

PUBLIC MEETING
March 11, 2008

Vice-Chair Andy Hunthausen called the meeting to order at 9 a.m. Commissioner Mike Murray was present. Chairman Ed Tinsley was out ill. Others attending all or a portion of the meeting included Ron Alles, Kelly Blake, Michael McHugh, Kathy Moore, Jack Walsh, Larry Kline, Gwen Pozega, Darrel Stordahl, Matt Hayes, Glenn Hayes, Larry Sickerson, John Herrin, and Maria Penna, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Kelly Blake introduced Carrie Severson as the county's new Special District Coordinator for Community Development and Planning.

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

- a. Resolution 2008-17. To Support the Campaign Against Sexual Exploitation (CASE) Initiative. NACo had requested all counties support the organization in addressing the issues. The county would coordinate efforts with the City of Helena.
- b. Resolution 2008-18. Declaring County Property Surplus Property Less Than \$2,500. (Sheriff's: Two 2006 MNAC Trailers and One 2006 FORR Trailer; Cooney: Epson Printer; Health: Mita DC1460 Fax Machine and Kyocera KM F1050 Printer)

Consent Item 'b.' By consensus, the commission tabled this item to Thursday to determine whether to tag or destroy the trailers and whether to seek recourse or a refund from FEMA for the sale of hazardous trailers to the county.

Hearing no public comments, Commissioner Murray moved approval of consent item 'a' and authorized the chair to sign. Commissioners Hunthausen seconded the motion and it carried 2-0.

Public Hearing. Ordinance to Control Community Decay. Kathy Moore presented the first reading of the new ordinance to control community decay. The changes were reviewed. The second reading is scheduled for March 25 at which time further public comment would be accepted.

John Herrin, 1032 Mouldin Avenue. Supported the changes with a proactive approach towards enforcement.

Hearing no other comments, Commissioner Murray moved approval of the ordinance on first reading and authorized the Chair to sign. Commissioner Hunthausen seconded the motion and it carried 2-0.

Amendments To Subdivision Improvements Agreement and Bond Reduction For Fox Crossing, Phase III Major Subdivision. (Applicant, Skee Tenneson) (Planner, Michael McHugh) The Commissioners will consider the amended Subdivision Improvements Agreement and Bond Reduction.

Michael McHugh reported that although significant work had been accomplished, stormwater drainage and fire protection requirements needed to be done. An error was noted in the notary block and he would have the applicant initial the correction prior to filing. Staff recommended approval of the amendments.

Hearing no public comments, Commissioner Murray moved approval of the amendments as recommended by staff and authorized the Chair to sign upon receipt of the corrected document. Commissioner Hunthausen seconded the motion and it carried 2-0.

Proposed Major Subdivision, Preliminary Plat To Be Known As Aspen Spring Estates. (Applicant, Frontier Builders, Inc./Gwen Pozega, CDM) (Planner, Michael McHugh) The Commissioners will consider creating 109 lots, 100 lots each for one single-family dwelling and nine commercial lots. The existing 55.02-acre tract would be divided into 109 lots ranging in size from .31 acres to 4.38 acres. The proposed commercial uses would include financial and banking, storage, restaurant and office space. The subject property is generally located north of and adjacent to Lincoln Road and west of and adjacent to North Montana Avenue.

The applicants, Glen and Matt Hayes, were present and indicated their willingness to proceed. Their representative was also present.

Mr. McHugh presented the staff report. The subject property is not located within a special zoning district but is located within the interim zoning district requiring Level II wastewater treatment. The applicants propose covenants on the subject property. Previous to this subdivision the subject property had irrigation water rights but those water rights would be forfeited if the property is developed as single-family residential. A 50' setback would be noted in preliminary design plan. Staff recommended that a minimum 5' fence be installed and maintained along the northern boundary of the irrigation canal. The applicants have proposed installing a community public wastewater treatment system referred to as a sequence batch reactor system. This is a newer system that had been approved by DEQ. A community public water supply system was also proposed. The applicants were provided a variance from the requirement to perform aquifer testing in this area. Paved streets, curbs and gutters were proposed to facilitate stormwater drainage.

