

PUBLIC MEETING**TUESDAY THE 7th DAY OF JANUARY, 1997**

The meeting was called to order by Chairman Phil Olson at 1:32 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

DECEMBER 30, 1996

- Commissioners had their regular weekly meeting with office staff to discuss pending administrative matters.
- Commissioners Olson and Jelinski held their regular monthly meeting with Fiscal Officer Ed Blackman.
- Commissioners Olson and Jelinski met with the Fire Council Burn Permit Committee regarding burning permits.

DECEMBER 31, 1996

- Commissioners conducted the weekly public meeting.

JANUARY 1, 1997

- County Offices were closed in observance of New Year's Day.

JANUARY 2, 1997

- Commissioners had their regular monthly meeting with Road and Bridge Supervisor Sam Gianfrancisco, Ken Hellwinkle, and Dave Fowler.

JANUARY 3, 1997

- Commissioners met with Judge Olson and Judge-Elect Salvagni regarding facilities and departmental needs.
- Commissioners conducted regular business.
- Received A101's in the amount of \$41,323.86.

Randy Johnson, Senior Planner, reported that Doris Chaloux has claimed the gift or sale to an immediate family member exemption to transfer a parcel of land to her husband, William Riedman. The applicant's property consists of an existing 22.25 acre parcel. Tract 8A-2, is a 10 acre parcel proposed to be transferred to Mr. Riedman. Tract 8A-1 will remain as the applicant's property and residence. The property under review is within the Hyalite Zoning District, and complies with the District regulations. On October 10, 1996, the applicant received approval from the Hyalite Planning and Zoning Commission to change the zoning of the property from R-5 to R-10. In the zone change application, the applicant stated that there is a need for rural, single family residential building sites, and that the public interest will be served by providing a potential homesite that conforms with the surrounding land use without taking additional land out of agricultural production. Mrs. Chaloux's occupation is a student and homemaker, as stated in the exemption application. Staff report indicates that based on the information submitted, the Commission needs to determine if this application is a proper use of the family transfer exemption.

Commissioner Jelinski questioned Mr. Johnson regarding history of the property. Commissioner Murdock questioned if there is a for sale sign on the property. Mr. Johnson stated not as of 11:30 P.M. today.

Ray Center, surveyor, presented the Commission with an affidavit from the applicant, gave some history of the ownership of the property and circumstances regarding the application. Robyn Erlenbush, broker/owner ERA Landmark Real Estate, spoke regarding the application.

Commissioner Murdock questioned Mrs. Erlenbush if this property be put of for sale? Robyn stated that to the best of her knowledge, no.

There was no public comment.

2 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

During board discussion Commissioner Jelinski stated, feeling reassured having an affidavit sworn under oath, and given the history of the tract and the nature of the applicants business, this exemption is not being done with the purpose to evade the subdivision law. Commissioner Murdock concurred.

Finding that this is a proper use the family transfer exemption, motion by Bill Murdock to grant the exemption to Doris Chaloux as requested. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting recessed at 2:01 P.M. to check quarterly securities.

The following are quarterly securities submitted by the County Treasurer for the quarter ended SEPTEMBER 30, 1996.

\$36,771,906.56 is on deposit in various banks in bonds and interest money.

<u>FIRST BANK OF BOZEMAN</u>	<u>CREDIT BALANCE</u>
CHECKING	\$1,000.00

<u>NORWEST BANK</u>	
712386	4,610,606.58
20491	(0.76)
315503	2,093.59

<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
FNMA 338315	31375LYL3	03/01/26	4,100,000.00
FNMA 190048	31368HBR3	10/01/23	1,749,000.00

<u>AMERICAN BANK</u>	
CHECKING	81,981.24

<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
US TREASURY NOTE 8½	912827UWO	05/15/97	100,000.00
US TREASURY NOTE 8½	912827ZB1	07/15/97	100,000.00

<u>VALLEY BANK OF BELGRADE</u>	
CHECKING	12,946.57

<u>MANHATTAN STATE BANK</u>	
CHECKING	12,998.15

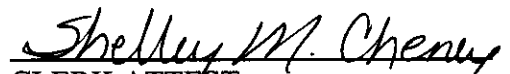
<u>SECURITY BANK OF THREE FORKS</u>	
CHECKING	6,362.79

<u>FIRST SECURITY BANK OF WEST YELLOWSTONE</u>	
CHECKING	7,704.40

<u>BIG SKY WESTERN BANK</u>	(11,360.30)
<u>FISCAL AGENT BANKS</u>	5,100.00

Cash & Checks in Office	118,684.38
County Investments	<u>31,923,789.92</u>
TOTAL CASH ON HAND	\$ 36,771,906.56


 CHAIRMAN APPROVAL


 CLERK ATTEST

PUBLIC MEETING**TUESDAY THE 14TH DAY OF JANUARY, 1997**

The meeting was called to order by Chairman Phil Olson at 1:38 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

 Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JANUARY 6, 1997

- Commissioners attended the swearing-in ceremony of District Judge Mike Salvagni, Clerk of District Court Lorraine Van Ausdol, and Commissioner William A. Murdock.
- Commissioners held a special public meeting, at which they accepted the resignation of former County Attorney Mike Salvagni and appointed Marty Lambert as the new County Attorney, until the next general election in November 1998.
- Commissioners attended a luncheon in honor of District Judge Mike Salvagni.
- The Commissioners conducted their annual organizational meeting. Bill Murdock moved to nominate Phil Olson as Chairman for 1997; Jane Jelinski seconded the motion; and the motion was carried unanimously.
- The following Commissioner board appointments for 1997 were made as follows:
 - Commissioner Olson** - Southwest Regional Juvenile Detention Committee, Gallatin Development Corporation Board, Bridger Ridge Radio Users Association, Eaglehead Radio Users Association, High Flat Communications Users Association, Gallatin County Weed Board, Landfill #1 Advisory Board and West Yellowstone/Hebgen Basin Refuse District #2 Board.
 - Commissioner Jelinski** - 911 Administrative Board, Bozeman City/County Board of Health, Logan Landfill Advisory Board (Board of Health Representative), West Yellowstone Refuse District No. 2 (Board of Health Representative).
 - Commissioner Murdock** - Big Sky Resort Tax Advisory Board, Mental Health Advisory Board, Victim/Witness Program Advisory Board, Extension Advisory board, Gallatin County Fair Board, Transportation Coordination Committee.
- The following board appointments were made unanimously by the Commissioners:
 - Michele Corriel reappointed to the Belgrade City/County Planning Board.
 - Joan Ryshavy appointed to the Belgrade City/County Planning Board.
 - Katie Cady appointed to the Fort Ellis Fire Service Area Board.
 - Jim Kurk appointed to the Fort Ellis Fire Service Area Board. (Commissioner Jelinski voted nay on this appointment)
 - Edward L. King appointed to the Logan Landfill Advisory Board.
 - Robert A. Marshall reappointed to the Logan Landfill Advisory Board.
 - Richard Schendel appointed to the Fairview Cemetery Board.
 - Eileen Baker and Jerry Hammer appointed to the Manhattan City/County Planning Board.
 - Martin Douma reappointed to the Meadow View Cemetery Board.
 - Kathryn Tanner reappointed to the Tax Appeal Board.
 - Robert Nowierski and Leo Schlenker reappointed to the County Weed Board.
- Commissioner Murdock attended the regular Fair Board meeting.

JANUARY 7, 1997

- Commissioners held a regular bi-monthly meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, and Deputy County Attorney Gerry Higgins.
- Commissioner Olson was a speaker at the annual Beef Producers luncheon.
- Commissioners conducted the weekly public meeting.
- Commissioners met with Facilities Director Bob Isdahl regarding maintenance issues, and the district judges' request for courtroom and office modifications.
- Commissioners met with Personnel Director Kathy Nowierski regarding personnel matters.

JANUARY 8, 1997

- Commissioner Olson attended the regular meeting of the Southwest Counties Recycle group.

4 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Jelinski and Murdock met with George Reich of the Rural Fire Council, Diana Martin of the Department of State Lands, Brian Connelly of the Belgrade Rural Fire District, and Mike Wachter of the Reese Creek Fire Service Area regarding wildland protection.
- Commissioners attended a regular monthly meeting of the Gallatin Council of Governments, in Belgrade.

JANUARY 9, 1997

- Commissioners attended a regular zoning hearing.
- Commissioner Olson attended the regular monthly meeting of the County Weed Board.
- Commissioners Olson and Jelinski attended a regular meeting of the West Yellowstone/Hebgen Lake Refuse District.

JANUARY 10, 1997

- Commissioners Olson and Murdock traveled to Helena for the Local Government Day.
- Commissioner Jelinski met with Kate Safholm and William Penrod regarding a Rest Home complaint.
- Received Gallatin County New Employee list for December 1996:
 - Brook Logan, 911 Communications Officer, \$10.78/hr., 11/27/96.
 - Troy Conyer, Sheriff-Detention Officer, \$1,392.00/mo., 12/2/96.
 - Travis Swandal, Sheriff - Deputy, \$2,311.97/mo., 12/2/96.
 - Diana Dusek, Resthome - Acitivity Aide, \$6.47/hr., 12/5/96.
 - Sybil Hughes, Resthome - CNA, \$7.33/hr., 12/9/96.
 - Ronald S. Heitz, Fair Groundskeeper, \$6.47/hr., 12/9/96.
 - Larry Watson, Grants Administrator, \$14.53/hr., 12/9/96.
 - Cliff Abraham, Fair Groundskeeper II, \$1,875.72/mo., 12/9/96.
 - Mark O'Brien, Resthome - CNA, \$7.33, 12/10/96.
 - Patrick McLaughlin, Sheriff - Detention Officer, \$1,392.00/mo., 12/15/96.
 - Stephanie Santala, Resthome - CNA, \$7.33/hr., 12/18/96.
- Received Gallatin County Terminated Employee list for December 1996:
 - Judy Fuller, Temp-District Court I, 9/1/96.
 - Marla Goodman, Resthome, 12/3/96.
 - Donna Morgan, Temp-Study Commission, 12/6/96.
 - Jennifer Roberts, Detention Center, 12/11/96.
 - Christine Stark, Detention Center, 12/17/96.

The following items were on the consent agenda:

Approval of the final minutes of December 17, 1996 as written.

Carol Chambers and Charles Brodie have claimed the relocation of common boundary exemption to relocate the boundary of their tracts of land. The reason for the request is to create a better layout for the two tracts. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Leslie D. Essex has claimed the family transfer exemption to create one 5.2 acre parcel to be transferred to James A. Essex, his son. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock.. None voting nay. Motion carried.

Commissioner Olson opened the continuation of a public hearing to create a County Park District in the Big Sky area of Gallatin County. The following people spoke in opposition stating concerns of the boundaries and the proposed millage: Wesley Dunham, Glen Crane, Becke Pape, Jerry Pape, Betsey French, Beth Cox, Julia Page, Harry Ring, Peggy Ring, Kevin Kelleher, and Jerry Pape, Jr. The following people spoke in support: Eric Ossorio, William Mellen, Bob Donovan. Commissioner Olson entered the following letters received in opposition into the record: Maurice and Jane Casey, Daniel Pluth, Dave House, Thomas J. Smrekar, Ann I. McCarver, Marty Pavelich, Catherine & Walter Ainsworth, Larry Buralow, Ian Coxworth, Harvey J. Shein, Alex & Peggy Bert, Susan B. Jenkinson, Raymond J. Madsen, John C. Malpeli, Jr., Lynne Malpeli, Diane Button, and Chris Galovich. Becke Pape during testimony submitted a letter from the Gallatin Canyon Landowners Association.

During board discussion the Commission concurred that they would all like to see a park district created in this area, but stated concern that the boundaries are very flawed and to levy at tax of up to 10 mills not feasible. Motion by Jane Jelinski to deny the petition for the creation of a park district in the Big Sky area of Gallatin County as presented. Seconded by Bill Murdock. None voting nay. Motion carried.

Commissioner Murdock read Resolution No. 1997-2, which is a resolution of intention to create a park district in Big Sky. Commissioner Murdock stated this proposed district boundary is different from the one presented by the petitioners and presented the map to the public. Also the maximum property tax mill may be 1 mill. Motion by Bill Murdock to adopt Resolution No. 1997-2. Seconded by Jane Jelinski. None voting nay. Motion carried. Commissioners set the public hearing date for March of 1997.

Shelley M. Cheney, Clerk & Recorder, stated that the Commission received a petition to abandon a cul-de-sac at the end of Orville Way in the Gardner-Simmental Plaza Subdivision. Ms. Cheney stated that the on December 12, 1996 the viewing committee, viewed this road and read the viewing report into the record. Ms. Cheney also stated letters regarding this abandonment were received from Tom Millison, Chuck Wynn, Daniel Lewis, Bill Slaughter, Tom Kingma. There was no public comment.

Finding that there will be no detriment to the public health, safety and welfare, motion by Jane Jelinski to grant the abandonment of a cul-de-sac at the end of Orville Way in Gardner-Simmental Plaza Subdivision. Seconded by Bill Murdock. None voting nay. Motion carried.

Diana Martin, representative from the Department of State Lands, presented the Commissioner with the proposed revisions to the Burn Permit Policy.

There was no public comment. During board discussion the Commission discussed the possibility of this new policy would impose any additional burden on the farm or ranch community when they do their burning and how this policy with help lift a burden on the volunteer Fire Department to issue these burning permits.

Motion by Jane Jelinski to adopt the proposed revisions to the Gallatin County Burn Permit Policy and make copies available to the public and all other entities involved. Seconded by Bill Murdock. None voting nay. Motion carried.

Larry Watson, Grant Administrator, spoke regarding the Community Transportation Enhancement Program (CTEP) grant application in the amount of \$325,000.00 for Courthouse renovation and exterior improvements. Mr. Watson stated that this is a cost reimbursement program not a grant in which the County will match funds which will come from PILT. There was no public comment.

Motion by Jane Jelinski to approve the CTEP grant application for the renovation and exterior improvements to the Gallatin County Courthouse. Seconded by Bill Murdock. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, presented the Commission with a Subordination Agreement to extend the inbedtedness of a loan to Life-Link CDBG. There was no public comment. Motion by Bill Murdock to approve the subordination agreement for Life-Link International. Seconded by Jane Jelinski. None voting Nay. Motion carried.

Ed Blackman, Fiscal Officer, presented the Commission with a proposal for a 5 year lease the southerly 3,800 square feet of the Planalp Building located at 237 West Main, Bozeman, Montana. Mr. Blackman stated that negotiations for this lease were started approximately 4 months agot and Deputy County Attorney has prepared a Notice of Option to Purchase for the Planalp's to sign to secure a right of first refusal for the County.

Commissioner Murdock stated that he is a partner in a property with Mr. Planalp and will reclude himself from this item due to a conflict of interest.

Mr. Blackman stated that this building will be used to free up space for renovation of the Courthouse and the Office of Public Assistance will move over there. There was no public comment.

Motion by Jane Jelinski to enter into the lease with Robert Planalp. Seconded by Phil Olson. Jane Jelinski and Phil Olson voting aye. Bill Murdock abstained. Motion carried.

There being no further business the meeting adjourned at 3:30 P.M.


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 There being no further business the meeting adjourned at 3:30 P.M.


 CHAIRMAN APPROVAL


 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 21st DAY OF JANUARY, 1997

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Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

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The following proceedings were had to wit:

JANUARY 13, 1997

- Commissioners met with office staff to discuss pending administrative matters.
- Commissioners had their regular bi-monthly meeting with Extension Agents Todd Kesner and Ron Carlstrom.
- Commissioners met with Bill Baldus and Diane Steffan of the Data Processing Department to discuss the telepsychiatry video teleconferencing system at the Law and Justice Center.
- Commissioners met with the following people to discuss the Greater Yellowstone Coalition GIS proposal: Data Processing Supervisor Bill Baldus, Clerk and Recorder Shelley Cheney; and Jackie Magnat, GIAC, MSU.

JANUARY 14, 1997

- Commissioner Jelinski met with County Treasurer Stan Hughes and Garth Sime regarding a conditional use permit for the 360 Ranch.
- Commissioners met with the following members of the County Finance Committee to discuss monthly closing, finance systems, and conversion process: Stan Hughes and Jeff Krauss of the Treasurer's Office; Superintendent of Schools Jill Richards and her assistant, Linda Skelton; County Auditor Joyce Schmidt and Deputy Auditor Kim Buchanan; Clerk and Recorder's Office Accountant Susan Lang; Clerk and Recorder Shelley Cheney; Bill Baldus and Diane Steffen of the Data Processing Department; and County Fiscal Officer Ed Blackman.
- Commissioners met with Bozeman City/County Planning Director Andy Epple, County Planning Director Dale Beland, and Deputy County Attorney Susan Swimley regarding legal requirements for common boundary exemptions.
- Gallatin County Zoning Commissioners met with County Planning Director Dale Beland to discuss staff reports.
- Commissioners met with Clerk and Recorder Shelley Cheney regarding census data which has been requested by the U.S. Department of Commerce, regarding the year 2000.
- Commissioners met with County Road and Bridge Supervisor Sam Gianfrancisco regarding Oak Street and West Babcock.
- Commissioners conducted the weekly public meeting.
- Commissioners Jelinski and Murdock attended a regular meeting of the Bozeman City/County Planning Board.

JANUARY 15, 1997

- Commissioners attended the monthly Bozeman Interagency meeting with City Manager Jim Wysocki, and other City staff members, at the Baxter Hotel.
- Commissioners had their regular monthly meeting with County department heads and elected officials.
- Commissioners Olson and Murdock had their regular monthly meeting with Sheriff Bill Slaughter.
- Commissioner Jelinski met with the following people to discuss a complaint regarding the county Rest Home: County Rest Home Director Connie Wagner; Director of Nursing Services Pat Larmer; County Attorney Marty Lambert; Deputy County Attorney Susan Swimley; and Personnel Officer Kathy Nowierski.
- Commissioner Murdock attended a regular monthly meeting of the Gallatin Development Corporation.
- Commissioners Murdock and Jane Jelinski attended a meeting, along with representatives from other governmental agencies, at the Natural Resource Conservation District regarding priorities for the NRCS in the coming year.
- Commissioners Jelinski and Olson both made presentations at a meeting of the Rural Planning Council at the Holiday Inn.

JANUARY 16, 1997

- Commissioners Olson and Murdock met with the following people to discuss juvenile detention needs in Gallatin and Jefferson Counties: District Judge Mike Salvagni, County Attorney Marty Lambert, Gallatin County Youth Probation Officer Dave Gates; and Jefferson County Commissioners Sam Sampson and Glenna Obie.
- Commissioners Jelinski and Murdock attended the "Quantum Leap" luncheon, sponsored by the Bozeman Area Chamber of Commerce.

10 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioners met with the following people to discuss the use of public wastewater treatment systems in subdivision: Environmental Health Director David Plueddemann; Environmental Health Specialist Tim Roark; Planning Director Dale Beland; County Health Officer Jackie Stonnell; Deputy County Attorneys Susan Swimley and Gerry Higgins; and County Attorney Marty Lambert.
- Commissioners met with Sheriff Slaughter, Undersheriff Red Wilson, Captain Don Houghton, and Kathy Nowierski, Personnel Officer, regarding a personnel matter.
- Commissioners met with County Planning Director Dale Beland, Deputy County Attorney Susan Swimley, Road and Bridge Superintendent Sam Gianfrancisco, and Chief Deputy Clerk and Recorder Eric Semerad regarding requirements for final plat approval.

JANUARY 17, 1997

- Commissioners Jelinski and Olson, along with Communications Services Director Mike Brown, attended a hearing before the House Taxation Committee in Helena, to discuss HB210, regarding funding for 911 services in counties across the state.
- Commissioner Murdock met with Three Forks Mayor Gene Townsend to discuss Commissioner matters pertaining to Three Forks.
- Commissioner Murdock met with Fiscal Officer Ed Blackman and Executive Secretary Pat Lewis to discuss tracking of legislation during the 1997 State Legislative session.
- Received A101's totaling \$6,200.95.
- Approved payment of \$379,131.49 for claims as of January 17, 1997.

The following items were on the consent agenda:

Alvin J. Goldenstein has claimed the gift or sale to an immediate family member exemption to transfer a parcel of land to his wife Georgia Goldenstein. the property is zoned A-S "Agriculture Suburban" which requires a 20-acre minimum lot size and allows only one dwelling unit per lot. Staff report indicates that based on staff review of the application, it appears that this application is a proper use of the exemption.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Jason Karp, Belgrade City/County Planner, reported that Rocky Mountain Engineers is requesting to amend the preliminary plat for the Belgrade Commercial Park Subdivision, a 27 lots subdivision located west of Belgrade at the corner of Highway 10 and Collins Road. The Gallatin County Commission granted preliminary plat approval at their December 3, 1996 public hearing subject to 27 conditions. The applicant has decided to submit the subdivision in two phases instead of one phase as originally submitted. Phase one would contain 11 commercial lots a fill site to provide water for fire protection for Phase one and two. Phase two would contain the remaining 16 lots including 8 residential ranchette lots. The roads in Phase one would not be required to be paved until final plat approval of Phase two. The Belgrade City/County Planning Board reviewed the request to amend the preliminary plat and voted at their January 8, 1997 public meeting to recommended that the application be approved. The following conditions will need to be amended or added to reflect the phasing of the project: 11. All interior subdivision roads within Phase I and Phase II shall have 60 foot right-of-ways, be dedicated to the public, and be constructed and paved to County Standards prior to final plat approval of Phase II or a bond shall be posted in the amount equal to 125% of the estimated cost of the paving in accordance with Gallatin County Subdivision Regulations. 25. Residential building sites shall be restricted to within 70 feet of Blackhawk Drive for all residential lots within the subdivision prior to final approval of Phase II. 28. All Phase I roads shall have 60 foot right-of-ways, be dedicated to the public, and be constructed to County gravel standards prior to final plat approval of Phase I with temporary cul-de-sacs constructed to County standards at the north end of Woodbury Avenue and at the northwest end of Lot 4, Block 3, on Red Oak Drive. 29. Both approaches between Sunfield Drive and Highway 10 need to be a minimum of 100 feet from the edge of the pavement of Highway 10 to the edge of the surface of Sunfield Drive.

Ray Center, Rocky Mountain Engineers, stated that the applicant is in agreement with all of the conditions. Russell Estes, applicant spoke regarding the fill site and impact fees that are imposed. There was no public comment.

Motion by Bill Murdock to amend the preliminary plat for the Belgrade Commercial Park Subdivision with the conditions as requested. Seconded by Jane Jelinski. None voting nay. Motion carried.

Lanette Windemaker, Planner, reported that the North Fork Creek Major Subdivision was granted preliminary plat approval by the County Commission on February 2, 1996. North Fork Creek consists of six (6) lots on 109 acres and is located in the Big Sky Meadows area, adjacent to the intersection of Andesite Road and Highway 64 (Big Sky Spur Road). The subdivider has requested that condition no. 3 be amended. The original condition no. 3 reads as follows: The approximately 70 acre parcel shall be

designated as an open space tract on the final plat, and be dedicated to a non-profit nature conservancy organization. The subdivider requests that condition no. 3 be amended to read as follows: The approximately 70 acre parcel shall be designated as an open space tract on the final plat, and the owners may grant it to a non-profit nature conservancy organization if they so wish. The County Commission needs to make the determination as to whether the proposed change to the condition should be approved.

Dennis Foreman, Gaston Engineering, spoke regarding the request. There was no public comment.

Finding that it is the public interest, motion by Jane Jelinski to amend condition no. 3 of preliminary plat approval to read as follows: The approximately 70 acre parcel shall be designated as an open space tract on the final plat, and the owners may grant it to a qualified non-profit conservation organization with a 501 (c) 3 status, in the State of Montana or some other Governmental entity. Seconded Bill Murdock. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, Resolution No. 1997-4, which is a resolution amending the FY 96 budget, as of June 30, 1996, to adjust budget for individual line items within each department and each fund as follows:

FY 96 Budget Adjustments 13 th period					
Account Number	Description	Deficit	Budget	Increase (Decrease) in Budget	Adjusted Budget
Fire Marshal					
1000-200-4204-00-380	Training	(30)	50	30	80
1000-200-4204-10-320	Printing	(10)	1,670	10	1,680
1000-200-4204-10-345	Telephone	(395)	-	400	400
1000-200-4207-00-235	Equipment (not outlay)	-	2,000	(440)	1,560
County Commission					
ok					
1000-201-4101-00-110	Salaries & Wages	(905)	138,484	905	139,389
1000-201-4101-00-190	Other Personal Services	(59)	1,500	59	1,559
1000-201-4101-00-312	Postage	(60)	1,100	60	1,160
1000-201-4101-00-323	Publications/Subscriptions	(112)	850	112	962
1000-201-4101-00-335	Membership Dues	(65)	8,100	65	8,165
1000-201-4101-00-337	Advertising	(100)	1,163	100	1,263
1000-201-4101-00-344	Cellular Phones	(14)	225	14	239
1000-201-4101-00-345	Telephone	(944)	3,700	944	4,644
1000-201-4101-00-360	Repair & Maintenance	(142)	1,400	142	1,542
1000-201-4101-00-370	Travel	(4,279)	6,750	4,279	11,029
1000-201-4101-00-380	Training	(1,261)	1,500	1,261	2,761
1000-201-4101-00-940	Cap. Otly - Machinery	-	3,000	(678)	2,322
1000-201-4101-00-140	Employer Contributions	-	12,167	(27)	12,140
1000-201-4101-00-210	Office Supplies	-	2,300	(544)	1,756
1000-201-4101-00-235	Equipment (not outlay)	-	1,395	(596)	799
1000-201-4101-00-320	Printing	-	400	(226)	174
1000-201-4101-00-513	Liability Insurance	-	2,910	(205)	2,705
1000-900-5101-00-101	Contingency	-	22,000	(5,665)	16,335
Clerk & Recorder:					
ok					
1000-202-4105-50-320	Printing	(94)	1,620	94	1,714
1000-202-4105-50-345	Telephone	(34)	576	34	610
1000-202-4105-50-363	Office Machine Repair	(13)	70	13	83
1000-202-4105-50-370	Travel	(38)	670	38	708
1000-202-4105-50-235	Equipment (not outlay)	-	350	(80)	270
1000-202-4105-50-210	Office Supplies	-	1,200	(99)	1,101
Accounting subtotal					
1000-202-4106-00-210	Office Supplies	(841)	5,103	842	5,945
1000-202-4106-00-312	Postage	-	5,862	(842)	5,020
Elections subtotal					
1000-202-4109-00-312	Postage	(128)	4,800	130	4,930
1000-202-4109-00-345	Telephone	(349)	3,180	350	3,530
1000-202-4109-00-380	Training	(100)	300	100	400
1000-202-4109-00-363	Office Machine Repair	-	5,272	(580)	4,692
Records subtotal					
Treasurer					
ok					
1000-203-4105-40-110	Salaries & Wages	(331)	104,803	332	105,135
1000-203-4105-40-190	Other Personal Services	(478)	-	480	480

12 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

1000-203-4105-40-235	Equipment (not outlay)	(155)	450	155	605	
1000-203-4105-40-312	Postage	(571)	16,000	575	16,575	
1000-203-4105-40-331	Publications	(196)	450	200	650	
1000-203-4105-40-345	Telephone	(77)	2,000	80	2,080	
1000-203-4105-40-513	Insurance	-	4,870	(1,822)	3,048	
	Treasurer's Office subtotal			-		
1000-203-4105-41-210	Office Supplies	(539)	1,800	540	2,340	
1000-203-4105-41-345	Telephone	(52)	2,300	55	2,355	
1000-203-4105-41-366	Building Maintenance	(1,492)	8,233	1,492	9,725	
1000-203-4105-41-110	Salaries	-	149,820	(2,087)	147,733	
	Motor Vehicle subtotal			-		
1000-203-4118-70-210	Office Supplies	(16)	250	20	270	
1000-203-4118-70-344	Cellular Phone	(78)	160	80	240	
1000-203-4118-70-331	Legal Publications	-	1,150	(100)	1,050	
	Delinquent Tax subtotal			-		
Auditor						ok
1000-204-4105-31-380	Training	-	950	(201)	749	
1000-204-4105-31-323	Publications	(201)	400	201	601	
				-		
Data Processing						ok
1000-205-4105-80-235	Equipment (not outlay)	(919)	580	920	1,500	
1000-205-4105-80-330	Subscriptions	(2)	250	5	255	
1000-205-4105-80-363	Machine Repair & Maint.	(62,569)	30,538	62,570	93,108	
1000-205-4105-80-370	Travel	(1,558)	3,000	1,560	4,560	
1000-205-4105-80-947	Capital Outlay	-	28,460	(25,800)	2,660	
1000-205-4105-80-110	Salaries	-	144,748	(17,715)	127,033	
1000-205-4105-80-940	Capital Outlay - Office Mch	-	23,650	(19,040)	4,610	
1000-205-4105-80-339	Software	-	7,180	(2,500)	4,680	
				-		
Sheriff						ok
1000-209-4201-00-111	Non Union Wages	(135)	215,600	135	215,735	
1000-209-4201-00-120	Overtime	(12,276)	43,500	12,276	55,776	
1000-209-4201-00-210	Office Supplies	(405)	7,800	405	8,205	
1000-209-4201-00-220	Operating Supplies	(220)	5,000	220	5,220	
1000-209-4201-00-222	Photo Supplies	(44)	2,000	44	2,044	
1000-209-4201-00-231	Gas & Oil	(4,189)	24,400	4,189	28,589	
1000-209-4201-00-232	Tires	(220)	7,000	220	7,220	
1000-209-4201-00-235	Equipment Not Outlay	(839)	15,900	839	16,739	
1000-209-4201-00-312	Postage	(398)	2,000	398	2,398	
1000-209-4201-00-323	Publications	(55)	300	55	355	
1000-209-4201-00-344	Cellular Phones	(951)	3,216	951	4,167	
1000-209-4201-00-345	Telephone	(620)	12,380	620	13,000	
1000-209-4201-00-350	Professional Services	(1,970)	2,700	1,970	4,670	
1000-209-4201-00-351	Medical Services	(236)	400	236	636	
1000-209-4201-00-360	Repair & Maintenance	(3,254)	30,900	3,254	34,154	
1000-209-4201-00-361	Radio Repair	(459)	4,000	459	4,459	
1000-209-4201-00-363	Office Machine Repair	(992)	2,200	992	3,192	
1000-209-4201-00-370	Travel	(3,705)	7,300	3,705	11,005	
1000-209-4201-00-381	Training Schooling	(1,148)	5,800	1,148	6,948	
1000-209-4201-00-382	Dog Training	(1,077)	1,060	1,077	2,137	
1000-209-4201-00-397	Contracted Services	(2,682)	2,352	2,682	5,034	
1000-209-4201-00-750	Transfer to Other Funds	(17,011)	-	17,011	17,011	
1000-209-4201-00-110	Salaries & Wages	-	810,763	(5,820)	804,943	
1000-209-4201-00-140	Employer Contributions	-	131,390	(2,520)	128,870	
1000-209-4201-00-226	Uniforms	-	17,600	(1,010)	16,590	
1000-209-4201-00-320	Printing	-	1,500	(280)	1,220	
1000-209-4201-00-514	Vehicle Insurance	-	2,512	(1,240)	1,272	
1000-209-4201-00-530	Rent	-	2,300	(710)	1,590	
1000-209-4201-00-732	Crime Prevention	-	700	(375)	325	
1000-209-4201-10-120	Overtime	-	5,000	(3,330)	1,670	
1000-209-4201-10-140	Employer Contributions	-	1,061	(880)	181	
1000-900-5102-00-870	Contingency	-	86,035	(36,721)	49,314	
	Law Enforcement subtotal			-		
Big Sky Law Enforcement						
1000-209-4201-30-110	Salaries	(13,117)	90,871	13,117	103,988	
1000-209-4201-30-120	Overtime	(1,342)	3,300	1,342	4,642	
1000-209-4201-30-140	Employer Contributions	(1,812)	11,688	1,812	13,500	
1000-209-4201-30-232	Tires	(64)	5,000	64	5,064	
1000-209-4201-30-235	Equipment (not Outlay)	(45)	900	45	945	
1000-209-4201-30-345	Telephone	(40)	-	40	40	
1000-209-4201-30-361	Radio Repair	(110)	100	110	210	
1000-209-4201-30-513	Liability Insurance	-	5,000	(525)	4,475	
1000-209-4201-30-530	Rent	-	3,000	(400)	2,600	

1000-209-4201-30-610	Principal	(11,607)	19,000	11,607	30,607
1000-209-4201-30-510	Insurance - Vehicle	-	150	(150)	-
1000-209-4201-30-210	Office Supplies	-	600	(369)	231
1000-209-4201-30-222	Photo Supplies	-	200	(86)	114
1000-209-4201-30-226	Uniforms	-	2,200	(640)	1,560
1000-209-4201-30-232	Tires	-	900	(385)	515
1000-209-4201-30-312	Postage	-	150	(150)	-
1000-209-4201-30-320	Printing	-	204	(97)	107
1000-209-4201-30-335	Dues	-	160	(160)	-
1000-209-4201-30-360	Repair & Maintenance	-	2,000	(855)	1,145
1000-209-4201-30-363	Machine Repair	-	204	(200)	4
1000-209-4201-30-381	Training - Schooling	-	500	(490)	10
1000-209-4201-30-397	Contracted Services	-	442	(440)	2
1000-209-4201-30-620	Interest	-	3,050	(1,854)	1,196
1000-209-4202-30-110	Salaries & Wages	-	321,592	(21,336)	300,256
1000-900-5101-00-101	Contingency	-	16,335	-	16,335
	Big Sky Subtotal			-	

Central Communications

1000-209-4202-10-750	Transfer to Other Funds	(84,196)	-	84,196	84,196
1000-209-4202-10-345	Telephone	(539)	9,000	539	9,539
1000-209-4202-10-110	Salaries	-	158,601	(57,686)	100,915
1000-209-4202-10-140	Employer Contributions	-	15,036	(5,434)	9,602
1000-209-4202-10-210	Office Supplies	-	500	(108)	392
1000-209-4202-10-220	Operating Supplies	-	600	(531)	69
1000-209-4202-10-361	Radio Repair	-	1,350	(540)	810
1000-209-4202-10-363	Office Machine Repair	-	500	(400)	100
1000-209-4202-10-370	Travel	-	250	(250)	-
1000-209-4202-10-381	Training	-	100	(100)	-
1000-209-4202-30-905	Capital Reserve	-	25,000	(18,970)	6,030
1000-209-4202-10-513	Liability Insurance	-	6,590	(716)	5,874
	Dispatch subtotal			-	

Care of Prisoners

1000-209-4202-30-109	Senior Supervisor	(61)	62,072	61	62,133
1000-209-4202-30-120	Overtime	(2,033)	6,000	2,033	8,033
1000-209-4202-30-210	Office Supplies	(365)	1,500	365	1,865
1000-209-4202-30-222	Photo Supplies	(1,266)	3,000	1,266	4,266
1000-209-4202-30-226	Uniforms	-	7,100	(95)	7,005
1000-209-4202-30-235	Equipment (not Outlay)	-	7,400	(547)	6,853
1000-209-4202-30-320	Printing	(477)	600	477	1,077
1000-209-4202-30-345	Telephone	(218)	2,328	218	2,546
1000-209-4202-30-363	Office Machine Repair	-	3,452	(562)	2,890
1000-209-4202-30-392	Board of Prisoners	(2,602)	113,059	2,602	115,661
1000-209-4202-30-140	Employer Contributions	-	50,211	(5,200)	45,011
1000-209-4202-30-219	Cleaning Supplies	-	3,400	(442)	2,958
1000-209-4202-30-220	Operating Supplies	-	9,475	(218)	9,257
1000-209-4202-30-351	Medical Services	-	50,000	(2,000)	48,000
1000-209-4202-30-360	Repair & Maintenance	-	3,400	(1,270)	2,130
1000-209-4202-30-370	Travel	-	1,000	(500)	500
1000-209-4202-30-380	Training	-	3,000	(1,000)	2,000
1000-209-4202-30-513	Liability Insurance	-	19,350	(1,560)	17,790
1000-209-4202-30-940	Capital Outlay	-	5,959	(4,580)	1,379
	Detention subtotal			(10,952)	

Youth Detention

1000-209-4202-51-120	Overtime	(303)	600	303	903
1000-209-4202-51-140	Employer Contributions	(29)	200	29	229
1000-209-4202-51-190	Other Personal Services	(617)	400	617	1,017
1000-209-4202-51-370	Travel	(13,762)	-	13,762	13,762
1000-209-4202-51-391	Nonsec Detention	(4,573)	3,800	4,573	8,373
1000-209-4202-51-392	Secured Detention	(70,261)	-	70,261	70,261
1000-209-4202-51-397	Electronic Monitoring	(2,551)	2,500	2,551	5,051
1000-209-4202-52-397	Contracted Services	-	21,000	(21,000)	-
1000-209-4202-30-905	Capital Reserve	-	6,030	(6,030)	-
1000-210-4103-33-350	Professional Services	-	75,000	(13,000)	62,000
1000-900-5102-00-870	Contingency	-	49,314	(41,114)	8,200
	Youth Detention subtotal			10,952	

County Attorney

1000-210-4111-00-110	Salaries	(2,812)	304,173	2,812	306,985
1000-210-4111-00-210	Equipment (not outlay)	(399)	3,595	399	3,994
1000-210-4111-00-312	Postage	(95)	2,600	95	2,695
1000-210-4111-00-323	Publications	(110)	3,351	110	3,461
1000-210-4111-00-395	Witness Fees	(24)	2,500	24	2,524
1000-210-4111-00-140	Employer Contributions	-	28,977	(2,080)	26,897
1000-210-4111-00-397	Contracted Services	-	3,000	(1,360)	1,640
				-	

Victim / Witness

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ok

ok

14 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

1000-210-4111-05-110	Salaries	(1)	24,407	1	24,408	
1000-210-4111-05-140	Employer Contribtuons	(117)	2,020	117	2,137	
1000-210-4111-05-210	Office Supplies	(306)	-	306	306	
1000-210-4111-05-320	Printing	-	175	(32)	143	
1000-210-4111-05-380	Training	-	195	(95)	100	
1000-210-4111-05-370	Travel	-	627	(297)	330	
				-		
Justice of the Peace						ok
1000-211-4103-40-110	Salaries	(403)	146,130	403	146,533	
1000-211-4103-40-210	Office Supplies	(52)	3,100	52	3,152	
1000-211-4103-40-312	Postage	(460)	2,863	460	3,323	
1000-211-4103-40-120	Overtime	-	1,500	(500)	1,000	
1000-211-4103-40-235	Equipment (not outlay)	-	2,382	(415)	1,967	
				-		
Coroner						ok
1000-212-4208-10-110	Salaries	(1)	19,773	1	19,774	
1000-212-4208-10-190	Other Personal Servcies	(40)	4,000	40	4,040	
1000-212-4208-10-370	Travel	(159)	1,800	159	1,959	
1000-212-4208-10-350	Professional Services	-	12,800	(200)	12,600	
				-		
Personnel						ok
1000-214-4105-65-210	Office Supplies	(35)	870	35	905	
1000-214-4105-65-320	Printing	(260)	850	260	1,110	
1000-214-4105-65-345	Telephone	(208)	1,500	208	1,708	
1000-214-4105-65-360	Repair & Maintenance	(752)	400	752	1,152	
1000-214-4105-65-110	Salaries & Wages	-	82,920	(700)	82,220	
1000-214-4105-65-940	Capital Outlay	-	15,520	(555)	14,965	
				-		
Assessor						ok
1000-215-4105-91-345	Phone	(1,003)	2,977	1,003	3,980	
1000-215-4105-91-312	Postage	(2,115)	13,000	2,115	15,115	
1000-215-4105-91-320	Printing	-	150	(129)	21	
1000-215-4105-91-344	Cellular Phone	-	410	(125)	285	
1000-900-5101-00-101	Contingency	-	16,335	(2,864)	13,471	
	Assessor subtotal			-		
Fiscal						ok
1000-218-4105-55-110	Salaries	(1)	39,330	1	39,331	
1000-218-4105-55-331	Publication	(12)	-	12	12	
1000-218-4105-55-345	Telephone	(356)	800	356	1,156	
1000-218-4105-55-370	Travel	-	1,592	(369)	1,223	
				-		
Tax Appeal						ok
1000-220-4105-00-320	Printing	(12)	80	12	92	
1000-220-4105-00-345	Telephone	(28)	270	28	298	
1000-220-4105-00-312	Postage	-	50	-	50	
1000-220-4105-00-337	Advertising	-	40	(40)	-	
				-		
Superintendent of Schools						
1000-232-411600-220	Operating Supplies	(41)	182	41	223	
1000-232-411600-312	Postage	(16)	900	16	916	
1000-232-411600-397	Contracted Services	(60)	500	60	560	
1000-232-4116-00-140	Employer Contributions	-	4,758	(117)	4,641	
				-		
Public Adminstrator						
1000-236-4104-00-210	Office Supplies	(75)	300	75	375	
1000-236-4104-00-368	Administrative Fee	-	620	(75)	545	
				-		
Civil Defense						ok
1000-254-4206-00-210	Office Supplies	(48)	250	48	298	
1000-254-4206-00-312	Postage	(63)	100	63	163	
1000-254-4206-00-340	Utilities	(33)	540	33	573	
1000-254-4206-00-344	Cellular Phones	(164)	580	164	744	
1000-254-4206-00-220	Operating Supplies	(15)	150	15	165	
1000-254-4206-00-231	Oil, Gas	-	600	(120)	480	
1000-254-4206-00-235	Equipment (not outlay)	-	150	(140)	10	
1000-254-4206-00-320	Printing	-	150	(50)	100	
1000-254-4206-00-361	Radio Repair	-	200	(13)	187	
				-		
Planning						ok
1000-295-4702-60-110	Salaries	(2,337)	143,539	2,337	145,876	
1000-295-4702-60-320	Printing	(1,953)	8,300	1,953	10,253	
1000-295-4702-60-323	Publications	(55)	223	55	278	

