

JUNE, 1985

THURSDAY, JUNE 20, 1985

The Board of County Commissioners met with Representative Ed Grady and Representative Gene Donaldson on the I-15 Exchange. Commissioners Campbell and Stoll-Anderson were featured on the KBLB morning talk show. Commissioner Campbell went to Butte for a CETA-CEP meeting. Commissioner Decker attended the Boyd Andrew monthly meeting. Jim and Linda attended a Building Board meeting in the afternoon and the Board met with the Airport Board to discuss the budget. Jim and Linda attended a Scratchgravel Board meeting in the evening.

FRIDAY, JUNE 21, 1985

Commissioner Stoll-Anderson attended a Resource Conservation Advisory Council meeting at Fairmont Hot Springs to discuss Lewis and Clark County's grant proposal on voluntary agricultural lands.

June 24, 1985 -- June 28, 1985

MONDAY, JUNE 24, 1985

The Commission held regularly scheduled weekly meetings with staff and met with John Peterson, Bob Hanson, Peter Funk, Sue Bartlett, and Ed Blackman to discuss the Colorado Gulch RSID petition. The Board held preliminary budget meetings with Carol Bissonette and Ed Blackman in the afternoon. MEETING IN REGULAR SESSION AT 2:10 PM IN THEIR CITY-COUNTY BUILDING OFFICE, WITH COMMISSIONERS DECKER, STOLL-ANDERSON AND CAMPBELL PRESENT, LINDA MOVED AND JIM SECONDED A MOTION TO APPOINT OITZINGER AND MULLENDORE & MARTIN AS BOND COUNSEL OF RECORD FOR THE JAIL AND COONEY REFUNDING BOND. MOTION PASSED 3-0.

TUESDAY, JUNE 25, 1985

The weekly public meeting was opened by Chairman Bob Decker, with commissioners Linda Stoll-Anderson and Jim Campbell, and clerk and recorder Sue Bartlett, also present. The meeting began at a special session at 8:30 AM to complete the Prickly Pear Subdivision request. The meeting was regarding the right of way issue from Wylie and Canyon Ferry Roads corner lot. Bob stated that there was a 1' long access easement adjacent to Canyon Ferry Road for the entire length of the subdivision, on the plat, and that easement was an error. He said that what the developer was asking for does conform to Resolution 1985-22, meeting the access criteria and he recommended approval as proposed by the developer. Linda was concerned about so many accesses onto Canyon Ferry Road from a small area. Bob Hanson stated that what the developer proposed does meet the criteria, but suggested a STOP sign at the intersection at the access point onto Canyon Ferry Road. Kathy Macefield said that the STOP sign was included in the Conditions for Approval. LINDA MOVED THAT THE COMMISSION APPROVE PRICKLY PEAR ESTATES WITH THE FOLLOWING CONDITIONS:

1. Utility Easements.

A. For the benefit of property owners in the subdivision, a 10' utility easement shall be granted along all rear lot lines, and a 7.5' utility easement shall be granted along all side lot lines for electric, gas, telephone, and cable television. Said easements shall be reserved in the restrictive covenants and shall be noted on the face of the final plat.

B. The existing 100' wide Montana Power Co. utility easement, for the transmission lines (100 kv) which crosses through portions of Lots 3, 4, and 13, shall be described in the restrictive covenants and shall be noted on the face of the final plat.

2. Restrictive Covenants. The applicant shall impose on the property an irrevocable restrictive covenant, binding himself, his heirs, successors and assigns, and all future owners of property within the subdivision, and agreeing therein to hold Lewis and Clark County harmless and indemnify Lewis and Clark County from all claims, demands, obligations, suits, causes of action, damages, and liability, including the county's costs and attorney's fees, arising in any manner whatsoever out of, or relating to, the existence, use, operation, repair, and/or maintenance of the irrigation ditch.

A. 100 kv power transmission line;

B. Irrigation ditch;

C. Water quality;

D. Floodplain

E. Water level and/or quality in the wells located on adjoining and/or nearby properties;

F. Variance for the road width requirements.

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3. Road Requirements.

