduled to be determined at a later date.

Commissioner Varone: Second.

Chair Murray: We have a motion and a second to go forward with public hearing to hear the variance request for this piece of property within the Green Acres Subdivision. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries.

Commissioner Varone: Mr. Chair, can I ask staff a question?

Chair Murray: Yes

Commissioner Varone: Sharon, do we have to attach a date to this or do we just move forward and than when all the information is ready than you attach the date?

Sharon Haugen: Yeah. Mr. Chair, Madam Varone that's correct.

Commissioner Tinsley: I'm Master Tinsley

Sharon Haugen: Master Tinsley

Commissioner Varone: Thank you.

Chair Murray: Would you ask the applicant if he wants all three Commissioners seated when he hears it

Sharon Haugen: I'd be happy to do that Mr. Chair.

Chair Murray: We can work around that should that be his request.

8. **Policy for Reviewing Statements of Qualifications for Architects, Engineers, & Surveyors.** (Janet Pallister)

The Commissioners will consider the policy.

Janet Pallister: Good Morning Chairman Murray, Commissioner Tinsley, Commissioner Varone. A while ago the County requested statements of qualifications from Architects, Engineers and Land Surveyors to develop a pool of prequalified consultants that can be used on future County projects. We've received 25 proposals from a variety of firms in Montana and outside Montana and the policy that you're considering today basically outlines how the consultants will become part of the prequalified pool and once they are prequalified how they will be selected for work on County projects. The committee made up of the Public Works Director, the Community Development and Planning Director, the Transportation Coordinator and myself will review all of the proposals and determine which firm should be part of the prequalified pool and which ones should not. We will use selection criteria that were listed in the request for qualifications and these selection criteria meet the minimum standards for criteria according to state law. Consultants will also be prequalified based on their professional discipline, based on the type of work that they performed in the past and the type of work that they asked to be considered for future County projects. We will do this prequalification process on an annual basis and if a new firm pops up during the year, opens up business during the year they will be allowed to submit a County Statement of Qualifications form that was attached in your packet today or if a firm changes it's personnel or make up significantly within the year they can also resubmit their form so that they can be prequalified. We're hopeful that by doing this procedure and following and using this process that it will save the County staff time because we will be reviewing statements of qualifications once during the year instead of multiple times as projects come up and the same is true for the consultants, they would only have to submit one proposal and not multiple proposals for every project that comes up throughout the year. I recommend that the Board of County Commissioners approve the policy for use of Statements of Qualifications and establish a pool of prequalified consultants for use on future County projects. Are there any questions?

Chair Murray: Questions of staff? Is there a motion?

Commissioner Varone: Mr. Chair, I move approval of a policy for reviewing statements of qualifications for Architects, Engineers and Surveyors and authorize chair to sign.

Commissioner Tinsley: Second

Chair Murray: Motion and a second, all in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Thank you Ms. Pallister.

9. **New Position at Cooperative Health Center.** (Sheila Cozzie)

The Commissioners will consider a new half time Clinic Administrative Assistant position at the CHC.

Sheila Cozzie: Commissioners today we are requesting that you add a new position at the Cooperative Health Center through their funding process they received additional unanticipated funds from the Federal Government and with those monies they would like to add the position of Clinic Administrative Assistant. This position will assist the nursing staff providing administrative duties for them and freeing up their time to perform more nursing functions. So what we are asking today is that you adopt the attached job description and add the position. I do want to add that it is a part time position, I didn't have that outlined in the recommendation but it is a 20-hour per week position.

Chair Murray: Questions of Ms. Cozzie?

Commissioner Tinsley: Mr. Chairman, Commissioner Varone. Ms. Cozzie, Thank you for your presentation, this job, the continuance of this job is dependent on receiving this Federal Grant every year?

Sheila Cozzie: The monies that they received were added to the base grant amount so that generally that base amount does not change unless some unforeseen emergency occurs. So it wasn't a one-time additional funding amount it was something that was added to their base grant.

Chair Murray: Further questions? Is there a motion?

Commissioner Varone: Mr. Chair I move approval of the new position at the Cooperative Health Center and the title is a half time position the title is Clinical Administrative Assistant and authorize the chair to sign.