1000-295-4702-60-335	Membership Dues	(163)	880	163	1,043
1000-295-4702-60-345	Telephone	(14)	3,300	14	3,314
1000-295-4702-60-363	Office Machine Repair	(1,269)	100	1,269	1,369
1000-295-4702-60-940	Capital Outlay	(62)	39,724	62	39,786
1000-295-4702-60-190	Other Personal Services	-	11,500	(5,853)	5,647

Miscellaneous

Department						ok
1000-900-4112-00-350	Professional Services	(3,995)	32,000	3,995	35,995	
1000-900-5103-00-880	Unallocated Costs	(2,623)	20,000	2,623	22,623	
1000-900-5101-00-101	Payroll Errors	-	13,471	(2,773)	10,698	
1000-900-5102-00-870	Contingency	-	8,200	(3,845)	4,355	

**GENERAL FUND
CHANGE TO BUDGET**

4,482,880	-	4,482,880
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**Employer
Contributions**

						ok
1050-201-4101-00-140	Commission	(501)	16,448	501	16,949	
1050-201-4101-00-750	Transfer	-	66,233	(1,326)	64,907	
1050-203-4105-40-140	Treasurer	(75)	14,174	75	14,249	
1050-203-410541-140	Treasurer - Motor Veh	-	25,556	(99)	25,457	
1050-203-4118-70-140	Treasurer - Delnq. Tax	(24)	3,499	24	3,523	
1050-209-4201-10-140	Sheriff	(36)	-	36	36	
1050-209-4201-30-140	Sheriff	(1,519)	13,436	1,519	14,955	
1050-209-4201-00-140	Sheriff	-	144,756	(1,555)	143,201	
1050-210-4111-00-140	County Attorney	(436)	37,835	436	38,271	
1050-210-4111-05-140	Victim Witness	(4)	3,397	4	3,401	
1050-211-4103-40-140	Justice of the Peace	(195)	21,164	195	21,359	
1050-218-4105-55-140	Fiscal Services	(29)	4,394	29	4,423	
1050-232-4116-00-140	Supt. of Schools	(40)	7,344	40	7,384	
1050-295-4702-60-140	Planning	(121)	18,350	121	18,471	

Search & Rescue

2105-209-4201-40-381	Training	(1,030)	6,000	1,030	7,030	
2105-209-4201-40-530	Rent	(400)	2,000	400	2,400	
2105-209-4201-40-397	Contracted Services	-	3,850	(1,430)	2,420	

Road

						ok
2110-307-4302-10-210	Office Supplies	(43)	1,200	43	1,243	
2110-307-4302-10-331	Legal Notices	(201)	400	201	601	
2110-307-4302-10-340	Utilities	(156)	13,742	156	13,898	
2110-307-4302-10-345	Telephone	(849)	3,400	849	4,249	
2110-307-4302-30-220	Operating Supplies	(220)	8,000	220	8,220	
2110-307-4302-30-231	Gas & Oil	(4,825)	72,000	4,825	76,825	
2110-307-4302-30-235	Equipment (not outlay)	(355)	3,400	355	3,755	
2110-307-4302-30-350	Professional Services	(1,962)	2,300	1,962	4,262	
2110-307-4302-30-364	Machinery & Equip	(54)	4,200	54	4,254	
2110-307-4302-30-365	Tires	(493)	15,000	493	15,493	
2110-307-4302-30-490	Construction Materials	(145)	24,500	145	24,645	
2110-307-4302-30-461	Misc Road Projects	-	189,100	(9,303)	179,797	

Public Assistance

						ok
2120-222-4501-10-190	Salaries (paid to State)	(10,558)	204,854	10,558	215,412	
2120-222-4501-10-215	Envelopes & Postage	(1,870)	11,000	1,870	12,870	
2120-222-4501-10-323	Publications	(74)	250	74	324	
2120-222-4501-10-344	Cellular Phone	(3)	230	3	233	
2120-222-4501-10-346	Computer Line Charges	(457)	24,054	457	24,511	
2120-222-4501-10-360	Repair & Maintenance	(927)	2,500	927	3,427	
2120-222-4501-42-712	Medical Payments	-	90,000	(13,889)	76,111	

Bridge

2130-307-4302-44-490	Other Materials	(653)	1,000	653	1,653	
2130-307-4302-44-530	Rent	(75)	300	75	375	
2130-307-4302-44-461	Bridge Projects	-	135,000	(728)	134,272	

Noxious Weed

						ok
2140-000-4311-00-210	Office Supplies	(13)	200	13	213	
2140-000-4311-00-220	Operating Supplies	(247)	2,074	247	2,321	
2140-000-4311-00-223	Chemical Supplies	(3,037)	18,000	3,037	21,037	
2140-000-4311-00-231	Oil and Gas	(1,342)	2,500	1,342	3,842	
2140-000-4311-00-344	Cellular Phone	(324)	1,250	324	1,574	

16 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

2140-000-4311-00-112	Temporary Salaries		48,196	(4,100)	44,096
2140-000-4904-00-397	Contracted Services	-	1,000	(863)	137
				-	
Fair					ok
2160-000-4602-00-120	Overtime	(430)	3,400	430	3,830
2160-000-4602-00-210	Office Supplies	(38)	1,000	38	1,038
2160-000-4602-00-219	Cleaning Supplies	(47)	2,000	47	2,047
2160-000-4602-00-220	Operating Supplies	(97)	6,000	97	6,097
2160-000-4602-00-235	Equipment (not outlay)	(613)	5,000	613	5,613
2160-000-4602-00-312	Postage	(274)	1,000	274	1,274
2160-000-4602-00-533	Machinery & Equip Rntl	(385)	400	385	785
2160-000-4602-00-610	Principal	(247)	3,338	247	3,585
2160-000-4602-20-112	Temporary Salaries	(7,145)	-	7,415	7,415
2160-000-4602-20-120	Overtime	(502)	-	502	502
2160-000-4602-20-140	Employer Contributions	(566)	-	566	566
2160-000-4602-20-210	Office Supplies	(47)	-	47	47
2160-000-4602-20-213	Awards	(1,471)	-	1,471	1,471
2160-000-4602-20-220	Operating Supplies	(105)	-	105	105
2160-000-4602-20-312	Postage	(131)	-	131	131
2160-000-4602-20-320	Printing	(2,199)	-	2,199	2,199
2160-000-4602-20-338	Advertising	(4,758)	-	4,758	4,758
2160-000-4602-20-340	Utilities	(274)	-	274	274
2160-000-4602-20-359	Professional Services	(9,279)	-	9,279	9,279
2160-000-4602-20-397	Contracted Services	(1,350)	-	1,350	1,350
2160-000-4602-20-533	Mach & Equip Rental	(4,977)	-	4,977	4,977
2160-000-4602-20-731	Junior Fair	(3,500)	-	3,500	3,500
2160-000-4602-10-112	Temporary Salaries		5,500	(5,500)	-
2160-000-4602-10-140	Employer Contributions		456	(450)	6
2160-000-4602-10-210	Office Supplies		2,200	(2,200)	-
2160-000-4602-10-213	Awards		2,000	(2,000)	-
2160-000-4602-10-312	Postage		800	(800)	-
2160-000-4602-10-320	Printing		3,500	(2,210)	1,290
2160-000-4602-10-338	Advertising		5,000	(4,800)	200
2160-000-4602-10-359	Professional Services		9,000	(9,000)	-
2160-000-4602-10-360	Repair & Maintenance		300	(300)	-
2160-000-4602-10-397	Contracted Services		3,500	(3,050)	450
2160-000-4602-10-533	Mach & Equip Rental		5,000	(5,000)	-
2160-000-4602-10-731	Junior Fair		3,500	(3,395)	105
				-	
Airport					
2170-000-4303-00-300	Clearing Account	(13,984)	-	13,984	13,984
2170-000-4303-00-750	Transfer to Other Fudns	-	15,794	(13,984)	1,810
				-	
District Court - Commission					
2180-201-4114-00-350	Professional Services	(20,000)	-	20,000	20,000
2180-201-4114-00-940	Capital Outlay	-	20,000	(20,000)	-
				-	
Clerk of District Court					
2180-208-4103-31-210	Office Supplies	(553)	2,500	553	3,053
2180-208-4103-31-345	Telephone	(2,004)	4,000	2,004	6,004
2180-208-4103-31-370	Travel	(339)	800	339	1,139
2180-208-4103-31-940	Capital Outlay	(742)	15,000	742	15,742
2180-208-4103-32-395	Jury & Witness	(1,653)	70,000	1,653	71,653
2180-208-4103-33-110	Salaries & Wages	-	66,240	(5,291)	60,949
				-	
District Court #1					
2180-208-4103-33-120	Overtime	(10)	-	10	10
2180-208-4103-33-210	Office Supplies	(104)	2,200	105	2,305
2180-208-4103-33-235	Equipment (not outlay)	(55)	750	55	805
2180-208-4103-33-323	Publications	(654)	2,400	655	3,055
2180-208-4103-33-345	Telephone	(49)	2,500	50	2,550
2180-208-4103-33-350	Professional Services	-	3,000	(875)	2,125
				-	
District Court #1 - Court Reporter					
2180-208-4103-35-110	Salaries & Wages	(1)	23,805	10	23,815
2180-208-4103-35-140	Employer Contributions	-	5,576	(10)	5,566
				-	
District Court #1 - Indigent Defense					
2180-208-4103-36-350	Professional Services	(3,342)	20,000	3,350	23,350

2180-208-4103-36-352	Legal Services	(136)	95,000	140	95,140
2180-208-4103-36-370	Travel	-	1,750	(1,700)	50
2180-208-4103-33-110	Salaries & Wages	-	60,949	(1,790)	59,159

Law Library

2180-208-4111-40-235	Equipment (not outlay)	(860)	-	860	860
2180-208-4111-40-210	Office Supplies	-	1,550	(860)	690

Juvenile Probation

2180-208-4203-00-110	Salaries & Wages	(2,879)	141,899	2,879	144,778
2180-208-4203-00-210	Office supplies	(294)	1,250	294	1,544
2180-208-4203-00-345	Telephone	(47)	3,000	47	3,047
2180-208-4203-00-370	Travel	(5,904)	1,500	5,904	7,404
2180-208-4203-00-750	Transfer to Other Funds	(2,205)	-	2,205	2,205
2180-208-4203-10-387	Guardian Ad Litem	-	3,000	(1,110)	1,890
2180-208-4203-00-350	Professional Services	-	2,850	(1,090)	1,760
2180-208-4203-00-940	Capital Outlay	-	16,657	(9,129)	7,528

District Court #2

2180-280-4103-33-110	Salaries & Wages	(3,634)	56,925	3,635	60,560
2180-280-4103-33-235	Equipment (not outlay)	(627)	770	630	1,400
2180-280-4103-33-750	Transfer to Other Funds	(2,205)	-	2,205	2,205
2180-280-4103-33-397	Contracted Services	-	2,150	(990)	1,160
2180-280-4103-33-940	Capital Outlay	-	11,107	(5,480)	5,627

**District Court #2 -
Court Reporter &
Indigent Defense**

2180-280-4103-35-140	Employer Contributions	(1,473)	4,885	1,475	6,360
2180-280-4103-35-210	Office Supplies	(90)	250	90	340
2180-280-4103-36-350	Professional Services	(4,911)	16,500	4,915	21,415
2180-280-4103-35-320	Printing	-	600	(600)	-
2180-280-4103-36-370	Travel	-	1,500	(1,400)	100
2180-280-4103-33-940	Capital Outlay	-	5,627	(1,650)	3,977
2180-280-4103-36-352	Legal Services	-	83,700	(2,830)	80,870

Health Nursing

2190-216-4401-10-110	Salaries & Wages	(4,995)	143,048	4,995	148,043
2190-216-4401-10-140	Employer Contributions	(2,930)	30,688	2,930	33,618
2190-216-4401-10-210	Office Supplies	(1,389)	800	1,390	2,190
2190-216-4401-10-220	Operating Supplies	(577)	4,000	580	4,580
2190-216-4401-10-312	Postage	(24)	2,500	25	2,525
2190-216-4401-10-337	Advertising	(7)	300	10	310
2190-216-4401-10-360	Repair & Maintenance	(4,798)	1,000	4,800	5,800
2190-216-4401-10-370	Travel	(1,965)	2,000	1,970	3,970
2190-216-4401-10-750	Transfer to other funds	(630)	6,775	630	7,405
2190-216-4401-10-920	Buildings	-	40,000	(17,330)	22,670

**Health
Environmental**

2190-217-4401-60-210	Office Supplies	(60)	1,020	60	1,080
2190-217-4401-60-220	Operating Supplies	(14)	1,225	15	1,240
2190-217-4401-60-312	Postage	(637)	2,000	640	2,640
2190-217-4401-60-323	Publications	(56)	200	60	260
2190-217-4401-60-370	Travel	(1,536)	3,000	1,540	4,540
2190-217-4401-60-110	Salaries & Wages	-	194,432	(2,315)	192,117

Pregnancy Services

2270-000-4401-70-210	Office Supplies	(30)	305	30	335
2270-000-4401-70-220	Operating Supplies	(68)	495	70	565
2270-000-4401-70-370	Travel	(232)	955	235	1,190
2270-000-4401-70-320	Printing	-	700	(335)	365

Water Quality

2271-217-4401-62-190	Other Personal Services	(150)	100	150	250
2271-217-4401-62-320	Printing	-	2,321	(150)	2,171

**Maternal Child
Health Grant**

2273-000-4401-13-140	Employer Contributions	(390)	10,028	390	10,418
2273-000-4401-13-210	Office Supplies	(621)	-	621	621
2273-000-4401-13-220	Operating supplies	(1,114)	875	1,115	1,990
2273-000-4401-13-235	Equipment (not outlay)	(127)	125	130	255
2273-000-4401-13-320	Printing	(311)	300	315	615

18 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

2273-000-4401-13-345	Telephone	(700)	-	700	700
2273-000-4401-13-370	Travel	(202)	600	205	805
2273-000-4904-00-620	Interest	(571)	-	575	575
2273-000-4401-13-110	Salaries & Wages	-	45,458	(1,370)	44,088
2273-000-4401-13-380	Training	-	1,000	(550)	450
2273-000-4401-13-397	Contracted Services	-	1,976	(1,770)	206
2273-000-4401-13-750	Transfer to Other Funds	-	4,880	(361)	4,519

DFS Partnership Grant

2274-000-4401-85-110	Salaries & Wages	(4,393)	12,211	4,395	16,606
2274-000-4401-85-140	Employer Contributions	(1,316)	2,783	1,320	4,103
2274-000-4401-85-791	Indirect Costs	(3,600)	-	3,600	3,600
2274-000-4904-00-620	Interest	(18)	40	20	60
2274-000-4401-85-397	Contracted Services	-	80,205	(9,335)	70,870

Special Immunization

2275-840-4401-50-220	Operating Supplies	(5,980)	14,000	5,980	19,980
2275-840-4401-50-397	Contracted Services	(219)	100	220	320
2275-840-4401-50-370	Travel	(241)	1,300	245	1,545
2275-840-4401-50-110	Salaries & Wages	-	73,944	(6,445)	67,499

Women, Infant & Children Grant

2276-810-4401-70-110	Salaries & Wages	(1,497)	80,097	1,500	81,597
2276-810-4401-70-120	Overtime	(42)	-	45	45
2276-810-4401-70-220	Operating Supplies	(450)	3,708	450	4,158
2276-810-4401-70-235	Equipment (not outlay)	(2,887)	200	2,890	3,090
2276-810-4401-70-312	Postage	(92)	360	95	455
2276-810-4401-70-345	Telephone	(288)	2,080	290	2,370
2276-810-4401-70-750	Transfer Rent	(820)	1,700	820	2,520
2276-810-4401-70-380	Training	(23)	940	25	965
2276-810-4401-70-370	Travel	-	5,712	(1,380)	4,332
2276-810-4401-70-530	Rent	-	4,620	(1,435)	3,185
2276-810-4401-70-397	Contracted Services	-	3,315	(3,300)	15

County Extension Agent

2290-245-4504-00-190	Other Personal Services	(4,108)	37,050	4,110	41,160
2290-245-4504-00-344	Cellular Phones	(153)	800	155	955
2290-245-4504-00-360	Repair & Maintenance	(108)	1,500	110	1,610
2290-245-4504-00-371	Travel 4H	-	1,800	(365)	1,435
2290-245-4504-00-110	Salaries & Wages	-	22,957	(4,010)	18,947

Drug Forfeitures

2310-209-4201-40-513	Insurance	(407)	-	407	407
2310-209-4201-40-750	Transfer to Other Funds	(17,146)	-	17,150	17,150
2310-209-4201-40-120	Overtime	-	2,500	(2,280)	220
2310-209-4201-40-140	Employer Contributions	-	900	(407)	493
2310-209-4201-40-940	Capital Outlay	-	14,881	(14,870)	11

Study Commission

2355-000-4101-00-120	Overtime	(195)	-	195	195
2355-000-4101-00-210	Office Supplies	(286)	750	300	1,050
2355-000-4101-00-397	Contracted Services	-	45,617	(495)	45,122

Records Retention

2392-202-4109-00-235	Equipment (not outlay)	(213)	-	220	220
2392-202-4109-00-220	Operation Supplies	-	1,510	(220)	1,290

D.U.I. Program

2415-000-4201-00-345	Telephone	(52)	964	55	1,019
2415-000-4201-00-212	Audio & Visual Supplies	(194)	-	195	195
2415-000-4201-00-220	Educational Supplies	-	1,200	(250)	950

Gas Tax

2420-000-4904-00-620	Interest	(7)	-	10	10
2420-307-4302-00-450	Crushed Stone	-	10,000	(10)	9,990

P.I.L.T.

2761-201-4101-00-350	Professional Services	(3,268)	3,400	3,270	6,670
2761-201-4101-00-352	Legal Services	(2,099)	10,950	2,100	13,050
2761-214-4112-40-940	Capital Outlay	(3,956)	20,940	4,000	24,940

2761-218-4105-55-235	Equipment (not outlay)	(635)	-	650	650
2761-218-4105-55-360	Repair & Maintenance	(5,666)	-	5,670	5,670
2761-800-4101-00-235	Equipment (not outlay)	(734)	-	750	750
2761-900-4112-00-930	Capital Outlay	(8,300)	36,543	8,300	44,843
2761-900-4112-00-610	Principal	-	150,000	(24,740)	125,260
				-	
9-1-1					
2850-218-4207-50-345	Telephone	(1,308)	9,900	1,310	11,210
2850-218-4207-50-360	Repair & Maintenance	(90)	-	100	100
2850-218-4207-50-940	Capital Outlay	-	64,750	(1,410)	63,340
				-	
Law & Justice Bond					
3020-000-4901-00-630	Service Charge	(700)	200	700	900
3020-000-4901-00-620	Interest	-	12,000	(600)	11,400
3030-000-4904-00-620	Interest	-	1,500	(100)	1,400
				-	
Rest Home Bond					
3030-000-4901-00-610	Principal	-	100,000	(29,500)	70,500
3030-000-4901-00-620	Interest	(29,458)	35,000	29,500	64,500
				-	
Law & Justice Expansion					
4010-000-4904-00-620	Interest	(484)	2,500	500	3,000
4010-201-4101-00-950	Architect Fees	-	13,060	(510)	12,550
4010-201-4101-00-959	Unanticipated Costs	(1)	19,440	10	19,450
				-	
Rest Home					
5020-000-4403-10-112	Business Office	(4,634)	64,800	4,635	69,435
5020-000-4403-10-220	Operating Supplies	(485)	896	485	1,381
5020-000-4403-10-335	Membership Dues	(338)	5,220	340	5,560
5020-000-4403-10-337	Advertising	(58)	1,532	60	1,592
5020-000-4403-10-345	Telephone	(1,043)	7,284	1,045	8,329
5020-000-4403-10-370	Travel	(671)	3,394	675	4,069
5020-000-4403-10-381	Training - School	(44)	1,811	45	1,856
5020-000-4403-10-350	Professional Services	(1,231)	3,594	1,235	4,829
5020-000-4403-10-519	Bed Tax	-	95,046	(8,520)	86,526
5020-000-4403-20-111	Salaries & Wages	(173)	23,996	175	24,171
5020-000-4403-20-220	Operating Supplies	(502)	4,950	510	5,460
5020-000-4403-20-360	Repair & Maintenance	(6,888)	38,000	6,890	44,890
5020-000-4403-20-370	Travel	(44)	150	45	195
5020-000-4403-20-397	Contracted Services	(662)	7,363	665	8,028
5020-000-4403-20-235	Equipment (not Outlay)	-	2,000	(1,500)	500
5020-000-4403-20-340	Utility	-	7,140	(1,700)	5,440
5020-000-4403-20-341	Electric	-	30,000	(3,630)	26,370
5020-000-4403-20-940	Capital Outlay	-	109,000	(1,455)	107,545
5020-000-4403-21-231	Oil & Gas	(372)	1,200	375	1,575
5020-000-4403-21-360	Repair & Maintenance	(78)	1,803	78	1,881
5020-000-4403-21-232	Tires	-	1,000	(453)	547
5020-000-4403-30-113	Registered Nurses	(56,284)	239,953	56,285	296,238
5020-000-4403-30-114	Lic. Prac. Nusrses	(13,850)	110,230	13,850	124,080
5020-000-4403-30-115	Nurse Aides	(47,109)	515,586	47,110	562,696
5020-000-4403-30-116	Social Services	(513)	20,982	513	21,495
5020-000-4403-30-117	Restorative Aides	(5,358)	34,026	5,359	39,385
5020-000-4403-30-120	Overtime	(1,499)	20,200	1,500	21,700
5020-000-4403-30-170	Employee Health Tests	(781)	1,800	785	2,585
5020-000-4403-30-220	Operating Supplies	(1,819)	17,025	1,820	18,845
5020-000-4403-30-250	Pharmacy	(2,507)	29,735	2,510	32,245
5020-000-4403-30-265	Attends	(9,078)	35,000	9,080	44,080
5020-000-4403-30-305	Oxygen Services	(890)	8,896	890	9,786
5020-000-4403-30-352	Speech Therapy	(2,300)	15,600	2,300	17,900
5020-000-4403-30-353	Occupational Therapy	(7,055)	29,000	7,055	36,055
5020-000-4403-30-355	Medical Records	(1,340)	701	1,350	2,051
5020-000-4403-30-381	Training	(94)	-	95	95
5020-000-4403-30-111	DNS Staff	-	84,402	(51,718)	32,684
5020-000-4403-30-140	Employer Contributions	-	466,814	(27,310)	439,504
5020-000-4403-30-210	Office Supplies	-	10,144	(9,870)	274
5020-000-4403-30-235	Equipment (not Outlay)	-	2,197	(2,197)	-
5020-000-4403-30-290	Central Supply	-	47,441	(22,611)	24,830
5020-000-4403-30-351	Physical Therapy	-	97,631	(15,080)	82,551
5020-000-4403-30-357	Ostomy Services	-	5,203	(1,070)	4,133
5020-000-4403-30-380	Training	-	5,495	(4,075)	1,420
5020-000-4403-30-513	Insurance	-	21,760	(6,570)	15,190
5020-000-4403-20-940	Capital Outlay	-	107,545	(9,991)	97,554
5020-000-4403-40-111	Dietary Supervisor	(227)	31,657	227	31,884
5020-000-4403-40-112	Cooks	(8,474)	54,863	8,474	63,337
5020-000-4403-40-113	Kitchen Aide	(4,465)	53,301	4,465	57,766
5020-000-4403-40-114	Housekeeping	(2,635)	32,519	2,635	35,154

20 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

5020-000-4403-40-115	Aides	(5,811)	43,563	5,811	49,374
5020-000-4403-40-120	Overtime	(63)	750	63	813
5020-000-4403-40-220	Operating Supplies	(509)	14,573	509	15,082
5020-000-4403-40-224	Food	(2,938)	211,000	2,938	213,938
5020-000-4403-40-140	Employer Contributions	-	67,282	(2,216)	65,066
5020-000-4403-40-225	Commercial supplements	-	30,000	(5,821)	24,179
5020-000-4403-40-513	Insurance	-	4,080	(2,184)	1,896
5020-000-4403-40-905	Capital Outlay	-	18,851	(14,911)	3,940
5020-000-4403-50-111	Salaries & Wages	(11,025)	37,613	11,025	48,638
5020-000-4403-50-140	Employer Contr.	(333)	12,305	333	12,638
5020-000-4403-50-364	Mach & Equip Rental	(233)	1,000	233	1,233
5020-000-4403-50-229	Linen & Bedding	-	9,753	(4,940)	4,813
5020-000-4403-20-940	Capital Outlay	-	97,554	(6,651)	90,903
5020-000-4403-60-220	Operating Supplies	(1,509)	20,000	1,510	21,510
5020-000-4403-60-140	Employer Contributions	-	30,912	(1,510)	29,402
5020-000-4403-70-110	Activities Salaries	(5,085)	75,688	5,085	80,773
5020-000-4403-70-140	Employer Contributions	(199)	23,432	200	23,632
5020-000-4403-70-250	Volunteers	(81)	100	90	190
5020-000-4403-70-312	Postage	(20)	34	20	54
5020-000-4403-10-111	Admin. Salaries	-	56,487	(2,500)	53,987
5020-000-4403-10-519	Bed Tax	-	86,526	(5,661)	80,865
5020-000-5109-00-800	Refunds to Patients	-	-	2,766	2,766

Central Maintenance

Administration

6070-206-4112-10-210	Office Supplies	(557)	1,620	557	2,177
6070-206-4112-10-240	Consumable Tools	(608)	1,100	608	1,708
6070-206-4112-10-320	Printing	(26)	1,200	26	1,226
6070-206-4112-10-331	Publications	(107)	-	107	107
6070-206-4112-10-360	Repair & Maintenance	(667)	700	667	1,367
6070-206-4112-10-545	Special Assessments	(2,381)	2,100	2,381	4,481
6070-206-4112-10-220	Operating Supplies	-	13,550	(1,300)	12,250
6070-206-4112-10-235	Equipment (not outlay)	-	6,625	(3,046)	3,579

Courthouse

6070-206-4112-30-235	Equipment (not outlay)	(104)	-	104	104
6070-206-4112-30-340	Utilities	(729)	24,000	729	24,729
6070-206-4112-30-360	Repair & Maintenance	(8,292)	9,000	8,292	17,292
6070-206-4112-30-362	Electrical Repairs	(6,979)	3,000	6,979	9,979
6070-206-4112-30-363	Heating Repairs	(1,452)	3,150	1,452	4,602
6070-206-4112-30-365	Lighting Repairs	(288)	1,420	288	1,708
6070-206-4112-30-366	Roofing Repairs	(632)	-	632	632
6070-206-4112-30-367	Emergency System Repair	(2,176)	700	2,176	2,876
6070-206-4112-30-368	Elevator Repair	(600)	1,200	600	1,800
6070-206-4112-30-369	Security System Repair	(6,265)	-	6,265	6,265
6070-206-4112-30-390	Purchased Services	(375)	37,000	375	37,375
6070-206-4112-30-361	Plumbing Services	-	3,000	(1,570)	1,430
6070-206-4112-30-905	Capital Reserve	-	30,000	(26,322)	3,678

Detention Center

6070-206-4112-33-340	Utilities	(6,263)	16,500	6,263	22,763
6070-206-4112-33-363	Heating Repairs	(3,888)	1,000	3,888	4,888
6070-206-4112-33-367	Emergency System Repair	(2,478)	200	2,478	2,678
6070-206-4112-33-368	Lock Repairs	(1,844)	-	1,844	1,844
6070-206-4112-33-360	General Repairs	-	4,700	(2,860)	1,840
6070-206-4112-33-362	Electrical Repairs	-	3,800	(1,050)	2,750
6070-206-4112-33-365	Lighting Repairs	-	3,700	(2,760)	940
6070-206-4112-33-366	Roofing Repairs	-	2,400	(1,730)	670
6070-206-4112-33-369	Security System Repairs	-	2,600	(2,330)	270
6070-206-4112-33-905	Capital Reserve	-	10,000	(3,743)	6,257

L & J old

6070-206-4112-35-235	Equipment (not outlay)	(303)	-	303	303
6070-206-4112-35-340	Utilities	(1,399)	22,000	1,399	23,399
6070-206-4112-35-362	Electrical Repairs	(874)	600	874	1,474
6070-206-4112-35-363	Heating Repairs	(2,262)	3,000	2,262	5,262
6070-206-4112-35-367	Emergency System Repair	(24)	-	24	24
6070-206-4112-35-369	Security System Repair	(524)	-	525	525
6070-206-4112-35-361	Plumbing Repairs	-	2,800	(2,750)	50
6070-206-4112-35-364	Cooling Repairs	-	1,800	(1,580)	220
6070-206-4112-35-368	Elevator Repairs	-	2,290	(1,057)	1,233

L & J new

6070-206-4112-36-235	Equipment (not outlay)	(412)	-	412	412
6070-206-4112-36-340	Utilities	(1,399)	22,000	1,399	23,399

6070-206-4112-36-360	Repair & Maintenance	(1,175)	2,400	1,175	3,575
6070-206-4112-36-362	Electrical Repairs	(2,141)	600	2,141	2,741
6070-206-4112-36-367	Emergency System Repair	(529)	-	529	529
6070-206-4112-36-369	Security System Repair	(860)	-	860	860
6070-206-4112-36-361	Plumbing Repairs	-	2,800	(2,750)	50
6070-206-4112-36-363	Heating System Repairs	-	3,000	(1,300)	1,700
6070-206-4112-36-364	Cooling System Repairs	-	1,800	(1,280)	520
6070-206-4112-36-368	Elevator Repairs	-	2,290	(1,186)	1,104

L & J Operations

6070-206-4112-40-110	Salaries & Wages	(23,611)	-	23,611	23,611
6070-206-4112-40-140	Employer Contributions	(7,231)	-	7,231	7,231
6070-206-4112-40-210	Office Supplies	(16)	-	16	16
6070-206-4112-40-220	Operating Supplies	(1,177)	-	1,177	1,177
6070-206-4112-40-231	Gas & Oil	(29)	-	29	29
6070-206-4112-40-235	Equipment (not outlay)	(3,970)	-	3,970	3,970
6070-206-4112-40-240	Consumable Tools	(645)	-	645	645
6070-206-4112-40-312	Postage	(48)	-	48	48
6070-206-4112-40-345	Telephone	(2,142)	-	2,142	2,142
6070-206-4112-40-360	Repair & Maintenance	(214)	-	214	214
6070-206-4112-60-220	Operating Supplies	(5,552)	-	5,552	5,552
6070-206-4112-60-397	Contracted Services	(27,256)	-	27,257	27,257
6070-206-4112-40-542	Depreciation	(3,354)	-	3,354	3,354
6070-206-4112-36-360	Purchased Services	-	28,745	(24,345)	4,400
6070-206-4112-10-905	Capital Reserves	-	10,546	(10,540)	6
6070-206-4112-10-110	Salaries & Wages	-	70,511	(23,010)	47,501
6070-206-4112-10-140	Employer Contributions	-	18,306	(7,832)	10,474
6070-206-4112-10-940	Capital Outlay	-	4,434	(3,354)	1,080
6070-206-4112-36-905	Capital Reserves	-	20,000	(6,165)	13,835

Phone System

6090-206-4112-90-397	Contracted Services	(12,699)	3,000	12,700	15,700
6090-206-4112-90-513	Insurance	(734)	-	735	735
6090-206-4112-90-620	Interest	(5,212)	-	5,220	5,220
6090-206-4112-90-540	Depreciation	(28,946)	-	28,946	28,946
6070-206-4112-10-345	Telephone	-	60,000	(47,601)	12,399

Logan Landfill

8040-000-4308-00-235	Equipment (not outlay)	(807)	-	810	810
8040-000-4308-00-360	Repair & Maintenance	(4,764)	500	4,765	5,265
8040-000-4308-00-396	Landfill Service	(35,177)	430,000	35,200	465,200
8040-000-4308-00-510	Insurance	(419)	-	420	420
8040-000-4308-00-530	Rent	(1,000)	-	1,000	1,000
8040-000-4308-00-590	License Fees	(13,658)	4,000	13,660	17,660
8040-000-4308-00-540	Depreciation	-	-	1,225	1,225
8040-000-4308-00-350	Professional Services	-	40,000	(14,500)	25,500
8040-000-4308-00-397	Contracted Services	-	20,000	(11,300)	8,700
8040-000-4308-00-920	Capital Outlay - buildings	-	8,350	(8,300)	50
8040-000-4308-90-360	Repair & Maintenance	-	161,708	(22,980)	138,728

West

Yellowstone/Hebgen

Refuse

8041-000-4308-00-110	Salaries & Wages	(262)	4,000	300	4,300
8041-000-4308-00-140	Employer Contributions	(409)	-	450	450
8041-000-4308-00-312	Postage	(13)	-	20	20
8041-000-4308-00-323	Publication	(166)	-	170	170
8041-000-4308-00-340	Utilities	(36)	-	40	40
8041-000-4308-00-345	Telephone	(136)	-	150	150
8041-000-4308-00-513	Insurance	(859)	-	860	860
8041-000-4308-00-530	Permit Fee	(1,959)	-	1,960	1,960
8041-000-4308-00-210	Office Supplies	-	500	(150)	350
8041-000-4308-00-350	Professional Services	-	8,000	(3,800)	4,200

Middle Creek RID

Mntc.

8237-000-4302-00-360	Repair & Maintenance	-	11,088	(2,500)	8,588
8237-000-4302-00-397	Contracted Services	(2,500)	-	2,500	2,500

Sourdough Ridge

RID Mntc.

8240-000-4302-00-369	Snowplowing	(194)	6,279	200	6,479
8240-000-4302-00-36	Contracted Services	-	37,746	(200)	37,546

Clover Meadows

RID Mntc.

22 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

8244-000-4302-00-369	Snowplowing	(192)	2,308	202	2,510
8244-000-4302-00-360	Contracted Services	-	24,118	(202)	23,916
Williams Buckskin Park					
8254-000-4904-00-620	Interest	(10)	-	10	10
8254-000-4302-00-360	Contracted Services	-	2,600	(10)	2,590
Hebgen Lake Sewer & Water Bond					
8616-000-4903-00-610	Principal	(781)	46,219	790	47,009
8616-000-4904-00-620	Interest	(70)	-	100	100
8616-000-4903-00-620	Interest	-	11,550	(890)	10,660
Gardner Park Subd. Road Bond					
8617-000-4903-00-610	Principal	-	17,067	(55)	17,012
8617-000-4904-00-620	Interest	(18)	-	20	20
8617-000-4903-00-620	Interest	(35)	2,310	35	2,345
El Dorado RID BOND					
8621-000-4903-00-610	Principal	-	22,476	(400)	22,076
8621-000-4904-00-620	Interest	(399)	1,122	400	1,522
Hebgen Lake Swr / Water Bond					
8622-000-4903-00-610	Principal	-	25,329	(100)	25,229
8622-000-4904-00-620	Interest	(97)	-	100	100
Rock Creek Road RID Bond					
8641-000-4903-00-610	Principal	-	68,770	(17,055)	51,715
8641-000-4903-00-620	Interest	(17,030)	8,408	17,030	25,438
8641-000-4903-00-630	Service Charge	(25)	500	25	525
Clover Meadows RID Bond					
8644-000-4903-00-610	Principal	-	9,480	(2,087)	7,393
8644-000-4904-00-620	Interest	(15)	-	15	15
8644-000-4903-00-630	Service Charge	(2,072)	500	2,072	2,572
Riverside Water Tower RID Bond					
8646-000-4903-00-610	Principal	-	18,816	(17)	18,799
8646-000-4904-00-630	Service Charge	(17)	500	17	517
Thorpe Road Road RID Bond					
8649-000-4903-00-610	Principal	-	97,964	(24,350)	73,614
8649-000-4903-00-620	Interest	(23,743)	-	23,750	23,750
8649-000-4903-00-630	Service Charge	(500)	-	600	600
Mystic Heights 2 & 3 RID Bond					
8660-000-4903-00-610	Principal	(191)	24,809	200	25,009
8660-000-4903-00-620	Interest	-	23,490	(250)	23,240
8660-000-4904-00-620	Interest	(43)	-	50	50
Ranch Subdivision RID Bond					
8661-000-4903-00-610	Principal	-	10,181	(7,040)	3,141
8661-000-4903-00-620	Interest	(6,928)	10,827	6,930	17,757
8661-000-4903-00-630	Service Charge	(110)	500	110	610

There was no public comment.