A. Roads and cul-de-sacs shall be constructed according to county road specifications (as stated in Lewis and Clark County "Specifications for County Roads", January, 1983, prepared by Robert Peccia & Assoc.). Applicant shall be granted a variance for road width to install 24' wide roads having a 60' right of way.

B. For Phase I, Applicant shall construct and install Dusty Maiden Road and Ell Drive (adjacent to Lots 21, 22, 23, and 24) as a 24' wide roads, having a 60' right of way. Ell Drive shall be paved (chip and seal) within one year, or a Performance Bond, letter of credit or other suitable guarantee (to assure the chip and seal of Ell Drive) shall be provided prior to filing of the final plat. Ell Drive shall be chip and sealed before it shall be used for traffic purposes. Dusty Maiden Road shall be gravelled, and a reflectorized barricade shall be located at the north end of Phase I.

C. For Phase II, Applicant shall construct and install the north extension of Dusty Maiden Road (to Lupine Court) and Paintbrush Drive (west to Bistort Court) as 24' wide paved (chip and seal) roads, having 60' rights of way. Dusty Maiden Road shall be paved (chip and seal) south to Canyon Ferry Road.

D. For Phase III, Applicant shall construct and install the west extension of Paintbrush Drive (west and north to Lewisea Court) Ell Drive (beginning at the cul-de-sac previously constructed for Phase I and extending eastward to Camas Road), and Camas Road as 24' wide paved roads, having a 60' right of way, and gravelled cul-de-sacs at the north ends of Phase III.

E. That the applicant be given a waiver and a variance from the paving requirements for the following roads and cul-de-sacs:

1. Phase I: Ivesia Court and Hollygrape Court
2. Phase II: Coralroot Court and Bistort Court
3. Phase III: Lupine Court and Lewisea Court

The above gravelled roads and cul-de-sacs shall be dust sealed with maintenance application intervals to be determined by the county surveyor.

F. The internal roads shall be named according to county road specifications for naming local streets. Applicant shall provide a street identification sign at all intersections, and a stop sign at that point where Camas Road and Dusty Maiden Road access onto Canyon Ferry Road. A stop sign shall be provided on Lot 22, and at the shared access of Lots 21 and 20, at their intersections with Canyon Ferry Road.

G. Before Camas Road and Dusty Maiden Road are permitted access onto Canyon Ferry Road, the applicant shall apply for an approach permit. In addition, if required by the county surveyor, applicant shall install a culvert at these locations.

H. Shared access from Lots 21 and 20 shall be permitted onto Canyon Ferry Road. Direct access onto Canyon Ferry Road from Lot 19, and from the residential lots fronting on Canyon Ferry Road shall be prohibited, and that prohibition shall be indicated graphically on the face of the final plat and shall be included in the restrictive covenants; such covenant shall be revocable only by consent of the governing body.

4. Stormwater Drainage. Applicant shall submit a stormwater drainage plan according to requirements outlined in County Subdivision Regulations III, Design and Improvement Standards, A. 8. Grading and Drainage. In addition, stormwater drainage facilities shall be constructed to sufficiently retain on-site stormwater drainage in excess of the historical stormwater drainage.

5. Fire Protection

A. For fire protection, applicant shall install a 300-gallon per minute pump, located on Valley Drive. The covenants shall state that the Homeowners Association shall be responsible for the maintenance, repair and utility costs of the fire protection system.

B. An easement shall be provided to the East Valley Volunteer Fire Department to allow access to the pump.

6. Irrigation Ditch

A. The location of the irrigation ditch shall be shown on the final plat. Applicant shall provide a culvert at that intersection of the irrigation ditch and Paintbrush Drive.

B. A restrictive covenant shall provide that no present or future property owner in this subdivision shall perform any act which damages, alters, or destroys the ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance.

7. Maintenance District. Applicant shall petition to the county for the formation of a maintenance district for maintenance, including required dust-seal applications, of the roads. The roadways shall be dedicated to Lewis and Clark County, and the applicant shall install the internal road, street identification signs, "no parking" signs, and stop signs.

