

**PUBLIC MEETING**  
**January 22, 2008**

Chairman Ed Tinsley called the meeting to order at 9 a.m.

Commissioners Andy Hunthausen and Mike Murray were present. Others attending all or a portion of the meeting included Ron Alles, Kelly Blake, Michael McHugh, Rebecca Shaw, Jack Walsh, Larry Kline, Glen Hart, Curt Drake, Kelly Williams, Larry Redmond, Dan Gruber, Dorothy Bradshaw, and Maria Penna, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. Ron Alles reported on the consent agenda and recommended approval.

- a. Health Department. New Contract Task Order 08-07-3-01-049-0 with Montana Dept of Public Health & Human Services obo Montana Comprehensive Cancer Control (CCC) Program. To provide funds to accelerate implementation of the CCC plan. Amount available \$35,000 for the period 1/1/08-6/30/08 and approval of a new .50 FTE health educator position. (Dorothy Bradshaw)
- b. Contract with Dan Gruber & Company to indemnify county for construction across MRL easement at Birdseye Road. (Paul Stahl)
- c. Resolution Declaring County Property Surplus Property Less Than \$2,500. (Forestvale Cemetery: Lawn Mower/2 Chairs/Phone; Treasurer-Property Tax: Lateral File Cabinet).

Hearing no public comments, Commissioner Hunthausen moved approval and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried 3-0.

Proposed Minor Subdivision, Preliminary Plat, to be Known as Kovich-Tyanich Subdivision. (Applicant, Greg Kovich) (Planner, Michael McHugh) (8/9/07 - Extended Review Period to 12/1/07) (Decision) The Commissioners will consider creating two lots of 47.26-acres in size from an existing 94.52-acres. The use of the proposed parcels is for recreational cabin sites. The subject property is generally located approximately 8 miles north of Montana State Highway 200 and approximately 1.5 miles west of Alice Creek Road in Tom's Gulch.

Ron Alles reported that staff has been working to draft language that creates an opportunity both by law and through regulations to allow the county's participation in sharing in road improvements, etc. Currently there is no way to distinguish between cabin sites and residential sites as it relates to health, safety and welfare and the compromise of those issues, so the commission does not have the ability or a mechanism to make that distinction. The commission is looking to address subdivision regulations again in March or April and will continue to work on that language.

Michael McHugh noted four variance requests to be acted on (1) to upgrade the roads to county standards; (2) to have the access road dedicated as a private easement

instead of a public access easement; (3) a dead end road in excess 700 feet; and (4) to have a right-of-way easement less than 60 feet in width.

Commissioner Murray asked if a family transfer had been pursued? Mr. McHugh believed that the applicants, because of the ownership pattern, were not eligible for a family transfer. The statutory deadline on this application would be June 2008.

Commissioner Murray moved to table this until Thursday, January 24, 2008, at our regularly scheduled meeting at 9 a.m. Commissioner Hunthausen seconded the motion.

Commissioner Hunthausen asked if these applicants have other alternatives to pursue other than family transfer? Mr. McHugh said they could get a court order of land division but would have to exhaust all of the other possibilities which includes going through subdivision review.

The motion carried 3-0.

Proposed Minor Subdivision, Preliminary Plat, to be Known as Hart II Subdivision. (Applicant, Delores Hart) (Planner, Michael McHugh) (8/28/07-Extended Review Period to 12/31/07) (Decision) The Commissioners will consider creating one additional lot for one single-family dwelling. The existing 292-acre tract would be divided into one additional lot of 27.25 acres. The subject property is generally located south of the Helena Valley Irrigation Canal and west of and adjacent to Hart Lane.

Michael McHugh presented the staff report. The applicant requested a variance not to bring approximately 1.8 miles of Hart Lane up to county standards. Portions of Hart Lane are only 22 feet wide and the construction does not meet current road standards of 9 inches of gravel materials. The statutory deadline is June 2008.

Commissioner Murray moved to table this until Thursday, January 24, 2008 to give the applicant an opportunity to investigate other alternatives. Commissioner Hunthausen seconded the motion.

Commissioner Murray asked if the applicant was eligible to pursue a family transfer? Mr. McHugh said no, the applicant, Mr. Glen Hart, had already received a family transfer and can only receive one in each county per lifetime.

The motion carried 3-0.

Proposed Minor Subdivision, Preliminary Plat To Be Known As Amended Plat of Lot 2A - Black Eagle Minor Subdivision. (Applicant, James Senterfitt) (Planner, Michele Peterson) The Commissioners will consider creating three lots, each for one single-family dwelling. The existing 10.0-acre tract would be divided into three lots ranging in size from 1.0 acres to 7.0 acres. The subject property is generally located north of and adjacent to South Hills Road and approximately 0.8 miles from Lime Kiln Road.

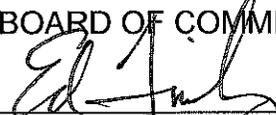
Kelly Blake reported the applicant has requested an extension until February 13, 2008 to resolve issues dealing with the boundary between Jefferson County and Lewis and Clark County. Staff recommended approval of the extension request.

Hearing no public comments, Commissioner Murray moved approval of the extension request to tabled this proposal to February 13 and render a final decision on February 19, 2008. Commissioner Hunthausen seconded the motion and it carried unanimously.

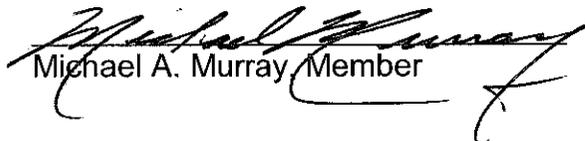
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 9:15 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Ed Tinsley, Chairman

  
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Andy Hunthausen, Vice-Char

  
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Michael A. Murray, Member

ATTEST:

  
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Paulette DeHart, Clerk of the Board