Motion by Jane Jelinski to adopt Resolution No. 1997-4. Seconded by Bill Murdock. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, presented the Commission with Resolution 1997-5, which is a resolution appropriating State and Federal revenues received and appropriating unanticipated revenues to the Gallatin County FY 96 budget as follows:

**FY 96 Budget
based on
13 th period**

Account Number	Description	Deficit	Budget	Increase (Decrease) in Budget	Adjusted Budget
General Fund					
1000-209-4201-00-940	Capital Outlay	(48,085)	73,014	48,086	121,100
1000-000-3810-50	Proceeds from Lease	-	-	48,086	48,086
Law Library					
2225-000-4103-30-323	Publicatiions	(15,488)	-	15,488	15,488
2225-000-36-50-05	Contributions	-	-	15,488	15,488
County Emergency Fund					
2260-000-4904-00-620		(214)	-	215	215
2260-254-4206-00-210		(479)	-	480	480
2260-254-4206-00-224		(1,217)	-	1,220	1,220
2260-254-4206-00-235		(1,412)	-	1,415	1,415
2260-254-4206-00-345		(3,154)	-	3,155	3,155
2260-254-4302-30-220		(3,214)	-	3,215	3,215
2260-254-4302-30-397		(13,648)	-	13,650	13,650
2260-000-33-11-10	Disaster Aid	-	-	23,350	23,350
Drug Forfeiture					
2310-209-4201-40-825	Transfer	(3,713)	-	3,800	3,800
2310-000-35-10-31	Drug Forfeitures	-	5,000	3,800	8,800
Historic Preservation					
2391-000-4605-00-220	Operating Supplies	(6,464)	-	6,464	6,464
2391-000-4605-00-720	Donation	(2,450)	-	2,450	2,450
2391-000-34-60-55	Adminssion Fees	-	-	8,914	8,914
Crime Control Grant					
2410-210-4201-40-513	Insurance Appropriation of Cash Balance	(6)	-	6	6
Court of Peer Review					
2917-280-4103-33-320	Printing	(61)	-	61	61
2917-280-4103-33-397	Contracted Services	(4,521)	-	4,521	4,521
2917-280-4103-33-750	Transfer	(8,529)	-	8,529	8,529
2917-280-4103-33-800	Refunds	(2,012)	-	2,012	2,012
2917-280-4103-33-940	Capital Outlay	(1,649)	-	1,649	1,649
2917-000-3340-10	Grants	-	-	12,300	12,300
2917-000-3610-10	Transfer	-	-	106	106
2917-000-3830-00	Interest	-	-	4,409	4,409
Missouri River Drug Task Force					
2990-209-4201-42-110	Salaries	(44,761)	120,633	44,761	165,394
2990-000-33-95-00	Local Match	-	26,009	44,761	70,770
Cimmarron RID Construction					
4266-000-4302-30-930	Capital Improvements	(59,833)	-	59,834	59,834
4266-000-4903-00-360	Principal	(1,500)	-	1,500	1,500
4266-000-38-10-10	Bond Proceeds	-	-	61,334	61,334
Middle Creek 1 & 3 Construction					
4266-000-4302-30-930	Capital Improvements	(123,661)	-	128,895	128,895
4266-000-4903-00-610	Principal	(386)	-	390	390
4266-000-4903-00-630	Service Charge	(714)	-	715	715
4266-000-38-10-10	Bond Proceeds	-	-	130,000	130,000

24 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Royal Thorpe

4267-000-4302-30-930	Capital Improvements	(176,590)	-	187,882	187,882
4267-000-4902-00-630	Service Charge	(502)	-	510	510
4267-000-38-10-30	Bond Proceeds		-	188,392	188,392

Godfrey Canyon

4268-000-4302-30-930	Capital Improvements	(101,286)	-	121,250	121,250
4268-000-38-10-10	Bond Proceeds		-	121,250	121,250

Rest Home

5020-000-5104-00-540	Depreciation	(53,598)	-	53,598	53,598
5020-000-5104-00-542	Depreciation	(6,164)	-	6,164	6,164
5020-000-5104-00-543	Depreciation	(84,550)	-	84,550	84,550
5020-000-34-38-54	Physical Therapy		-	144,312	144,312
	to book depreciation of Rest Home equipment, land & building.				

Employer Health Ins.

6050-000-5006-10-516	Stop Loss Coverage	(13,942)	120,000	14,000	134,000
6050-000-5006-10-740	Claim Expense	(132,814)	600,000	132,814	732,814
6050-000-5006-10-800	Refunds	(50)	4,500	100	4,600
6050-000-39-60-51	County Insurance Prem.		335,000	146,914	481,914

Motor Pool

6060-307-5001-90-210	Supplies	(5)	-	20	20
6060-307-5001-90-231	Oil & Gas	(1,716)	-	1,720	1,720
6060-307-5001-90-360	Repair & Maintenance	(1,116)	-	1,120	1,120
6060-307-5001-90-390	Purchased Services	(1,044)	-	1,050	1,050
6060-307-5001-90-510	Insurance	(621)	-	630	630
6060-307-5001-90-940	Capital Outlay	(16,800)	-	16,800	16,800
6060-000-38-30-00	Transfer In		-	20,500	20,500
6060-000-39-10-10	Motor Pool Charges		-	840	840

Joint Dispatch

6100-000-4904-00-620	Supplies	(614)	-	615	615
6100-000-5006-00-110	Salaries & Wages	(123,511)	-	123,512	123,512
6100-000-5006-00-120	Overtime	(1,973)	-	1,973	1,973
6100-000-5006-00-140	Employer Contributions	(24,027)	-	24,030	24,030
6100-000-5006-00-210	Office Supplies	(743)	-	745	745
6100-000-5006-00-220	Operating Supplies	(894)	-	895	895
6100-000-5006-00-235	Equipment (not outlay)	(1,548)	-	1,550	1,550
6100-000-5006-00-320	Printing	(203)	-	205	205
6100-000-5006-00-323	Publications	(455)	-	460	460
6100-000-5006-00-335	Membership Dues	(62)	-	65	65
6100-000-5006-00-337	Advertising	(662)	-	670	670
6100-000-5006-00-344	Cellular Phones	(224)	-	225	225
6100-000-5006-00-345	Telephone	(1,124)	-	1,125	1,125
6100-000-5006-00-360	Repair & Maintenance	(416)	-	420	420
6100-000-5006-00-361	Radio/Repeater Repair	(100)	-	100	100
6100-000-5006-00-370	Travel	(2,772)	-	2,775	2,775
6100-000-5006-00-380	Training	(2,091)	-	2,095	2,095
6100-000-5006-00-513	Insurance	(5,139)	-	5,140	5,140
6100-000-5006-00-940	Capital Outlay	(14,669)	-	14,670	14,670
6100-000-5006-00-542	Depreciation	(2,191)	-	2,191	2,191
6100-000-34-11-20	City Share		-	77,539	77,539
6100-000-38-30-00	Transfer In		-	103,731	103,731

Churchill Lighting District

8120-000-4302-63-340	Utilities	(215)	2,800	215	3,015
8120-000-4302-63-620	Interest	(10)	-	10	10
8120-000-36-30-11	Special Asses.		3,300	225	3,525

Hebgen Lake S/W

8222-000-4306-00-340	Utilities	(5,045)	-	5,045	5,045
8222-000-4306-00-350	Professional Serv.	(4,560)	-	4,560	4,560
8222-000-4306-00-360	Repair & Maintenance	(684)	-	684	684
8222-000-36-30-11	Special Asses.		4,436	5,853	10,289

Middle Creek

Meadows RID Bond

8614-000-4903-00-610	Principal	(263)	623	265	888
8614-000-4903-00-620	Interest	(69)	-	69	69
8614-000-4904-00-620	Interest	(10)	-	10	10
8614-000-36-30-11	Special Asses.	-	-	267	267
8614-000-36-30-21	Special Asses P & I	-	-	69	69
8614-000-36-10-10	Interest	-	-	8	8
	required per bond documents				

Mountainview Sub.

RID Bond

8639-000-4903-00-610	Principal	(1,654)	18,346	1,660	20,006
8639-000-36-30-20	Prepaid RID Assessments	-	-	1,660	1,660

Sourdough Ridge

RID Bond

8640-000-4903-00-610	Principal	(1,611)	18,346	1,620	19,966
8640-000-36-30-20	Prepaid RID Assessments	-	-	1,620	1,620

Sweetgrass Hills

RID Bond

8653-000-4903-00-610	Principal	(1,099)	23,901	1,099	25,000
8653-000-36-30-20	Prepaid RID Assessments	-	-	1,099	1,099

Gardner-Simmental

RID Bond

8655-000-4903-00-610	Principal	(15,940)	24,060	16,000	40,060
8655-000-4904-00-620	Interest	(150)	-	150	150
8655-000-36-30-20	Prepaid RID Assessments	-	-	4,000	4,000
8655-000-36-30-21	Special Assessments	-	11,494	12,150	23,644

Cimarron Subd. RID

Bond

8665-000-4903-00-610	Principal	(30,000)	5,000	30,000	35,000
8665-000-4903-00-620	Interest	(3,320)	7,588	3,320	10,908
8665-000-36-30-20	Prepaid RID Assessments	-	-	24,500	24,500
8665-000-36-30-21	Special Assessments	-	-	8,820	8,820

There was no public comment.

Motion by Bill Murdock to adopt Resolution No. 1997-5. Seconded by Jane Jelinski. None voting nay. Motion carried.

Larry Watson, Gallatin County Grants Administrator, spoke regarding Rebuild American application and presented the Commission with Resolution No. 1997-6, which is a resolution to endorse the community wide application. Mr. Watson stated that the City of Bozeman has approved a similar resolution already.

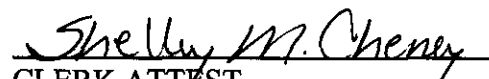
Motion by Jane Jelinski to adopt Resolution No. 1997-6. Seconded by Bill Murdock. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented the Commission with Resolution No. 1997-7, which is a resolution granting the abandonment of a cul-de-sac at the end of Orville Way in the Gardner-Simmental Plaza Subdivision.

Motion by Bill Murdock to adopt Resolution No. 1997-7 to abandon a cul-de-sac at the end of Orville Way. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:17 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING TUESDAY THE 28TH DAY OF JANUARY, 1997

The meeting was called to order by Acting Chairman Jane Jelinski at P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JANUARY 20, 1997

- County offices were closed in observance of Martin Luther King, Jr. Day.

JANUARY 21, 1997

- Commissioners held their regular semi-monthly meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, and Deputy County Attorney Gerry Higgins.
- Commissioners conducted the weekly public meeting.
- Commissioner Murdock attended a meeting of the Mental Health Services.
- Commissioner Murdock attended the regular monthly meeting of the Detention Center Task Force.

JANUARY 22, 1997

- Commissioners had their regular weekly meeting with office staff to discuss pending administrative matters.
- Commissioner Jelinski attended the regular monthly meeting of the 911 Administrative Board.
- Commissioner Murdock attended a meeting of the Transportation Committee to discuss road and transportation priorities.
- Commissioners Jelinski and Olson attended the regular monthly meeting of the Logan Landfill Advisory Board.
- Commissioner Jelinski met with Rest Home Administrator Connie Wagner, Pat Larmer, RN, and Dr. Herring regarding the Rest Home issue.

JANUARY 23, 1997

- Commissioners had their regular monthly meeting with Planning Director Dale Beland.
- Commissioners met with County Health Officer Jackie Stonnell and Human services Director Stephanie Nelson regarding the Gallatin Community Clinic.
- Commissioners Jelinski and Murdock met with Gallatin Gateway Rural Fire District Chairman Sam Harrison, Gallatin Gateway Rural Fire District Board Member Joe Axtell, Gallatin Gateway Rural Fire District Fireman Lyne Huyser, Belgrade Rural Fire District Chief Brett Waters, Belgrade Rural Fire District Chairman Jim Balke, Belgrade Rural Fire District Member Gil Moore, and Gallatin County Planning Director Dale Beland regarding an Interlocal Agreement creating a new fire station at the Four Corners area.
- Commissioners Murdock and Olson met with Jim Kurk regarding Fort Ellis Fire Service area.

JANUARY 24, 1997

- Commissioners met for an all-day goal setting retreat.
- Received A101's totaling \$6,407.73.
- Received Applications for Cancellation of Taxes in the amount of \$3,072.44.

The following items were on the consent agenda:

Final approval of the minutes of December 31, 1996 as written.

Carl and Leona Jones are claiming the gift of sale to an immediate family member exemption to create three tracts to be transferred to David Carl Jones, son, Carlene Sue Ditton, daughter and Randy Lynn Jones, son. Staff report indicates that based on the information submitted this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Lanette Windemaker, Planner, reported Scot Spratt is claiming the gift or sale to an immediate family member exemption to create a tract to be transferred to Shannon Spratt, his wife. One additional tract is being created and the claimant will retain Tract 1B as the primary residence. Mr. Spratt's occupation is

an engineer. Based on the information submitted it appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Minda Honea, resident of the area, questioned the need of this exemption when the property is jointly owned by the husband and wife, and that a precedent would be set.

Mark Chandler, surveyor, representing Mr. Spratt, stated that the intention for the future of the lot is to build a home for his wife's parents when they retire.

Motion by Bill Murdock to table this request for a family transfer exemption until the applicants can be present to testify. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 1:42 P.M.



CHAIRMAN APPROVAL



CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 4TH DAY OF FEBRUARY, 1997**

The meeting was called to order by Chairman Phil Olson at 1:38 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JANUARY 27, 1997

- Commissioners had their regular weekly meeting with office staff to discuss pending administrative matters.
- Commissioners met with the Department of Public Health and Human Services Director Joan Davies for the monthly Welfare Board meeting.
- Commissioners met with Personnel Director Kathy Nowierski regarding personnel matters.
- Commissioners attended a meeting of the Capital Facilities Committee to discuss pending facility issues.

JANUARY 28, 1997

- Commissioner Jelinski attended the regular Board of Health Meeting.
- Commissioners had their regular monthly meeting with Fiscal Officer Ed Blackman.
- Commissioners conducted the weekly public meeting.
- Commissioner Murdock met with Department of Public Health and Human Services Director Joan Davies regarding Families Achieving Independence in Montana (FAIM).
- Commissioner Murdock attended the regular monthly meeting of the County Planning Board.
- Commissioner Olson attended Legislative hearings in Helena.

JANUARY 29, 1997

- Commissioners met with Bozeman Mayor Don Stueck, Sheriff Bill Slaughter, Captain Bill Pronovost, Officer Mark Tymrak, 911 Director Mike Brown regarding Missouri River Drug Task Force and a new computer system to maintain criminal statistics.
- Commissioners attended a meeting of the Fort Ellis Fire Service.
- Commissioners met with Deputy County Attorney Gerry Higgins and John Poston regarding the landfill.
- Commissioner Olson met in Helena with Representative Emily Swanson, Broadwater County Commissioner Jim Hohn, Darrel Stanky of the Junk Vehicle Department, and John Dillared of the Department of Environmental Quality regarding the Junk Vehicle Program.
- Commissioners Murdock and Jelinski met with John Pavsek and Gary Damschen regarding engineering services available through Damschen Engineering.

JANUARY 30, 1997

- Commissioner Olson attended the annual meeting of the Bridger Ridge Radio Users.
- Commissioner Jelinski attended legislative hearing in Helena regarding the Big Sky Resort Tax.

28 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Murdock met with Archie Alexander regarding planning matters.
- Commissioners had their regular monthly meeting with Data Processing Supervisor Bill Baldus.

JANUARY 31, 1997

- Commissioner Murdock met with Road and Bridge Supervisor Sam Gianfrancisco regarding road office issues.
- Commissioner Murdock and Olson met with Mayor Don Stueck, Brian Troth, and Terri Baldus regarding a multi-purpose regional park..
- Commissioner Olson met with Environmental Health Specialist Tom Moore and Art Morrow regarding the Junk Vehicle program.
- Commissioner Jelinski met with Bob Neeley and Kathy Nowierski regarding staffing in the data processing department.
- Received A101's totaling \$360,000.00.

The following items were on the consent agenda:

Jim Anderson, James H. Ritten, and Vicki Ann Wellenstein have claimed the relocation of common boundary exemption between a subdivision lot and an adjacent COS tract to enhance the configuration of both parcels of land. Staff report indicates that based on the information submitted this exemption appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Jay and Marian Hargrove have claimed the family transfer exemption to create two parcels of land to be transferred to Richard Hargrove and Wesley Hargrove their sons. Staff report indicates that based on the information submitted it appears that the exemption meets the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Lalla Chadwick has claimed the family transfer exemption to create one parcel of land to be transferred to Thomas H. Chadwick, her husband. Staff report indicates that based on the information submitted it appears that the exemption meets the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Donald E. Strang has claimed the family transfer exemption to create one parcel of land to be transferred to Teri Lynn Thayer, his daughter. Staff report indicates that based on the information submitted it appears that the exemption meets the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock.. None voting nay. Motion carried.

Gene Graf III, Personal Representative of the Estate of Eugene Graf, Jr., and Genevieve S. Graf have claimed the exemption for a division made outside of a platted subdivision for the purpose of relocating common boundary lines between adjoining parcels. The property is located at the southwest corner of the intersection of Baxter Lane and North 19th Avenue. The property is located inside the City zoning jurisdiction, and was recently rezoned Business Park, M-1, Light Manufacturing, B-2, Community Business, and PII, Public Lands and Institutions. The property owners have recently applied for annexation of 167 acres to the City of Bozeman, which includes the subject property. That application will be processed over the next two months. The purpose of the COS is to enhance the configuration of the property by "squaring up" the existing triangular shaped parcel which is proposed for the new United States Postal Service truck terminal and post office. Staff report indicates that based on staff's review, it appears that this is a proper use of the exemption.

Sam Gianfrancisco, County Road Supervisor, stated that he would like to go on record as stating that there is some concern with Baxter Lane and North 19th Avenue. The way the road is designed there may be a need for turning bays, additional right-of-way, and signalization. David Jarrett, speaking on behalf of Gene Graf, stated the road was designed for lower and slower traffic, but the proposed lot is approximately 398 feet from the North 19th Avenue intersection.

Finding that this is a proper use of the exemption, motion by Bill Murdock to grant the relocation of common boundary exemption for Gene Graf, III. Seconded by Jane Jelinski. None voting nay. Motion carried

Christopher Williams, Bozeman City/County Planner, reported that Gary Oakland is requesting preliminary plat approval of the Kountz Trailer Park, which is located at 8628 Huffine Lane. The proposed application would subdivide approximately 2.927 acres of land to create 12 new lots to

accommodate 11 new manufactured homes and 1 relocated mobile home. Kountz Trailer Park has already existing 120 mobile home spaces and this subdivision will create a total of 131 homes. The site is currently accessed by two curbcuts on Huffine Lane. The proposed roadway along the western edge of the property will establish a dual-loop road arrangement in the trailer court, eliminating the one existing dead end street. The road will be 26 feet wide with no parking in either side of the street. Neither curbs or gutters are to be constructed along the road. The Bozeman City/County Planning Board held a public hearing on January 22, 1997 and on a vote of 9-0 recommends to the Gallatin County Commission to grant the preliminary plat application. If the County Commission makes the determination to approve the subdivision, the following conditions for final plat approval are recommended:

1. An original clothback and mylar, three paper, and one digital copy of the final plat shall be submitted which reflects how all conditions of approval have been met. The plat shall contain or be accompanied by all signed certificates and documents as required in 16.16.030 of the Bozeman Area Subdivision Regulations, including a Platting Certificate. The developer shall have three years from the date of preliminary approval to complete the above conditions and apply for final plat approval. The final plat shall conform with the requirements of Chapter 16.16 of the Bozeman Area Subdivision Regulations.
2. Per 16.16.040.G, Bozeman Area Subdivision Regulations, landscaping shall be provided between the mobile home park and the adjacent property to the west. A landscape plan shall be submitted with the final plat which shows the location, species and planting size of plants to be used. At a minimum, trees shall be planted at 15-foot intervals along the west side of the property. Shrubs may be an appropriate alternative if they are spaced in close proximity. The planting size shall comply with 18.50.100.D.5(i) of the Zoning Ordinance.
3. Open areas shall be identified to provide recreational opportunities to different age groups and to conveniently serve residents of the entire development. A recreation area development plan shall be submitted prior to final plat approval.
4. The applicant shall work with the adjacent property owner to improve and maintain the existing fence along the western property boundary in a workman-like manner to the satisfaction of both parties.
5. The expanded portion of the subdivision shall be subject to Gallatin County Fire Protection Impact Fee Regulation which calculates to \$496.00 per newly created lot. Bozeman City impact fees for the 120 units which were existing prior to March 23, 1996 will be waived as a result of having been connected to the City sewer service prior to 1997. Impact fees will be due at the time of drawing City Sanitary Sewer Service permits for the 11 mobile homes to be added to the property.
6. Plans and specifications for the proposed public sanitary sewer extension to the newly created lots must be approved by the City Engineer and where required, by the Montana Department of Environmental Quality prior to construction. The Owners shall also provide, at their expense, professional engineering services for construction, inspection, post-construction certification, and preparation of Mylar record drawings.
7. Prior to hookup of the 12 newly created lots to the City's sanitary sewer system, the owners shall provide a road and utility easement 50 feet wide along the east property line for the entire length of the property from the north to south boundaries for the extension of Ferguson Avenue when necessary, or other easement acceptable to the City. The easement document may allow for the use of the property by the Owners as a mobile home park until such time as the easement is put to its intended use by the City.
8. As part of the initial connection to the City's sewer, the Owners will correct the 300 foot long bottleneck in the West Babcock Street sewer trunk line, just west of Yellowstone Avenue. In the alternative, the Owners will provide a financial guarantee at 150% of the estimated cost of said improvements if sewer service is initiated prior to correcting the bottleneck.
9. A Stormwater Drainage Plan/Treatment Plan and Maintenance Plan for a system designed to remove solids, silt, oils, grease and other pollutants from the run-off from the new private street must be provided to and approved by the City Engineer. The plan must demonstrate adequate site drainage (including sufficient spot elevations along drainage courses), stormwater detention/retention basin details (including basin sizing and discharge destination and a stormwater maintenance plan. If the grading design discloses any adverse impact to offsite properties, necessary design alterations and/or drainage conveyance devices and easements must be provided. The stormwater drainage/treatment facilities must include a Maintenance Plan outlining in detail maintenance operations, frequency of inspections and maintenance, responsible parties and record keeping methodology.
10. Stormwater generated by the proposed subdivision which discharges to a privately owned ditch must have written permission of the ditch owner.
11. Montana Department of Health and Environmental Sciences approval of the subdivision must occur prior to final plat approval, as must licensing of the mobile home park by the State. A copy of the approval and license shall be submitted with the final plat application.
12. No mobile home, addition, porch, deck, parking area, or other similar improvements may be located within the 35 foot watercourse setback of the Farmers Canal.
13. "No Parking, Fire Lane" signs shall be installed along both sides of the proposed 26 foot wide road. Said signs must conform to the requirements of the Manual of Uniform Traffic Control Devices (M.U.T.C.D.).
14. All infrastructure improvements including sewer main extensions and storm drainage infrastructure improvements shall be financially guaranteed or constructed and accepted by the City prior to final plat approval. Any proposal to phase the installation of infrastructure or streets for the proposed subdivision must be submitted to and approved by the City Engineer in detail prior to initiation of any construction activity. Drawings must show accurate utilities locations (gas, power, telephone, and television). The final arrangement of sewer services to each

individual lot shall be subject to review and approval by the City Sewer Superintendent and the City Engineer. The existing septic tanks and drainfields must be properly removed and the removal documented and certified by the developer's professional engineer. No new mobile homes may be moved into the park prior to City acceptance of the subdivision and sewer infrastructure improvements. 15. If construction activities related to the project result in the disturbance of more than five acres of natural ground, an corrosion/sediment control plan may be required. The Montana Department of Health and Environmental Sciences, Water Quality Bureau, shall be contacted by the applicant to determine if a Storm Water Discharge Permit is necessary. If required by the WQB, an erosion/sediment control plan shall be prepared for disturbed areas of five acres or less if the point of discharge is less than 100 feet from State Waters. 16. The limits of each mobile home lot shall be marked on the ground with a suitable means prior to submittal of the plan for final approval. Minimum access width to each mobile home stand shall be 12 feet, and shall be improved at the time a home is placed on the lot. 17. A copy of the final covenants regarding the no parking provision on the proposed 26 foot wide street shall be submitted with the final plat. 18. The trailer identified as the "Relocated Trailer" on the Preliminary Plat shall not be located in the required 25 foot setback as it is currently depicted. A minor shift of the southeast corner of the trailer to the north may position it out of the required rear yard. However, a 25 foot distance between stands shall be maintained. Parking and access for this lot shall be clearly depicted prior to final plat approval. 19. All internal streets shall be named and street identification/marker signs shall be installed prior to final plat approval. The street names shall be submitted to, and approved by, the County Road Department.

Ray Center, Rocky Mountain Engineers, stated that the owner is in agreement with all of the conditions. Holly Brown, attorney representing the applicant, spoke regarding wording clarifications in conditions 5, 8, and 14. There was no public comment. Planner Williams stated that all of the clarifications to the conditions proposed by Ms. Brown are acceptable to staff.

Finding that this subdivision passed on a vote of 9-0 at the City/County Planning Board, that no one has shown opposition here today, the subdivision is consistent with the public health and safety and meets the criteria of the Master Plan, motion by Bill Murdock to grant preliminary plat approval with the conditions as follows: Conditions 1 - 4 as drafted. Amend condition 5 to read: The expanded portion of the subdivision shall be subject to Gallatin County Fire Protection Impact Fee Regulation which calculates to \$496.00 per newly created lot. Bozeman City impact fees for the 120 units which were existing prior to March 23, 1996 will be waived as a result of having been connected to City sewer service prior to 1997. Impact fees in an amount to be determined by City staff will be due at the time of drawing City Sanitary Sewer Service permits for the 11 mobile homes to be added to the property. Condition 6 and 7 as drafted. Amend condition 8 to read: As part of the initial connection to the City's sewer, the Owners will correct the 300 foot long bottleneck as agreed to by the City Engineering staff in the West Babcock Street sewer trunk line, just west of Yellowstone Avenue. In the alternative, the Owners will provide a financial guarantee at 150% of the estimated cost of said improvement if sewer service is initiated prior to correcting the bottleneck. Conditions 9 - 13 as drafted. Amend the 3rd paragraph to read: No new mobile homes may be moved into the park's newly created lots prior to City acceptance of the subdivision and sewer infrastructure improvements. And conditions 15 - 19 as drafted. Seconded by Jane Jelinski. None voting nay. Motion carried.

 Commissioner Olson recused himself from the rest of the meeting, he has an ownership interest in agenda item 2 and was not in attendance at the meeting for the Scot Spratt exemption. Commissioner Jelinski will Chair the rest of the meeting.

Lanette Windemaker, Planner, reported that William and Bonita Poser have requested preliminary plat approval of amended lot 3 of Olson Minor Subdivision (#172) which is located on the south side of West Dry Creek Road and east of the intersection with Central Park Road. The proposed subdivision will consist of two lots and is a second or subsequent minor subdivision from a tract of record. The property will have access off West Dry Creek Road. On October 23, 1996, the Manhattan City/County Planning Board reviewed the proposed subdivision and voted unanimously to recommend approval of the request to amend this minor subdivision. The County Commission has to make the determination as to whether the proposed subdivision should be approved. If the Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City/County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone,

telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever." 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of Rural Improvement Districts and/or the creation of a sewer and/or water District. 6. The subdivider shall submit the covenants, a copy of the conditions of preliminary approval, and the certificate of a licensed title abstractor to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, and certificate prior to final plat approval. 7. The subdivider shall record the following covenants with or on the final plat: a. The property owners shall be responsible for the control of County declared noxious weeds. b. Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c. A statement addressing agricultural uses of neighboring properties in the following form: Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. d. All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 9. The subdivider shall provide a diversion block to leave at the fire fill site to back up water and create a pond. The subdivider shall obtain written verification from the Manhattan Fire Department that the required diversion block has been provided. 10. The subdivider shall make payment of fire protection impact fees in the amount of \$496.00 per lot (\$992.00) to the County. 11. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

There was no public comment.

Finding that this amended plat meets the criteria of the Montana Subdivision and Platting Act and was passed unanimously by the Manhattan Planning Board, motion by Bill Murdock to grant preliminary plat approval with the conditions as follows: Conditions 1 - 5 as drafted. Amend condition 6 to read: The subdivider shall submit 2 copies of the covenants, a copy of the conditions of preliminary approval, and the certificate of a licensed title abstractor to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, and certificate prior to final plat approval. Conditions 7 - 11 as drafted. Seconded by Jane Jelinski. None voting nay. Motion carried.

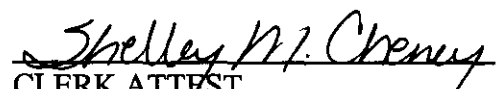
Lanette Windemaker, Planner, reported that at last weeks hearing the Commission tabled the request for a family transfer exemption for Scot Spratt in order for the applicant to be present. Mrs. Windemaker submitted and read into the record a signed affidavit from Mr. Spratt which states his intention of use for the newly created tract is to build a home for his in-laws when they retire.

Commissioner Jelinski stated that a letter was received from Mrs. Minda Honea stating concern that this transfer be used for family uses and not be sold outside of the family. Mark Chandler, surveyor, and Scot Spratt spoke regarding the request.

Finding that the affidavit has been received and entered into the record and finding that this is a proper use of the exemption, motion by Bill Murdock to grant the family transfer exemption to Scot Spratt. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:20 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 11th DAY OF FEBRUARY, 1997

The meeting was called to order by Chairman Phil Olson at 1:38 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

FEBRUARY 3, 1997

- Commissioners had their regular weekly meeting with office staff to discuss pending administrative matters.
- Commissioners had their regular monthly meeting with Facilities Director Bob Isdahl.
- Commissioners met with Planning Director Dale Beland, Facilities Director Bob Isdahl, and Architect Dick Prugh regarding Courthouse Construction Project and Detention Center Task Force Task Orders.

FEBRUARY 4, 1997

- Commissioners had their regular semi-monthly meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, and Deputy County Attorney Gerry Higgins.
- Commissioners conducted the weekly public meeting.
- Commissioners met with Planning Director Dale Beland regarding the Capital Facilities Committee.
- Commissioner Murdock met with the Southwest Builders Association regarding impact fees.

FEBRUARY 5, 1997

- Commissioners had their regular monthly meeting with Sheriff Bill Slaughter.
- Commissioner Jelinski attended a special meeting of the 911 Administrative Board.
- Commissioners Olson and Murdock attended the monthly meeting of the Gallatin Council of Governments in Three Forks to discuss pending legislative matters.

FEBRUARY 6, 1997

- Commissioners met with Planning Director Dale Beland and Environmental Health Director David Plueddeman regarding the Four Corners area.
- Commissioners had their regular monthly meeting with Road and Bridge Supervisor Sam Gianfrancisco.
- Commissioner Olson attended the United Way "Goal 97" Luncheon.
- Commissioners met with Captain Jim Cashell and Sheriff Bill Slaughter regarding a personnel matter.
- Commissioner Murdock attended the regular meeting of the Bozeman Park and Recreational Advisory Board.

FEBRUARY 7, 1997

- Commissioners met with MSE-HKM representatives Karen Fagg and Gary Simonich, and Deputy County Attorney Gerry Higgins regarding the Landfill liner.
- Commissioners met with Rae Water and Sewer Representatives Dean Ridgway, County Planning Director Dale Beland, City Director of Public Service Phil Forbes, Acting City Manager Ron Brey, State Department of Environmental Quality Representatives Elizabeth Wahl, Todd Teegarden, and Robert Booher, City Engineer Craig Brawner, Deputy County Attorney Gerry Higgins, Field Representative for Senator Conrad Burns Susan Brooke, and Morrison & Maierle Representatives Boyd Hicken and Glenn Wood regarding wastewater treatment at the Four Corners area.
- Commissioners met with Fairgrounds Director Sue Shockley, Road and Bridge Supervisor Sam Gianfrancisco, City of Bozeman Engineer Craig Brawner and City Director of Public Services Phil Forbes regarding Oak Street.
- Commissioners met with Deputy County Attorney Gerry Higgins, Larry VanDyke, MSE-HKM Representatives Karen Fagg and Gerry Simonich, and Landfill Operators Dan and Dave VanDyke regarding the Landfill liner.
- Received A101's totaling \$24,509.59.
- Received Application for Cancellation of Taxes in the amount of \$1,532.31.
- Received Claims in the amount of \$319,189.67

The following items were on the consent agenda:

Greg Poncelet, John T. Kamp, and Robert K. Kamp have claimed the relocation of common boundary exemption to relocate the boundary between two tracts of land. The reason for the survey is to correct errors in COS 479 and COS 479B, disclose facts about a tract of land, and to align a common boundary to resolve a boundary dispute. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Guy M. Coats has claimed the relocation of common boundary exemption to relocate the boundary between three tracts of land. The reason for the survey is for enhancement of the configuration of the property. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Larry and Sheryle Runyan are claiming the security for construction financing exemption to obtain a loan. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Allen and Olive Jacobs are claiming the family transfer exemption to create two parcels of land to be transferred to their son, Terry Jacobs and their daughter, Nyana Chase. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Gwen Massey, Gallatin County Youth Probation, spoke regarding two grant applications to the Montana Board of Crime Control for the development of an Intensive Supervision of Juveniles Project. Commissioner Olson read Resolution No. 1997-8, which is a resolution endorsing the applications. Motion by Jane Jelinski to adopt Resolution No. 1997-8. Seconded by Bill Murdock. None voting nay. Motion carried.

Dave Gates, Youth Probation Director, spoke regarding a Resolution to endorse an application to the Montana Board of Crime Control for the continued funding of the Peer Court Program.

Commissioner Murdock read Resolution No. 1997-9. Motion by Jane Jelinski to amend the resolution to read with the following language: Gallatin County Youth Probation Office and the Eighteenth Judicial Court of the State of Montana. Motion by Jane Jelinski to adopt Resolution No. 1997-9 as amended. Seconded by Bill Murdock. None voting nay. Motion carried.

Jason Karp, Belgrade City/County Planner, reported that John and Susan Kern, and Michael Delaney and Ileana Indreland have claimed the relocation of common boundary exemption to allow the relocation of the boundaries between 2 tracts of land. The claimants are proposing the boundary relocation's to make a better arrangement of the tracts, and provide better access to the Gallatin River. The claimants have submitted the required deeds and no additional tracts are being created. The Gallatin County Commission reviewed the above request at their October 15, 1996 public meeting. The Commission voted to deny the requested exemption because the proposed alignment would completely alter the previous division and replace it with a new entity (subdivision), and because the claimants stated at the meeting that an exemption was requested because the Gallatin County Subdivision Regulations would require then to dedicate a public easement or right-of-way to provide access to Tract 2 and Tract 1 if the lot rearrangement was submitted as a subdivision. The Commission instructed the claimants to submit the alteration of boundary lines as a minor subdivision in accordance with the Gallatin County Subdivision Regulations.

Commissioner Murdock questioned when and how the three original tracts were created? Mark Chandler, surveyor, answered Commissioner Murdock's questions and stated that the reason for the exemption is to make a building site for the Kern's that is out of the floodplain area. Deputy County Attorney Susan Swimley asked Mr. Chandler if this exemption is for the enhancement of the configuration of the property? Mr. Chandler stated yes. Michael Delaney and John Kern both spoke regarding the requested exemption. There was no public comment.

Motion by Bill Murdock to grant the relocation of common boundary exemption for John and Susan Kern, Michael Delaney and Ileana Indreland. Seconded by Jane Jelinski. None voting nay. Motion carried.

Jeff Wade, Detective from the Gallatin County Sheriff's Department, spoke regarding a resolution to support an application to the Montana Board of Crime Control for the creation of a STOP violence against women project. Mr. Wade explained that this is a grant application which has no end date and moneys can be applied for as long as there is money available. Sheriff Bill Slaughter and Gloria Edwards, Victim/Witness Coordinator spoke regarding the request.

Commissioner Jelinski read Resolution No. 1997-10, which is a resolution to endorse the application. Motion by Jane Jelinski to adopt Resolution No. 1997-10. Seconded by Bill Murdock. None voting nay. Motion carried.

Gloria Edwards, Victim/Witness Coordinator spoke regarding a application to support a joint application between the Gallatin County Attorney's Office and the City of Bozeman to the Montana Board of Crime Control for the continued funding for the Victim/Witness Program. There was no public comment.

Commissioner Murdock read Resolution No. 1997-11, which is a resolution endorsing the application. Motion by Bill Murdock to adopt Resolution No. 1997-11. Seconded by Jane Jelinski. None voting nay. Motion carried.

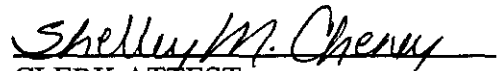
Ed Blackman, Fiscal Officer, presented the Commission with Resolution No. 1997-12, which is a resolution to continue funding of the Missouri River Drug Task Force Program.

Jeff Wade, Detective from the Gallatin County Sheriff's Department, spoke regarding the application.

Commissioner Olson read Resolution No. 1997-12. Motion by Jane Jelinski to adopt Resolution No. 1997-12. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:43 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING TUESDAY THE 18th DAY OF FEBRUARY, 1997

The meeting was called to order by Chairman Phil Olson at 1:32 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

FEBRUARY 10, 1997

- Commissioners had their regular weekly meeting with office staff to discuss pending administrative matters.
- Commissioner Jelinski attended a workshop presented by VRI regarding Attitudes in the Workplace.
- Commissioner Murdock attended the regular monthly Fair Board meeting.

FEBRUARY 11, 1997

- Commissioner Jelinski attended the monthly Gallatin City/County Board of Health meeting.
- Commissioners conducted the weekly public meeting.
- Commissioners held a work session with the County Planning Board, to discuss the prioritization of goals for the Board, as well as planning issues of importance to the Commissioners and the Board.

FEBRUARY 12, 1997

- Commissioners Olson and Murdock toured the Yellowstone County Jail in Billings, along with Lieutenant Jim Cashell of the Gallatin County Sheriff's Office, Larry Watson, the County Grants Administrator, and Bob Isdahl, Facilities Director.
- Commissioner Jelinski attended the grand opening of the new Buttery's store in Bozeman.

FEBRUARY 13, 1997

- Commissioners attended a regular Zoning hearing.
- Commissioners met with the Capital Facilities Committee, which includes Dale Beland, Planning Director; Bill Baldus, Data Processing Supervisor; Bob Isdahl, Facilities Director; Kathy Nowierski, Personnel Officer; and Ed Blackman, Fiscal Officer. Also in attendance were Jackie Stonnell, Health Officer; Sue Shockley, Fairgrounds Supervisor, and Todd Kesner, County Extension Agent. Topics of discussion included plans for moving the Department of Public Health and Human Services to the Planalp Building, the new office building at the fairgrounds, and the Courthouse renovation project.

- Commissioners met with Bill Baldus, Data Processing Supervisor, and Gene McCloney, Microcomputer Support Specialist, regarding computer-related issues of concern in the Commissioners' Office.
- Commissioner Jelinski attended a meeting with the Gallatin City/County Board of Health, Environmental Health Director David Plueddemann, and staff members from the County Environmental Health Department, Deputy County Attorney Gerry Higgins, Keith Belden of Morrison & Maierle, and property owners near River Road, regarding wastewater regulations in the County.
- Commissioner Murdock attended a meeting of the Mental Health Advisory Board.

FEBRUARY 14, 1997

- Commissioners held a four-hour work session to discuss goals and priorities.
- Commissioners had their first regular monthly meeting with Larry Watson, the County's Grants Administrator.
- Commissioners had their regular quarterly meeting with Joni Patterson-Croskey of Mental Health Services.
- Received Gallatin County New Employee list for January, 1997:
 - Bill Murdock, Commissioner, \$3,124.29/mo., 1/697.
 - Trenie Carey, Resthome - Kitchen Aide I, \$6.47/hr., 1/8/97.
 - Teresa Biege, Resthome - LPN, \$10.87/hr., 1/14/97.
 - Pam Saylor, Facilities Secretary, \$9:05/hr., 1/21/97.
 - Debbie Greenwood, Clerk of Court - Temp., \$10.00/hr., 12/23/96.
- Received Gallatin County Terminated Employee list for January, 1997:
 - Ruth Metcalf, Clerk of Court, 12/31/96.
 - Debbie Greenwood, Clerk of Court - Temp., 1/14/97.
 - Barb Jensen, Clerk & Recorder, 12/31/96.
 - Keith Farquhar, Sheriff, 12/30/96.
 - Ray Irby, Sheriff, 1/21/97.
 - Jody Newton, Sheriff, 1/29/97.
 - Gloria Christiansen, Resthome, 12/29/96.
 - Joe Weyer, Resthome, 1/15/97.
 - Natalie Steffins, Resthome, 1/21/97.
 - Rebecca Spear, Resthome - Temp., 1/5/97.
 - Mark O'Brien, Resthome, 1/31/97.
 - Kris Dunn, Commissioner, 1/3/97.
 - Mike Salvagni, County Attorney, 1/3/97.
- Received list of Gallatin County Employee pay changes for January, 1997:
 - Toni Frost, Treasurer - Motor vehicle, \$1,327.62/mo.
 - Christopher Gray, County Attorney, \$2,199.36/mo.
 - Jo Hamilton, Health, \$1,301.52/mo.
 - Lars Logan, Resthome, \$7.11/hr.
 - Cindy Nielson, Health, \$1,353.72/mo.
 - David Petersen, Sheriff, \$3,060.66/mo.
 - Bill Slaughter, Sheriff, \$3,774.06/mo.
 - Errol Wilson, Sheriff, \$3,098.94/mo.
 - Don Houghton, Sheriff, \$3,335.58/mo.
 - Ray Irby, Sheriff, \$3,048.48/mo.
 - Jack Greenway, Sheriff, \$3,048.48/mo.
 - Mary A. Hostetler, Clerk of Court, \$2,660.46/mo.
 - Naida Blase, Resthome, \$6.60/hr.
 - Sylvia Dobeck, Treasurer - Motor vehicle, \$1,381.56/mo.
 - Jarod Ackerman, Resthome, \$7.48/hr.
 - Sam Clark, Sheriff, \$1,827.00/mo.
 - Alisha Hanson, Resthome, \$7.63/hr.
 - Linda Hunt, Resthome, \$7.63/hr.
 - Dorothy Weber, Resthome, \$7.78/hr.
 - Mari Robbins, Road, \$1,482.48/mo.
 - Debbie Greenwood, Clerk of Court - Temp., \$10.00/hr.
 - Marty Lambert, County Attorney, \$2,542.14/mo.