Commissioner Tinsley: Second

Chair Murray: We've got a motion and a second, discussion? All in favor of the motion signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

10. **Fire Fighting Assistance Agreement #V436P-3689.**

The Commissioners will consider the five-year agreement between Lewis and Clark County and the Department of Veterans Affairs for the purpose of combining resources for mutual benefit.

Chair Murray: I believe what this does Commissioners is formalize what we have been doing with a handshake in the past. If there are questions, Mr. Alles will answer them.

Ron Alles: I would just point out Mr. Chairman that this agreement does also provide the Lewis & Clark Volunteer Department and additional truck, I believe it's a 1977 something rather that our department can use so we are getting some benefit out of this as well.

Commissioner Tinsley: Mr. Chairman I move approval of the Fire Fighting Assistance Agreement #V436P-3689 between the Department of Veterans Affairs and the Lewis and Clark County Fire Department.

Commissioner Varone: Second. Discussion.

Chair Murray: Discussion. Commissioner Varone?

Commissioner Varone: Thank you Mr. Chair, Commissioner Tinsley, and this would be a question for Ron and I'm not sure if it can be answered or not. In the agreement one of the Lewis & Clark responsibilities is to respond to Fort Harrison Center as requested for purposes of extinguishing or controlling fires on the DVA property as a back up, I didn't see that language of reciprocation in this agreement, can they even legally leave the facility as a back up if their needed.

Ron Alles: I don't know that detail, but I know the reciprocal portion of this agreement is that truck I mentioned earlier so we are getting some benefit there. I'm not certain the Fort's department can leave that facility and fight fires outside of that, I don't think so but I can certainly get that answer.

Commissioner Varone: I'd appreciate it. That's my thought too otherwise I think it probably would have been in here but when I was reading the agreement it just crossed my mind thinking for the use of the truck but I just wondered. Thank you.

Chair Murray: Commissioners you have before you a motion to sign the agreement, all in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. If you'll research the mutual aide working both ways Mr. Alles and let the Commission know.

11. **Resolution Declaring County Property Surplus Property.** (Ron Alles)

The Commissioners will consider the resolution to surplus a 1991 Isuzu pickup from the Environment Health Department.

Chair Murray: Questions, Discussion, Is there a motion?

Commissioner Tinsley: I move we approve the resolution declaring County surplus property 1991 Isuzu Pickup and authorize the chair to sign.

Commissioner Varone: Second

Chair Murray: We have a motion and a second, all in favor of the motion signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. I might, Commissioners for the record point out that it's the intent of Environmental Health Department to use the surplus vehicle as a trade in for the new vehicle that they have in their budget this year.

12. **Application for Federal Assistance.** (Sharon Haugen)

The Commissioners will consider the Forest Service application for the "Lincoln Community Park Campground Facilities Improvement" project and funding in the amount of \$3,000.

Sharon Haugen: Mr. Chairman, Commissioners. What you have before you is a \$3000 grant from the US Forest Service and it is going to be for horseshoe pits and fire rings at the Lincoln Community Park also known as Super Park. Originally the grant was committed to the community park board in Lincoln however, the forest

service upon further investigation found that they can't grant money to the park board because the park board is not an appropriate agency so they had to go through Lewis & Clark County. This grant agreement is to allow us the ability to pass through the money, the \$3000 to the Lincoln Community Park for the horseshoe pits and for the fire rings. Forest Service has said the money is available and as soon as we process this we should be able to start the construction. I'd be happy to answer any questions you may have.

Chair Murray: Questions of staff? Is there a motion?

Commissioner Varone: So moved and authorize the chair to sign.

Commissioner Tinsley: Second

Chair Murray: We have a motion and a second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries.

13. **Public comments on items not mentioned above.**

Chair Murray: This is the point in our meeting when any member of the public that has a comment over any item that the commission has authority over, now is your opportunity to come forward and present that. With no one left in the chambers, the County Commission Public Meeting is adjourned.

14. **Adjourn.**
11:00 am

**Public Meeting Canceled
Tuesday, September 28, 2004
MACo Convention**