8. An incorporated Homeowners Association shall be created and shall be responsible for the maintenance and repair of: fire protection system, and parkland, and providing for mandatory assessments for such purposes. The open space/parkland shall be dedicated to the Homeowners Association. Copies of the Articles of Incorporation of the Homeowners Association and Bylaws, showing the establishment of the same and maintenance and repair responsibility, shall be submitted to the county attorney for review prior to final subdivision approval.

9. A statement that those commercial lots that are located within the floodplain shall be so noted on the final plat. The restrictive covenants shall require that before any construction is permitted on those lots identified to be located within the floodplain, any and all necessary permits shall be obtained from the County Floodplain Administrator.

10. All of the following shall be installed before the filing of the final plat:

- A. Interior roads, and the street identification signs, "No Parking" signs, and stop signs;
- B. Fire protection system;
- C. Any necessary drainage improvements, including culverts.

If the final plat is to be filed in phases, then all of those improvements relating to the respective phase being filed shall be installed.

11. Drainfield locations, and their easements, shall be shown on the plats as designated by the covenants.

12. The applicant shall impose on the property irrevocable restrictive covenants binding himself, his heirs, successors and assigns, and all future owners of any part of the subdivision, with the following conditions:

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- A. The following notice shall be noted on the face of the final plat: "Wells in the area of this subdivision may be subject to contamination from petroleum products in the groundwater. Potential purchasers of property described hereon should consult with the Water Quality Bureau of the Montana State Department of Health and Environmental Sciences and refer to the Certificate of Subdivision plat approval for this subdivision and should refer to the restrictive covenants for further information regarding this potential problem and measures which might provide protection.
  - B. Agreeing to hold Lewis and Clark County harmless and indemnify Lewis and Clark County from all claims, demands, obligations, suits, causes of action, damages, and liability, including the county's costs and attorney fees rising in any manner whatsoever out of, or pertaining to, the construction of any present or future wells upon the property or any violation of the foregoing notice and construction standards and any actual or alleged well pollution problems.
  - C. The developer shall either complete the well on each lot prior to the sale of the lot or guarantee it to be pollution free. The developer shall impose restrictive covenants upon the property requiring in such covenants that the developer shall be responsible for all well construction in accordance with the Montana Department of Health and Environmental Sciences.
13. Book and page reference to the Restrictive Covenants shall be indicated on the face of the final plat.
  14. Applicant shall submit a sediment and erosion control plan for approval by the County Conservation District.
  15. The open space/parkland/common areas shall be dedicated to the Homeowners Association for perpetual use for parks.
  16. The developer shall have the right to file the subdivision in the following phases:
    - Phase I Residential -- Residential Lots 1-18
    - Phase I Commercial -- Commercial Lots 21, 22, 23, 24
    - Phase II Residential -- Residential Lots 29-46
    - Phase III Residential -- Residential Lots 47-65
    - Phase III Commercial -- Commercial Lots 19, 20, 25, 26, 27, 28

JIM SECONDED THE MOTION. PASSED 3-0.

The second item discussed which was not on the agenda was a request from Joan Ashley of the Cooney Home regarding the 15 bed expansion to the 60 bed home. The occupancy rate has been 100% with 25-35 people on a waiting list. There is a shortage of nursing home beds in the county. The expansion has the support of St. Peter's Hospital and the community. Joan read a letter received from Mike Malman of the Helena Nursing Home explaining why he agrees that Cooney should be expanded. She also discussed the financial aspects of the expansion, saying that Cooney would have a better chance to remain self-supporting with the 15 additional beds. Public comment will be heard at the end of this meeting, because this item was not on the regular agenda.