The following items were on the consent agenda:

Gaston Engineering for Bozeman Meadows LLC is requesting final plat approval for Bozeman Meadows Subdivision a 3 lot subdivision. The Gallatin County Commission reviewed Bozeman Meadows Subdivision at their December 3, 1996 hearing and voted to grant preliminary plat approval

subject to 14 conditions. As of February 18, 1997 the applicant has demonstrated compliance with each of the 14 conditions as required by the preliminary plat approval.

Darleen McMillan has claimed the family transfer exemption to create one, 30.65 acre tract to be transferred to Herbert R. Krushensky, Jr., her son.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Debbie Arkell, Bozeman City/County Assistant Planning Director, reported on proposed amendments to the Bozeman Area Subdivision Regulations. Mrs. Arkell stated that there are so many changes in context, format, and chapter order, of the existing regulations that an amendment of the existing document was not possible. Thus, this is a proposal to repeal and replace the existing regulations. Mrs. Arkell reviewed, with the Commission, a memorandum received from City Attorney Paul Luwe with comments and changes to the new regulations.

Deputy County Attorney Susan Swimley spoke regarding some concerns and clerical errors with the document, comments from Mr. Luwe's memorandum, and then recommended that the County Commission hold off on any action until the City Commission holds their hearing, in order to allow the County Commission to review any possible changes proposed by the City.

During board discussion the Commission discussed concerns with Assistant Planning Director Arkell and Deputy County Attorney Susan Swimley. There was no public comment.

Motion by Jane Jelinski to continue this hearing until after the consideration by the City Commission. Seconded by Bill Murdock. None voting nay. Motion carried.

Dave Skelton, Bozeman City/County Senior Planner, presented the Commission with a Resolution of Intention to amend the 1990 Bozeman Area Master Plan Update by establishing a sub-plan for development within the North 19th Avenue/West Oak Street Corridor. Mr. Skelton stated that if the Resolution of Intention is passed today, then on March 4th, 1996 the Resolution to amend the 1990 Bozeman Area Master Plan will be brought before the County Commission.

During the public comment portion Brian Leland spoke with concern of reducing the open space requirement.

During board discussion the Commissioners discussed the concerns of Mr. Leland with Planner Skelton.

Commissioner Olson read Resolution No. 1997-13, which is a resolution of intention to amend the 1990 Bozeman Area Master Plan Update by establishing a Sub-Plan for development within the North 19th Avenue/West Oak Street corridor Master Plan.

Motion by Jane Jelinski to adopt Resolution No. 1997-13. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:29 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING TUESDAY THE 4TH DAY OF MARCH, 1997

The meeting was called to order by Chairman Phil Olson at 1:34 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

FEBRUARY 17, 1997

- County Offices were closed in observance of Presidents' Day.

FEBRUARY 18, 1997

- Commissioners had their regular semi-monthly meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, and Deputy County Attorney Gerry Higgins.
- Commissioner Jelinski attended the regular monthly meeting of the 911 Administrative Board.
- Commissioners conducted the weekly public meeting.
- Commissioner Murdock attended the regular monthly meeting of the Detention Center Task Force.

FEBRUARY 19, 1997

- Commissioners attended the regular Interagency Breakfast to discuss items of mutual concern with other agencies.
- Commissioner Olson attended the legislative hearing in Helena regarding the junk vehicle program.
- Commissioners attended the regular monthly County Staff meeting the Department Heads and a presentation by Jack Holstrom of Montana Association of Counties regarding Interpretation of the New Ethics Laws.
- Commissioner Murdock attended the regular monthly meeting of the Gallatin Development Corporation.
- Commissioners Jelinski and Olson attended the regular monthly meeting of the Logan Landfill Advisory Board.

FEBRUARY 20, 1997

- Commissioners had their regular weekly meeting with office staff to discuss pending administrative matters.
- Commissioners together with Delinquent Tax Collector Linda Everhard, Deputy County Attorney Susan Swimley, and Environmental Health Director David Plueddemann traveled to Amsterdam to meet with Department of Environmental Quality representative Tim Byron regarding the delinquent tax land where the old ethanol plant was located at Amsterdam. It was agreed to go ahead with environmental testing to determine if there is a problem with the land and to install a water monitoring well on the adjacent county right of way.
- Commissioners met with Personnel Director Kathy Nowierski regarding personal personnel issues.
- Commissioners met with Fiscal Officer Ed Blackman to discuss the Road Department Request to spend \$1,600 for a wetpack for sanding operations. Commissioners Olson and Murdock voted to approve the request with Commissioner Jelinski voting nay.
- Commissioners met with Executive Secretary Jan Emerson and Clerk and Recorder Shelley Cheney regarding the Commissioners' Daily Minutes. The Commissioners unanimously agreed to utilize a new form in order to document daily decisions for the public record.
- Commissioners met with Executive Secretary Jan Emerson regarding pending administrative matters.

FEBRUARY 21, 1997

- Commissioners met with Administrative Team consisting of Planning Director Dale Beland, Data Processing Supervisor Bill Baldus, Facilities Director Bob Isdahl, Personnel Officer Kathy Nowierski, and Fiscal Officer Ed Blackman to determine the direction and goals for the Administrative Team. It was unanimously agreed that 1.) Quarterly meetings be established with a specific agenda and goals. The meetings will be canceled if not needed. The next meeting will be held in May with the agenda to be determined by Ed Blackman and to coincide with the budget. 2.) Basic agendas will be 1st quarter - priorities, 2nd quarter - budget, 3rd quarter - policy and procedures, and 4th quarter - evaluate the group's accomplishments. 3.) The Commission will go to the project management seminar to be held in Butte on March 20th and report back to the group on the possible need to have a similar seminar for a large group of county employees.
- Commissioners had their regular monthly meeting with Planning Director Dale Beland to discuss County Planning Board Vacancies, impact fees, airport influence area, and capital facilities. It was decided Dale will set up the next Capital Facilities meeting to be held the first week in March, there will be a solicitation for Planning Board members since two members are currently needed (an ad will be placed in the paper), and Dale Beland will contact Facilities Director Bob Isdahl and County Attorney Marty Lambert to establish the necessary contract for use regarding the Courthouse Phase I architectural contract. The Commissioners also directed the Planning Department to use the previously drafted form for use on an exemption application because it has the correct affidavit included.
- Commissioners met with Fiscal Officer Ed Blackman for their regular monthly meeting and reviewed the mid-year budget report. Also discussed was the lease negotiations for the remainder of the Planalp building and the sublease with Smith Barney. Ed Blackman agreed to provide a strategy so that employees hired with grant money could continue to be employed.
- Received A101's in the amount of \$24,892.38.

FEBRUARY 24, 1997

- Commissioners attended the Mid-Winter Meeting of the Montana Association of Counties in Helena.

FEBRUARY 25, 1997

- Commissioners attended the Montana Association of Counties Meeting in Helena.

FEBRUARY 26, 1997

- Commissioners Olson and Murdock attended the Montana Association of Counties Meeting in Helena.
- Commissioner Jelinski attended the National Association of Counties Legislative Conference in Washington D.C. and will return to the office on Tuesday, March 4, 1997.

FEBRUARY 27, 1997

- Commissioner Jelinski attended the National Association of Counties Rural Renaissance Task Force meeting in Washington, D.C.
- Commissioner Olson attended the Montana Association of Counties meeting in Helena.
- Commissioner Murdock attended the combined Council of Governments and Chamber of Commerce luncheon where legislators were invited to discuss legislative issues in Bozeman.
- Commissioners Murdock and Olson attended a presentation by Ted Huber, Bozeman Shelter Care Director regarding services provided by the Shelter Care and the need for additional funds at the Montana Association of Counties meeting in Helena.

FEBRUARY 28, 1997

- Commissioner Jelinski attended the National Association of Counties Labor and Employee Benefits Steering Committee meeting in Washington, D.C.
- Commissioners Olson and Murdock attended the Montana Association of Counties Meeting in Helena.
- Commissioner Olson attended the Southwest Regional Juvenile Detention Meeting in the Basement of the Helena Police Department.

MARCH 1, 1997

- Commissioner Jelinski moderated a presentation of Pension Reform at the National Association of Counties Legislative Conference in Washington, D.C.
- Received A101's in the amount of \$239,686.92.
- Received claims in the amount of \$201,215.51.

The following items were on the consent agenda:

Item No. 2: Consideration of Resolution No. 1997-15, which is a resolution to comply with the requirements of the Montana Department of Commerce Home Program.

Item No. 3: John and Claudia Foster, and Frank Carter, have claimed the relocation of common boundary exemption. The property is located west of Manley Road, just north of the East Gallatin River and is part of a 228 acre tract that was divided into eleven 20-acre parcels by COS in 1989. The property lies within the Bozeman City/County Extraterritorial Zoning Jurisdiction, and is currently zoned A-S Agricultural Suburban District. The purpose of the this proposed realignment is to continue agricultural uses, protect sensitive riparian areas, and the enhancement of the property through the realignment of a ditch and creation of ponds. The proposed COS will realign the common property lines between Lots 3 & 4 (Adjustment 1) and between Lots 2 &3 (Adjustment 2). The acreage for all three lots will remain the same as in the original COS. In order to maintain the same acreage as the original tracts, and obtain the lot configuration desired, Lot 3 will become a "flag" lot. Based on staff's review, it appears that his is a proper use of the exemption.

Motion by Jane Jelinski to approve agenda item No. 2 on the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Motion by Bill Murdock to approve agenda item No. 3 on the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Ron Farmer, President of the Board of Trustees of the Bozeman Public Library, made a presentation for consideration of the formation of Library Committee for long range planning. This Committee would consist of a Trustee from each Library Board.

Motion by Bill Murdock to follow the recommendation of Mr. Farmer and form the Library Committee. Motion by Jane Jelinski to direct our Secretary to send a letter to each of the Board of Trustees of the different Libraries advising them that the Commission is creating a Library Committee for the purpose

of long range planning and ask them to designate an individual from their board to serve on this committee. Seconded by Bill Murdock. None voting nay. Motion carried.

Commissioner Jelinski asked Mark Lakey if he would schedule the first meeting. Mr. Lakey stated that yes, he would.

Chris Saunders, Assistant Bozeman City/County Planner, reported that Scenic Developers Inc. is requesting an amendment to the Bozeman Area Master Plan to change an existing Master Plan designation of Urban Residential on 120.37 acres for 64.04 acres to Urban Residential Infill and Commercial for 56.33 acres all located west of South 19th Avenue and between Lincoln Road and Stucky Road. The Bozeman City/County Planning board found that to give land use designations of "Urban Residential Infill" on approximately 3.1 acres and "Commercial" on 56.33 acres of the subject property complies with each of the approval criteria established in Chapter 5 of the 1990 Master Plan Update, and that the amendment, as determined by the City/County Planning Board, constitutes an overall improvement to the Plan. The Planning Board on a vote of 7-1 recommends to the Bozeman City Commission and the Gallatin County Commission that the application be approved.

John Marks, Scenic Developers and Sam Gianfrancisco, County Road Superintendent spoke regarding the application. Mr. Gianfrancisco stated that the County's idea is to someday extend Kagy Road through to Stucky Road, this would be a much more appropriate use to have a collector street run through Commercial property instead of residential property. There was no other public comment.

Motion by Jane Jelinski to approve the Master Plan Amendment consistent with the Bozeman City/County Planning Board's Resolution No. P-9653. Seconded by Bill Murdock. None voting nay. Motion carried.

Jody Olsen, Assistant Bozeman City/County Planner, reported that Ron Laden is requesting preliminary plat approval for Aajker Creek Subdivision, a 10 lot subdivision, located in the southwest corner of the intersection of Valley Center Road and Harper Puckett Road. The proposed major subdivision would subdivide 40.002 acres of land to create 5 single-family residential lots, four residential/light commercial lots, and one open space lot with a one (1) acre building site. All lots are proposed to utilize individual on-site water and wastewater systems. Access will be from Laden Lane, an interior access road connecting to Harper Puckett and Valley Center Roads. Laden Lane will have a gravel surface and comply with County standards for gravel roads. The subject property and adjacent properties all lie outside of the Bozeman City/County Extraterritorial Zoning Jurisdiction. Therefore, neither the subject property, nor any adjacent properties, have zoning designations. The Bozeman City/County Planning Board on a vote of 6-0 recommends to the Gallatin County Commission that the application be approved. If the County Commission finds that Aajker Creek Subdivision is in the public interest the following conditions are recommended for approval: 1. The final plat shall conform to all requirements of the Bozeman Area Subdivision Regulations and the Uniform Standards for Final Subdivision Plats, and shall be accompanied by all required appropriately worded certificates and a Platting Certificates. 2. Department of Environmental Quality approval shall be obtained for the release of sanitary restrictions for the subdivision prior to final plat approval, with a copy of the release submitted with the final plat application. 3. The lots created by this Major Subdivision shall only be used for single-family residential purposes; no commercial uses shall be developed. The covenants for the subdivision shall state that no commercial uses shall be developed. 4. A \$496.00 per lot Fire Protection Impact Fee shall be submitted to Gallatin County prior to final plat approval, with proof of receipt submitted with the final plat application. 5. The developer shall be responsible for paying a proportionate reimbursement of the total construction cost of the Valley Grove Subdivision fill site to the Belgrade City/County Planning Office which will reimburse the entity responsible for maintenance of the fill site. The proportion shall be based on the ratio of the number of lots in the subdivision to the total number of lots served by the fill site. Proportionate reimbursement shall be paid to the Belgrade Planning Office prior to final plat approval, and documentation confirming that the reimbursement has been paid shall be submitted with the final plat. 6. Any area disturbed during construction shall be seeded and controlled for noxious weeds. Either an inspection of the property by the County Weed Control Officer will occur or an agreement to control noxious weeds must be signed prior to the final plat approval. 7. A Homeowner's Association shall be formed to enforce the subdivision covenants. A copy of the Homeowner's Association document shall be submitted with the final plat application for review and approval by the County Attorney. 8. Covenants shall be recorded with the final plat that specifically include the following provisions: a. Provisions for the maintenance of all private open space areas. b. Provisions for the maintenance of all subdivision roads. c. That all county declared noxious weeds will be controlled. d. A section addressing agricultural uses of neighboring properties in the following form: "Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, smoke, flies and machinery noise. Standard agricultural practices feature the use of heavy

equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening." e. All fences bordering agricultural lands shall be maintained by the landowners in accordance with state law. f. The covenants shall also contain provisions for the following: membership, perpetual reservation, right of use, responsibility, assessments, and snow removal. g. That any covenant that is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 9. The Covenants and a list of conditions of preliminary plat approval shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants prior to final plat approval. 10. All utilities shall be installed underground. Utility easements, a minimum of twenty (20) feet wide, shall be provided along side and rear lot lines. They shall be centered on the lot lines whenever possible, and shall be shown on the final plat. A minimum of ten (10) feet wide utility easements shall be provided along Laden Lane, on both sides of the road. In addition to showing the appropriate lot utility easements, the following note shall be included on the final plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever." 11. Lot 10 shall contain the remaining 28.665 acres with a 1.0 acre building site. The location of the 1.0 acre building site shall be shown on the final plat. The balance of Lot 10 shall remain as private open space, and the covenants for the subdivision shall reflect this. The use of this private open space for agricultural purposes shall be allowed and encouraged, and the subdivision covenants shall reflect this. 12. In exchange for requested additional density bonuses, Aajker Creek shall be protected through the entire subdivision (south to north border) with a thirty (30) foot wide open space corridor easement for the public as Public Lands and Open Space as designated in the Bozeman Area Master Plan. Aajker Creek shall be located within a ten (10) foot wide corridor offset in the west half of the open space corridor easement and shown on the final plat. A meandering five (5) foot wide pedestrian/bike trail shall be constructed by the developer within the east half of the entire length of the open space corridor easement prior to final plat approval, and shall also be shown as such on the final plat. The trail shall be constructed according to Bozeman Recreation and Parks Advisory Board (RPAB) standards. Finally, the developer shall provide an easement connecting the public trail corridor and public trail to Harper Puckett Road. This easement shall be across the southeast corner of the subject property, or across the northeast corner of Lot 4 of Minor Subdivision No. 148 (also owned by the applicant). 13. The internal subdivision road "Laden Lane" shall be located in a (60) foot wide right-of-way, dedicated to the public, and built to the County gravel standard prior to final plat approval. 14. Prior to final plat approval, stop signs shall be installed at the intersection of Valley Center and Harper Puckett Roads, at the intersection of Laden Lane and Valley Center Road, and at the intersection of Laden Lane and Harper Puckett Road in accordance with County standards. 15. Appropriate street name signs shall be installed that meet County standards. 16. A one (1) foot access strip shall be shown on the final plat for Lots 1, 2, 3, 4, and 9, to prevent direct access from the lots to Harper Puckett Road. 17. On the final plat, an additional ten (10) feet of dedicated right-of-way shall be provided for Valley Center Road, the full length of the subdivision. 18. A one (1) foot no access strip shall be shown on the final plat for Lots 1 and 5, to prevent direct access from the lots to Valley Center Road. 19. Prior to final plat approval, proportionate reimbursement for the paving of Valley Center Road shall be paid to the Valley Grove Subdivision in accordance with the reimbursement requirements of Section 7(H) of the Gallatin County Subdivision Regulations. 20. Prior to final plat approval, County encroachment permits shall be obtained for access off Valley Center and Harper Puckett Roads. 21. Based on concerns from the Gallatin County Health Department regarding increasing population densities and variable environmental conditions in the area, as well as the subject property's poor soil filtration capacity as determined by the NRCS, a community wastewater system shall be designed and utilized, subject to approval from the Montana Department of Environmental Quality (DEQ) and the Gallatin County Health Department. This facility shall be installed and accepted prior to final plat approval, and the location of this facility shall be shown on the final plat. **OR** Individual on-site water supply and septic systems shall be utilized provided that DEQ and Gallatin County Health Department approval is obtained prior to final plat approval. 22. The developer shall have three years from the date of preliminary plat approval to complete the above conditions and apply for final plat approval. The subdivider shall either install the required improvements, or with permission from the Gallatin County Commission, enter into a written subdivision improvements agreement with the Gallatin County Commission guaranteeing the construction and installation of all required improvements in conformance with all policies, standards, and resolutions adopted by the County of Gallatin. The agreement shall stipulate, among other things, which type of security arrangements the subdivider elects to use and the time schedule the subdivider proposed for accomplishing the required improvements and shall include the subdivider's warranty against defects in these improvements for a period of one year from the date of their written acceptance by the County of Gallatin.

Dennis Foreman, Gaston Engineering and Ron Laden, developer spoke regarding the proposed subdivision. There was no public comment. Deputy County Attorney Susan Swimley questioned if the wording in condition no. 16 should state: A one foot no access strip shall be shown on the final plat for Lots 1, 2, 3, 4, and 9, to prevent direct access from the lots to Harper Puckett Road.

During board discussion the Commission discussed concern of allowing commercial lot designation in an area with no zoning, also the Commission concurred to allow the applicant to dedicate a public trail easement and take that land off of his cash in lieu of parkland payment.


Finding the Aajker Creek Subdivision meets the criteria of the Montana Subdivision and Platting Act, motion by Bill Murdock to grant preliminary plat approval with the following conditions: Conditions no. 1 and no. 2 as drafted, delete condition no. 3. Conditions no. 4 through no. 11 as drafted. Amend condition no. 12 to read: In exchange for requested additional density bonuses, Aajker Creek shall be protected through the entire subdivision (south to north border) with a thirty (30) foot wide open space corridor easement dedicated to the public as Public Lands and Open Space as designated in the Bozeman Area Master Plan. Aajker Creek shall be located within a ten (10) foot wide corridor offset in the west half of the open space corridor easement and shown on the final plat. The location and construction of the trail shall be reviewed and approved by the City/County Planning Staff and shall be shown on the final plat. Finally, the developer shall provide an easement connecting the public trail corridor and public trail to Harper Puckett Road. This easement shall be across the southeast corner of the subject property, or across the northeast corner of Lot 4 of Minor Subdivision No. 148 (also owned by the applicant. Conditions no. 13 through no. 15 as drafted. Amend condition no. 16 to read: A one (1) foot no access strip shall be shown on the final plat for Lots 1, 2, 3, 4, and 9, to prevent direct access from the lots to Harper Puckett Road. Conditions no. 17 through no. 22 as drafted. And add condition no. 23 to read: Cash-in-lieu of parkland dedication shall be paid according to the Subdivision Regulations. The developer shall receive credit for the area dedicated for an open space trail easement. Seconded by Jane Jelinski. None voting nay. Motion carried.

Dave Skelton, Bozeman City/County Senior Planner, presented the Commission with Resolution No. 1997-14, which is a resolution amending the 1990 Bozeman Area Master Plan Update by incorporating the North 19th Avenue/West Oak Street Corridor Master Plan into said document. Mr. Skelton stated that this is the last action necessary by the County Commission. There was no public comment.

Motion by Jane Jelinski to adopt Resolution No. 1997-14. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:49 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 11TH DAY OF MARCH, 1997**

The meeting was called to order by Acting Chairman Jane Jelinski at 1:32 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

Commissioner Jelinski announced that Commissioner Olson was at a meeting out of town.

The following proceedings were had to wit:

MARCH 3, 1997

- Commissioners Murdock and Olson attended the Disaster and Emergency Services meeting to set up and prepare for potential flooding in the county. Several representatives from local governments around the County attended the meeting.
- Commissioners Murdock and Olson met with Executive Secretaries Pat Lewis and Jan Emerson to discuss administrative matters. Commissioner Olson and Murdock decided that no board appointments would be made until all three Commissioners could meet and discuss candidates. Commissioners Olson and Murdock appointed Jan Emerson to attend and take minutes at the

42 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Detention Center Task Force meetings which will be in addition to the 20 hours she currently works. Commissioners Olson and Murdock further appointed Pat Lewis to attend and take minutes at the Gallatin Council of Governments meeting and Capital Facilities meetings.

- Commissioner Murdock and Olson met with Grants Administrator Larry Watson regarding the Detention Center Task Force press release. Larry Watson voiced some concern about 911 funding and will contact Disaster and Emergency Services Coordinator Aaron Holst to discuss those concerns. Commissioners Murdock and Olson requested Larry Watson to write a press release with Clerk of District Court Lorraine VanAusdol for the Commission's review.
- Commissioner Jelinski returned from attending the National Association of Counties meeting in Washington, D.C.

MARCH 4, 1997

- Commissioners held their semi-monthly meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, and Deputy County Attorney Gerry Higgins. The County Attorney updated the Commissioners on issues they are working on. Commissioners agreed to be more specific in their requests of the attorneys.
- Commissioners conducted the regular weekly public meeting.
- Commissioner Jelinski served as a judge for the County Spelling Bee.

MARCH 5, 1997

- Commissioner Murdock attended the House Taxation Committee meeting in Helena to testify in favor of the proposed legislation whereby the Big Sky community could be self governing for its resort tax.
- Commissioner Jelinski met with 911 Communications Director Mike Brown, Police Chief Mark Tymrak, City of Bozeman Neighborhood Coordinator James Goehrung, County Attorney Marty Lambert, Disaster and Emergency Services Coordinator Aaron Holst, City Attorney Paul Luwe, and Acting City Manager Ron Brey. James Goehrung reported on the progress of a grant application for 911 upgrades. Mike Brown reported on Task Orders to complete the electrical and mechanical work on the new 911 center. The Administrative Board then went into executive session to prepare the performance evaluation of the Director.
- Commissioner Olson attended a meeting of the Southwest Montana Counties regarding recycling. An RFP is being drafted for the processing of recycled materials.
- Commissioners Olson and Murdock attended the Gallatin County Fire Council meeting where attendees included the County fire departments, Madison County Rural Fire and Beaverhead County Rural Fire. Concern was voiced about Section 4.(B) of the Mutual Aid Agreement and Commissioners Murdock and Olson agreed that the County Commissioners would discuss what to do. There was a motion for the Council to adopt newly drafted Mutual Aid Agreement as drafted with an Amendment to stipulate "Wildland Fire" as statutory stated and separability clause for Section 4.(B).

MARCH 6, 1997

- Commissioners Olson and Murdock prepared the performance evaluation of the Grants Administrator.
- Commissioner Jelinski testified in support of HB 585, the Today and Tomorrow Legislation, before the House Business and Labor Committee in Helena.
- Commissioner Olson attended the monthly meeting of the Weed Board. In attendance were Weed Board members, Lynn Huyser, Fred Tubb, and USDA-Natural Resources Conservation representative Wendy Williams. The Weed Board agreed to use consultants to develop weed plans of understanding "MOU's" to relieve Weed Director Dennis Hengel. Approximately 40% of Dennis Hengel's time is taken up with these issues. It was also agreed that the Weed Board would purchase a video machine and overhead projector. Weed Board members voted to increase the spray crew wages from \$7.50 per hour to \$8.50 per hour.
- Commissioners Jelinski and Murdock met as the Welfare Board with Department of Public Health and Human Services Director Joan Davies and approved the Welfare Report.
- Commissioners met with Auditor Joyce Schmidt to discuss when and if there will be an audit of the Big Sky Resort Tax this year. Also in attendance was Al Knauber of the Bozeman Daily Chronicle. Joyce Schmidt commented that several questions from previous years still need answering. The Commissioners unanimously decided to have the Big Sky Tax Resort audited as per the Random Audits of Section 15 of Ordinance 92-01 and will send a memo to the Auditor stating the same.
- Commissioners met with Becky Pape and Kevin Kelleher of Big Sky, who provided information regarding a proposed Big Sky Park District boundary suggested by the newly formed organization known as Gallatin Canyon Landowners Association.

MARCH 7, 1997

- Commissioners met with Personnel Director Kathy Nowierski to discuss the Safety Culture Act, the Disaster Response Plan, Department Head job descriptions review, agreement to coordinate salary surveys with Class IA Counties, and pending personnel matters. The Commissioners agreed that employees will be solicited from each department to participate in a safety committee. The Commissioners requested that Kathy Nowierski do a safety audit of each department. All parties agreed to schedule a meeting with Disaster and Emergency Services and the Administrative Team regarding duties during a disaster.
- Commissioners had their regular monthly meeting with Data Processing Supervisor Bill Baldus and discussed activities in the data processing department. Commissioners agreed that Bill Baldus will research more economical furniture for the training lab.
- Commissioner Jelinski and Data Processing Administrative Assistant Diane Steffan had a conference call with Elinor Edmonds of Interwest Consulting regarding the future needs for the telepsychiatry network.
- Commissioners had their regular monthly meeting with Facilities and Operations Supervisor Bob Isdahl. Discussed were the task order process for small projects, the county building maintenance contract, and other facilities issues. The Commissioners instructed Mr. Isdahl to begin the RFP process for the next fiscal year's building maintenance contract.
- Commissioners Jelinski and Olson met with District Judge Mike Salvagni and District Judge Thomas Olson regarding the Law and Justice Center facilities needs.
- Commissioners met with the Capital Facilities Committee, consisting of the three Commissioners, Personnel Officer Kathy Nowierski, Fiscal Officer Ed Blackman, Facilities and Operations Supervisor Bob Isdahl, Data Processing Supervisor Bill Baldus, Deputy County Attorney Susan Swimley, and Planning Director Dale Beland. Also in attendance were Mike Brown, City/County Communications Services Director, Fairgrounds Supervisor Sue Shockley, Health Officer Jackie Stonnell, and Director of Public Health and Human Services, Joan Davies; and Executive Secretary Pat Lewis. Capital Facilities Coordinator Dale Beland was instructed by the Commissioners to begin the process of drafting a task order for a proposed County Facilities Master Plan. Also discussed were the capital facilities process, the 911 dispatch center, the courthouse renovation project, and the status of possible sublease arrangements with current tenants of the county-leased space in the Planalp Building. At this meeting the Commissioners decided to explore the possibility of locating the 911 Dispatch Center in Bozeman Fire Station No. 2, to be brought to the table for discussion at a joint City and County Commission meeting on March 10.
- Received claims in the amount of \$261,976.54.
- Received Gallatin County New Employee List for February 1997:
 - Rob Brown, Deputy County Attorney, \$2,916.00/mo., 1/29/97.
 - Christine Taylor, Detention Officer - Sheriff, \$1,392.00/mo., 2/1/97.
 - Christine Cox, Environmental Health Specialist I, \$2,220.24/mo., 2/3/97.
 - Kathleen Harvey, Deputy Clerk of District Court I, \$1,425.06/mo., 2/3/97.
 - Carol Dufrane, Certified Nurses Aide - Resthome, \$7.33/hr., 2/7/97.
 - Ann Groshens, Data Processing - Software Support, \$2,025.36/mo., 2/10/97.
 - Barbara Osterman, Clerk & Recorder - Administrative Clerk II, \$7.33/hr., 2/10/97.
- Received Gallatin County Terminated Employee List for February 1997:
 - Darlene Stuber, Youth Probation, 10/1/96.
 - Bob Neely, Data Processing, 1/31/97.
 - Milly Powers, Resthome, 2/14/97.

The following items were on the consent agenda:

Ken and Jane Walker and Sara and Eldon Huffine are claimed the relocation of common boundary exemption. The purpose of the survey is to acquire additional land for access to the proposed Spirit Hill Subdivision. No additional tracts are being created and the property will continue to be farmed. Staff report indicates that based on the information submitted this application appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Consideration of adoption of the Competitive Sealed Proposal Procedures for medications for the Gallatin County Detention Center, the Gallatin County Resthome, and for vehicle maintenance for the Gallatin County Sheriff's Department. Commissioner Jelinski asked Clerk & Recorder Shelley Cheney if her office would receive and hold the proposals in a secure place until opening. Ms. Cheney stated yes.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Larry Watson, Grants Administrator, reported that Gallatin County has been awarded a Federal Home Investment Partnerships Program (HOME) Grant in the amount of \$198,270.00 by the Montana Department of Commerce for the development and construction of a townhouse comprised of two units to serve eight adults with developmental disabilities. This is a joint project venture between Gallatin County and Reach, Inc., and the estimated cost of the project is \$372,000.00. Request for proposals were solicited over the month of February for architectural, engineering and design services for that project. The following three applicants applied: Taylor Architects, Cikan Architects and Comma-Q Architects. Mr. Watson made the recommendation to the Commission to accept the proposal from Taylor Architects. There was no public comment.

Motion by Bill Murdock to select Taylor Architects for the HOME Grant proposal. Seconded by Jane Jelinski. None voting nay. Motion carried.

Larry Watson, Grants Administrator, stated that this is a public hearing for the Community Development Block Grant and HOME Program. The purpose of this hearing is to inform the public regarding the federally funded grant program designed to help communities with development needs. Mr. Watson explained that the principal purpose of the program is to develop viable communities by providing decent housing, healthful and safe living environments, and economic opportunities for persons of low to moderate income. The program is administered nationally by the Department of Housing and Urban Development (HUD) and locally by the Montana Department of Commerce. There are three funding categories under Montana's CDBG Program. 1.) Economic Development, 2.) Public Facilities, and 3.) Housing. The HOME Investment Partnerships Program (HOME) was established under the National Affordable Housing Act of 1990. Through the HOME program, funds are provided to eligible states, local governments and certified Community Housing Development Organizations (CHDO's) for the purpose of developing affordable housing for person of low and very low income. There will be a 2nd hearing in which applications will be reviewed by the Commission.

During the public hearing portion the following people spoke: Joan Davies, Welfare Director, Claudia Venditti, Childcare Connections, Mike Roberty, Lisa Hartmann, Stephanie Gray, Jeff Rupp, Barbara Richards, and William Lee Self.

Commissioner Jelinski closed the public hearing and stated that the second hearing will be set sometime in early May.

Deputy County Attorney Susan Swimley stated that the County Commission has before them a Resolution of Intention to amend the Gallatin County Subdivision Regulations by adopting impact fees for county roads. The public hearing to consider the amendment will be set for April 1, 1997.

Dale Beland, Planning Director, reported that Gallatin County has been considering the adoption of road impact fees since late 1994. Mr. Beland explained that this process has involved a consultant, County staff, the Impact Fee Steering Committee, the County Planning Board, the County Commission and public hearings. The Planning Board held a hearing on February 25, 1997 and recommend the following changes to the 6/21/97 draft of the road impact fee regulation: 1. Clarification of Section 8.1 (that collected fees be used for funding of long-range road/transportation planning. 2. Definition of collection benefit area (to exclude the area south of the mouth of the Gallatin Canyon). 3. Revision to Section 12.6 to provide an agriculture/open space exemption from road impact fees where a land owner is subdividing an existing homesite from adjoining agricultural land, and 4. Support for the Transportation Committee's recommended long-range planning program.

Commissioner Jelinski read Resolution No. 1997-16, which is a resolution of intention to amend the Gallatin County Subdivision Regulations by adopting Road Impact Fees.

During the public portion the following people spoke: Russ Squire, President of the Southwest Montana Building Association, Dave Crawford, Brian Leland, and Sandy Nichols.

During board discussion the Commissioners concurred that they would like to see the Planning Board recommendation No. 3 be implemented, and leave this impact fee to cover the whole County as anybody using the roads are going to benefit. Commissioner Murdock requested staff to look into the question of allowing subdividers to post bond or enter into an improvements agreement for the payment of road impact fees.

Motion by Bill Murdock to adopt the Resolution No. 1997-16, to amend the subdivision regulations by adopting an impact fee policy and regulations for County roads within all of Gallatin County. Commissioner Murdock's motion included amending the draft road impact fee regulation to provide an

agriculture/open space exemption from road impact fees where a land owner is subdividing an existing homesite from adjoining agricultural land and also provisions to allow the possibility for subdividers to enter into improvement agreements for the payment of road impact fees. Seconded by Jane Jelinski. None voting nay. Motion carried.

Commissioner Jelinski stated that the amended draft will be available in the Planning Office within one week.

There being no further business the meeting adjourned at 2:56 P.M.

Jane Jelinski
 CHAIRMAN APPROVAL

Shelley M. Cheney
 CLERK ATTEST

PUBLIC MEETING TUESDAY THE 18TH DAY OF MARCH, 1997

The meeting was called to order by Chairman Phil Olson at 1:31 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MARCH 10, 1997

- Commissioner Olson was out of town on a family matter March 10, 11, and 12.
- Commissioners Murdock and Jelinski met with Gallatin County Drug and Alcohol Services Director Roger Curtiss to review the program and receive an update.
- Commissioners Murdock and Jelinski met with Executive Secretary Pat Lewis regarding pending administrative matters and voted Gary Griffith to the County Planning Board. Commissioners Jelinski and Murdock agreed to appoint Karen James and Jack Ostrovsky to the Historic Preservation Board. Commissioners Jelinski and Murdock decided to set up a meeting with Bill Brewster of the High Country Independent Press regarding weekly public updates.
- Commissioners Murdock and Jelinski attended a meeting with various state, federal, and local agencies which was chaired by Gordon Hill of the Natural Resources Conservation Services and information was presented regarding potential flooding problems this spring, and also discussed was sponsorship of the emergency watershed protection program. Commissioners Murdock and Jelinski voted to sponsor this program with the understanding that as sponsors the County must approve our participation in any project.
- Commissioners Jelinski and Murdock had their regular monthly meeting with County Grants Administrator Larry Watson. Larry Watson provided an update on the Community Development Block Grant program, CTEP application status, grant applications, and the Detention Center Task Force.
- Commissioners Jelinski and Murdock attended a joint meeting with the City Commissioners, their staff, Deputy County Attorney Susan Swimley, and Road and Bridge Supervisor Sam Gianfrancisco regarding the West Babcock Street right of way and construction issues. Commissioners agreed that there would be a 90' right of way on West Babcock and the City and County would talk to their respective affected owners before seeking quiet title action.
- Commissioner Murdock attended the regular monthly meeting of the Fair Board.

MARCH 11, 1997

- Commissioners Jelinski and Murdock attended the regular monthly meeting of the Board of Health. Commissioner Jelinski called the County Commission meeting to order concurrently with the Board of Health meeting. A joint public hearing on proposed wastewater treatment regulations was conducted. Public comment was taken. The Board of Health and County Commission will continue to take additional written comment for one week. The meeting was adjourned.
- Commissioner Jelinski and Murdock met with Disaster and Emergency Services Coordinator Aaron Holst regarding termination of the wildland fire protection contract. Commissioners Murdock and Jelinski decided to appoint a committee of two County Commissioners, Aaron Holst, Diane Martin, and Bob Stober to prepare and RFQ to provide wildland protection. There was a follow-up meeting scheduled for March 28.
- Commissioners Murdock and Jelinski met with Mark Borden regarding his complaint on the burn permit fee increase and lack of enforcement of violators.
- Commissioners Jelinski and Murdock conducted the regular weekly public meeting.

- Commissioner Murdock attended the annual meeting of the Gallatin Conservation District in Three Forks.

MARCH 12, 1997

- Commissioner Murdock met with a county employee to provide a three month evaluation.
- Commissioner Murdock met with Area Agency on Aging Director Charlie Briggs and Bea Horswill to review the state plan on aging, area plan, aging advisory council, senior citizens priorities, Area IV final expenditures, Jim Hunt letter of January 31 suggesting Gallatin County increase its \$3,200 annual contribution. Commissioner Murdock will discuss the January 31 letter with Commissioners Olson and Jelinski.
- Commissioner Murdock met with Elvin Fitzhugh of Montana Power regarding the Missouri River Task Force and signed the steering committee documents for Phil Olson for the Lewis & Clerk Interpretive Center.
- Commissioner Murdock attended the monthly meeting of the Victim Witness Board. Present were County Attorney Marty Lambert, Sheriff Bill Slaughter, Victim Witness Program Coordinator Gloria Edwards, Chris Gray, Deputy County Attorney Susan Swimley, Susan Wordahl, Battered Women's Shelter Volunteer Coordinator Cathy Coles, and Darcy Dahle. The following agenda items were discussed: Gallatin project grant, victim witness legislation, and the April 13th Crime Victims' Rights Banquet.

MARCH 13, 1997

- Commissioners Olson and Murdock attended the zoning hearing for Bridger Canyon and Big Sky.
- Commissioner Murdock met with Bob Donovan, Auditor Joyce Schmidt, Fiscal Officer Ed Blackman, and County Treasurer Stan Hughes regarding the Big Sky Tax audit. Bob Donovan (owners of Country Store) in Big Sky asked for collection reports from the County in a more timely fashion and wanted to know what items were exempt or taxed in the Big Sky Tax ordinance. He also wanted to know where administrative dollars to the County were being spent. Ed Blackman agreed to provide Mr. Donovan the latest collection report within 10 days. Commissioner Murdock stated he would discuss with Commissioners Jelinski and Olson the possibility of a work session to further review exempt and non-exempt issues.
- Commissioner Murdock attended the regular monthly meeting of the Mental Health Advisory Board.

