

PUBLIC MEETING

December 14, 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, Jaci Grenfell, Mark Adams, Undersheriff Leo Dutton, Frank Rives, Kevin Crabtree, Jodee Hoovestal, Erik Garberg, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Independent Contractor Contract (Sheriff Radio Project). (Sheriff Liedle/Jaci Grenfell) Undersheriff Leo Dutton presented the contract with Capital Communications to install the mobile radio systems police cars, sheriff cars and emergency vehicles. Staff recommends approval.

Commissioner Tinsley moved to approve and authorize the chair to sign.

Commissioner Varone seconded the motion and it carried unanimously.

Request to Extend Project Manager's Contract (Sheriff Radio Project).

Undersheriff Dutton presented the possibility of extending the Project Manager Contract (Mark Adams, Northrop Grumman) to February 15, 2005 and increase funding in the amount of \$20,000. He stated that the Sheriff's office would like to continue with Northrop Grumman until the February 15, 2004, as currently there are approximately 225 concurrent tasks with bringing phase one to an end. Jack Spillman has been hired to fill the position, however, in the mean time there is a need for radios to be programmed. All of the radios need to have templates built and code plugs made, and installed in the vehicles. If the consistency of the operation were to drop, the possibility for failure would increase. The sheriff's office would like to go through a process called cutover, where Mark Adams will be able to assist Jack Spillman in the transfer of duties.

He did clarify that Jack Spillman had been taking classes prior to filling his position. Staff recommends extending the contract and providing \$20,000 to fulfill the monetary portion of the contract.

Commissioner Varone moved to approve and authorize the chair to sign.

Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Road Abandonment of Deer Park Drive. (Principal Petitioners, Kevin Crabtree and Jodee Hoovestal) (Planner, Frank Rives) (cont. from 11/30/04) The Commissioners will consider abandoning a segment of Deer Park Drive right-of-way approximately 280 feet long and 60 feet wide. The proposed road abandonment is located in the SE1/4 of Section 8, T11N, R2W.

Frank Rives presented the proposed road abandonment. Mr. Rives stated that he had spoken with Dave Barney and that Bureau of Land Management is considering granting an easement across their land provided the access is under the jurisdiction of a local, state or federal authority. Bureau of Land Management has a problem with the fact that the road is a public road and not a County road.

Applicants Kevin Crabtree and Jodee Hoovestal were present at the meeting. Frank Rives stated that a county road is that the county owns title to, and a public road is one in which the county controls as a public access easement. It is not unusual that a private party owns the underlying property; still the public has access to the road.

In this case the easement extends halfway into the property, not extending all the way through.

Kevin Crabtree: I'm not trying to kick anybody out of there if they have across Bureau of Land Management, the only reason I would like to do this is so I have enough room to place a septic and drain field and you can't put that on a road easement.

Commissioner Tinsley stated that there might be a possibility of permitting an encroachment into the easement so that he may place his septic in that location. Sharon Haugen stated that it will be necessary to find out if the applicant can place a septic tank in the easement, and if he is allowed, a variance may need to be requested by the Board of Health. Commissioner Tinsley would like to see the easement remain in an area that provides access to Bureau of Land Management land and allow for the applicant to install a septic system. The applicant concurred with the Commissioners statement, however, has a party interested in purchasing the property if the drain field can be installed.

Commissioner Tinsley moved to table the proposal until December 21, 2004 being the second item on the agenda and request staff to visit with Environmental Health and discuss the concerns of public access. Commissioner Varone seconded the motion and it carried unanimously. Staff will be scheduling a work session to include Mr. Crabtree and Ms. Hoovestal.

Proposed Minor Subdivision, Preliminary Plat to be known as the Crabtree Minor Subdivision.

Sharon Haugen presented the staff report on behalf of Lindsay Morgan. She stated that the public hearing for this subdivision was on December 9, 2004. The property lies east of and adjacent to Hauser Dam Road, approximately one-third of a mile north of Lincoln Road East.

Commissioner Tinsley moved to approve the subdivision subject to 13 conditions as outlined in the staff report. Commissioner Murray seconded the motion and it carried 2-0. Commissioner Varone abstained due to her absence at the original hearing.

Request for Public Hearing on Modification of Conditions of Approval for the Bryant No. 3 Subdivision. (Applicant, Robert Bryant) (Planner, Frank Rives)

Sharon Haugen presented the modification briefly. The Commission did hear a request for modification previously, however, the applicant and his engineer have been in subsequent meetings with the Montana Department of Transportation, so they are asking the commission to reconsider their decision.

Erik Garberg, 100 Financial Drive, Kalispell, representing Mr. Bryant, requested an opportunity to schedule a hearing. He is requesting the opportunity to discuss any other mitigating measures or issues that may help resolve the creation of condition number 5. The issue to date is when the original process took place the applicant was asked to reconfigure the roads to approach directly onto Montana Avenue. That created an issue that made the applicant go through the traffic impact process with the Montana Department of Transportation. During that process Montana Department of Transportation produced recommendations in concurrence with a report of the over all system and requested that they limit access to Montana Avenue and have the internal roads configured to access as they were originally shown off of Mottsiff Rd, and McHugh

Dr. At that time there was not enough evidence to warrant another public hearing. They were then directed to work with the county to achieve that goal.

Commissioner Murray moved to reconsider the request for modification of condition of approval #5 and allow staff to schedule a public hearing. Commissioner Varone seconded the motion and it carried unanimously.

Other Business. Commissioner Murray presented the letter of support for Lewis and Clark Bicentennial Commission grant application. By consensus, the Commission approved the grant application and letter of support. The letter will be signed and given to Rita Cortright.

Public comments on matters not mentioned above. No public comments were given at this meeting.

Adjourn. Chairman Mike Murray adjourned the meeting at 9:50am.