

PUBLIC MEETING
January 27, 2009
MINUTES

Chairman Andy Hunthausen called the meeting to order at 9 a.m. Commissioners Mike Murray and Derek Brown were present. Others attending all or a portion of the meeting included Kelly Blake, Jeff Sealey, Carrie Severson, Don Bickel, Jeff Driessen, Michael Strand, David Cummins, Tammy Hjelseth, and Gayla Lott, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. Kelly Blake reported on the consent action items and recommended approval.

- a. Submittal of a Grant Application on behalf of the Friendship Center - Safe Havens Program. (Laura Erikson)
- b. Resolution 2009-17 Declaring County Property Surplus Property individually valued less than \$2,500 (9 used/broken chairs at Public Works Shop)
- c. Depository Services Resolution for Governmental Entities – Authorizing a New Merchant Account for the Pass Through of Monies Generated with New Ticketing Software at the Fairgrounds – U.S. Bank. (Paulette DeHart)
- d. Cooperative Agreement with Bureau of Land Management for the purpose of providing adequate protection of persons and property on public lands and roads administered by BLM. (Tammy Hjelseth, Sheriff's Office)

No public comments were received.

Commissioner Brown moved approval of the consent action items and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 3-0.

Resolution Levying and Assessing a Tax Upon All Benefited Property Within Fox Crossing Rural Improvement District No. 2008-6. (Carrie Severson) (cont. from 01/06/09) Decision.

Carrie Severson and Jessie Whitford met with the homeowners association; the Association would like to proceed with the RID.

Commissioner Murray moved to enter into the public record the letter from HOA dated January 27, 2009 stating intent to proceed with the RID. Commissioner Brown seconded the motion. The motion carried 3-0.

Carrie Severson stated that the improvement fee is the engineer's estimated cost of the improvements. The maintenance fee includes annual and future maintenance. Current improvements include doing some repairs to the road that currently need to be done as well as re-surfacing chip seal. The commission may change the rate structure of the maintenance fund once per year by resolution. If the cost of the improvements goes up

or down, the rates may be adjusted prior to the first Monday in September of each year. The Commission may also change the boundaries of the district once per year.

No public comments were received.

Commissioner Murray moved approval of the resolution and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

West Helena Cell Tower Minor Subdivision - A Space for Rent, Lease or Other Conveyance. (Applicant/Lessor: Global Tower Partners, LLC / Owner: J&R Inc.) (Planner, Rebecca Shaw) The Commissioners will consider the proposal for a cellular communications tower as a 3,300 square feet space for rent, lease or other conveyance. The property is used by Suhr Transport Mayflower Company and contains one large steel building with an office. The development is generally located on the west side of Helena north of Highway 12 West on the corner of Broadwater Avenue (western section of Suhr Transport Mayflower lot).

Rebecca Shaw presented the staff report. The applicant would construct an access for maintenance through the driveway of the Mayflower building. The tower has a 190 foot elevation. Legal and physical access would be from US Highway 12 to Broadwater Avenue. A five year weed free management plan is required. The structure shall be painted a color to match the neighboring Stedman Foundry, as it is on the National Registry of Historic Places. No signs or lighting unless it is required by the Aviation Administration. Lewis and Clark County does not have cell tower regulations at this time. Staff recommended approval subject to 10 conditions as outlined in the staff report.

Jeff Sealey stated that subdivisions for rent, lease, or other conveyance are a temporary division. They do not create a permanent lot.

Michael Strand, technical advisor/attorney for the applicant, stated that the applicant was agreeable to all of the conditions in the staff report. Threshold for a red light would be 200 feet, but not required by the FAA. Co-locating with AllTel was reviewed.

No public comment was received.

Commissioner Murray moved to render a final decision Thursday, January 29, at the regularly scheduled public meeting. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Proposed Minor Subdivision to be Known as Bickel 2 Minor Subdivision. (Applicant: Donald J. Bickel) (Planner, Frank Rives) The Commissioners will consider the proposal to create an additional space for rent, lease or other conveyance to allow a second dwelling on the lot. The property is generally located north of and adjacent to D Street and west of and adjacent to Eighth Avenue, in the townsite of Lincoln, MT.

The applicant was present and indicated his willingness to proceed.

Frank Rives presented the staff report. The language for condition 6 has been corrected and some recommendations for approval were made. In December 2008, the commission voted to deny the subdivision but approved the 3 variances. Mr. Bickel resubmitted a subdivision application on December 16 for rent, lease, or other conveyance. Mr. Bickel requested a second development right on the lot for a mobile home and would be connected to the Lincoln sewer system and utilities. If the preliminary subdivision application is denied, Mr. Bickel would be required to remove the mobile home from the property in order to comply with county subdivision regulations. Three variances were requested, (1) for minimal right away; (2) for improved surface -paved road design standard; and (3) for new structures within the 100 year floodplain. An RID was created in 2004 and the roads were given an asphalt overlay and chip seal, but the roads were not widened to the 24 foot width standard. Staff recommended that the subdivision be approved subject to the 11 conditions of approval as outlined in the staff report.

Don Bickel, 250 8th Avenue, Lincoln. Mr. Bickel confirmed that the electric boxes were above the 24 inch base floodplain. The trailer is below the 24 inch mark and agreed to elevate the floor.

No public comments were received.

Commissioner Brown moved to incorporate the staff memo regarding the amendment of condition #6. Commissioner Murray seconded the motion. The motion carried 3-0.

Variance #1. Commissioner Murray moved approval of a variance on the minimal right of way. Commissioner Brown seconded the motion. The motion carried 3-0.

Variance #2. Commissioner Murray moved approval of a variance on the road width. Commissioner Brown seconded the motion. Commissioner Murray stated that when the county commission approved the RID for Lincoln city streets, we elected to chip the streets to the width they were rather than bring them to county standards, so a variance was granted city wide. The motion carried 3-0.

Variance #3. Commissioner Murray moved approval of a variance allowing a new structure in a 100 floodplain. Commissioner Brown seconded the motion. The motion carried 3-0.

Commissioner Brown moved approval of the subdivision subject to the conditions of approval as amended. Commissioner Murray seconded the motion. The motion carried 3-0.

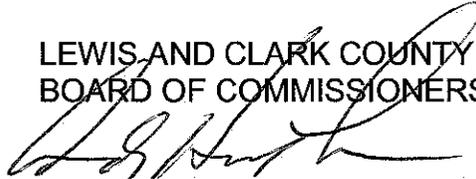
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Jeff Driessen, 273 North Hill Road, presented ideas to resolve ground water septic issues. The Commission invited him to present his ideas to the City County Board of Health.

A second concern regarding the process for applications for a contract and encroachment agreements was discussed. Deputy County Attorney Jeff Sealey asked the Commission to make a formal request to the County Attorney's Office for a legal opinion on the county's authority. The Commission would submit a formal request.

There was no other business and the meeting adjourned at 10:14 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



Michael A. Murray

Derek Brown

ATTEST:



Paulette DeHart, Clerk of the Board