MARCH 14, 1997

- Commissioner Olson met with Disaster and Emergency Services Coordinator Mike Hoey, Three Forks Police Hank Hecker, Three Forks Chief Wendell Ewean, Ray Noble of the City of Three Forks, Road Foreman Ken Helwinkle and Bridge Foreman Doug Ford, Jim Kiyawa of the State DES, Scott Gillilana Consultant, and Dave LaGrove of the Army Corp. of Engineers and did a site review for flooding potential in the Three Forks area. A map of the Three Forks area was reviewed and identified possible protection for the entire town. The group continued to Logan and then to Bozeman to discuss a possible course of action.
- Commissioner Olson met with Coroner Rob Myers with Al Knauber of the Bozeman Daily Chronicle present. Coroner Myers informed the Commission that he will not be running again for re-election and discussed a plan to help identify a new person for the job. Commissioner Olson advised that the entire Commission would discuss a plan and make a determination.

The following items were on the consent agenda:

Request for final plat approval of the Aspen Groves Subdivision, Phase I, which includes 29 lots and is located in the Big Sky Resort area, approximately one mile west of the Meadow Village. The Aspen Groves Subdivision, Phase I and II, was granted preliminary plat approval by the County Commission on May 18, 1993, subject to 26 conditions. The Commission granted a one year extension of the preliminary plat until May 18, 1997. Staff report indicates that based on the information submitted, it appears that the conditions for final plat approval have been met.

Alice Ackerman and Bernard VanHoorn have claimed an exemption to create two tracts of land which would be created by Court Order. Tract B, which contains 56.39 acres will be retained by the claimants. The sixty foot wide Tract A, which contains 3.61 acres will be deeded to the Gallatin Airport Authority for future use as a road. The original parcel was created by deed in April 1979. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-17, which is a resolution in support of a joint application with the City of Bozeman for grant funding under the

Telecommunications and Information Infrastructure Program (TIIP). Mr. Watson stated that a similar resolution was passed yesterday by the City Commission.

Motion by Jane Jelinski to adopt Resolution No. 1997-17. Seconded by Bill Murdock. None voting nay. Motion carried.

Susan Swimley, Deputy County Attorney, presented the Commission with Resolution No. 1997-18, which is a Resolution amending the Hyalite Zoning Ordinance by adopting an R-10 District, amending the development plan and zone map. There was no public comment.

Motion by Jane Jelinski to adopt Resolution No. 1997-18. Seconded by Bill Murdock. None voting nay. Motion carried.

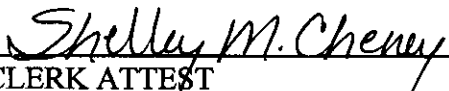
Lanette Windemaker, Planner, reported that Leighton and Nancy Koehler have requested to continue their request for preliminary plat approval for a three lot subdivision on approximately 20 acres located on the east side of Bear Canyon Road approximately 3 miles south of Bozeman Trail Road. In a written request Mr. Koehler is out of town and would like to continue until March 25, 1997.

Commissioner Olson announced that this item will be continued until March 25, 1997.

Susan Swimley read the following memorandum with regard to the adoption of Wastewater Treatment System regulations from David Plueddemann, Environmental Health Director: Because public notice time constraints have not allowed us to present the existing wastewater regulations to the Planning Board for their review, we regretfully withdraw our submittal of the regulations for Commission review. We will, however, be presenting our proposed regulations to the Planning Board on April 8, 1997, and to the Commission on April 15, 1997.

There being no further business the meeting adjourned at 1:41 P.M.


 CHAIRMAN APPROVAL


 CLERK ATTEST

PUBLIC MEETING TUESDAY THE 25TH DAY OF MARCH, 1997

The meeting was called to order by Acting Chairman Jane Jelinski at 1:32 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MARCH 17, 1997

- Commissioner Olson met with Road Engineer Technician Roy Steiner regarding the new office building to be constructed at the fairgrounds.
- Commissioner Olson met with Fort Ellis Fire Board member Jim Kurk.
- Commissioner Olson met with Environmental Health Director David Plueddemann to review the location of a parcel of land located in the Amsterdam area. The report of existing problems with the Black Bear Minor Subdivision was reviewed.
- Commissioner Olson attended the Extension Advisory Committee where members present included Bob Hofman, 4-H Extension Agent Todd Kesner, Ag Extension Agent Ron Carlstrom, Gary Leibrandt, Judy Brenner, Matt Flikkema, Randy Craig, and Lee Veltkamp. The extension agents submitted a request for a half-time 4-H secretary low scale and a half-time small acreage horticulturist. Both agents presented their accomplishments of the past three months. Todd Kesner reviewed the status of the 4-H foundation and it appears to be going well. The Advisory Committee approved both positions with the secretary position being most important if they don't get both.

MARCH 18, 1997

- Commissioners met with County Attorney Marty Lambert and Deputy County Attorney Susan Swimley to discuss granting an easement on Indigo Road, impact fee policy, architect agreements, and methods and procedures for future meetings. The Commissioners agreed to work with the

Sheriff's Office and Detention Center staff to explore options about medical needs at the Detention Center.

- Commissioner Phil Olson, Chairman, called to order a special meeting regarding the claim of Kevin Malee dated July 30, 1989. Commissioner Jelinski moved that the claim be denied and Commissioner Murdock seconded the motion and it passed unanimously. The commissioner directed County Attorney Marty Lambert to respond to the claim setting forth the Commissioners' decision. The meeting was adjourned.
- Commissioners held an administrative meeting and decided to deny approval of funding for secondary road fund for railroad crossing improvements. Commissioners agreed to schedule a hearing on the Big Sky Park District at 10:00 a.m. on Tuesday, April 15. Commissioner Olson and Jelinski voted to hold a hearing in Bozeman. Commissioner Murdock voted to hold the hearing in Big Sky. The hearing will be held in the Community Room on the third floor of the Courthouse. Commissioners agreed to contribute \$1,330.00 to improve emergency radio services between the hospital, airport, and the county. The hospital and airport will contribute equal amounts.
- Commissioners conducted the regular public meeting.
- Commissioners met with Executive Secretary Jan Emerson regarding pending administrative matters and voted unanimously to approve the request of Planning Director Dale Beland to begin the RFP process for planning consultant services. Commissioners discussed the request of Rick Keller for Hebgen Basin Community Alliance to meet with the Commission. Commissioners agreed to provide staff a copy of their goals.
- Commissioners Murdock and Olson attended the regular monthly meeting of the Detention Center Task Force.

MARCH 19, 1997

- Commissioners met with Road and Bridge Supervisor Sam Gianfrancisco and were informed that Jackson Creek road is in bad condition and needs to be closed to all traffic except for the people that live on the road. Sam Gianfrancisco advised that a couple of houses in Valley Grove Subdivision had water in the basements from field snow melt.
- Commissioners met with Fiscal Officer Ed Blackman to review the preliminary budget outlooks based on last years budget and conservative view of non-tax revenues.
- Commissioners Olson and Jelinski attended the monthly staff meeting where the new Software Trainer was introduced, Fiscal Officer Ed Blackman provided the revenue projections and cash-on-hand, and the department heads provided an update.
- Commissioner Murdock attended the annual meeting of the Missouri-Madison Steering Committee including Choteau County Commissioner John Witt, Madison County Commissioner Ward Jackson, Lewis & Clark County Commissioner Mike Green, Cascade County Commissioner Gayle Morris, Montana Power Representative Elvin Fitzhugh, and representatives from BLM, Forest Service, and Fish, Wildlife and Parks, in Helena, Montana and decided to hire First Trust to manage the trust's assets. In seven years, the trust balance should reach \$5,000,000.00. Interest from the trust will be used to acquire, develop, and maintain recreation area along the Missouri drainage basin in a six county area.
- Commissioners Jelinski and Olson met with Greater Yellowstone Coalition representative Mark Haggerty and reviewed the GYC GIS maps regarding subdivision maps and high groundwater maps. Also discussed a book by Randall Arendt regarding conservation designs for subdivisions. GYC is planning three individual hypothetical subdivisions.

MARCH 20, 1997

- Commissioners attended a project management seminar in Butte, Montana.

MARCH 21, 1997

- Commissioners met with Deputy County Attorney Susan Swimley, Reese Creek residents Peter Weinen, Anita D'Agostino, the Chadwicks, Hal and Virginia Cole, and Reese Creek fire District representative Mike Wachter where Commissioners were presented a correct map of the subdivision showing property of these landowners. Mr. Dyk was not present and Susan will send him a letter to confirm the location of his property. Reese Creek residents were advised that it would probably be a month before any official action will be taken on the request to annex their property into the Reese Creek Fire District.
- Commissioners held an administrative meeting where Commissioners Murdock and Jelinski voted to appoint Archie Alexander to be on the County Planning Board. Commissioner Olson voted nay. Mr. Alexander was officially appointed to the County Planning Board. Commissioners agreed to contact lawyers, accountants, and certified public accountants to be considered as members of the Community Development Block Grants revolving loan committee.
- Commissioners met with Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Cheney and discussed capital outlay, personnel changes, and the general direction of the new target level

approach to the budget. The Commissioners agreed that storage should be charged at 25% per square foot. It was further agreed that there would be one target level with no narrative.

- Commissioner Murdock met with Gene Cook and Peter McGee regarding the airport influence zone. Mr. McGee and Mr. Cook informed Commissioner Murdock that funds from FAA for infrastructure needs of their property in the airport influence zone are available. They also mentioned that they would be interested in exchanging this land with county, if county was ever interested.
- Commissioner Murdock met with Planning Director Dale Beland to discuss Crail Creek Condos project in Meadow Village, Big Sky.
- Commissioners met with the Capital Facilities Committee including Planning Director Dale Beland Fiscal Officer Ed Blackman, Grants Administrator Larry Watson, Health Department Representative Stephanie Nelson, and Rest Home Director Connie Wagner to discuss the situation regarding the need of standardized construction contracts. The Grant Department has a real need to get a handle on contracts. The Committee voted unanimously to upgrade the Rest Home flooring and unanimously to have Fiscal Officer Ed Blackman pursue a lease for the remainder of the Planalp building.
- Received Claims in the amount of \$343,217.92.

The following item was on the consent agenda:

Final approval of the minutes of January 7, 14, 21, 28, February 4 and 11 as written.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Lanette Windemaker, Planner, reported that Leighton and Nancy Koehler have requested preliminary approval for a three lot subdivision on approximately 20 acres located on the east side of Bear Canyon Road approximately 3 miles south of Bozeman Trail Road. The proposed subdivision is the first minor subdivision from a tract of record which will consist of Lot 1 at eight acres, Lot 2 at six acres, and Lot 3 at five acres. The property has access off Bear Canyon Road. The subdivider has requested a variance from Section 7.H of the Subdivision Regulations to not be required to pave Bear Canyon Road with the following justification for his request: 1. The tremendous cost of paving far exceeds expected returns from the sale of the property. And 2. There are over 599 ADTs per day on the Bear Canyon road already and this minor subdivision will only add 24 more ADTs per day. At their public meetings on January 28, 1997, and February 25, 1997, the Gallatin County Planning Board reviewed the proposed subdivision against the goals and policies of the County Plan, and the criteria for findings of fact. The Planning Board found that the subdivision plat conforms to the County Plan and recommends that the County Commission approve the requested variance and approve the preliminary plat. The County Commission has two determinations to make with this application: 1. A determination as to whether the requested variance should be granted. And 2. A determination as to whether the proposed subdivision should be approved. If the Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City/County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever." 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of Rural Improvement Districts and/or the creation of a sewer and/or water District. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, deed restriction, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, deed restriction, documents establishing the property owners' association, and certificate prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a. The property owners' association shall be responsible for the control of County declared noxious weeds. b. Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c. A statement addressing agricultural uses of neighboring properties in the following form: Lot owners and residents of the subdivision are informed that nearby uses may be agricultural.

Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. d. All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e. Driveways shall not exceed 12% grade, and shall have a minimum driving surface and curve radius to accommodate emergency vehicles. f. Driveways shall be built in accordance with the certified engineering design plans. g. Roofing materials shall only be Class A or B fire-rated. Wood shakes or shingles shall not be permitted. h. All roofs shall have a minimum pitch of 4 to 12. i. Spark arrestor screens shall be placed on all fireplace and wood stove chimneys. j. Smoke detectors shall be installed on each level of dwelling units. k. Defensible space shall be create around habitable structures. The defensible space shall be of the minimum size as determined by the Wildland Residential Interface Development guidelines. l. All garbage shall be kept in bear proof containers, or otherwise be made unavailable to bears. m. The artificial feeding of big game wildlife shall be prohibited. n. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall place a deed restriction on the property on which the fire fill site is located. The deed restriction shall ensure maintenance of the fire fill site and the access to the fill site. The deed restriction shall be reviewed and approved by the Gallatin County Attorney's Office prior to final plat approval. 9. The subdivider shall dedicate to the public the thirty (30) feet of Bear Canyon Road along the west side of the subdivision. 10. The subdivider shall improve Bear Canyon Road to county gravel standards. The subdivider shall obtain written verification from the County Road Office that Bear Canyon Road has been brought to county gravel standards. 11. The subdivider shall obtain encroachment permits from the County Road Office. 12. The subdivider shall provide a rural fill site developed in accordance with Section 6.E.5.c. of the Subdivision Regulations and the approved fire protection plan. The subdivider shall obtain written verification from the Fort Eills Fire Service Area that the required fill site has been provided. 13. The subdivider shall establish a property owners' association for enforcement of the covenants. 14. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot (\$1,488). 15. The subdivider shall designate one building site envelope for each lot on the plat which shall not exceed a radius of 200 feet. 16. The subdivider shall have driveway plans designed and certified by a Geotechnical, or other qualified registered, Engineer, which ensures soil stability and emergency vehicle access to each of the building sites. 17. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

Commissioner Murdock spoke regarding what portion of road is to be improved to County gravel standards that is required under condition no. 10, he would like to amend the condition no. 15 to make sure the building envelope will not be on any slopes and in condition no. 16 he would like to have the Road Department review and approve the driveway placement and design. Commissioner Jelinski asked staff if there were any letters of testimony received regarding the proposed subdivision.

Mrs. Windemaker stated that the road will be improved to County gravel standard from the intersection of Bear Canyon Road to the south property line of the subdivision and read letters of concern regarding the proposed subdivision from Rebecca Webb and Mark R. Habib, Joop deMeij and Ray Ross.

Leighton Koehler, applicant, spoke regarding concerns of the neighbors. There was no public comment.

Sam Gianfrancisco, County Road Superintendent, stated that he can support the variance request because of the condition of the road and the recreational activity out there this road shouldn't be paved. Mr. Gianfrancisco also stated that he would be willing to work with the developer on the driveway.

Finding that the variance request would create an undue hardship and not conflict with the public health, safety and welfare, motion by Bill Murdock to grant the variance from section 7.H. that would require the paving of Bear Canyon Road. Seconded by Jane Jelinski. None voting nay. Motion carried.

Finding that the Black Bear Minor Subdivision meets the criteria of the Montana Subdivision and Platting and the Master Plan, and because of the low density, motion by Bill Murdock to grant preliminary plat approval with the conditions as follows: Conditions 1 through 9 as drafted. Delete condition no. 10. Conditions 11 through 14 as drafted. Amend condition no. 15 to read: The subdivider shall designate one building site envelope for each lot on the plat, which shall not exceed a radius of 200 feet and such envelope shall not be located on slopes in excess of 25%. Amend condition no. 16 to read: The subdivider shall have driveway plans designed and certified by a Geotechnical, or other qualified registered Engineer and be approved by the County Road Office, which ensures soil stability and emergency vehicle access to each of the building sites. Condition 17 as drafted by staff. Seconded by Jane Jelinski. None voting nay. Motion carried.

The subdivider stated that he has no concerns with the amended conditions.

Commissioner Murdock stated concern of higher density subdivision in this area due to the steep slopes and a fault line. Commissioner Murdock wanted the record to show, that if there were any further subdivision within this area, each request would be looked differently. Commissioner Jelinski stated that this is a fragile area which should have zoning to provide additional protection.

Recessed at 2:14 P.M. to check quarterly securities.

The following are quarterly securities submitted by the County Treasurer for the quarter ended DECEMBER 31, 1996.

\$49,576,135.37 is on deposit in various banks in bonds and interest money.

<u>FIRST BANK OF BOZEMAN</u>	<u>CREDIT BALANCE</u>
CHECKING	\$1,000.00

NORWEST BANK

712386	3,875,657.68
20491	0.00
315503	1,062.72

<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
FNMA 338315	31375LYL3	03/01/26	4,100,000.00
FNMA 190048	31368HBR3	10/01/23	1,749,000.00

AMERICAN BANK

CHECKING	94,452.81
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<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
US TREASURY NOTE 8½	912827UWO	05/15/97	100,000.00
US TREASURY NOTE 8½	912827ZB1	07/15/97	100,000.00

VALLEY BANK OF BELGRADE

CHECKING	83,294.65
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MANHATTAN STATE BANK

CHECKING	24,531.27
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SECURITY BANK OF THREE FORKS

CHECKING	13,574.48
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FIRST SECURITY BANK OF WEST YELLOWSTONE

CHECKING	28,118.19
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<u>BIG SKY WESTERN BANK</u>	(20,475.01)
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<u>FISCAL AGENT BANKS</u>	5,100.00
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Cash & Checks in Office	135,940.73
County Investments	<u>45,333,877.85</u>
TOTAL CASH ON HAND	\$ 49,576,135.37

Jane Jelinski
CHAIRMAN APPROVAL

Shelley M. Chene
CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 1ST DAY OF APRIL, 1997**

The meeting was called to order by Acting Chairman Jane Jelinski at 1:31 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

Commissioner Jelinski announced that Commissioner Olson is on vacation this week.

The following proceedings were had to wit:

MARCH 24, 1997

- Commissioners Jelinski and Murdock met with Executive Secretaries Jan Emerson and Pat Lewis regarding pending administrative matters. Commissioners Jelinski and Murdock unanimously agreed to appoint Carmen McSpadden to the County Planning Board and Bob Hoffman to the Weed Board.
- Commissioner Jelinski met with Kelly Pollington, Jacob Hathaway, and Bea Ganter of Montana People's Action to discuss their concerns regarding King Arthur Trailer Court residents including potential rent increases, sewer and water concerns and rules in the trailer park.
- Commissioner Murdock met with Ben Alexander regarding a statistical report on growth in Gallatin County prepared by him.

MARCH 25, 1997

- Commissioner Jelinski met with Human Services Director Stephanie Nelson regarding Public Health Week.
- Commissioner Jelinski met with Ginny Watts, LCPC regarding mental health services.
- Commissioners Jelinski and Murdock met with Road and Bridge Supervisor Sam Gianfrancisco regarding impact fees, a Thorpe Road complaint, and a potential Natural Resources Conservation Service's grant to mitigate flood damage on Dry Creek Road. It was agreed a trip would be scheduled to view Thorpe Road.
- Commissioners Jelinski and Murdock met with Bill Brewster regarding the Detention Center Task Force and the Three Forks' efforts to develop a multipurpose park. Commissioner Jelinski and Murdock unanimously agreed to appoint Bill Brewster to the Detention Center Task Force Public Relations Subcommittee.
- Commissioners Murdock and Jelinski conducted the regular public hearing.
- Commissioners Murdock and Jelinski attended the Ag Appreciation Dinner.

MARCH 26, 1997

- Commissioner Jelinski attended the regular monthly meeting of the 911 Administrative Board.
- Commissioner Murdock met with John Langeheim to discuss property management matters of a possible affordable housing project in Big Sky by Farmhouse Partners, Inc., and managed by Human Resources Development Council.
- Commissioner Murdock attended the annual meeting of the Gallatin Development Corporation.
- Commissioners Murdock and Jelinski met with Sam Rottellini of the Humane Society, Ganay Johnson of the Humane Society, and Brent Pusey of dog control for Big Sky Owners Association where the lack of enforcement of the dog control ordinance was discussed. The Humane Society requested additional funding and voiced other concerns.

MARCH 27, 1997

- Commissioners Murdock and Jelinski attended the quarterly memorandum of understanding meeting in West Yellowstone with representatives from the Bozeman Ranger District of the US Forest Service, West Yellowstone District of the US Forest Service, Yellowstone Park National Park Service, Natural Resources Conservation Service Field Office, Gallatin County Weed Department, Gallatin Conservation District, and the Gallatin County Planning Office to hear the reports from the technical subgroup, GIS Group, discuss noxious weeds, hear a report on winter use, and discuss flooding.
- Commissioners Jelinski and Murdock met with the Fiscal Officer Ed Blackman regarding the budget status and target levels for departments during the budget process.

- Commissioner Murdock met with Paul Roepnack and Stuart Kester regarding variance procedure for a condominium project in Meadow Village Subdivision in Big Sky.

MARCH 28, 1997

- Commissioners Jelinski and Murdock met with Disaster and Emergency Services Coordinator Aaron Holst and Diane Martin to discuss the termination of the contract with the Bozeman Fire Department to provide wildland fire protection. Commissioners Jelinski and Murdock agreed to advertise for qualifications for a Rural Fire Chief for Gallatin County.
- Commissioners Murdock and Jelinski met with Clerk and Recorder Shelley Cheney and GIS staff person Gretchen Burton regarding the upcoming ESRI-GIS conference. Commissioners Jelinski and Murdock approved sending Gretchen Burton to San Diego, California for the ESRI conference for presented amount, to be funded from the Commissioners' GIS budget.
- Commissioners Jelinski and Murdock met with Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Cheney and reviewed the target levels for departments and the letter to be distributed to departments. Commissioners Jelinski and Murdock approved the target level letter and proposed target levels.
- Received A101's in the amount of \$75,651.90.

The following items were on the consent agenda:

Final minutes of February 18, March 4 and 11 for approval as written.

Severn Partnership has requested a height variance to allow construction of the "Mountain Meadows Guest Ranch". The applicant's plans for the proposed guest lodge indicate a total height of 35ft. 10 in. which exceeds the maximum of 33 ft. for pitched roofs in the RC-SF-20 District. The split-level configuration of the lodge requires that the height be measured from the lowest level per the current height definition in the regulation. At their March 3, 1997 meeting, the Gallatin Canyon/Big Sky Advisory Committee unanimously recommended approval of the requested variance and urged revision of the GC/BS Zoning Regulation to modify the building height definition so that average height would apply to split-level structure. If the County Commission determines that the requested variance meets the criteria as defined by Section 43.2, staff recommends that the variance be approved subject to the following condition: The variance to construct the guest lodge to a maximum height of 35 ft. 10 in. will be valid only with approval of a land use permit.

Cikan Architects, on behalf of Peter Wooley, have requested a variance to allow intrusion of a single-family residence addition within the required sideyard setback in the R-MF-3,550 District in Big Sky. The applicant proposes to add a new window bay to the end unit. The site plan indicates the proposed addition will intrude one foot into the required ten foot sideyard setback. If the County Commission determines that the variance request meets the criteria of Section 43.2, the application should be recommended subject to the following condition: The sideyard variance will be valid only after approval of a land use permit for the subject project.

Harold Lindvig has claimed the security for construction financing exemption on property located on Fowler Road. AVCO Financial has provided a signed statement that the creation of the exemption parcel is necessary to secure a construction loan for buildings or other improvements on the parcel. Staff report indicates that based on the information submitted, this application appears to be a proper use of the exemption.

John and Charmayne Evans, Emil and Linda Hoell have claimed the relocation of common boundary exemption to make use of the natural ridge line instead of using the section line, resulting in more usable land in each tract. Staff report indicates that the exemption appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Russell Estes, David Brask, and Jamie Garvey has requested the relocation of common boundary exemption.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, reported that a expanded industry tax reduction request has been received from Color World Printers. The reduction in taxes in the amount of \$39,702.00 would be over the ten year life of the request. Since Color World is in the Tax Increment Finance District the increases in taxes would be transferred to the TIF and would not be new revenue to the County. Mr. Blackman stated that this application for tax incentive meets the following criteria: 1. This project expands and

diversifies the tax base. 2. This project will provide new employment. 3. This industry is compatible with the natural environment. And 4. This industry is located within Gallatin County.

Finding that the request for a tax incentive from Color World Printers meets the 4 criteria used in evaluating an application for tax incentives, motion by Bill Murdock to approve the request. Seconded by Jane Jelinski. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer read Resolution No. 1997-19, which is a resolution to approve tax benefits for Color World Printers, Inc.

Motion by Bill Murdock to adopt Resolution No. 1997-19. Seconded by Jane Jelinski. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, spoke regarding Logan Landfill Assurance Plan required by sub-section D of the Federal regulations. This application is for financial assurance for the closer and post closure monitoring costs and will be sent to the State of Montana, Department of Health. Mr. Blackman stated that this plan is for the Commissioner's approval today.

Motion by Bill Murdock to adopt this plan. Seconded by Jane Jelinski. None voting nay. Motion carried.

Lanette Windemaker, Planner, reported that Fred L. Kirkland has requested preliminary approval for a five lot subdivision on approximately 21 acres located on the south side of West Hulbert Road, west of Jackrabbit Lane, more commonly known as 400 W. Hulbert Road. The proposed subdivision consists of Lot 1 on 2 acres with an existing manufactured house, Lot 2 on 2 acres which is vacant, Lot 3 on 2.3 acres with an existing manufactured house and barn, Lot 4 on 2 acres which is vacant, and Lot 5 on ten acres with an existing manufactured house and garage. The property has proposed access off Kirkland Avenue from West Hulbert Road. The lots are served or proposed to be served by on site sanitary facilities and water. The subdivider has requested four variances to the Gallatin County Subdivision Regulations: 1) A variance from Section 6.B.6 to allow the width to depth ratio of Lot 5 to exceed 1 to 3. 2) A variance from Section 7. Table 1. Street Design Standards to allow cul-de-sac length to exceed 1,000 feet. 3) A variance from Section 7.A.8. to not provide a second or emergency access when the maximum cul-de-sac length standard is exceeded. And 4) A variance from Section 7.F to allow the subdivider to not pave a primary access road which exceeds 100 ADTs, West Hulbert Road. At their public meeting on March 11, 1997, the Gallatin County Planning Board reviewed the proposed subdivision against the goals and policies of the County Plan, and the criteria for finding of fact. The Planning Board found that the subdivision plat conforms to the County Plan and determined that the claim for a waiver of the fire protection impact fees was valid. The Planning Board recommends that the County Commission approve the requested variances; and approve the preliminary plat. The County Commission has three determinations to make with this application: 1. A determination as to whether to accept the Planning Director's determination that the claim for a waiver of the fire protection impact fee was valid for Lots 1, 3 and 5. 2. A determination as to whether the requested variances should be granted. And 3. A determination as to whether the proposed subdivision should be approved. If the County Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "*The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.*" 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of Rural Improvement Districts and/or the creation of a sewer and/or water District. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a) The property owners' association shall be responsible for the control of County declared noxious weeds. b) Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c) A statement addressing agricultural uses of neighboring properties in the following form: *Lot owners and*

residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. d) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler systems meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled during construction and after completion. f) The property owners' association shall be responsible for maintenance of Kirkland Avenue. g) The lots shall not be further subdivided prior to the provision of a second or emergency access in accordance with the Subdivision Regulations. h) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot for Lots 2 and 4 (\$992). 9. The subdivider shall establish a property owners' association for the enforcement of the required covenants. 10. The subdivider shall place a note on the final plat designating the wetlands as a "No building area except as needed for the provision of a second or emergency access connection to Kirkland Avenue". And stating "Any activity that will result in the discharge or placement of material into the wetlands requires that a 404 permit be obtained from the U.S. Army Corps of Engineers". 11. The subdivider shall dedicate thirty feet of West Hulbert Road, along the entire width of the subdivision, to the public. 12. The subdivider shall make Kirkland Avenue a sixty foot road, dedicated to the public, built to county gravel standards in accordance with the Subdivision Regulations, including paving apron, if necessary, and street and stop signs. All road work to be inspected and certified by a registered civil engineer. 13. The subdivider shall obtain an encroachment permit for Kirkland Avenue onto West Hulbert Road. 14. The subdivider shall provide a copy of the final subdivision plat to the Belgrade Rural Fire Department. 15. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

Commissioner Jelinski stated that the Commission toured this area yesterday with the County Road Superintendent. Fred L. Kirkland, applicant spoke regarding the proposed minor subdivision and answered questions of the Commissioners. During the public portion the following people spoke in opposition to the subdivision: Minda Honea, and Mark Knight. Commissioner Jelinski stated that letters regarding the Kirkland Minor Subdivision were received from Kelly Feasline, Sharon Knight and Minda Honea.

Brian Connelley, Assistant Fire Chief and Sam Gianfrancisco, County Road Supervisor answered questions of the Commission regarding the cul-de-sac meeting the needs for emergency vehicle access, traffic counts that were done and concerns of paving a short stretch of road.

During board discussion the Commissioners concurred that this is a good area for a citizens petition for zoning. Department of Environmental Quality will have to approve the septic systems which will mitigate the water quality concerns of the neighbors. There is no public safety benefit in paving one-half mile of road, and the length of the cul-de-sac, which will be improved to county standards and improve the fire protection of the whole area.

Finding that the public health and safety will not be jeopardized, motion by Bill Murdock to grant the variances as recommended by the Planning Board and as written in the staff report. Seconded by Jane Jelinski. None voting nay. Motion carried.

Finding that the Kirkland Minor Subdivision meets the criteria of the Montana Subdivision & Platting Act, motion by Bill Murdock to grant preliminary plat approval with the conditions as drafted. Adding condition 15 to read: The subdivider shall identify a building envelope on all 5 lots. And condition no. 16 to read: The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Seconded by Jane Jelinski. Mr. Kirkland indicated that he has no objections to the addition of condition no. 15. None voting nay. Motion carried.

Dale Beland, County Planning Director, reported regarding the amendment of the Gallatin County Subdivision Regulations to include Road Impact Fees. Mr. Beland stated that public notice regarding this hearing was published in the High Country Independent Press on March 13, 1997 and the Bozeman Daily Chronicle on March 16 and March 23. Mr. Beland reviewed proposed changes to the June 21, 1996 draft of the regulation. Susan Swimley, Deputy County Attorney, spoke regarding the proposed amendments to the following sections: Section 3.1; Section 4.1; Section 8.g; Section 4.3; Section 6.1; Section 8.1 and Section 9.4.

During the public portion the following people spoke: Russell Estes, Guy Graham, Russ Squire, Sandy Nichols, David Smith, Sally Hickey, Kevin Click, Mark Clawson, Mark Haggerty, Brian Leland, Robyn Erlenbush, Mike Potter, and Sam Gianfrancisco, County Road Superintendent.

During board discussion Commissioner Murdock stated that Commissioner Olson expressed his concern that he could not be present today and asked if Commissioner Murdock would enter into the record his feelings regarding impact fees. Commissioner Olson said he would probably not vote in favor of impact fees today using subdivision approval as the threshold, he would be opposed to including from the mouth of Gallatin Canyon to the south, and he feels that only additional lots created should pay. Commissioner Jelinski stated impact fees are hard to understand but she is willing to go with the adoption today and work with the regulation to make it better by looking into a better time of collection. Public health and safety is being jeopardized now with our road situation and we are either going to have to stop growth by imposing a moratorium or we are going to have to pay for the infrastructure by imposing impact fees. Commissioner Murdock stated that in looking at the County Road budget at a Springhill Community meeting, and after this winter, there is no money left for road improvements. So what are our options? Mr. Murdock stated that he is willing to adopt this impact fee with a 4 year deferral for an improvements agreement because he does not like the time of subdivision approval for collection of the fees. Basing the rationale on the Duncan Study methodology and to reconvene the Task Force to work on a better threshold point. Commissioner Murdock stated to help mitigate the affordable housing concerns, there is a provision for a waiver process and under certain situations would be applicable.

Finding that the adoption of this regulation is in the interest of the public health, safety and welfare of the people of Gallatin County, motion by Bill Murdock to adopt road impact fees as proposed in the Road Impact Fee Ordinance with the effective date May 1, 1997 and with the amendments as proposed in the March 28, 1997 memo from the Deputy County Attorney. Seconded by Jane Jelinski. Commissioner Murdock stated that this motion is made with the understanding that this is an interim threshold point and is not the best place for the impact fee collection. None voting nay. Motion carried. Deputy County Attorney will draft a resolution for the Commission to approve at a later date.

Lanette Windemaker, Planner, reported regarding the proposed revisions to the subdivision regulations. The purpose is to incorporate the automatic waiver of the Fire Protection Impact Fee Regulation, and to add additional language to facilitate subdivision review. The Planning Board held a public hearing on March 11, 1997. No members of the public presented testimony; however, staff passed on concerns expressed about providing noxious weed information particularly at pre-application time. The Planning Board recommended that the County Commission approve the draft amendments to the subdivision regulations. The Planning Board forwarded their recommendation and the draft amendments to the Gallatin County Commission for a final decision. The proposed amendments consist of changes to the following sections: Section 3.K.4.; Section 3.L.1.; Section 5.B.2.b.; Section 5.D.10.; Section 6.D.3.; Section 9.D.4.a.; Section 9.E.4.e.; Appendix D.10.; the addition of Section 6.L.; format changes to Section 9.B.; and the removal of Appendix D. Agreement.

Rick Gustine, surveyor spoke regarding a minor concern with the requirement of identifying noxious weeds at the pre-application point. Mr. Gustine stated that this is not a real critical element at that point. Brian Connelley, Assistant Belgrade Rural Fire Chief, stated concern with Section 10.2 which allows a request for a waiver of the requirement. Mr. Connelley stated that under Section 10.3 the language states: The County Planning Director shall determine the validity, subject to an application for subdivision review, of any waiver or claim for a waiver pursuant to the criteria set forth in section 10.1 or 10.2. Final determination or validity shall be made at final approval of subdivision. Mr. Connelley stated that the Fire Department would like to have input with those requests.

Motion by Bill Murdock to have the language of identifying noxious weeds at pre-application review stage deleted throughout the document where applicable. Seconded by Jane Jelinski. None voting nay. Motion carried. Motion by Bill Murdock to include the language to Section 10.3 as follows: The County Planning Director, after consulting with the appropriate Rural Fire District or Fire Services Area, shall determine validity. Seconded by Jane Jelinski. None voting nay. Motion carried. Finding that the adoption of the above amendments to the subdivision regulations will benefit the public health, safety and welfare of Gallatin County, motion by Bill to adopt the amendments to the Gallatin County Subdivision Regulations. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:34 P.M.

Jane Jelinski
CHAIRMAN APPROVAL

Shelley M. Chena
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 8TH DAY OF APRIL, 1997

The meeting was called to order by Chairman Phil Olson at 1:31 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MARCH 31, 1997

- Commissioner Olson was on vacation March 24, 1997 through April 4, 1997.
- Commissioner Murdock met with Ken Walker and Dennis Foreman. Mr. Walker and Mr. Foreman expressed their displeasure with their need to amend conditions of subdivision approval in order to enter into an improvements agreement for road paving in the Spirit Hills Subdivision. Commissioner Murdock will review the matter with the County Attorney.
- Commissioners Jelinski and Murdock met with Executive Secretaries Pat Lewis and Jan Emerson regarding pending administrative matters and appointed the members to the Library Long Range Planning Committee.
- Commissioner Jelinski met with Jim Syth, Russ Squires, and Greg Vidmar regarding impact fees and building permits.
- Commissioners Jelinski and Murdock met with Road and Bridge Supervisor Sam Gianfrancisco and toured Thorpe, Hulbert, Valley Center, and Valley Grove Subdivision roads.

APRIL 1, 1997

- Commissioners Jelinski and Murdock had their regular meeting with County Attorney Marty Lambert and Deputy County Attorney Gerry Higgins regarding Oak Street easements, architect contracts, West Babcock, dog control, and pending litigation. Commissioners Jelinski and Murdock agreed to provide software backup to manage the contracts electronically, and to convene a meeting to discuss Community Transportation Enhancement Program (CTEP) and Phase I construction contracts.
- Commissioners Murdock and Jelinski conducted the regular public meeting.
- Commissioner Murdock attended the regular meeting of the City-County Planning Board for the Critical Lands Study presentation.

APRIL 2, 1997

- Commissioner Murdock attended a meeting with Environmental Health Director David Plueddemann, Health Officer Jackie Stonnell, and Art Morrow regarding junk vehicles.
- Commissioners Jelinski and Murdock met with Tom Simkins, Mel McDougal, Debra McAttee, and Road and Bridge Supervisor Sam Gianfrancisco regarding access to Firelight Subdivision. Commissioners Murdock and Jelinski directed Mr. McDougal and Mr. Simkins to provide a written agreement for access to Firelight Subdivision before seeking an amendment to a condition of preliminary plat approval.
- Commissioner Jelinski met with Forest Service Information Officer Jan Lerum, Jerry Williams, Stan Benes, and Bill Breedlove regarding fuel reduction programs in the national forest.
- Commissioner Murdock attended the monthly meeting of the Big Sky Resort Tax Advisory Committee which included Mike Richards, Dave Traylor, and Carol Collins. Items discussed included the Farmhouse Partners provided a request for \$125,000 of Big Sky Resort Tax funds for affordable housing, a request for a Sheriff's deputy for Big Sky with tentative 50% funding by resort tax, and 25% each from Madison and Gallatin Counties. Sheriff Slaughter has provided an estimated total cost of \$45,415, so each county would have to fund \$11,353 (25% of the \$45,415).

APRIL 3, 1997

- Commissioners Jelinski and Murdock met with Road and Bridge Supervisor Sam Gianfrancisco to discuss preliminary road and bridge priorities.
- Commissioners Murdock and Jelinski met with Fiscal Officer Ed Blackman, and other department heads and Ed Blackman presented target level letters to each department, Clerk and Recorder Shelley Cheney went over separate forms to be filled out for requested new personnel and capital outlays. The department heads were instructed to fill out the line item requests by May 5th.
- Commissioners Jelinski and Murdock attended the canvassing of votes with other elected officials from the Tuesday, April 1st School Election.

- Commissioner Murdock met with Rich Allison of JTL Group regarding JTL's proposed gravel pit expansion on the south side of Interstate 90 from the existing operation. Mr. Allison asked for comments and Commissioner Murdock stated he would discuss this with the other Commissioners.
- Commissioner Murdock attended the regular monthly meeting of the Bozeman Park and Recreation Board where the availability of county park funds for a multi-purpose field was discussed along with other park and recreation matters.