1. Road and Bridge Priorities. Bob Hanson explained that the road and bridge priorities for this fiscal year had been published in the local paper. He listed Lincoln Street, Hoge Subdivision, Kenwood area and York and Canyon Ferry Roads as county roads that were to be done due to prior commitments. He listed roads that had serious problems and discussed dust problems on many non-surfaced roads which were scheduled for some kind of dust abatement and base stabilization. Several people spoke regarding the Marysville Road. Bob said that the budget made spending money on Marysville Road prohibitive at the present time and that he felt that the gravel road was in excellent condition, but that the rocks along the side of the road would have to be removed. Kay Fred said that the Marysville Road was washing out and that what was needed was an adequate ditch to keep the water off of the road. Bob Decker said that the county didn't have the money to spend on the road where the winter traffic did not get high enough to warrant paving. When Earl Wahlfrom brought up the new culvert that was promised at Canyon Creek where Prickly Pear crosses, Bob Decker said that the commission had agreed to that project. Bob Hanson said that he felt that he felt there was nothing wrong with the two culverts there presently, except that there was a maintenance problem. Bob Decker stated that the commission had agreed to do the work because they felt it was a county responsibility and that he was under the impression that the Board of County Commissioners has the authority to set the budget and establish the road and bridge priorities, where Bob Hanson said he thought that the authority belonged with the county surveyor. Linda stated that they received a letter from the county attorney, which stated that since this project would cost \$6,000, it would be considered a broad policy decision, which may be made by the Board of County Commissioners. Bob Hanson held that it was a private responsibility.

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When Mr. Hanson said that he would not do the project unless ordered by the court, Linda said that the commission would have no recourse but to contract the work out. Jim said that these sites were to be inspected this date by the commission. He suggested tabling the priorities until after the inspection and then make decisions. Bob Decker said that the priorities would be publically adopted next week.

2. Riddock Subdivision. Bob said that this was to hear protests regarding a proposed RSID for the Riddock Subdivision involving 24' of chip and seal and 8' of dust abatement on each side of the chip and seal. The estimated cost for this project is \$10,246. The cost for the project is to be paid by the district. The cost would be \$569 per lot over a 2 year period. When asked for proponents and/or opponents, Linda said that one written protest had been received. With only one protest, it is assumed that the remaining property owners are in support of the project. Bob Hanson said that the work would be done this fiscal year as soon as the district is created. JIM MOVED AND LINDA SECONDED A MOTION TO ADOPT A RESOLUTION CREATING RSID 1985-1, RIDDOCK SUBDIVISION. MOTION PASSED 3-0.

3. Green Meadow Drive. Bob explained that, per a recommendation from the State Highway Department, they were to lower the speed limit on Green Meadow Drive from Custer Ave. to a point 2100' north, from 55 MPH to 45 MPH. LINDA MOVED TO ADOPT THE HIGHWAY DEPARTMENT'S RECOMMENDATION TO DECREASE THE SPEED LIMIT ON GREEN MEADOW DRIVE FROM CUSTER AVE. TO A POINT 2100' NORTH, FROM 55 MPH TO 45 MPH. JIM SECONDED. MOTION PASSED 3-0.

4. Establishment of Fire Season. Bob Decker said that the county fire department personnel, represented by Rick Grady, Chairman of the Rural Fire Council, requested the commission to create a fire season which would require all persons wishing to start a controlled fire to notify the State Lands Fire Chief to obtain a permit. The season would end September 30, 1985. Rick said that people are starting fires, and that, due to the drought, these fires become uncontrolled. This would prevent fires from spreading. Mr. Spurgeon said that there would be no cost to the county or the volunteer fire departments and that it would save money for all. The office would have an answering service during the season, and permits could be issued at almost any time, even by just calling the office. The Fire Council would take care of notifying the public as to the necessity of obtaining a permit and how to. LINDA MOVED TO ESTABLISH A 1985 FIRE SEASON EFFECTIVE IMMEDIATELY AND ENDING SEPTEMBER 30, 1985. JIM SECONDED. MOTION PASSED 3-0.

Several people spoke in favor of expanding the Cooney Home by 15 beds. Linda suggested holding an advertised public meeting to hear testimony and to make a decision at that time. Jim suggested a workshop be held to discuss finances and future plans regarding the Cooney Home. Bob asked for a five-year population history of the Cooney Home and for a copy of the comments made by Joan Ashley. Meeting adjourned.

Bob and Linda attended a luncheon meeting with the Chamber of Commerce Transportation Committee to discuss the Transportation Coordinating Committee's recommendation on the I-15 interchange. The Board and Bob Hanson conducted a road priorities tour in the afternoon.

WEDNESDAY, JUNE 26, 1985

The Board met with Paul Spengler, Tim McCauley, and Homer Young on the budget for the Belmont Tower System. The commission held preliminary budget meetings with Ed Blackman and Carol Bissonette the remainder of the day.