Applicants have agreed to construct North Montana Avenue from the intersection of Lincoln Road to the northern property boundary. MDOT had indicated a plan to install a roundabout at the intersection of North Montana and Lincoln Road to facilitate improvements and traffic movements. Property identified as Property #19 had

submitted an application for a commercial subdivision. The applicant would be willing to participate on improvements up to the northern property boundary. The applicant would be required to make turn lane improvements through an MDOT approach permit and comply with current subdivision regulations for fire suppression. The parkland dedication was corrected to reflect that the applicant shall dedicate 1.71 acres.

The planning board recommended approval of the proposal subject to 21 conditions of approval. An amendment to the approval statement to reflect approval of 97 lots instead of 100 residential lots, parkland dedication of 1.71 acres, 9 commercial lots, and the utility lots as reflected in the original application.

Commissioner Hunthausen asked about the connectivity with property to the west and would the school be granted some access to land.

Mr. McHugh stated there would be a connection between the roads located to the west with this subdivision. The school received about 2 acres.

The Commission recessed at 9:50 and reconvened at 10:00 a.m.

Gwen Pozega, CDM, 50 W. 14th Street, Helena. Presented an overview of the proposed subdivision. This proposed subdivision would integrate all of the surrounding communities in this area. The DEQ Level II central wastewater system (SBRA) was reviewed. They are working with DNRC on the beneficial water use permit. An on-site tank would be installed for fire protection, as well as three fire hydrants. The parkland dedication had been approved by the Park Board. An agreement to improve the public roads was in place.

Commissioner Hunthausen asked about the procedure to ensure that precautions were being taken to address issues of and metals in the water.

Ms. Pozega stated that the high performance wastewater system would reduce the nitrate levels.

Mr. McHugh noted that Jim Darcy School would be drilling a deeper well and the water would be treated, chlorinated and disinfected.

Commissioner Hunthausen said the land at Jim Darcy School would become land-locked and so the potential for anymore parkland dedication would be limited. He asked about future plans for the parkland in addition to the 1.71 acres.

Ms. Pozega responded that the school district discussed the possibility of incorporating a pull-through area for parking and a trail system.

Mr. McHugh stated North Star Subdivision received approval of 18 acres of parkland dedication.

John Herrin, 1032 Mouldin Avenue. Favored the development and expressed concern about poor vehicle sight distance exiting the Lincoln Road interchange and development costs should be shared proportionately.

Larry Sickerson, 1000 Wild Wind Road. Concerned that the developer did not fully address the nitrogen issue and urged the commission to not accept the proposal based on the park board's decision of the parkland dedication. Due to the proximity of his property the zone of depression could adversely affect his well.

Hearing no other public comments, the public hearing was closed. Commissioner Murray moved to render a final decision on March 18 at 9 a.m. Commissioner Hunthausen seconded the motion and it carried 2-0.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Larry Sickerson, 1000 Wild Wind Road. Concerned about the park board's recommendation regarding Aspen Spring Estates parkland dedication.

Darrel Stordahl, CDM, 50 W. 14th Street. The applicant and the school district came up with an equitable solution regarding the park land.

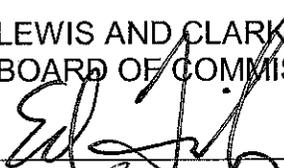
John Herrin, 1032 Mouldin Avenue. Disagreed with the commission's 5 minute time limit to offer public comment, and the commission should address the issue of hearing delays.

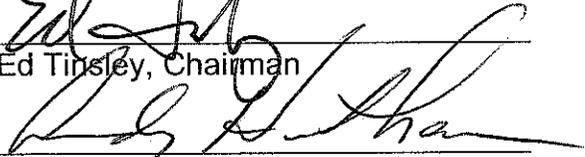
Upon assurance from the Sheriff's office and the agreement with FEMA to reimburse the county for the cost of the trailers, Commissioner Murray moved to remove from the table consent item 'b.' Commissioner Hunthausen seconded the motion and it carried 2-0.

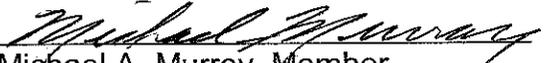
Commissioner Murray moved approval of consent item 'b' and authorized the chair to sign. Commissioner Hunthausen seconded the motion and it carried 2-0.

There was no other business and the meeting adjourned at 10:38 a.m.

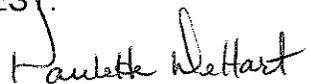
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Ed Tinsley, Chairman


Andy Hunthausen, Vice-Chair


Michael A. Murray, Member

ATTEST:


Paulette DeHart, Clerk of the Board