APRIL 4, 1997

- Commissioners Murdock and Jelinski had their regular monthly meeting with Personnel Director Kathy Nowierski to discuss pending personnel matters and choose members of the GIS Coordinator selection committee.
- Commissioners Jelinski and Murdock had their regular monthly meeting with Data Processing Supervisor Bill Baldus. Items discussed include timing for internet hookup, GIS hiring timetable and process, Disaster and Emergency Services upcoming meeting, data processing services provided to the City of Bozeman, and other data processing matters. Commissioners requested Bill Baldus to contact Chief of Police Mark Tymrak and Disaster and Emergency Services Coordinator Aaron Holst to write a letter to the Bozeman City Manager to request that the city reimburse the county for computer support.
- Commissioners Murdock and Jelinski had their regular monthly meeting with Grants Administrator Larry Watson and discussed contracts for the HOME program needed by the end of May. Larry Watson reports that Gerry Higgins is working on the contracts. The grants routing form was discussed as was the CTEP program and other grants in progress. Commissioners Jelinski and Murdock requested that Larry schedule a meeting to discuss the routing form for grants. Commissioners Jelinski and Murdock agreed to inform the County Attorney of the importance of the CTEP projects.
- Commissioners Jelinski and Murdock had their regular monthly meeting with Facilities Director Bob Isdahl. Commissioners directed Bob Isdahl to initiate the District Court No. 2 renovations (not to exceed \$10,000.00) to be completed while the Judge is scheduled to be out of town. He was further directed to make an effort to coordinate the renovation with the construction in the County Attorney's office. Commissioners Jelinski and Murdock agreed to include the architects in the capital facilities meetings. The Commissioners requested that Bob Isdahl provide a brief presentation on the furniture standards for the next staff meeting and as part of the Administrative Team, Bob was requested to review the policies and procedures manual and make recommendations to the Commissioners.
- Commissioners Murdock and Jelinski met with Terry Threlkeld and Jerry Taylor regarding a potential easement for road, sewer, and water on the northeast boundary of the Rest Home property. Commissioners asked that Mr. Threlkeld and Mr. Taylor provide a written request for the Commissioners' consideration before April 14, 1997.
- Received Applications for Cancellation of Taxes in the amount of \$9,318.33.
- Received A101's in the amount of \$40.11.
- Received Claims in the amount of \$162,471.13.
- Received Gallatin County New Employee List for April 1997:
 - Heidi Henry, Justice/Temp.Clerk, \$8.19/hr., 2/28/97.
 - Corrine Nelson, RestHome/Temp.RN, \$12.76/hr., 3/3/97.
 - David N. Whitson, Env. Health/Water Quality Specialist, \$2,296.80/mo., 3/3/97.
 - Pearl Assay, Rest Home/CNA, \$7.33/hr., 3/5/97.
 - Greg Iannon, Sheriff/Detention Officer, \$1,392.00 mo., 3/17/97.
- Received Gallatin County Terminated Employee List for April 1997:
 - Jack Emborg, Rest Home, 2/28/97.
 - Amy Johnson, Sheriff, 3/6/97.
 - Jill Davis, Rest Home, 3/14/97.

The following items were on the consent agenda:

Pamela Roberts is claiming the family transfer exemption to transfer a parcel of land to her mother. Once split, proposed lot 1 would contain the existing home on the property. If split as currently configured, the existing home will encroach into the required sideyard on the east side of proposed lot 1. Ms. Roberts was granted a variance by the Bozeman Zoning Board of Adjustment in February of 1997 from the setback requirements of the R-S zoning district to allow this encroachment. Ms. Roberts has certified in the Certificate of Exemption that the exemption complies with all conditions on its use, which includes that it is the first sale of land to her mother. Staff report indicates that based on the staff review of the application, it appears that this application is a proper use of the exemption.

Consideration of findings of fact for Scenic Developers Master Plan Amendment.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Commissioner Olson opened and read the following bids for chemicals:

Agribasics, Belgrade, MT, total bid amount of \$32,024.96.

Wilbur Ellis Co., Billings, MT, total bid amount of \$31,161.85.

Gallatin Farmers Co., Belgrade, MT, total bid amount of \$31,542.31.

Motion by Jane Jelinski to forward these bids received to the Weed Board for their recommendation. Seconded Bill Murdock. None voting nay. Motion carried.

Jackie Stonnell, Gallatin County Health Director, read a Proclamation declaring April 7 through 13 as Public Health Week. There was no public comment. Motion by Jane Jelinski to adopt the Proclamation. Seconded by Bill Murdock. None voting nay. Motion carried.

Ed Lertz, Fire Manager for the U.S. Forest Service, gave a report on prescribed fires on the west slope of the Bridger Mountains. Mr. Lertz stated that there is a large fuel build up of vegetation. There is a greater need to reduce the fuels so people can live with a lower fire danger also to reduce insect and disease problems. The Objective is to restore fire as an ecological treatment process by doing a broadcast burn. During the public portion Glenn Vogel spoke.

Commissioners questioned Mr. Lertz as to when will the burn be done, where should phone calls received during burning about air quality be referred to the Forest Service, will standby help from the Rural Fire Districts be needed. The Commission requested Mr. Lertz to please keep the County Fire Marshall posted regarding any burning.

Dave Skelton, Senior Bozeman City/County Planner, reported that 4K Partnership is requesting a zone map amendment from R-S, Residential Suburban Country Estates, to M-1, Light Industrial District, or BP, Business Park District, and a master plan amendment from Urban Residential to Business Park Industrial for 1.6039 acres located at the northeast corner of Story Mill Road and Hillside Lane. No specific development plans have been submitted, therefore, staff must review the application as if the most intensive permitted use is contemplated by the owners. The Planning Staff has evaluated the proposal against the four criteria outlined in the Bozeman Area Master plan, and offer the following comments: **Criteria 1:** Whether the development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use proposed in the amendment. Staff feels that there are sufficient quantities of land still available for commercial and industrial development in and around the City of Bozeman. The proposed master plan amendment cannot be supported by arguing that the City is lacking alternative commercial and industrial developments sites. **Criteria 2:** Whether the amendment constitutes an overall improvement to the Master Plan or would be solely for the good or benefit of a particular landowner or owners at a particular point in time. Staff feels that the area contemplated by this amendment is a relatively small 1.6039 acres, and the number of landowners that would benefit is limited to the applicants themselves. Therefore the amendment does not constitute an overall improvement to the Master Plan and will solely benefit the particular landowner to the detriment of the adjacent landowners. **Criteria 3:** Whether the amendment will adversely impact the community as a whole or a portion of the community by: 1. Significantly altering acceptable existing land use patterns. 2. Adversely impacting existing uses because of increased traffic on existing systems. or 3. Affecting the livability of the area or the health and safety of residents. Staff feels that there are a diversity of existing land use patterns in the area surrounding the subject property. Industrial/manufacturing type uses are to the northeast, residential to the east and west, and a business park type use is located to the south of the property. However, the BP and M-1 districts are totally separated from the property by Hillside Lane and Bridger Drive respectively. There are no physical separations between this property and the existing residences to the east. The proposed amendment may significantly alter existing land use patterns. And **Criteria 4:** Whether the amendment is consistent with the overall intent of the Mater Plan. Based on the policy statement, it does not appear that the reclassification of this property from "Urban Residential" to "Business Park/Industrial" is consistent with the overall intent of the Master Plan. Based upon the evaluation of the proposal against the four criteria the Bozeman City-County Planning Office does not support the application for a Master Plan Amendment to reclassify this 1.6039 acre property from "Urban Residential" to "Business Park/Industrial".

During the public portion the following people spoke: Doug Bishop, Joe Gunter, Ed McCrone and Glenn Vogel.

During board discussion Commissioners concurred that they should take action today, this property is located outside of the City Limits, it is not in the best interest of the public to defer this decision and

make the public go from one hearing to the other. Commissioner Jelinski stated that the burden of proof is on the applicant to change the use. Mrs. Jelinski stated that she doesn't feel any of the 4 criteria have been met and that the request does not meet the burden of proof. Commissioner Murdock stated that there are many commercial uses in this area, but he would like to see this application taken back to the neighbors to work for a less obtrusive use.

Motion by Bill Murdock to deny the Master Plan Amendment as proposed by 4-K Partnership. Seconded by Jane Jelinski. None voting nay. Motion carried.

Lanette Windemaker, Planner, reported that Stella Sallee, and Broadview Property Limited Partnership, has requested preliminary approval for a four lot subdivision on approximately 154 acres located southwest of the intersection of Buttelman road and Old Yellowstone Trail Road, about two miles south of Willow Creek. The proposed subdivision consists of Lot 1 on 20 acres, Lot 2 on 25 acres, Lot 3 on 35 acres, and Lot 4 on 70 acres. The property has access off Buttelman Road, and Lot 1 also has access off of Old Yellowstone Trail Road. There is a historic farmhouse on Lot 4. It is listed on the National Register. The State Historic Preservation Office indicated that there is no need to study the site nor are there any plans for preservation. At their public meeting on March 25, 1997, the Gallatin County Planning Board reviewed the proposed subdivision against the goals and policies of the County Plan, and the criteria for findings of fact. The Planning Board found that the subdivision plat conforms to the County Plan and recommends that the County Commission approve the preliminary plat. The County Commission has to make a determination as to whether the proposed subdivision should be approved. If the Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: *"The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever."* 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of Rural Improvement Districts and/or the creation of a sewer and/or water District. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a) The property owners' association shall be responsible for the control of County declared noxious weeds. b) Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c) A statement addressing agricultural uses of neighboring properties in the following form: *Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.* d) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e) The property owners' association shall be responsible for maintenance of the fire fill site(s) and access to the fire fill site(s). f) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall dedicate to the public the thirty (30) feet of Buttelman Road along the east side of the subdivision. 9. The subdivider shall dedicate to the public the Old Yellowstone Trail Road right-of-way along the north side of the subdivision. 10. The subdivider shall obtain encroachment permits from the County Road Office. 11. The subdivider shall provide one rural fill site and the standard covenant requiring fire sprinkler systems, or two rural fill sites in accordance with Section 6.E.5 of the Subdivision Regulations; subject to approval of the Willow Creek Rural Fire District. The subdivider shall obtain written verification from the Willow Creek Rural Fire District that the required fire protection has been provided. 12. The subdivider shall establish a property owners' association for enforcement of the covenants. 13. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot (\$1,984). 14. The subdivider shall designate building

envelopes on the plat which are located to preserve the prime agricultural land, or the subdivider shall delineate the prime agricultural land and designate it as a "No building area, for agricultural use only".
 15. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

Ron Allen, surveyor, stated that the applicant is in agreement with all of the conditions except for condition no. 2. Mr. Allen stated that all of the lots are in excess of 20 acres which does not require Health approval, the applicant should be required to comply with something that this not state law.

Commissioner Murdock questioned under condition no. 13. regarding fire impact fees, is the impact fee being collected on all lots or the newly created lots. Ron Allen, surveyor stated that the existing farm house is vacant and we didn't feel it a qualify as an exiting residence.

Brian Connelley, Belgrade Assistant Fire Chief, and George Reich, Willow Creek Fire Chief, spoke during the public portion. Mr. Reich stated that there are no fillsites in this area so there is not a water source at this time. There was no other public comment.

Finding that the Broadview Minor Subdivision is in conformance with the County Plan and meets the criteria of the Montana Subdivision & Platting Act, motion by Bill Murdock to grant preliminary plat approval with condition no. 1 as drafted. Deleting condition no. 2. And with conditions 3 through 15 as drafted. Seconded by Jane Jelinski. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented the Commission with Resolution No. 1997-20, which is a Resolution amending the 1990 Bozeman Area Master Plan Update to incorporate the Scenic Developers, Inc. amendment to the landuse element of the Master Plan. Motion by Jane Jelinski to adopt Resolution No. 1997-20. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:22 P.M.

Phil Olson - 4-29-97
 CHAIRMAN APPROVAL

Shelley M. Cheney
 CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 15TH DAY OF APRIL, 1997**

The meeting was called to order by Chairman Phil Olson at 10:06 A.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, County Attorney Marty Lambert and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

FIRST SESSION:

Commissioner Olson announced that this is a public hearing to consider creation of a County Park District in the Big Sky Area. Shelley M. Cheney, Clerk & Recorder, reported that notification for this public hearing was published in the Lone Peak Lookout, High Country Independent Press, and Bozeman Daily Chronicle on April 3rd and April 10th. Ms. Cheney also spoke regarding the election process and procedures. In the park district election only registered voters within the proposed district will be eligible to vote according to state statute. Ms. Cheney stated that she discourages the Commission from holding an election in November due to the cost. June 2nd would be a more cost effective time because it would run with another scheduled election.

Commissioner Murdock read Resolution No. 1997-2, which is a resolution of intention to create a park district in the Big Sky area, Gallatin County, Montana. This resolution was passed January 14, 1997.

Commissioner Olson stated that letters were received from the following: Becky Pape, Kevin Kelleher, Mark Gilleland, Marilyn Barnhart, Doug Bing, Marilyn Hill, Kristen McCarver-Ramirez, Jim Anderson and Denise Touhy, and phone calls were received from Bob Donovan, Carol Collins, and Barbara Loeb.

During the public portion the following people spoke in opposition to the proposed district: Don McAndrew, Walt Wolf, Betsy French, Terry O'Neill, Jerry Wortman, Linda Wortman, Jerry Pape, ~~Gregory~~ Anderson, Shirley Luhrsen, Becky Pape, Alex Bert, James McEnroe, Kevin Kelleher, Kristen McCarver-Ramirez, and Mike Schmidt. The following people spoke in favor: Marilyn Hill, Kim Hoberecht, Denise Dralle, Jackie Robin, Wayne Hill, Robert Juel, Eric Orsorio, Mary Wheeler, and

Jonathan Mogelever. Commissioner Jelinski read letters from Barbara Loeb, Chris Boyd, Charles Severn, David Genholtz, Mike McManus, and Rene Schumacher into the record that were submitted during the public portion of the hearing.

During board discussion the Commissioners concurred that this issue must be resolved by the people of the Big Sky area and should be put on the November ballot.

Motion by Bill Murdock to call for an election on the question of whether to create the park district on November 4, 1997, based on the boundaries, number of members, and maximum mill levy as described in Resolution No. 1997-2. Seconded by Jane Jelinski. None voting nay. Motion carried. Commissioner Jelinski requested the County Attorney prepare a resolution to be adopted at next weeks hearing calling for the election on whether to create the park district.

Commissioner Olson recessed at 11:20 A.M. and announced that the hearing will resume at 1:30 P.M.

SECOND SESSION:

The meeting was called to order by Chairman Phil Olson at 1:35 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

The following proceedings were had to wit:

APRIL 7, 1997

- Commissioners met with Executive Secretary Jan Emerson regarding pending administrative matters including next staff meeting and next Rural Fire Council Meeting dates and times.
- Commissioner Murdock met with Sheriff Bill Slaughter, Officer Rob Christie, and County Attorney Marty Lambert regarding youth court. The Sheriff and County Attorney described the process and concerns about Department of Public Health and Human Services, youth probation, and response to youth/juvenile offenses.
- Commissioners met with Captain Jim Cashell and Sheriff Bill Slaughter to discuss the Detention Center Medical Services Contract. The Commissioners advised Jim Cashell to talk with the Physicians' Assistant who has applied for the position and negotiate a price and services.
- Commissioners met with Roger Halver, Western Field Representative for Congressman Rick Hill to discuss needs of the County with the information to be provided to Congressman Hill.
- Commissioners prepared an evaluation for a county employee.

APRIL 8, 1997

- Commissioner Jelinski attended the regular monthly meeting of the Board of Health.
- Commissioners conducted the regular weekly public meeting.
- Commissioner Murdock attended the regular meeting of the County Planning Board.

APRIL 9, 1997

- Commissioners attended an in-house training workshop presented by Vocational Resources, Inc. (our EAP provider) regarding Sexual Harassment.
- Commissioners met with Captain Jim Cashell regarding the Detention Center Medical Services Contract and voted unanimously to hire the physician's assistant, Larry Walker per the terms discussed which included a lesser amount of money than a doctor would receive. The Commissioners asked Captain Cashell to contact other applicants and advise them of this decision.
- Commissioner Olson met with Warren Hiebert regarding a proclamation declaring the week of May 12-16 as Law Enforcement Week. Commissioner Olson agreed to proclaim May 12-16 Law Enforcement Week in Gallatin County at the May 6 public meeting.
- Commissioner Olson met with Deputy County Attorney Gerry Higgins, Health Officer Jackie Stonnell, Bruce Larue, Dick Schoessler, and Art Morrow to tour the junk vehicle storage yard and come up with alternatives for storage and hazardous waste disposal. Environmental Health Director David Plueddemann will set another meeting to discuss alternatives.

APRIL 10, 1997

- Commissioners met with Sheriff Bill Slaughter and Captain Bill Pronovost regarding the Missouri River Drug Task Force and requested funding for a vehicle. Commissioners decided to discuss the matter and respond to Sheriff Slaughter and Captain Pronovost.
- Commissioners had the regular monthly meeting with Planning Director R. Dale Beland and discussed the airport influence area, the planning board work plan, zoning district map updates, and examining land surveyor position. The Commissioners decided to request a County Attorney

opinion regarding the jurisdiction of the County Planning Board. It was also agreed that a meeting would be convened of all affected departments regarding the examining land surveyor position.

- Commissioners met with Lonny Walker and Mike Vincent of the City-County Planning Board to discuss planning board issues. Items discussed included the donut area, West Babcock, the critical land studies, and the need for an attorney to be present at the City-County Planning Board meetings.
- Commissioners met with a county employee to provide them their annual evaluation.
- Commissioners met with Elvin Fitzhugh from Montana Power regarding the Missouri-Madison Recreation Management Plan and Trust Fund. Commissioners agreed to delegate Commissioner Murdock as Gallatin County's representative on the trust board.
- Commissioners Murdock, Jelinski and Olson attended the regular monthly meeting of the Mental Health Advisory Board.
- Commissioners Jelinski and Olson attended the preliminary meeting of the Mental Health Advisory Board to meet the new director, Bob Ross.

APRIL 11, 1997

- Commissioners met with Bill Brewster of the High Country Independent Press to discuss the possibility of a regular column with the Commissioners' input. The Commissioners agreed to provide a bi-weekly county report.
- Commissioners met with Road Department Engineer Roy Steiner and County Attorney Marty Lambert to discuss legal ramifications of the building of Oak Street through fairgrounds land and the need for a sewer line for the fairgrounds at the time of construction. The Commissioners asked Roy Steiner to get an estimate of the cost of a sewer from JTL, find the estimated land value of the fairgrounds property, and prepare a one page statement with costs so the county can determine a position.
- Commissioners along with the Administrative Team met with Disaster and Emergency Services Coordinator Mike Hoey to discuss three issues regarding flood preparation: 1) Should the Commissioners declare an eminent emergency; 2) Who are the county employees that will fill needed positions in case of an emergency; and 3) The need to identify equipment needed to operate the EOC in times of emergency. It was agreed that another meeting will be scheduled for 4-14-97 with staff to identify responses to issues number 2 and 3. The Commissioners will discuss and decide whether to declare an emergency.
- Received A101's in the amount of \$36,343.27.

The following items were on the consent agenda:

Final approval of the minutes of March 25 and April 1, 1997 as written.

Aspen Groves Development, Elayne Furst and Elise H. Collins are claiming the relocation of common boundary exemption. The purpose for the survey is to adjust the boundary needed to accommodate development of Tract B1. Staff report indicates that based on the information submitted this application appears to meet the criteria for exemption to subdivision regulations permitted under the Montana Subdivision and Platting Act.

Request for final plat approval for Joos Minor Subdivision. The County Commission granted the Joos Minor Subdivision, a 2 lot subdivision, preliminary plat approval on October 22, 1996 subject to 11 conditions. As of April 15, 1997 the applicant has demonstrated compliance with each of the 11 conditions as required by the preliminary plat approval.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Irvan Christy has requested preliminary approval for a four lot subdivision on approximately 20 acres located southwest of the intersection of Theisen Road and Kirwan Lane. The proposed subdivision consists of four lots of approximately 4.4 acres each and will access off Kirwan Lane and Theisen Road. The subdivider has requested a variance from Section 7.H of the Subdivision Regulations to not be required to pave Theisen Road and has stated the reason for justification as being financial hardship. At their public meeting on March 25, 1997, the Gallatin County Planning Board reviewed the proposed subdivision against the goals and policies of the County Plan, and the criteria for findings of fact. The Planning Board found that the subdivision plats conforms to the County Plan and recommends that the County Commission approve the requested variance and approve the preliminary plat. The County Commission has two determinations to make with this application: 1. A determination as to whether the requested variance should be granted and 2. A determination as to whether the proposed subdivision should be approved. If the Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of

Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: *"The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever."* 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of Rural Improvement Districts and/or the creation of a sewer and/or water District. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a) The property owners' association shall be responsible for the control of County declared noxious weeds. b) Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c) A statement addressing agricultural uses of neighboring properties in the following form: *Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.* d) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48 hour notice, during construction and after completion. f) The property owners' association shall be responsible for maintenance of Kirwan Lane adjacent to this subdivision. g) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall dedicate to the public the sixty (60) feet of Theisen Road along the east side of the subdivision. 9. The subdivider shall dedicate to the public the sixty (60) feet of Kirwan Lane along the north side of the subdivision. 10. The subdivider shall provide and install street and stop signs for the intersection of Kirwan Lane with Theisen Road. The subdivider shall obtain written verification from the County Road Office that the signs have been installed. 11. The subdivider shall obtain encroachment permits for all of the lots from the County Road Office. All approaches must be a minimum of 300 feet apart. 12. The subdivider shall establish a property owners' association for enforcement of the covenants. 13. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot (\$1,984). 14. The subdivider shall provide a copy of the final subdivision plat to the Belgrade Rural Fire Department. 15. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

Dennis Foreman, Gaston Engineering, spoke on behalf of the applicant.

During the public portion of the meeting the following people spoke concerning the road condition and the dust problem: Steve Kuchinsky, Catherine Dicharry, Cheryl Taylor, Tom Kirwan, Kevin Gower, Jackie Kennedy, Jim Lee, Pete Wirtz, Brian Kirkemo, and Adrian Terrell. Sam Gianfrancisco, County Road Superintendent, spoke on the background of Theisen Road. Mr. Gianfrancisco stated that a Local Improvement District (LID) would be the best way to improve this road. This should be a community effort with the County participating.

During board discussion the Commission discussed the neighbors concerns regarding the unsafe condition of the road and its dust problem. Commissioner Murdock suggested adding a condition to require the developer to add two applications of magnesium chloride to the road and then work to create an LID. Commissioner Jelinski stated that she would like to table this decision to give staff a chance to look at some specific language for options to improve the road that are fair and equitable. Commissioner Jelinski asked the developer if he would agree to a continuance. Dennis Foreman, Gaston Engineering, stated that there would be no problem with continuing this for two weeks.

Sam Gianfrancesco, County Road and Bridge Superintendent, asked if some of the neighbors from the area would volunteer to meet with the engineer and himself to come up with some solutions. Motion by Jane Jelinski to table this decision for two weeks. Seconded by Bill Murdock. None voting nay. Motion carried.

 Commissioner Olson read a statement to the public regarding flooding. It stated: At this time the Commission does not want to declare an emergency until there really is an emergency, and advises everyone to take precautions to protect themselves and their property, and to contact the Planning Department as soon as possible to review the floodplain maps. The Commission also gave a number to call for the most current information regarding flooding.

 R. Dale Beland, Planning Director, reported that the North Fork Creek Major Subdivision was granted preliminary plat approval by the County Commission on February 20, 1996. It consists of six(6) lots on 108 acres, located in the Big Sky Meadows, adjacent to the intersection of Andesite Road and Highway 64 (Big Sky Spur Road). The subdivider has requested that the following conditions be amended as indicated: **Condition no. 6:** The subdivider's engineer has requested that this condition be deleted. **Condition no. 9:** Be amended as follows: Willow Creek Lane shall have a 60 foot dedicated right-of-way, a 50 foot radius cul-de-sac, and ~~be constructed to county gravel road standards~~ shall be subject to an approved improvements agreement prior to recordation of the final plat. **Condition no. 10:** Be amended as follows: The access road leading to the pre-existing one-acre parcel shall be within a 30 foot public access easement and be ~~constructed to~~ subject to an approved improvements agreement to meet the county two lot road design prior to recordation of the final plat. **Condition no. 13:** The developer shall participate in a maintenance program with the surrounding subdivisions for Andesite Road when and if a program/agreement can be worked out. The maintenance program shall be reviewed and approved by the Gallatin County Road & Bridge Department. **Condition no. 18:** The engineer asks that this condition be deleted since significant repairs and upgrades have been made to the system, offsetting the need for a new well.

The County Commission has one determination to make with each request: A determination as to whether the proposed changes to the conditions be approved. The basis for the County Commission's decision shall be whether the information submitted demonstrates that proposed changes meet the requirements of the Montana Subdivision and Platting Act.

Dennis Foreman, of Gaston Engineering, Neil Lynch, Robert Cameron, attorney for the Big Sky Hidden Village Owners Association, George Metcalfe, and Brian Wheeler, Director of real estate and development for Boyne USA, spoke regarding the requested amendments

During board discussion the Commission spoke concerning the language written in condition no. 13 which states: when and if a program/agreement can be worked out. They also expressed major concern regarding condition no. 18 to make sure that there is adequate water supply.

Dale Beland, County Planning Director, suggested that the Commission go forward with the other conditions and continue the hearing to work on the language in condition no. 18. Mr. Beland stated this way staff can go back to the Fire District, Lone Mountain Springs and anyone else needed to get verification of adequacy of water supply. Dennis Foreman, Engineer, suggested the applicant give a financial guarantee to the County, then the applicant would have the option of either bringing the Hidden Village well back up and working, deepening the West Fork well, or drill a new well. Commissioner Murdock stated that he would feel more comfortable with condition no. 18 if the Water and Sewer District would sign off stating there is adequate water supply.

Motion by Jane Jelinski to approve the conditions 6, 9 and 10 as amended. Seconded by Bill Murdock. None voting nay. Motion carried.

Motion by Jane Jelinski to amend condition no. 13 to read : The developer shall participate in a maintenance program with the surrounding subdivisions for Andesite Road. The maintenance program shall be reviewed and approved by the Gallatin County Road & Bridge Department. Seconded by Bill Murdock. None voting nay. Motion carried.

Commissioner Jelinski stated that she does not feel comfortable in voting on condition no. 18 today, and that she would like to see staff get some clear recommendations that there is adequate water in that area.

Motion by Bill Murdock to amend condition no. 18 to read: A new water supply well shall be installed in the Meadow Village area or approval shall be received from Water & Sewer District 363 verifying the adequacy of water supply. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:13 P.M.

Phil Olson 5-20-97
CHAIRMAN APPROVAL

Shelley M. Cheney
CLERK ATTEST

PUBLIC MEETING**TUESDAY THE 22nd DAY OF APRIL, 1997**

The meeting was called to order by Chairman Phil Olson at 1:34 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceeding were had to wit:

APRIL 13, 1997

- Commissioner Murdock attended the dinner banquet for the Victim/Witness Program.

APRIL 14, 1997

- Commissioners met the GIS Screening Committee to review applications.
- Commissioners met with Auditor Joyce Schmidt and she informed the Commission of the fiscal operations regarding the Missouri River Drug Task Force.
- Commissioners met with Sheriff Bill Slaughter and Undersheriff Red Wilson regarding the drug forfeiture local fund of \$7,460.84, discussed a plan with three alternatives for cars for the Sheriff's Office, discussed the new mental health situation and possibilities of a crisis stabilization center for Gallatin County. Sheriff Bill Slaughter stated his need for more work from data processing to hook up equipment setting in his office since January. Commissioners prepared a response to Sheriff Slaughters request to purchase a vehicle.
- Commissioners met with County Department Heads to discuss procedures and assignment of duties in the event of a flood emergency in Gallatin County. Those Department Heads in attendance were: Joyce Schmidt, Auditor, Sam Gianfrancisco, Road Superintendent, Dale Beland, County Planning Director, Bill Baldus, Data Processing Supervisor, Bob Isdahl, Facilities Supervisor, Ed Blackman, Fiscal Officer, Connie Wagner, Rest Home Coordinator, Ann L. Olson, Rest Home, and Kathy Nowierski, Personnel Director.
- Commissioner Murdock attended the regular monthly meeting of the Fair Board where a vote was taken on their budget, a multi-purpose building was discussed, a report was presented on the winter fair, the Oak Street issue was discussed as was the new office building, and the monthly financial statement.

APRIL 15, 1997

- Commissioners had the regular semi-monthly meeting with County Attorney Marty Lambert and discussed the priority list of items the County Attorney is working on.
- Commissioners held a public meeting to Consider a Resolution Establishing a County Park District in the Big Sky Area and passed the resolution to put the question of the park district to the voters in the November general election.
- Commissioners conducted the regular weekly public meeting.
- Commissioners Jelinski and Murdock attended the regular monthly meeting of the Detention Center Task Force.

APRIL 16, 1997

- Commissioners attended the monthly Staff Meeting with department heads. The Fiscal Officer gave a budget update, Facilities Director Bob Isdahl did a presentation on furniture standards, department heads were advised of the bi-weekly reports to be published in the High Country Independent Press and a request was made for volunteers to write articles.
- Commissioner Murdock attended the Transportation Committee meeting where Board members discussed the Oak Street project from North 7th to North 19th, the Highway 191 new sealant cover will be put down in the early summer, the Belgrade Interchange, enhancement projects, safety projects, Griffin & 7th signalization, and it was reported that West Babcock will not be paved this year. Other topics discussed included HB 486 on the speed zone studies authority to cities, pedestrian safety board issues, and Senator Baucus' Stars 2000 proposal. Commissioner Murdock informed the Committee and the City of Bozeman that the County Commissioners will meet with the

West Babcock County residents soon to negotiate the right-of-way acquisition. The Committee recommends the County appoint and activate members to the Pedestrian Safety Commission.

- Commissioners Olson and Jelinski had their regular bi-monthly meeting with Disaster and Emergency Services Coordinator Aaron Holst and discussed the new rural fire chief contract and found items that may need changing. Also discussed were the operational needs of the Disaster and Emergency Services as they relate to equipment, etc. in the Emergency Operations Center, to prepare for emergency activation so that the County and needed staff are prepared. The Commissioners agreed to keep working together with DES to have all the operational needs in place as soon as possible for the Emergency Operations Center.
- Commissioner Murdock attended the regular monthly meeting of the Gallatin Development Corporation.
- Commissioners met with the Capital Facilities Committee to discuss pending facilities matters. The Committee gave Communications Coordinator Mike Brown authorization to present a proposal to the 911 Admin. Board regarding relocation of the 911/Dispatch Center. The Committee gave Capital Facilities Director Bob Isdahl authorization to conduct a survey of county departments and other local governments regarding their storage needs. The Committee voted that any additional work on task orders related to the Detention Center be directed by the County Commissioners.

APRIL 17, 1997

- Commissioners attending Zoning Hearings held in West Yellowstone. Because of notification problems with the advisory board the meeting was unable to take place. The meeting was opened and continued until April 25, 1997.

APRIL 18, 1997

- Commissioners, together with the Fiscal Officer Ed Blackman met with Director of Mental Health Services Bob Ross and Jerry Spaulding and discussed the new make up and needs of Mental Health Services and the function of the board. The Commissioners requested a workshop be provided so that they might be updated on a comprehensive level regarding the services available and new services needed.
- Commissioners met with Mayor of the Town of Three Forks Gene Townsend, Wendell Evans of Three Forks, Marty Gagnon of Gaston Engineering, and Road and Bridge Supervisor Sam Gianfrancisco to discuss the possibility of a public/private partnership to upgrade the road from the "Y" in Three Forks to the Talc Plant, approximately one-half is in Three Forks and one-half is in the County.
- Commissioners attended a meeting with Grants Administrator Larry Watson, Auditor Joyce Schmidt, Fiscal Officer Ed Blackman and County Attorney Marty Lambert regarding the procedure necessary when applying for a grant. The Commissioners recommended that the draft Grants Procedure Manual be sent to all affected departments for their input before final approval by the Commission.
- Commissioners held their regular monthly meeting with Fiscal Officer Ed Blackman to discuss the budget status. There seems to be no problem areas at this time.
- Commissioner Olson met with Ron Allen and Planning Director Dale Beland and discussed a plat pertaining to Bert Kamp's property that has presented a problem. Dale Beland felt that it could be taken care of quite simply and Ron Allen is going to get some information regarding wetlands for Dale.
- Received A101's in the amount of \$33,994.78

The following items were on the consent agenda:

Ed Patton has requested a variance to allow intrusion of a single-family residential addition within the required sideyard setback in the Residential Cluster Single Family 1 (RC-SF-1) District in Big Sky. The property is located in the Karst No. 1/Parkview West area, between the West Gallatin River and US 191, north of Tamphrey Creek Road. The applicant proposes to add a new garage to the existing house. The site plan indicates the existing house is located 25 feet from the south parcel line. The proposed addition will intrude about five feet into the required 35 foot sideyard setback.. If the County Commission determines that the variance request meets the criteria of Section 43.2, the application should be approved subject to the following condition: 1. The sideyard variance will be valid only after approval of a land use permit for the subject project.

Ronald J. and Mary A. Delans have requested a variance to allow a single-family residential building height in excess of the maximum height in the Residential Cluster Single Family 2.5 (RC-SF-2.5) District in Big Sky. The property is Lot 23, Ousel Falls Subdivision. The applicant proposes to build a split-level house. Under the current definition of "building height", the structure would exceed the maximum allowable height for pitched roofs of 33 feet. by 2 ft. 6 in., for a total height of 35 ft. 6 in. If the County Commission determines that the variance request meets the criteria of Section 43.2, the application should be granted subject to the following condition: 1. The height variance will be valid only after approval of a land use permit for the subject property.

Les and Brenda Witmer are claiming the family transfer exemption to transfer a tract of land to Wendy Rae Howard, their daughter. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Ronald J. Lehman is claiming the family transfer exemption to transfer a tract of land to Ronald S. Lehman, his son. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Deputy County Attorney Susan Swimley stated if the Commission grants those requests for variances, they are adopting the staff findings as their findings.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Dennis Hengel, Gallatin County Weed Supervisor, reported that On April 8, 1997 bids were opened and read for weed chemicals. At that hearing the Commission made a motion to forward those bids to the Weed Board for a recommendation. Mr. Hengel stated that after reviewing those bids received with the Weed Board it is our recommendation to award the bid to Gallatin Farmers of Belgrade, MT in the amount of \$31, 542.35.

Motion by Jane Jelinski to award the bid to Gallatin Farmers in the amount of \$31,542.35 based on the recommendation of the Weed Supervisor. Seconded by Bill Murdock. None voting nay. Motion carried.

Dave Crawford, Thomas Dean & Hoskins, opened and read the following bids received for the replacement of Spaulding Road Bridge: Copps Construction of Billings, MT total bid amount of \$158,332.50. Hall Construction of Belgrade, MT, Mr. Crawford stated that this is an irregular bid because there is not a complete proposal only a bid total in the amount of \$169,150.00. Tamietti Construction of Great Falls, MT total bid amount of \$198,720.00. Tracy Cowdrey & Associates, Bozeman, MT total bid amount of \$162,850.00. Dick Anderson Construction, Bozeman, MT total bid amount of \$185,578.00. Mr. Crawford requested taking these bids under advisement for review with the County Road & Bridge Superintendent and make a recommendation at next weeks public meeting.

Larry Watson, Grants Administrator, submitted to the Commission Resolution No. 1997-21, which is a Resolution to approve the final contract with the Montana Department of Transportation for general project development and construction and CTEP maintenance agreement for CTEP project: STPE 1299 (7) Courthouse Rehab-Bozeman. Mr. Watson stated that this contract has been reviewed and approved by the County Attorney, Fiscal Officer and the Capital Facilities Committee.

Motion by Jane Jelinski to adopt Resolution No. 1997-21. Seconded by Bill Murdock. None voting nay. Motion carried.

Debbie Arkell, Bozeman City/County Assistant Planning Director, reported that Farmhouse Partners has submitted an application to amend Lots 1 and 3, Minor Subdivision No. 162 to correct the location of the southwesterly right-of-way line of Haggerty Lane. The subject minor subdivision is located on Haggerty Lane and was granted final plat approval to divide 7.598 acres into three lots in October 1995. A surveying error has been discovered where the actual right-of-way line for Haggerty Lane was mis-drawn on the final plat, which affects Lots 1 and 3. Thus, a new corrected plat has been submitted and is required only to correct a surveying error, which placed the southwesterly right-of-way line for Haggerty Lane approximately five feet too far to the north, thus shorting the right-of-way and making Lots 1 and 2 somewhat larger than possible, due to the existence of the right-of-way dedication. As a result of the surveying error, Building No. 1 of the Comstock apartments is now found to encroach 5.24 feet into the required front yard set back on Haggerty Lane. The Zoning Administrator for the City of Bozeman has certified to American Land Title Company that this situation does not constitute a violation of the zoning ordinance, and that there is no need for the owner of the property to seek a variance from the zone code to validate the situation. The basis for this decision is that when Building No. 1 was permitted for construction, the owner and City officials relied on the best data available to determine set backs and ensure compliance with the Code. All set backs established at the time were indeed complied with. The fact that this earlier survey work has proven to be inaccurate is not viewed by the City as any sort of liability for the owner. The correction of the plat does not affect any of the conditions placed on the original subdivision. As no new lots are being created, impact fees do not apply. As with all final plats, an Abstractor's Certificate must be presented with the clothback and mylars for filing. A County

Attorney's Certificate must also be prepared prior to filing of the final plat. The Bozeman City/County Planning Board reviewed the application at its meeting on Tuesday, April 15, 1997, and voted unanimously to forward a recommendation of unconditional approval to the County Commission. As it is in everyone's best interest to have a corrected plat filed as soon as possible, and, on a vote of 7-0, recommends that the application be approved as submitted.

There was no public comment.

Finding that the Planning Board voted unanimously to recommend this amended plat be approved, motion by Bill Murdock to grant the amendment as recommended by staff. Seconded by Jane Jelinski. None voting nay. Motion carried.

Dave Skelton, Bozeman City/County Senior Planner, reported that there has been an application to amend the 1990 Bozeman Area Master Plan Update and modify the North 19th Avenue/Oak Street corridor Master Plan as a supplement to the Comprehensive Plan. The property is located immediately adjacent to the east side of North 19th Avenue, and is situated between Durston Road and the south boundary of Covered Wagon Mobile Home Park. The current roadway designation is Class I which requires a 50 foot front yard setback, this request would change the roadway designation to a Class II which requires a 25 foot front yard setback. The Planning Board recognized a potential hardship with the Class I entryway corridor, which would result in the need for owners of these lots to apply for variances when proceeding with the development of these lots.

There was no public comment.

Finding that this is in the public interest, motion by Jane Jelinski to grant the application for a Master Plan Map amendment to change the Class I entryway corridor roadway designation to a Class II entryway corridor roadway designation on property described as Lots 15-23, Block A, Maple Terrace Subdivision, and Lots 1, 17, and 19 of the Homesites Subdivision, and more commonly located along the east side of North 19th Avenue from Durston Road to the south boundary of Covered Wagon Mobile Home Park. Seconded by Bill Murdock.. None voting nay. Motion carried.

Jennifer Borgquist, County Planner, reported that Ray D. Ecton has requested preliminary approval for a one-lot subdivision on approximately one acre located southwest of the intersection of Churchill Road and Amsterdam Road. The proposed subdivision consists of one lot of approximately one acre that will access off Churchill and Amsterdam Roads. This lot is proposed to be served by the Amsterdam-Churchill Sewer District and on site water. At their public meeting on April 8, 1997, the Gallatin County Planning Board reviewed the proposed subdivision against the goals and policies of the County Plan, and the criteria for findings of fact. The Planning Board found that the subdivision plat conforms to the County Plan and recommends that the County Commission approve the preliminary plat. The County Commission has one determination to make with this application: 1: A determination as to whether the proposed subdivision should be approved. If the County Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: *The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.* 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of Rural Improvement Districts and/or the creation of a sewer and/or water district. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a.) The property owners' association shall be responsible for the control of County declared noxious weeds. b.) Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c.) A statement addressing agricultural uses of neighboring properties in the following

form: *Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.* d.) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e.) All construction shall be in compliance with the Uniform Fire Code and the Uniform Building Code as set by the state of Montana if applicable. f.) All buildings built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of National Fire Protection Association. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48 hour notice, during construction and after completion. g.) Building plans shall be provided to the Amsterdam District Fire Chief as they are ready. h.) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission.

8. The subdivider shall meet the National Fire Protection Association standards for hydrant systems, or provide a single 10,000 gallon water supply with an approved dry hydrant whichever is greater. The subdivider shall obtain written verification from the Amsterdam Rural Fire District that the fire protection requirements have been met. 9. The subdivider shall dedicate to the public the thirty (30) feet of Amsterdam Road along the north side of the subdivision. 10. The subdivider shall obtain encroachment permits for all approaches from the County Road Office. 11. The subdivider shall pave all approaches for a minimum of 75 feet from the existing edge of pavement on the roads, or to a depth approved by the County Road Office. 12. The subdivider shall provide and install STOP signs on all approaches. 13. The subdivider shall delineate a sight visibility clearance zone at the intersection of Amsterdam Road and Churchill Road, with maximum size and height limitations on materials which may be placed and maintained in the zone, subject to the review and approval of the County Road Office. 14. The subdivider shall provide written verification from the Amsterdam-Churchill County Sewer District that service will be provided. 15. The subdivider shall make payment of fire protection impact fees in the amount of \$496. 16. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

Commissioner Olson asked why a one lot subdivision is being required to establish a Homeowner's Association. Planner Borgquist stated that it is her understanding that a bank is going in on this lot and maybe that language should be taken out.

Ron Allen, surveyor, stated that a drive through type bank is going in on this property that will have an anticipated 4 employees which will not meet the requirement for a public water supply system. Mr. Allen stated that he was not aware of the size of the building at the initial stages of this subdivision and then suggested language to amend Condition no. 8.

Susan suggested language for Condition no. 7.f. to read: At full build out the commercial building shall not exceed 25 people for more than 60 days per year. That would require the building to stay small enough to always meet the water requirements. There was no public comment.

Finding that this request for preliminary plat approval of the Ecton Minor Subdivision meets the criteria of the Montana Subdivision & Platting Act and is consistent with the County Master Plan, motion by Jane Jelinski to grant preliminary approval with the conditions as follows: Conditions 1 through 5 as drafted. Amend condition 6 to read: Two copies of the covenants, a copy of the conditions of preliminary approval, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, and certificate prior to final plat approval. Condition 7. a. to read: The property owners shall be responsible for the control of County declared noxious weeds. Condition 7. b. through e. as drafted. Condition 7. f. to read: All buildings built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of National Fire Protection Association. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48 hour notice, during construction and after completion. When completed, the building shall not exceed the capacity of 25 people for more than 60 days per year. Condition 7. g & h. as drafted. Amend condition 8 to read: The subdivider shall provide a single 10,000 gallon water supply with an approved dry hydrant. The subdivider shall obtain written verification from the Amsterdam Rural Fire District that the fire protection requirements have been met. Conditions 9 through 16 as drafted. Seconded by Bill Murdock. None voting nay. Motion carried.

Dale Beland, County Planning Director, reported that a request has been received to amend condition no. 13 of Spirit Hills Subdivision a 99 lot subdivision located between the Wheatland Hills and the Summer Ridge Subdivisions, north of Bozeman. Spirit Hill was granted preliminary plat approval by the County Commission on July 18, 1995. The subdivider's agent has requested that condition no. 13 of the preliminary plat approval be amended to allow an improvements agreement in lieu of completion of improvements prior to recordation. Condition no. 13 is proposed to be amended as follows: All roads within the subdivision, as well as Sentinel Drive from Springhill Road to the Spirit Hills Subdivision, must be dedicated to the public with a sixty-foot right-of-way. These roads will then need to be constructed to County paving and grading standards prior to final plat approval. In lieu of the completion of the construction of road improvements prior to the approval of the final plat, the subdivider may provide a bond or reasonable security satisfactory to the County Commission and in compliance with Section 8.G.1.b of the Gallatin County Subdivision Regulations.

Dale read a letter in opposition of the from Jack and Jennifer Weiss.

Dennis Foreman, Gaston Engineering, stated that the developer has a contract with JTL to pave the road as soon as the weather is nice and the road dries out. The developer would like to record the final plat so the lots that already have a buy sell agreement on them could be sold. Sam Gianfrancisco, County Road & Bridge Superintendent, stated that he spoke with JTL this morning and that they would like to see this road completely dry. Mr. Gianfrancisco stated that he does believe that this will be a much better road if it is paved later. During the public portion of the hearing the following people spoke: Vic Tate, Kate Dixon, and Richard Shanahan.

During board discussion: Commissioner Olson stated that he is glad to hear that the paving is ready to go otherwise he would be somewhat opposed to this amendment. Commissioner Murdock stated that he doesn't like improvements agreements, but it is a policy that is in place and has been approved. Commissioner Murdock stated he would like to specify a time frame. Commissioner Jelinski stated that it appears that it is in the public interest to have this road paved the right way by waiting until the road dries out, and based on Sam's recommendation she feels this is a reasonable request.

Deputy County Attorney Susan Swimley suggested giving the developer 6 months to complete the paving, otherwise the County is obligated to do the paving and that would put the project into the month of November.

Finding that this request is in the public interest, motion by Bill Murdock to grant the amendment to condition no. 13 as presented by staff, adding in a time period of August 31, 1997 for the paving to be completed. Seconded by Jane Jelinski. None voting nay. Motion carried.

Dale Beland, County Planning Director, reported that a request for a variance to allow intrusion of Condominium structures in the required front yard and rear yard setbacks in the residential multi-family has been received. West Fork Development Company, Inc., on behalf of Crail Creek Condominiums, has requested two variances to allow intrusion of condominium structures within the required frontyard and rearyard setbacks in the R-MF-3,500 District in Big Sky. The applicant's site plan indicates phased construction of eight two-story condominium structures, each containing four units. Both Phase I and Phase II each include four structures with 16 units. Three of the structures (including deck structures) intrude into the required 25 foot front setback adjacent to the south side of Curley Bear Road. Four structures intrude into the required 10 foot rearyard setback. (The southwesterly structure also intrudes onto the 10 foot sideyard setback, but there appears to be room to avoid this problem). If the County Commission determines that the variance requests meet the criteria of Section 43.2, the application should be approved subject to the following conditions: 1. The frontyard and rearyard variances will be valid only after approval of a land use permit for the subject project. 2. The site plan shall be modified to preserve the required 10 foot sideyard setback for the southwesterly structure.

Stew Kester, applicant, Don McLaughlin, architect, and Paul Ropenack, applicant spoke regarding the request. There was no public comment.

Based on the prevalence of similar conditions in the area and finding the request meets the criteria required, motion by Bill Murdock to grant the variance as requested. Seconded Jane Jelinski. None voting nay. Motion carried.

Susan Swimley presented the Commission with Resolution No. 1997-22, which is a resolution of intention to create a park district in the Big Sky Area of Gallatin County, Montana. Motion by Jane Jelinski to adopt Resolution No. 1997-22. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:42 P.M.

Phil Olson 5-20-97
CHAIRMAN APPROVAL

Shelley M. Cherry
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 29th DAY OF APRIL, 1997

The meeting was called to order by Chairman Phil Olson at A.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

APRIL 21, 1997

- Commissioners attended the Montana Association of Counties' District meeting in Deer Lodge.

APRIL 22, 1997

- Commissioner Olson met with Roger Sicz from the City of Bozeman regarding the needs for recycling presentations in Three Forks and Manhattan.
- Commissioner Murdock met with Jennifer and Craig Vidmar regarding their presentation of a minor subdivision proposal off of Thorpe Road, and discussed the right-of-way options.
- Commissioners conducted the weekly public meeting.

APRIL 23, 1997

- Commissioners Jelinski and Murdock met with Bob Dennee, Kurt Alt, Gene Gibson, and Jane Darnell of the Forest Service to discuss the pending Gallatin II land exchange.
- Commissioner Jelinski attended the regular monthly meeting of the 911 Administrative Board.
- Commissioners Jelinski and Murdock met with Diane Martin and Chuck Winn of the Rural Fire Chief Review Committee to review applications for the Rural Fire Chief position. The Committee selected Brett Waters to negotiate a contract for wildland fire protection.
- Commissioners Murdock and Jelinski met with Department of Public Health and Human Development Director Joan Davies as the Welfare Board and approved the Welfare Board Report.
- Commissioner Murdock met with Phil Forbes of the City of Bozeman.

APRIL 24, 1997

- Commissioners attended the Zoning Hearings where applications were approved.
- Commissioner Murdock met with Mike Money regarding subdivision procedure.
- Commissioners met with Road and Bridge Supervisor Sam Gianfrancisco, Planning Director Dale Beland, and Deputy County Attorney Susan Swimley and discussed the installation of the impact fee for roads and the administrative procedures manual. Dale Beland was appointed to prepare a draft version of a manual. Commissioners decided to end the contract with Duncan and Associates. Dale Beland was appointed to start an impact fee committee to study other road impact fee options.
- Commissioners met with Planning Director Dale Beland and Deputy County Attorney Susan Swimley and discussed planning issues and pending litigation.
- Commissioners attended the 4-H Foundation meeting.

APRIL 25, 1997

- Commissioners attended Zoning Hearings held in West Yellowstone.
- Received A101's in the amount of \$5,889.20
- Received \$280,279.88 in claims.

The following items were on the consent agenda:

Final approval of the minutes of April 8, 1997 as written.

Carol McGinley Voegele has requested the family transfer exemption to create three lots of 20 acres. Staff report indicates that the request appears to meet the criteria to qualify for an exemption.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

 Doug Ford, Road & Bridge Department, stated that at last weeks public hearing bids were opened and read for the construction of Spaulding Bridge. Those bids were taken under advisement for a recommendation at today's hearing. Mr. Ford made the recommendation to award to the low bidder, Edward T. Copps Construction in the amount of \$158,332.50. This bid is within the engineers budget and meets all of the specifications.

Motion by Jane Jelinski to award the bid for the construction of Spaulding Bridge to Edward T. Copps Construction in the amount of \$158,332.50. Seconded by Bill Murdock. None voting nay. Motion carried.

 Jeff Rupp, Director HRDC, made a presentation regarding the HRDC/Headstart Family Center Project Community Development Block Grant Proposal. Mr. Rupp introduced the following people who helped with the CDBG: Karen Couch, Mike Robertie and Barbara Richards. HRDC is donating the land and construction should begin by Spring 1998. Mr. Rupp explained that the new facility would be run by Headstart.

The Commissioners questioned the annual operation costs of the facility and the administrative costs of the grant proposal. Karen Couch, spoke regarding the administrative costs. Larry Watson, Grants Administrator, spoke regarding the proposal.

 Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997- 23 , which is a resolution to approve the final contract with the Montana Department of Commerce for the Reach, Inc. (HOME) Home Investment Partnership Project.

Motion by Bill Murdock to approve Resolution No. 1997-23. Seconded by Jane Jelinski. None voting nay. Motion carried.

 Louise Forrest, Bridger Outdoor Science School; and Carrie Leu, Gallatin Conservation District, made a presentation about a project being organized by the Gallatin Watershed Partnership. The group was formed to hold a workshop in Bozeman. At that workshop the following topics were discussed: characteristics of the watershed, local water sources and distribution systems, and issues surrounding future water resource needs and concerns. This group is proposing to develop a Gallatin Watershed Sourcebook, as a resident guide and information source. Commissioner Jelinski asked when they expect the sourcebook to be completed and available for distribution. Mrs. Forrest stated that it would be available next Spring. The Commission urged them to contact the members of the Planning Board and the Local Water Quality District.

 Dale Beland, County Planning Director, reported that the Commission table a decision of preliminary plat approval for the Christy Minor Subdivision, a four lot subdivision located southwest of the intersection of Theisen Road and Kirwan Lane. At that hearing, due to concern of the condition and the dust problem of Theisen Road. Roy Schneider, County Road Department, spoke regarding the road concerns brought up. Mr. Schneider stated that some of the area neighbors met last Thursday with the developer, the developers representative, Sam Gianfrancisco, and himself at the County Road Department. At that meeting it was determined that Mr. Christy would apply 2 applications of dust retardant on Theisen Road. One application would be applied in the spring, and if a second application was needed, Mr. Christy would then apply another application. Mr. Schneider stated that the County Road Department would supply a water truck and the equipment needed for the mixing of the material. It was also agreed that after the first year the residents and Mr. Christy would work out a road maintenance agreement if the road isn't paved to control the dust problem.

Commissioner Murdock asked if there was any discussion among the neighbors to create a Rural Improvement District (RID) or a Local Improvement District (LID). Mr. Schneider stated they discussed paving the road. Dennis Foreman, Gaston Engineering, stated that his client will pay \$2,400.00 which will cover the cost of 2 applications of magnesium chloride for dust control. Mr. Gaston further stated that right-of-way would need to be obtained to straighten out Theisen Road in order for it to be paved. The local residents were encouraged to work with their neighbors to obtain that right-of-way and then pursue the procedure to create and Local Improvement District(LID). During the public portion Steve Kruchensky spoke, there was no other public comment.

Commissioners thanked Mr. Kruchensky for his participation in taking care of the road concerns and encouraged him to pursue the creation of an LID in the area.

Finding that it has been demonstrated that paving of Theisen would create and undue hardship, the condition that will be applied will protect the public health, safety and welfare and based on the advice

of the County Road Superintendent that paving .8 miles of road, creates more problems than it would solve, motion by Jane Jelinski to grant the variance from paving. Seconded Bill Murdock. None voting nay. Motion carried.

Commissioner Olson asked a question regarding condition 7. f. , why is the developer being required to maintain Kirwan Lane. This road is not within the subdivision. Dennis Foreman, Gaston Engineering stated that all of the lots will access off Theisen Road, and he would like to place on the final plat, a one foot no access strip along Kirwan Lane, and then condition 7. f. could be removed.

Finding that the Christy Minor Subdivision meets the criteria of the Montana Subdivision & Platting Act is consistent with the Master Plan and the Planning Boards recommendation, motion by Bill Murdock to grant preliminary plat approval with the conditions as follows: Conditions 1 through 4 as drafted. Amend condition 5 to read: The subdivider shall record on the final plat a waiver of right to protest creation of Rural Improvement Districts, Local Improvement Districts, and/or the creation of a Sewer and/or Water District. Conditions 6 through 7. e. as drafted. Remove condition 7.f. Conditions 7.g. and 8 as drafted. Amend condition 9 to read: The subdivider shall dedicate to the public the sixty feet of Kirwan Land along the north side of the subdivision. The subdivider shall designate, on the final plat, a one foot no access strip along the north boundary line of lots adjacent to Kirwan Lane. Conditions 10 through 14 as drafted. Add condition 15 to read: The subdivider shall pay \$2,400.00 to the County Road Department to cover the cost of two applications of dust retardant or as a contribution towards paving, to be used at the discretion of the County Road Superintendent. And condition 16 to read: The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Seconded by Jane Jelinski. None voting nay. Motion carried.

Jennifer Borgquist, County Planner, reported that Jim and Della Rogers have requested preliminary approval for a five-lot subdivision located southwest of the intersection of Bench Road and Yellowstone Trail Road. The proposed subdivision consists of three lots of approximately five acres each, one 16-acre lot, and one 20-acre lot. The property has access off Emmaus Road and Bench Road. Two variances are being requested from the Gallatin County Subdivision Regulations: 1.) A variance to allow cul-de-sac length to exceed 1,000 feet. And 2.) A variance to not provide a second or emergency access when the maximum cul-de-sac length standard is exceeded. The subdivider presented the following justification for the requested variances: The proposed road (Emmaus Road) will be 1,558 feet in length, which is 558 feet over the 1,000 feet maximum. The road is designed at this length to provide access to each of the lots within the subdivision. Possible design scenarios for Emmaus Road are limited due to the shape of the parcel being subdivided, a railroad to the north which prevents access to Old Yellowstone Trail, and a large pond to the south which obstructs the road from looping back to the County Road (Bench Road). Also to assist in the acceptance of this design and receive a variance, we are stipulating that this subdivision will not be subdivided any further, thus preventing the need to extend Emmaus Road in the future. At their public meeting on April 8, 1997, the Gallatin County Planning board reviewed the proposed subdivision against the goals and policies of the County Plan, and the criteria for findings of fact. The Planning Board found that the subdivision plat conforms to the County Plan and recommends that the County Commission approve the requested variances; and approve the preliminary plat. The County Commission has three determinations to make with this application: 1. A determination as to whether to accept the Planning Director's determination that the claim for a waiver of the fire protection impact fee was valid for Lot 3. 2. A determination as to whether the requested variances should be granted. And 3. A determination as to whether the proposed subdivision should be approved. If the Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: *The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.* 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of

right to protest creation of Rural Improvement Districts and/or the creation of a sewer and/or water district. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a.) The property owners shall be responsible for the control of County declared noxious weeds. b.) individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c.) A statement addressing agricultural uses of neighboring properties in the following form: *Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.* d.) A statement addressing industrial uses of neighboring properties in the following form: *Lot owners and residents of the subdivision are informed that nearby uses may be industrial. Lot owners accept and are aware that standard industrial practices can result in smoke, dust, odors, machinery noise, truck traffic, railroad traffic, and temporary blockage of roads. Standard industrial practices feature the use of heavy equipment, intrusive sights, sounds and smells, and continuous operations.* e.) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. f.) The property owners' association, with the exception of Lot 3, shall be responsible for maintenance of Emmaus Road. g.) Lots 1, 2, 4 and 5 shall not be further subdivided prior to the provision of a second or emergency access in accordance with the Subdivision Regulations. h.) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall improve Emmaus Road to County gravel standards, including street and stop signs, in accordance with the Subdivision Regulations. All road work to be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Office that Emmaus Road has been brought to County gravel standards. 9. The subdivider shall dedicate to the public the sixty (60) feet of right-of-way for Emmaus Road. 10. The subdivider shall dedicate to the public the thirty (30) feet of right-of-way for Bench Road from the northern edge to the southern edge of the subdivision. 11. The subdivider shall either designate "no access" strips along Bench Road and/or obtain encroachment permits for the lots which front on Bench Road from the County Road Office. 12. The subdivider shall establish a property owners' association for enforcement of the covenants. 13. The subdivider shall provide a wetlands investigation by a certified consultant. If the investigation indicates wetlands are present, the subdivider shall provide a wetlands delineation by a certified consultant. The subdivider shall place a note on the final plat designating the wetlands as a: "No building area except as needed for the provision of a second or emergency access". And stating "Any activity that will result in the discharge or placement of material into the wetlands requires that a 404 permit be obtained from the US Army Corps of Engineers or Natural Resource and Conservation Service". 14. The subdivider shall delineate the floodplain on the final plat. If a portion of the subdivision is located in any zone except C, the subdivider shall place a note on the final plat stating "Any development shall be in compliance with the Gallatin County Floodplain Regulations". 15. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot for lots 1, 2, 4 and 5 (\$1,984). 16. The subdivider shall obtain written verification from the town of Three Forks that they are willing to provide the water supply for fire fighting purposes. If the subdivider is unable to obtain written verification, the subdivider shall meet one of the fire protection standards required by the Subdivision Regulations and approved in writing by the Three Forks Rural Fire District. 17. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

Commissioner Jelinski questioned if the configuration of lot one complies with the length to width ratio of the Subdivision Regulations. Planner Borgquist stated that yes it does comply.

Terry Threlkeld, Innovative Engineering, spoke regarding second access, the terrain, and suggested new language for Condition No. 13. There was no public comment.

Finding that no access is allowed by the Railroad on one side, the terrain is steep and there will be no threat to public health, safety and welfare, motion by Bill Murdock to grant the variance to allow the cul-de-sac to exceed 1000 feet. Seconded by Jane Jelinski. None voting nay. Motion carried.

Finding that no access is allowed by the Railroad, the terrain is steep and there will be no threat to public health, safety and welfare, motion by Bill Murdock to grant the variance to not provide a secondary or emergency access when the maximum cul-de-sac length standard is exceeded. Seconded by Jane Jelinski. None voting nay. Motion carried.

Motion by Jane Jelinski to concur with the Planning Director to allow the waiver from fire impact fee for lot 3. Seconded by Bill Murdock. None voting nay. Motion carried.

Finding that the Providence Minor Subdivision meets the criteria of the Montana Subdivision & Platting Act and is in compliance with the Master Plan, motion by Jane Jelinski to grant preliminary approval with the following conditions: Conditions 1 through 12 as drafted. Amend condition 13 to read: The subdivider shall provide a wetlands investigation by a certified consultant. If the investigation indicates wetlands are present, the subdivider shall provide a wetlands delineation by a certified consultant. The subdivider shall place a note on the final plat designating the wetlands. "Any activity that will result in the discharge or placement of material into the wetlands requires that a 404 permit be obtained from the US Army Corps of Engineers. Conditions 14 through 17 as drafted. Seconded by Bill Murdock. None voting nay. Motion carried.

Dale Beland, County Planning Director, reported that Paul A. Cronin has requested preliminary approval for a 24-lot subdivision on approximately 11.3 acres located south of the initial South Fork development, south of Westfork Meadows, in Big Sky. The proposed subdivision consist of 24 lots. 22 single family lots, and two multi-family lots, ranging in size from 0.23 acres to 1.81 acres. The multi-family lots are planned to contain 16 to 18 dwelling units per lot. The subdivider has also requested one variance to the Gallatin County Subdivision Regulations: a variance to not provide a second or emergency access when the maximum cul-de-sac length standard is exceeded. The subdivider has presented the following justification for the requested variance: Construction of Cedar Drive through Phase IV at this time will restrict the development plans for this parcel by imposing limits on the configuration of the future Phase IV lots. We propose to complete the Cedar Drive loop in the future, when South Fork Phase IV is platted. Although preliminary planning for the development of Phase IV has been initiated, the ultimate land use of the parcel is being carefully considered to ensure that it is consistent with adjacent land uses, specifically the 112 acre Simkins/Taylor property to the west. The subdivider has met with the Simkins on several occasions to discuss both of their planning goals, specifically the new road. The Cronins have every intention of making planning efforts mesh with the Simkin-Taylor plans. The County Commission has two determinations to make with this application: 1. A determination as to whether the requested variance should be granted. And 2. A determination as to whether the proposed subdivision should be approved. If the Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: *The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.* 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of a Rural Improvement District. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a. The property owners shall be responsible for the control of County declared noxious weeds. b. Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c. The property owners' association shall be responsible for maintenance of Cedar Drive and all other interior roads. The association shall be responsible for the maintenance of the entire length of Spruce Drive with its boundary to Westfork Meadows and Ousel Falls Subdivision. Additionally, the property owners' association shall join the homeowners' associations of Westfork Meadows and South Fork I for the maintenance of Spruce Drive in Westfork Meadows and South Fork Phase I. d. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall establish a property owners' association for enforcement of the covenants. 9. The subdivider shall improve the existing Spruce Drive to county paved standards from Westfork to the south corner of the proposed South Fork Phase II

or submit an acceptable, executed improvements agreement consistent with Section 8.B.1.g of the County Subdivision Regulations. 10. The proposed Sage Drive street name shall be changed and approved by the County Road Office. 11. Appropriate STOP and street name signs will be required for all interior roads. 12. The subdivider shall improve Cedar Drive and other interior roads to County gravel standards, included street and stop signs, in accordance with the Subdivision Regulations. All road work to be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Office that all interior roads have been brought to County gravel standards. 13. The subdivider shall dedicate to the public the sixty (60) feet of right-of-way for Cedar Drive and other interior roads. 14. The subdivider shall designate a "no access" strip for Lots 1 and 24 along Spruce Drive. 15. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot for 24 lots (\$ 11,904). 16. An adequate water supply for domestic and fire protection shall be confirmed/provided by the subdivider. This may be accomplished by construction of the 1 million gallon storage tank by Lone Mountain Springs, Inc. or by construction of a 320,000 gallon storage tank, plus main extensions, by the subdivider. An acceptable, executed improvements agreement consistent with Section 8.B.1.g of the County Subdivision Regulations may be provided in lieu of the subdivider's construction of these water improvements. 17. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

Commissioners stated concern of Phase 4 not going through, 400 some vehicles per day will be added to and area with one access. The Commission discussed adding language that would require Department of Environmental Quality and Sewer District 363 approval in Condition No. 2. Terry Threlkeld, Innovative Engineering, answered questions to concerns of the Commission regarding road maintenance, the variance request and condition 16. Mr. Threlkeld requested not putting in number requirement of the amount of water storage in condition No. 16. Deputy County Attorney Susan Swimley stated that with the improvements agreement, we need to know where the road is to go and how long the road will be.

Motion by Bill Murdock to approve the variance to not provide a second or emergency access when the maximum cul-de-sac length standard is exceeded, finding that it would create and undue hardship on the developer. Seconded by Jane Jelinski. None voting nay. Motion carried.

Finding that the South Fork Subdivision Phase II is consistent with Big Sky Zoning Ordinance, the County Subdivision Regulations and the public interest, motion by Jane Jelinski to grant preliminary plat approval with the conditions as follows: Condition No. 1 as drafted. Amend Condition No. 2 to read: Department of Environmental Quality and Sewer District No. 363 approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. Conditions 3 through 7. b. as drafted. Amend Condition No. 7. c. to read: The property owner's association shall be responsible for maintenance of Cedar Drive, the emergency access easement, if implemented, and all other interior roads. The association shall be responsible for the maintenance of the entire length of Spruce Drive with its boundary to Westfork Meadows and Ousel Falls Subdivision. Additionally, the property owners' association shall participate with the homeowners' associations of Westfork Meadows and South Fork I for the maintenance of Spruce Drive in Westfork Meadows and South Fork Phase I. Conditions 7. d., 8, 9, 10 and 11 as drafted. Amend condition 12 to read: The subdivider shall improve Cedar Drive and other interior roads to County paved standards, included street and stop signs, in accordance with the Subdivision Regulations. A temporary cul-de-sac shall be constructed at the end of Cedar Drive in South Fork Subdivision Phase II. All road work to be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Office that all interior roads have been brought to County paved standards. Conditions 13 through 15 as drafted. Amend condition 16 to read: An adequate water supply for domestic service and fire protection shall be provided by the subdivider and approved by the Gallatin Canyon Consolidated Rural Fire District, Department of Environmental Quality and Sewer District No. 363. This may be accomplished by construction of the storage tank by Lone Mountain Springs, Inc. or by construction of a storage tank, plus main extensions, by the subdivider. An acceptable executed improvements agreement consistent with Section 8.B.1.g of the County Subdivision Regulations may be provided in lieu of the subdividers construction of these water improvements. Add a new condition 17 to read: The subdivider shall provide a 60 foot right-of-way emergency access easement to connect Cedar Drive in South Fork Subdivision Phase II to Cedar Drive to West Fork Meadows. An improvements agreement consistent with section 8.B.1.g of the County Subdivision Regulations. Said easements may be subject to modification by mutual agreement between the subdivider and the Governing Body. And condition 18 to read: The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Seconded by Bill Murdock. None voting nay. Motion carried.

Randy Johnson, Senior Planner, reported that Skip Raddick has requested a variance from the Gallatin County Subdivision Regulations, and a second extension of preliminary plat approval for the Aspen Groves Subdivision Phase II located in the Big Sky Resort area, approximately one mile west of the Meadow Village. The applicant has requested a second time extension to allow the additional time needed to install the required roads, water, sewer and storm drainage utilities for Phase II of the Aspen Groves Subdivision. In the requests, the County Commission needs to make the following determinations: 1. A determination as to whether or not the variance request meets the criteria of Section 13.A.1. of the Subdivision Regulations. 2. If the variance is approved, the Commission then needs to determine if the request for a second extension of the preliminary plat approval for Phase II of the Aspen Groves Subdivision is in the public interest. If approved, the following conditions shall be required. a. The preliminary plat extension shall be for a time period not to exceed six (6) months. The preliminary plat approval for Phase II of the Aspen Groves Subdivision shall expire on November 18, 1997. b. An improvements agreement for the installation of the required utilities and roads shall be executed between the developer and the County Commission. The improvements agreement shall be approved by the County Attorney's office prior to signing. c. The improvements agreement shall expire on December 31, 1998. d. The security for the improvements agreement shall be valid until October 31, 2000.

Skip Raddick, applicant, spoke regarding the request. Finding that this request is more than justified based on the information submitted, motion by Bill Murdock to grant the variance from Section 8.B.1.g.1. of the Gallatin County Subdivision Regulations as requested for Aspen Groves Subdivision, Phase II. Seconded by Jane Jelinski. None voting nay. Motion carried.

Motion by Bill Murdock to grant the second extension of preliminary plat approval for Aspen Groves Subdivision Phase II with the conditions. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:28 P.M.

Phil Olson 5-20-97
CHAIRMAN APPROVAL

Shelley M. Cheney
CLERK ATTEST

PUBLIC MEETING TUESDAY THE 6th DAY OF MAY, 1997

The meeting was called to order by Chairman Phil Olson at P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

APRIL 28, 1997

- Commissioners met with Executive Secretaries Pat Lewis and Jan Emerson to discuss pending administrative matters.
- Commissioner Murdock attended the 1997 Law Week Activities held at Montana State University.
- Commissioners attended the regular Capital Facilities Committee. Facilities Director Bob Isdahl presented plans of the Law & Justice Center to occupants for approval. The Committee approved 911 to move to the northeast corner of the basement of the Law & Justice Center with approval of the Judges. The Committee approved the fairgrounds bridging project for the new office buildings.
- Commissioners met regarding their budget.

APRIL 29, 1997

- Commissioner Jelinski met with Health Officer Jackie Stonnell, Pat Butterfield, Stephanie Nelson, Environmental Health Director David Plueddemann, Local Water Quality Specialist David Whitson, and Peggy Connell for a preliminary review of the health department budget.
- Commissioners conducted their regular public meeting.

APRIL 30, 1997

- Commissioners met with County Attorney Marty Lambert, Facilities Director Bob Isdahl, and Planning Director Dale Beland regarding the amendments to facilitate an owner's contract manager arrangement. Bob Isdahl was appointed as the owners contract manager and approval was given for a list of tasks to

be performed for CTEP and Phase I of the Courthouse Contract to be completed by May 27, 1997. Dale Beland will develop a task order for Prugh and Lenon to start schematic drawings.

- Commissioners met with Interim City Manager Ron Brey regarding issues that pertain to both the County and the City of Bozeman. It was agreed that monthly meetings will be held.
- Commissioner Jelinski met with Stephanie Nelson, Susan Smith, Tim Roark, and Dale Beland as the Health Officer Search Committee. The committee narrowed the applicants to those most qualified and developed interview questions.

MAY 1, 1997

- Commissioners conducted a work session for a preliminary evaluation of a county employee.
- Commissioners had their regular monthly meeting with Road and Bridge Supervisor Sam Gianfrancisco and Bridge Foreman Doug Ford and discussed cattle guards on County roads and culverts that were installed by the County in the past years on private drives. The Commission determined the County will not maintain either the cattle guards on County roads or the culverts on private property.
- Commissioners met with Labor Negotiator Duane Johnson, Personnel Director Kathy Nowierski, Rest Home Director Connie Wagner, Road and Bridge Supervisor Sam Gianfrancisco, and Sheriff Bill Slaughter to discuss labor negotiations for FY 1998.
- Commissioners met with Sheriff Slaughter, Captain Jim Cashell, and Fiscal Officer Ed Blackman regarding the sheriff's budget. Items discussed included the Big Sky budget, a 4th Deputy in Big Sky, Detention Center control board, purchase of new copier for the Detention Center, purchase of Captain Bill Pronovost Vehicle, general budget information, and questions regarding target levels for the budget.

MAY 2, 1997

- Commissioners Jelinski and Murdock, as members of the Geographical Information Systems Interview Committee, interviewed applicants for the GIS position.
- Commissioners Jelinski and Murdock attended the luncheon provided by Gallatin Valley Land Trust.
- Commissioners met with Disaster and Emergency Assistant Coordinator Mike Hoey regarding the DES policy.
- Received A101's in the amount of \$14,381.83.
- Received the Gallatin County New Employee List for April 1997:
 - Jill Anderson, Resthome - Kitchen Aide, \$6.47/hr., 3/28/97.
 - Jennifer Borgquist, Planning - Planner 2, \$2,373.36, 3/28/97.
 - Marlene Eickelberg, Health- Temp. Nut. Tech, \$12.76/hr., 4/2/97.
 - James Snyder, Sheriff/Deputy, \$2,311.97/mo., 4/7/97.
 - Greg Boxwell, Data Processing Computer Programmer, \$1,875.72/mo., 4/14/97.
 - J. Kevin Jones, Sheriff/Deputy, \$2,311.97/mo., 3/31/97.
- Received Gallatin County Terminated Employee List for April 1997:
 - Brandy Griffith, Resthome, 3/24/97.
 - Joanie Betschart, Resthome, 3/26/97.
 - Brenda Crabbe, Resthome, 3/28/97.
 - Pearl Asay, Resthome, 4/3/97.
 - Patrick Fiedor, Sheriff, 4/10/97.
 - Shannon Christopher, Road, 4/11/97.
 - Michael Richter, Resthome, 4/13/97.

The following items were on the consent agenda:

John Weidenaar has claimed the agricultural exemption to create one tract for sale to be used exclusively for agricultural purposes. The claimant will retain ownership of the remainder parcel (which is greater than 160 acres) for use as primary residence and for agricultural/ranching purposes. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Farmhouse Partners has requested final plat approval. On April 22, 1997, the County Commission granted preliminary plat approval to Amend Lots 1 and 3, Minor Subdivision No. 162 to correct the location of the southwesterly right-of-way line of Haggerty Lane due to a surveying error. There were no conditions of approval placed on the final preliminary plat. The Planning Office has determined that final plat approval should be granted.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-24, which is a resolution to approve a contract with Reach, Inc. which establishes Reach, Inc. as project manager for the HOME Investment Partnership project. Mr. Watson stated that this contract clarifies who will keep track of the records, and defines the duties of Reach and of the County. Mr. Watson asked the Commission if they would formally adopt the Resolution pending approval of the Fiscal Officer and pending signatures from the Reach Board of Directors. There was no public comment.

Commissioner Murdock read Resolution No. 1997-24.

Motion by Jane Jelinski to adopt Resolution No. 197-24 pending signatures from the Reach, Inc. Board of Directors and the review and approval of the Gallatin County Fiscal Officer. Seconded by Bill Murdock. None voting nay. Motion carried.

Larry Watson, Grants Administrator, stated that this is a public hearing regarding a Community Development Block Grant Program and the HOME Program. Mr. Watson explained that the Community Development Block Grant Program (CDBG) is a federally funded grant program designed to help communities with development needs. The principal purpose of the program is to develop viable communities by providing decent housing, healthful and safe living environments, and economic opportunities for persons of low to moderate income. The program is administered nationally by the Department of Housing and Urban Development (HUD) and locally by the Montana Department of Commerce. There are three funding categories under Montana's CDBG Program: 1. Economic Development, 2. Public Facilities, and 3. Housing. Each of these programs have different deadlines, requirements, and are evaluated according to established criteria for each project category. A CDBG application must be sponsored by a unit of local government. Gallatin County can sponsor one application each year.

During the public portion the following people spoke: Julia Wertz, Beth Fuller, Tricia Hoffman, Lisa Hartmann, and Joan Davies, Director of the Office of Human Services.

Larry Watson, Grants Administrator, presented the Commission with a Resolution to sponsor an application by the District IX Human Resource Development Council for funding under the Community Development Block Grant Program to construct a Headstart Family Support Center. Commissioner Olson read Resolution No. 1997-25. Motion by Jane Jelinski to adopt Resolution No. 1997-25. Seconded by Bill Murdock. None voting nay. Motion carried.

Warren Heibert, Chaplain for the Gallatin County Sheriff's Office, presented the Commission with some statistics of Police Officers assaulted and killed in the line of duty in the United States. Chaplain Heibert then read a Proclamation, proclaiming May 15, 1997 as Peace Officer Memorial Day, and the flags on Gallatin County buildings shall be lowered to half-staff.

Motion by Bill Murdock to approve the Proclamation. Seconded by Jane Jelinski. None voting nay. Motion carried.

Commissioner Olson opened the public hearing for the draft Critical Lands Element of the 1990 Bozeman Area Master Plan. The hearing will be continued until May 13, 1997. There was no public comment.

Christopher Williams, Bozeman City/County Project Planner, reported that Katherine H. Mohr, is requesting preliminary plat approval of a two-lot minor subdivision to subdivide an existing 10.0001 acre parcel into two (2) residential lots, the property is located near the intersection of S. 19th Ave. and Johnson Road. Lot 1 will be a vacant 2.5060 acre parcel located on Johnson Road. Lot 2 will be a 7.4941 acre parcel located on S. 19th Avenue which contains an existing residence occupied by Katherine Mohr. At their regularly scheduled meeting on April 15, 1997, the Bozeman City/County Planning Board considered the proposed two-lot minor subdivision as a Consent Agenda Item. No oral or written comment public testimony on this matter was presented and after the hearing was closed, the Board voted 8-0 to recommend approval of the application. The Bozeman City/County Planning Office, in conjunction with the other local review agencies, have reviewed the application for a two-lot minor subdivision, and recommends conditional approval of the application with the following conditions: 1. The Final Plat shall conform to all requirements of the Bozeman Area Subdivision Regulations and the Uniform Standards for Final Subdivision Plats and shall be accompanied by all required appropriately worded certificates and a Platting Certificate. 2. Department of Environmental Quality approval shall be obtained for the release of sanitary restrictions for the subdivision prior to final plat approval, with a copy of the release submitted with the final plat application. 3. A \$496.00 per lot County Fire Impact Fee shall be paid for the two lots prior to final plat approval. Each new and existing dwelling shall have installed a fire sprinkler system or participate in developing a fill site. 4. A Waiver of Right to Protest

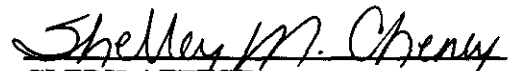
creation of Rural Improvement districts shall be filed with the final plat. 5. Two gate posts and a private road sign shall be removed from Johnson Road. A temporary turn-around shall be provided at the end of Johnson Road. Lot No. 1 shall join the homeowners of Boyd Subdivision for the maintenance of Johnson Road. 6. Covenants shall be recorded with the final plat which specifically include the following provisions: a. That all county declared noxious weeds will be controlled. b. A section addressing agricultural uses of neighboring properties in the following form: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, smoke, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the landowners in accordance with state law. d. The lot owners of lots taking access from Forest Creek Drive shall participate in the Forest Creek Homeowner's Association road maintenance program. e. Fire sprinkler protection shall be provided to all new residences in the subdivision unless other approved fire protection is provided. f. That any covenants which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants **and** the governing body of Gallatin County. g. Lot 1 shall join the Homeowner's Association of the Boyd Subdivision for the maintenance of Johnson Road. 7. The developer shall have three years from the date of preliminary approval to complete the above conditions and apply for final plat approval. The subdivider shall either install the required improvements or, with permission from the Gallatin County Commission, enter into a written subdivision improvements agreement with the Gallatin County Commission guaranteeing the construction and installation of all required improvements in conformance with all policies, standards, and resolutions adopted by the County of Gallatin. The agreement shall stipulate, among other things, which type of security arrangements the subdivider elects to use and the time schedule the subdivider proposes for accomplishing the required improvements and shall include the subdivider's warranty against defects in these improvements for a period of one year from the date of their written acceptance by the County of Gallatin.

Ray Center, Rocky Mountain Engineers, requested the existing dwelling be excluded from adding a fire sprinkler system under condition no. 3. There was no public comment.

Finding that Mohr Minor Subdivision meets the criteria of the Montana Subdivision & Platting Act, is consistent with the Bozeman Area Master Plan and the City/County Planning Board recommended approval, motion by Jane Jelinski to grant preliminary plat approval with the conditions as follows: Conditions 1 and 2 as drafted. Amend condition 3 to read: A \$496 per lot County Fire Impact Fee shall be paid for the two lots prior to final plat approval. Each new dwelling shall have installed a fire sprinkler system or participate in developing a fill site. Amend condition 4 to read: A Waiver of Right to Protest creation of Rural Improvement Districts and or Sewer and Water Districts shall be filed with the final plat. Conditions 5 through 6. c. as drafted. Delete condition 6. d. Condition 6. be re-lettered d. e. and f. And condition 7 as drafted. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:28 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 13th DAY OF MAY, 1997

The meeting was called to order by Chairman Phil Olson at 1:34 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MAY 5, 1997

- Commissioners Murdock and Jelinski interviewed candidates for the GIS position with other members of the interview committee.
- Commissioners attended a luncheon in honor of Health Director Jackie Stonnell, RN's retirement.

82 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioners interviewed Dave Wilhelm and Craig Campbell as candidates for the positions available in the Fort Ellis Fire District Board.

MAY 6, 1997

- Commissioners had their regular bi-weekly meeting with County Attorney Marty Lambert and Deputy County Attorney Susan Swimley where the priorities list was reviewed.
- Commissioners conducted their regular public meeting.
- Commissioners interviewed Robert Thibeault as a candidate for the Fort Ellis Fire District Board.
- Commissioner Jelinski attended the monthly meeting of the Manhattan City Council meeting to discuss 911 Dispatch funding.

MAY 7, 1997

- Commissioner Murdock met with Jeff Olson and Peter Platik of the Ford Foundation to discuss issues related to county growth.
- Commissioners met with Executive Secretary Pat Lewis to discuss pending office matters. Commissioners agreed to the Big Sky Resort Tax deadlines as presented.
- Commissioners attended the grand opening of the Manhattan Sheriff's Office Station.
- Commissioners Jelinski and Olson attended the compost committee meeting where the draft Feasibility Study was reviewed and a direction for the committee was established. The committee agreed to meet again on June 25th at the Bozeman City Hall since the study reflected composting is feasible.
- Commissioner Murdock attended the monthly Big Sky Resort Tax Advisory Board of Trustees.

MAY 8, 1997

- Commissioners attended the regular Zoning Hearing and the Zoning Commission denied the Wilber site change for the Bridger Zoning area.
- Commissioners met with a Gallatin County employee for an annual evaluation.
- Commissioner Jelinski participated in a conference call for reference checks for a candidate for the GIS position.
- Commissioners met with Disaster and Emergency Coordinator Aaron Holst regarding the DES and Hazard Materials contract which is up for renewal.
- Commissioner Murdock attended the monthly Mental Health Advisory Board meeting.

MAY 9, 1997

- Commissioners had their regular monthly meeting with Planning Director Dale Beland. The park plan, donut area, Four Corners wastewater treatment, and critical land study were discussed.
- Commissioners met with Grants Administrator Larry Watson, Facilities Director Bob Isdahl, and Dick Prugh of Prugh and Lenon Architects to discuss the needs of the Detention Center Task Force and who would initiate items that need to be accomplished. The Commissioners decided they will make the final decisions as the Task Force is an advisory board.
- Commissioners attended the Community Development Block Grant Loan meeting chaired by Grants Administrator Larry Watson.
- Commissioner Murdock met with Three Forks Mayor Gene Townsend, Road and Bridge Supervisor Sam Gianfrancisco, Rich Allison of JTL Group, and Tom Wald of Luzenac and drove the Willow Creek Road to inspect the paving needs of the road and discuss cost share with Luzenac America, the City of Three Forks and Gallatin County. Rich Allison of JTL Group will provide a cost estimate by the second week of May.
- Commissioners Jelinski and Olson met with Grants Administrator Larry Watson, County Attorney Marty Lambert, and Bill Brewster of the Detention Center Task Force to discuss the procedure to inform the public of current development and how to determine the counties that desire to be involved with a regional detention center. The Commission will convene a meeting of surrounding counties and set up a procedure of involvement.
- Received A101's in the amount of \$14,538.77.
- Received Claims in the amount of \$302,450.30 and Payroll in the amount of \$841,372.54.
- Received Applications for Cancellation of Taxes in the amount of \$1,396.71.

The following items were on the consent agenda:

C & H Engineering, representing Michael and Irene Thomson is requesting final plat approval for a 3 lot minor subdivision. The Commission voted at their October 22, 1996 public meeting to grant preliminary plat approval subject to eleven conditions. Staff report indicates that as of May 13, 1997 the applicant has demonstrated compliance with each of the eleven conditions.

Approval of an Interlocal Agreement with the City of Bozeman for the City/County Board of Health.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Phil Murdock. None voting nay. Motion carried.

Jason Karp, Belgrade City/County Planner, reported that Rocky Mountain Engineers for Derold and Patricia Omdahl is requesting summary review for a 5 lot minor subdivision located east of Belgrade on the north side of Airport Road. The applicant has requested a variance from Section 7-B of the Gallatin County Subdivision Regulations which requires that roads providing access to the proposed subdivision shall be dedicated to the public. The applicant proposes to dedicate 30 feet of Omdahl to the public on the portion of Omdahl Lane located within the subdivision. The remaining 30 feet of Omdahl Lane not located within the subdivision would be a public easement. The difference between an easement and a dedicated right-of-way is the property under a public easement would remain in ownership of the property owner; a dedicated right-of-way is owned by the public. The Belgrade City/County Planning Board reviewed the preliminary plat for the Omdahl Minor Subdivision at their April 30, 1997 public meeting and voted to deny the requested variance and voted to recommend preliminary plat approval. If the County Commission determines that the Minor Subdivision should be approved the following conditions are suggested for final approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. 4. A waiver of right to protest creation of Rural Improvement Districts and Water and Sewer Districts shall accompany the final plat. 5. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 6. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 7. A Homeowner's Association shall be established. 8. The developer shall record covenants on the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the Homeowners in accordance with State Law. d. Automatic fire sprinkler systems shall be installed in all structures which are used for living and home business which people normally occupy. The fire sprinkler system must meet the requirements of NFPA 13D. e. A stamped set of engineered sprinkler system plans shall be submitted to the Belgrade Rural Fire District for review and be approved prior to construction, and the sprinkler system must be inspected by the Belgrade Rural Fire Department during construction and at completion as required by Belgrade Fire Chief. f. The homeowner's association shall be responsible for the maintenance of Omdahl Lane. g. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 9. Covenants, a copy of preliminary approval, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 10. A \$496 per lot fee shall be submitted to Gallatin County prior to final plat approval (\$2480). 11. An encroachment permit must be obtained from the Gallatin County Road Department for the Omdahl Lane intersection with Airport Road. 12. Omdahl Lane shall be build to Gallatin County gravel standards with the first seventy-five (75) feet off Airport Road paved to County Standards, and a temporary cul-de-sac constructed to County Standards at the north boundary of Lot 5. 13. The east 30 feet of Omdahl Lane shall be dedicated to the public along the entire length of the subdivision and the west 30 feet of Omdahl Lane shall be dedicated to the public by a separate document as approved by the County Attorney's Office. 14. 30 feet of Airport Road shall be dedicated to the public along the southern boundary of the subdivision. 15. The developer shall install a STOP sign and street name sign at the intersection of Airport Road and Omdahl Lane to County Standards or a bond shall be posted with the Gallatin County Road Department to cover the cost of the signs. 16. The final plat shall show a 1 foot no access strip for vehicles along Airport Road. 17. All required road improvements including signs must be approved by the Gallatin County Road Superintendent prior to

final plat approval. 18. The final plat shall show the existing 30 foot gas line easement which passes over the subdivision. 19. The final plat shall contain a statement informing lot owners that irrigation ditches may be hazardous to children. 20. The final plat shall contain a statement informing lot owners that the subdivision does not have water rights from irrigation ditches on or adjacent to the subdivision. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Commissioners questioned if a variance request was needed for the cul-de-sac length. Mr. Karp stated that the County Road Superintendent viewed the length of the cul-de-sac and his opinion was that even though it was over the 1000 foot requirement there was no concern due to the fact that the cul-de-sac leads to unsubdivided land. Ray Center, Rocky Mountain Engineers, spoke regarding the easement and dedicated right-of-way for the road. Mr. Center also answered questions of the Commission. Deputy County Attorney Susan Swimley stated, with regard to the easement document, that document is needed to grant the easement for the portion of land that is not within this subdivision. There was no public comment.

Finding that the Omdahl Minor Subdivision is consistent with the Belgrade Master Plan and meets the criteria of the Montana Subdivision & Platting Act, motion by Bill Murdock to grant preliminary plat approval with the 20 conditions as drafted. Seconded by Phil Olson. None voting nay. Motion carried.

Jason Karp, Belgrade City/County Planner, reported that Rocky Mountain Engineers for Douglas and Myra Herbster is requesting summary review for a five (5) lot minor subdivision located east of Belgrade on the north side of Airport Road. The applicant has requested that the fire impact fee for Lot 1 be waived because there is an existing house on the lot which would not create any new impact. The Belgrade City/County Planning Board voted at their April 30, 1997 public meeting to recommend that the fire impact fee be waived for Lot 1 and to recommended preliminary plat approval of the subdivision. If the County Commission determines that the Minor Subdivision should be approved the following conditions are suggested for final approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. 4. A waiver of right to protest creation of Rural Improvement Districts and Water and Sewer Districts shall accompany the final plat. 5. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 6. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 7. A Homeowner's Association shall be established. 8. The developer shall record covenants on the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the Homeowners in accordance with State Law. d. Automatic fire sprinkler systems shall be installed in all structures which are used for living and home business which people normally occupy. The fire sprinkler system must meet the requirements of NFPA 13D. e. A stamped set of engineered sprinkler system plans shall be submitted to the Belgrade Rural Fire District for review and be approved prior to construction, and the sprinkler system must be inspected by the Belgrade Rural Fire Department during construction and at completion as required by Belgrade Fire Chief. f. The homeowner's association shall be responsible for the maintenance of Herbster Lane. g. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 9. Covenants, a copy of preliminary approval, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 10. A \$496 per lot fee shall be submitted to Gallatin County prior to final plat approval (\$1984). 11. Encroachment permits must be obtained from

the Gallatin County Road Department for the Lot 1 access and Herbster Lane intersection with Airport Road. 12. Herbster Lane shall be a sixty foot right-of-way, dedicated to the public, built to Gallatin County gravel standards with the first seventy-five (75) feet off Airport Road paved to County Standards, and a temporary cul-de-sac constructed to County Standards at the north boundary of Lot 5. 13. 30 feet of Airport Road shall be dedicated to the public along the southern boundary of the subdivision. 14. The developer shall install a STOP sign and street name sign at the intersection of Airport Road and Herbster Lane to County Standards or a bond shall be posted with the Gallatin County Road Department to cover the cost of the signs. 15. The final plat shall show a 1 foot no access strip for vehicles along Airport Road except for the existing access to Airport Road. 16. All required road improvements including signs must be approved by the Gallatin County Road Superintendent prior to final plat approval. 17. The final plat shall contain a statement informing lot owners that irrigation ditches may be hazardous to children. 18. The final plat shall contain a statement informing lot owners that the subdivision does not have water rights from irrigation ditches on or adjacent to the subdivision. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Ray Center, Rocky Mountain Engineers, stated that they are requesting two approaches on to Airport Road. Mr. Center stated that the County Road Superintendent indicated that there would not be a safety problem, there is plenty of distance between the two approaches. There was no public comment.

Motion by Bill Murdock to grant the waiver of paying the fire impact fee for the existing home on lot one. Seconded by Phil Olson. None voting nay. Motion carried.

Finding that the Herbster Minor Subdivision is consistent with the Belgrade Master Plan and meets the criteria of the Montana Subdivision & Platting Act, motion by Bill Murdock to grant preliminary plat approval with the 18 conditions as drafted. Seconded by Phil Olson. None voting nay. Motion carried.

Jody Olsen, Bozeman City/County Assistant Planner, gave a presentation to the Commission regarding the inclusion of the draft Critical Lands Element (CLE) into the 1990 Bozeman Area Master Plan. The CLE is intended to fulfill or address many of the Goals, Objectives, and Implementation Policies of the 1990 Bozeman Area Master Plan Update as follows: Environment, Aesthetics, and Natural Resources. Identify environmental constraints and preserve aesthetic resources of the Bozeman area. Support the establishment and maintenance of greenbelts and/or open space, including the preservation of trail and open space corridors. Encourage agriculture/agri-business by protecting and preserving the Gallatin Valley's productive agricultural operations through well-planned development within the jurisdictional area. And, preserve, protect and promote high quality standards for the Bozeman area's groundwater, surface water and air. Ms. Olsen stated that the Bozeman City/County Planning Board on a vote of 7-1, voted to recommend to the Bozeman City Commission and the Gallatin County Commission that the draft Critical Lands Element be adopted into the 1990 Bozeman Area Master Plan Update, to be used as a reference tool and not as a regulatory document.

Commissioners questioned Planner Olsen as to, if this document is adopted into the Master Plan, how would you use this document as a Planning tool, without it being a regulation? And could the CLE be amended to become regulatory after it is adopted into the Master Plan? Planner Olsen stated that she would use this as a guide line, for example, as she uses the traffic study, when reviewing a subdivision. And yes, this could be amended to become a regulation. Andy Epple, Bozeman City/County Planning Director, spoke regarding the proposed study.

During the public portion the following people spoke in favor Brian Leland, Don Bachman, D. E. Klewin, Martha Lonner, Bill Mitchell, Betty Litle and Jeff Downhour. The following people spoke in opposition: Mary Burkhardt, and Ray White.

During board discussion Commissioner Olson stated that no one likes to see land taken out of agricultural use, but the problem that has precipitated it is, the low ag production prices. If people could make a better living in agriculture they would not have to sell their land. All of the attempts at making regulations have been primarily to prohibit people from being able to sell or control what they can sell. Even though the Critical Lands Study is said not to be regulatory, it will just be a matter of time until it would be. If this study had along with it, an incentive basis that was going to have an effect on the income of the landowners, so they do not have to sell, he would be the first to endorse it. Commissioner Olson stated that he will vote against this today. This document has good information, and it can still be used as an information tool as stated, by the people who drafted it.

Commissioner Murdock stated that this Critical Lands Study is a very useful process that he would like to see continue, however, he doesn't feel this is ready to be adopted into the Master Plan at this time. A lot of the information in this study is not site specific enough to make any regulatory decisions. There

needs to be a lot more community involvement with it, before it can be put in the Master Plan. If the community comes together and they say this is what they want, and if this document is written with incentives adopted that identified open spaces, key trail linkages and ways to protect them, which is my goal and I think it can be done. We do endorse this document, but do not want to see it within the Master Plan in its present form.

Motion by Bill Murdock to request the County Planning Board, City/County Planning Board, the staffs and the respective governing bodies to continue the process that started with this Critical Lands Study, with the County Commission participation. That the County Commission encourages the use of the Critical Lands Study when evaluating development proposals as an early warning signal and guide. And at this present time, not adopt this Critical Lands Study into the Master Plan. Seconded by Phil Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:56 P.M.

Phil Olson 7-1-97
 CHAIRMAN APPROVAL

Shelley M. Cheney
 CLERK ATTEST

PUBLIC MEETING TUESDAY THE 20th DAY OF MAY, 1997

The meeting was called to order by Chairman Phil Olson at 1:34 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

 Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MAY 12, 1997

- Commissioners Jelinski and Murdock participated in reference checks on candidates for the position of GIS Coordinator.
- Commissioners attended the exit interview to review the most recent external County audit done by the accounting firm of Knaub & Co. Also in attendance were Stephanie Freese of Knaub, County Auditor Joyce Schmidt, Accountants Susan Lang and Kim Buchanan, Fiscal Officer Ed Blackman, Clerk & Recorder Shelley Cheney, Treasurer Stan Hughes, and Assistant Treasurer Jeff Krauss.
- Commissioners had their regular bi-monthly meeting with County Extension Agents Ron Carlstrom and Todd Kesner. Topics discussed included the growth of various 4H programs and the agents' plans for the future of the department, as well as issues involving time utilization.
- Commissioners attended a meeting of the Capital Facilities Committee. Also in attendance were Capital Facilities Coordinator Dale Beland, Fiscal Officer Ed Blackman, County Attorney Marty Lambert, Facilities Director Bob Isdahl, Road and Bridge Superintendent Sam Gianfrancisco, Fairgrounds Supervisor Sue Shockley, Communications Services Director Mike Brown, and Stephanie Nelson of the County Health Department. Topics of discussion included Phase I of the Courthouse renovation project; lease arrangements regarding the Planalp Building, the County storage project; plans for the new office building at the Fairgrounds; and utility issues related to Oak Street and the Fairgrounds.
- Commissioners met with Bozeman Fire Marshal Chuck Winn regarding the County Detention Center, and the time frame for dealing with the Detention Center code requirements.
- Commissioner Jelinski attended a meeting of the Belgrade City Council, along with County Attorney Marty Lambert. Topics of discussion included 911 funding.
- Commissioners Olson and Murdock attended a public forum, sponsored by the U.S. Forest Service, to discuss the Gallatin II Land Exchange. Many people attended, and all said they approved of the exchange in principle.

MAY 13, 1997

- Commissioner Jelinski attended the regular monthly Board of Health meeting.
- Commissioners Olson and Murdock conducted the weekly public meeting.
- Commissioner Jelinski made a presentation regarding land use planning to a meeting of the Gallatin Valley Tomorrow organization.

MAY 14, 1997

- Commissioner Jelinski attended a regular meeting of the 911 Administrative Board.

- Commissioner Olson attended a meeting of the Southwest Regional Recycling Committee in Boulder. The discussions centered around the upcoming RFP's for hauling and material handling, along with the pros and cons of collecting glass at the start-up of the program.
- Commissioners Jelinski and Murdock met with Belgrade Fire Chief Brett Waters to begin negotiating a contract for wildland fire protection. Also in attendance was Diana Martin of the Department of State Lands.
- Commissioner Murdock met with Local Water Quality Specialist David Whitson and Delinquent Tax Collector Linda Everhard to discuss the Ethanol Plant near Logan. Discussion involved how to proceed with investigation of possible environmental impacts at the site. Mr. Whitson will arrange to do two well test samplings and report results to Ms. Everhard by mid-June. He will contact the County Road Office regarding drilling equipment and will report costs to the County Commission.

MAY 15, 1997

- Commissioners had their regular monthly meeting with Data Processing Supervisor Bill Baldus. Topics included 911, telepsychiatry network, tax billing, and telephones located in the Emergency Operations Center.
- Commissioners had their regular monthly meeting with Grants Administrator Larry Watson. They discussed the CDBG grant process and review committee; CTEP funding for the Courthouse renovation, and trails in Manhattan and Big Sky.
- Commissioner Olson attended a ceremony at the cemetery in Manhattan in commemoration of Peace Officer Memorial Day.
- Commissioners Murdock and Jelinski had their regular monthly meeting with Facilities Director Bob Isdahl, at which they discussed his maintenance work plan.
- Commissioners had their regular monthly meeting with Fiscal Officer Ed Blackman. Discussion included the 911 budget, Landfill fee proposal, and staff requests for the upcoming Fiscal Year '98 budget process. It was decided that the bill for equipment for the Eagle Head Repeater antenna be paid out of the Contingency Fund. It was also decided that costs associated with the Ethanol drilling and sampling be paid from the Capital account in the General fund, and will be reimbursed at a later time when the property is sold.
- Commissioners also met with the Fiscal Officer to discuss his proposal for the Commissioners' review of landfill fees.

MAY 16, 1997

- Commissioner Jelinski participated in the interviews of candidates for the position of County Health Officer.
- Commissioners Olson and Jelinski met with Deputy County Attorney Susan Swimley to discuss the payment for an easement and a subdivision road access on South 19th. It was decided that the Fiscal Officer would process payment of \$1,600.00 for the easement.
- Received A101's in the amount of \$15,133.39.
- Received Claims in the amount of \$240,401.00.

The following items were on the consent agenda:

Final approval of the minutes of April 15, 22, 29, 1997 and May 6, 1997 as written.

Mark and Lori Jacobs are requesting the family transfer exemption to create a parcel of land for Morris and Barbara Cascaddan, Lori's parents.

Request for final plat approval for the amended plat of Tract "A" of Meadow Village Subdivision Amended Second Filing, a two lot subdivision located north of Black Otter Road and northwest of Little Coyote Road. The County Commission voted at their March 19, 1996 public hearing to grant preliminary plat approval, subject to 14 conditions. Staff report indicates that based on the information submitted, it appears that the conditions for final plat approval have been met.

Request for final plat approval for the amended Lot 3 Olson Minor Subdivision, a two lot subdivision located south of West Dry Creek Road and east of Central Park Road. The County Commission voted at their February 4, 1997 public hearing to grant preliminary approval, subject to 10 conditions. Staff report indicates that based on the information submitted, it appears that the conditions for final plat approval have been met.

Consideration of Resolution No. 1997-26, which is a resolution amending the Gallatin Canyon/Big Sky Zoning Regulations to change the zoning designation of the Raddick property.

Robert J. and Janet M. Swenson are claiming the family transfer exemption to create a tract of land for Kari Swenson, their daughter. Staff report indicates that this exemption appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Request for final plat approval for the Moore Minor Subdivision. The County Commission voted at their December 31, 1996 public hearing to grant preliminary approval, subject to 11 conditions. Staff report indicates that based on the information submitted, it appears that the conditions for final plat approval have been met.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Shelley M. Cheney, Clerk & Recorder, reported that a petition requesting annexation of the following described real property into the Manhattan Rural Fire District: All of Section 5 in Township 1 North, Range 4 East; and All of Sections 28, 29, and all of Section 32 lying west of Spaulding Bridge Road and north of the East Gallatin River, located in Township 2 North, Range 4 East. Ms. Cheney stated that she has examined the petition and finds that it contains signatures of 50% or more of the area of privately owned lands; who constitute a majority of the taxpaying freeholders; and whose names appear on the last completed assessment roll. The tracts of land for which annexation is being requested are adjacent to the Manhattan Rural Fire District, and the Board of Trustees of this district have submitted their written approval of annexation. Ms. Cheney recommended that the Commission set the public hearing date of June 17, 1997.

Motion by Jane Jelinski to accept the petition to annex property into the Manhattan Rural Fire District and set the public hearing date for June 17, 1997. Seconded by Bill Murdock. None voting nay. Motion carried.

Gaston Engineering and Surveying representing Bradley and Jacqueline Bean is requesting summary review of the Wild Rose Ranch Minor Subdivision, consisting of five (5) lots, located west of Belgrade on the south side of Amsterdam Road, east of the Gallatin River. The applicant has requested a waiver of fire impact fees for two lots which have residences located on them and two variances from Gallatin County Subdivision Regulations: 1. Section 7-A-2 which requires right-of-way and road construction to county standards to unsubdivided lands. The applicant owns the unsubdivided property to the south of the subdivision and prefers that a public access and road not be constructed at this time. 2. Section 6-B-1 for irregular shaped lots. Lots 3 & 4 are triangular in shape because the property lines would line up with an irrigation ditch which passes over the property. Lot 3 would have 68 feet of frontage on Amsterdam Road. The Belgrade City/County Planning Board reviewed the preliminary plat for the Wild Rose Ranch Minor Subdivision at their April 30, 1997 public meeting. The Planning Board voted to recommend granting both variance requests, the waiving of impact fees for two lots, and preliminary plat approval. If the County Commission determines that the Minor Subdivision should be approved the following conditions are suggested for final approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. 4. A waiver of right to protest creation of Rural Improvement Districts and Water and Sewer Districts shall accompany the final plat. 5. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 6. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 7. A Homeowner's Association shall be established. 8. The developer shall record covenants on the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the Homeowners in accordance with State Law. d. Automatic fire sprinkler systems shall be installed in all structures which are used for living and home

business which people normally occupy. The fire sprinkler system must meet the requirements of NFPA 13D. e. A stamped set of engineered sprinkler system plans shall be submitted to the Belgrade Rural Fire District for review and be approved prior to construction, and the sprinkler system must be inspected by the Belgrade Rural Fire Department during construction and at completion as required by Belgrade Fire Chief. f. A permit must be obtained from the Gallatin County Flood Plain Coordinator prior to construction of any buildings within the 100 year flood plain. g. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 9. Covenants, a copy of preliminary approval, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 10. A \$496 per lot fee shall be submitted to Gallatin County prior to final plat approval (\$1,488). 11. Encroachment permits must be obtained from the Gallatin County Road Department for the Lot 1 access, Lot 2 & 3 common access, Lot 4 access which must be in the center of the lot, and the Lot 5 access. 12. The 100 year flood plain and irrigation ditch easements shown on the preliminary plat shall be shown on the final plat. 13. The final plat shall contain a warning stating that irrigation ditches may be hazardous to children. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Commissioners discussed concerns regarding access to the un-subdivided property, the Belgrade Planning Board's vote regarding the variance, and fencing concerns of the boundary line between lots 3 & 4 running down the center of the irrigation ditch. Dennis Foreman, Gaston Engineering, spoke regarding the private easements to the remainder parcel and the conditions of preliminary plat approval. Brad Bean, applicant, spoke regarding legal easement to the remainder property that he owns. Deputy County Attorney Susan Swimley questioned if the applicant would object to placing a covenant that would require that no fence be constructed between lots 3 & 4?

Commissioners asked the following questions of the County Road Superintendent: If this application meets your departments requirements, and if the variance was denied would you require a road to be built to standards. Mr. Gianfrancisco stated that in the Road Department's view, there is no public easement to this property at this time. Those easements shown by the applicant are private easements. Mr. Gianfrancisco stated that his concern is that someone could purchase property that has no access, he would feel comfortable with a 60 foot easement to be dedicated.

Brad Bean stated that he is putting a portion of the remainder parcel into a Nature Conservancy Easement and suggested that maybe he should wait with this application until after that is in place. Sam Gianfrancisco, County Road Supervisor stated that even if we make that a public easement, by requiring the easement, it is only going to one lot. Since this property is subdivided into 20 acre parcels it would make more problem than is necessary. Mr. Gianfrancisco stated that after listening to the testimony today, his department could support the variance because of the number of parcels involved. There was no public comment.

Commissioner Jelinski stated that she has concern with the alternatives that have been suggested here today, since the applicant has indicated that he is in no hurry, Commissioner Jelinski suggested continuing this item until these issues and alternatives can be further investigated. Commissioner Murdock stated that he would feel more comfortable if the Conservation Easement was already in place. And also he would recommend placing a 60 foot right-of-way connecting Amsterdam Road to the south boundary. Susan Swimley stated that the Commission needs to only look at the road within the subdivision and for those 3 lots that adjoin the proposed subdivision.

Motion by Jane to continue this request for preliminary plat approval for the Wild Rose Ranch Minor Subdivision until the applicant brings it back for consideration, and requests that the subdivider work with the County Road Supervisor and Planning Staff to look for a viable alternative to the variance request. Seconded by Bill Murdock. None voting nay. Motion carried.

C & H Engineering and Surveying, representing Terry Lee Seavey, is requesting preliminary plat approval of a five (5) lot mobile home park located west of Belgrade, off Thorpe Road, north of Summit Subdivision. The Belgrade City/County Planning Board reviewed the preliminary plat at their April 30, 1997 meeting and voted to recommend preliminary approval. If the County Commission determines that the Minor Subdivision should be approved the following conditions are suggested for final approval: 1. The final plan shall conform to the standards set fourth in Section 12 of the Gallatin County Subdivision Regulations for content of plans and data, and final approval procedures. 2. Department of Environmental Quality approval shall be obtained for the mobile home park. 3. Any area of the mobile home park disturbed during construction shall be seeded and controlled for noxious weeds. A

Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 4. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 5. The developer shall submit the rules and regulations for the mobile home park to the Belgrade City/County Planning Office including the following provisions: a. Lots shall be kept mowed and free of debris. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. Any regulation which is included herein as a condition of preliminary approval and required by the County Commission may not be amended or revoked without the consent of the governing body of Gallatin County. 6. A \$496 per mobile home lot fire impact fee or a total of \$2480 shall be submitted to Gallatin County prior to final plat approval. 7. A 60 foot wide public easement along the eastern boundary of Tract B2 must be filed with the Gallatin County Clerk and Recorder to guarantee access to Tract B1 of C.O.S. 1443B. Said easement shall be approved by the Gallatin County Attorney's Office prior to final plat approval. 8. The interior access road shall be named with a name approved by the County Road Department; the road shall be constructed to Gallatin County Standards from Thorpe Road to the north boundary of Space No. 1 with a minimum 24 foot wide gravel surface and the temporary cul-de-sac or "T" type turnaround constructed to County Standards at its north end. 9. The developer shall install a road name sign and Stop sign at the intersection with Thorpe Road or post a bond with the Gallatin County Road Department for the cost of the signs prior to final plat approval. 10. Encroachment permits must be obtained from the Gallatin County Road Department for the mobile home park access and the existing access for Tract B2. 11. All required road improvements including signs must be approved by the Gallatin County Road Department prior to final approval. 12. The developer shall be responsible for paying a proportionate reimbursement of the total construction cost of the Summit Subdivision fill site to the Belgrade City/County Planning Office which will reimburse the entity responsible for the maintenance of Summit Subdivision fill site. The proportion shall be based on the ratio of the number of lots in the subdivision to the total number of lots in the subdivision to the total number of lots served by the fill site. To verify total costs involved with construction, contractor estimates shall be submitted to the Planning Department, and signed by the original subdivider. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Commissioners questioned, if the 60 foot easement is taken out of the property, will there be enough room for a mobile homes and will the access easement be extend to the north boundary of tract B-2. Mr. Karp stated these lots are over one-half acre in size, standards only require 6,000 square feet. Mark Chandler, C & H Engineering, representing the applicant spoke regarding the proposed mobile home lots. Mr. Chandler stated that requiring a 60 foot public access easement to the north would create some problems and requested that the Commission not follow the Planning Board's recommendation. There was no public comment.

Mr. Karp stated that Chapter 12 of the subdivision regulation states: Roads within mobile home parks shall not be dedicated to the public. With this review process we were hoping that we could make an improvement to this area. If the back lot to the north could be cleaned up, and with the public easement, the property could be subdivided. Generally you do not have public access through mobile home parks. Commissioner Olson stated that there would be an issue of safety by putting a public easement through a mobile home park. Commissioner Jelinski had concern regarding the issue of the well. Jason stated, that is why we would like the 60 foot wide easement. The well will be within that easement.

Sam Gianfrancesco, County Road Supervisor, answered questions of the Commission by stating that when there is a well, we have narrowed the easement. In this case, it would be appropriate to narrow the easement to a 40 foot requirement until it gets passed the trailers. Then widen the easement out to 60 feet from the north boundary of trailer space no. 1 to the north. By requiring the 40 foot easement it would provide adequate access to the north. Sam also stated that a proportionate reimbursement should be paid to the Gallatin Valley Homestead and Summit Subdivision for the paving of Thorpe Road. A 13th condition should be added to require that be done.

Terry Seavy, subdivider, requested that for the fillsite and the paving reimbursement, the Commission would only require him to pay for 3 lots. Two of the mobile home lots have been in existence for approximately 4 years.

Finding that the Seavey Mobile Home Park is consistent with the Gallatin County Subdivision Regulations and has been recommended for approval by the Belgrade City/County Planning Board, motion by Bill Murdock to grant preliminary approval with the conditions as follows: Conditions 1

through 5. c. as drafted. Amend condition 6 to read: A \$496 per additional mobile home space fire impact fee or a total of \$2480 shall be submitted to Gallatin County prior to final plat approval. Amend condition 7 to read: A 40 foot wide public easement along the eastern boundary of Tract B2 to the north boundary of space 1 and thence 60 feet to the north boundary of tract B-2 must be filed with the Gallatin County Clerk and Recorder to guarantee access to Tract B1 of C.O.S. 1443B. Said easement shall be approved by the Gallatin County Attorney's Office prior to final plat approval. Condition No. 13 Proportionate reimbursement for the paving of Thorpe Road shall be made to Gallatin Valley Homestead and Summit Subdivisions for the three additional spaces prior to final plat approval. The amount shall be determined by the County Road Department. Seconded by Jane Jelinski. None voting nay. Motion carried.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-27, which is a Resolution to approve the contract with the Montana Department of Transportation for a Gallatin County DUI Task Force Traffic Safety Education Project. Mr. Watson stated that the purpose is for the development of public service announcements and radio spots targeting young male drivers as an at risk population.

Commissioner Olson read the Resolution. Motion by Jane Jelinski to adopt Resolution No. 1997-27. Seconded by Bill Murdock. None voting nay. Motion carried.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-28, which is a resolution to create a CDBG Revolving Loan Fund Board. Mr. Watson stated that Gallatin County has received program income generated by the repayment of a Community Development Block Grant (CDBG) loan given to Life Link International, Inc. The County desires to administer these funds, through it's Grants Administration Department, to permit additional disbursement for CDBG economic development activities in the form of revolving loans.

Motion by Jane Jelinski to adopt Resolution No. 1997-28. Seconded by Bill Murdock. None voting nay. Motion carried.

Dale Beland, County Planning Director, reported that the North Fork Creek Major Subdivision was granted preliminary plat approval by the County Commission on February 20, 1996. The subdivision consists of six (6) lots on 108 acres, located in the Big Sky Meadows area, adjacent to the intersection of Andesite Road and Highway 64 (Big Sky Spur Road). The County Commission amended conditions 6, 9, 10, 13 and 18 at their April 5, 1997 public hearing. The Commission determined the need to reconsider condition 18, which was amended as follows: A new water supply well shall be installed in the Meadow Village area or approval shall be received from Water & Sewer District 363 verifying the adequacy of water supply. If the Commission wishes to revise the amended condition, staff suggests the following wording: An additional water source, acceptable to the Gallatin Canyon Consolidated Fire District Fire Chief, shall be provided to the Meadow Village Water System by one of the following means: 1. Installing a new water supply well; 2. Upgrading or bringing Hidden Village Well No. 1 back on line with acceptable water quality and quantity, or 3. Deepening the West Fork Meadows Well No. 1 into the No. 3 Kootenia Formation. Certification of such water improvement by a third-party Montana licensed professional engineer shall be submitted to the Gallatin County Planning Director prior to final plat approval. The County Commission has to make a determination as to whether the proposed change to the condition should be approved. Mr. Beland stated that the engineer for the subdivider has requested another change in the language as shown above. He should address that language to the Commission.

Dennis Foreman, Gaston Engineering, stated that they worked out language with the Water Improvement Steering Committee, through those discussions they would like for the condition to read as follows: The Meadow Village water system shall be upgraded to the satisfaction of the Gallatin Canyon Consolidated Rural Fire District Fire Chief.

Deputy County Attorney Susan Swimley asked if they are discussing water supply for household use within the subdivision or for fire suppression? Dale Beland stated that within the finding of fact and order, water supply for fire protection and domestic use were integrated. The intent is clear that we are trying to get an adequate water supply for both.

Derek Pomeroy, Attorney representing the Hidden Village Homeowner's Association, spoke in opposition to the amendments to the condition.

Commissioner Murdock stated that we need to keep the staff condition as written, add language as proposed by Mr. Foreman. Commissioner Jelinski stated that she thinks this item should be continued. We need to have the language on paper that can be carefully scrutinized by the Planning Office, County

Attorney Office, and the developer. Commissioner Murdock stated that he feels the developer is trying to correct a long standing problem down there.

Mr. Foreman requested meeting condition No. 18 under an Improvements Agreement. Commissioner Murdock stated that he would ask that our Attorney and staff to research that request. But stated that he is okay with allowing an Improvements Agreement, if it has a short time frame.

Motion by Bill Murdock to continue this item for two weeks. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:10 P.M.

Phil Olson 7-1-97
CHAIRMAN APPROVAL

Shelley M. Cheney
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 27th DAY OF MAY, 1997

The meeting was called to order by Chairman Phil Olson at 1:36 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MAY 19, 1997

- Commissioner Olson attended a seminar in Missoula entitled "How To Supervise People."
- Commissioners Jelinski and Murdock met with Executive Secretary Pat Lewis to discuss pending office matters.
- Commissioner Jelinski met with members of the State Department of Water Quality, Department of Natural Resources, Gallatin County Environmental Health representatives and Planning Director Dale Beland regarding the Bozeman Solvent Site. David Whitson will be the county contact person.
- Commissioner Murdock attended the regular monthly meeting of the Fair Board.

MAY 20, 1997

- Commissioners met with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, and Deputy County Attorney Gerry Higgins to discuss projects the County Attorney's Office is working on.
- Commissioners conducted the regular public meeting.
- Commissioners Murdock and Olson attended the monthly Detention Center Task Force meeting.

MAY 21, 1997

- Commissioners attended the monthly Staff Meeting. Items on the agenda included a presentation made by Mergenthaler for private off-site records storage, the bi-weekly column in the High County Independent Press, an update on the employee appreciation party to be held August 24, 1997. Undersheriff Red Wilson showed a PSA video on Gallatin County.
- Commissioner Murdock attended the regular meeting of the Big Sky Resort Tax Advisory Board in Big Sky.
- Commissioner Olson met with the committee regarding a RFP on compost.

MAY 22, 1997

- Commissioners Murdock and Olson met with Rest Home Director Connie Wagner and approved the daily rate increase requested for the Rest Home.
- Commissioners Olson and Murdock met with Road and Bridge Supervisor Sam Gianfrancisco, Planner W. Randy Johnson, Acting Director of Environmental Health Tim Roark, Road Supervisor Dave Fowler, Superintendent of Schools Jill Richards, and Fiscal Officer Ed Blackman to discuss motor pool issues including the usage, type of vehicles needed, and cost of placing a roof over the cars.
- Commissioner Murdock met with Archie Alexander regarding planning board priorities.
- Commissioner Murdock attended the Gallatin Land Consolidation Public Meeting scheduled by the Forest Service in the Bridger Canyon area.

MAY 23, 1997

- Commissioner Murdock met with John Lewis and Ron LaFarrier regarding the Special Ed Co-Op Program and a grant proposal. Commissioner Murdock agreed to meet with the other Commissioners to consider grant sponsorship.
- Commissioner Olson attended the monthly Mental Health Center Board of Directors' Meeting held in Billings, Montana.
- Received A101's in the amount of \$1,413.45.
- Received Cancellation of Taxes in the amount of \$40.00.

The following items were on the consent agenda:

Russell J. and Ilona DeRemer is requesting the relocation of common boundary exemption. Staff report indicates that this exemption appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision & Platting Act.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Phil Olson. None voting nay. Motion carried.

Stan Hughes, Gallatin County Treasurer, gave a presentation regarding banking services that are required for the County. Mr. Hughes recommended that the Commission renew the 2 year contract for banking services with Norwest Bank, the current contract allows.

Motion by Bill Murdock to renew the contract for banking services with Norwest Bank as recommended by the County Treasurer. Seconded by Phil Olson. None voting nay. Motion carried.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-29, which is a Resolution adopting a Anti-displacement and Relocation Assistance Plan for HOME and CDBG grants.

Motion by Bill Murdock to adopt Resolution No. 1997-29. Seconded by Phil Olson. None voting nay. Motion carried.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-30, which is a resolution adopting a Gallatin County Affirmative Marketing for Housing Plan.

Motion by Bill Murdock to adopt Resolution No. 1997-30. Seconded by Phil Olson. None voting nay. Motion carried.

C & H Engineering representing Dick Byron is requesting preliminary plat approval of the Byron Minor Subdivision. The proposed subdivision is located within Lot 1 of the Bassco Minor Subdivision and will consists of 5 lots. Access will be served by the extension of High Plains Road which intersects with Dry Creek Road, a paved highway. The applicant has requested a variance from Gallatin County Subdivision Regulations Section 7-A-8 second or emergency access required, and Table 1 "Street Design Standards" for cul-de-sacs greater than 1000 feet. The shape of the lot would not allow another road location, and the applicant has submitted a plan for extending High Plains Road when Lot 4 of Minor Subdivision No. 157 is further developed. The Belgrade City/County Planning Board voted at their May 14, 1997 public hearing to recommend that the variance from Section 7-A-8 be denied and that a second access be required. The Planning Board voted to recommend preliminary plat approval but stated in their motion that they encourage the developer to redesign the subdivision to reduce the irregularity of the lots, provide a second access, and develop the site in conjunction with the adjacent Lot 4 of the Bassco Minor Subdivision. If the County Commission finds that the Valley Home Subdivision is in the public interest, the following conditions are recommended for approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. 3. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 4. A waiver of right to protest creation of Rural Improvement Districts and Water and Sewer districts shall accompany the final plat. 5. Any area of the subdivision disturbed during

construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 6. a copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 7. A Homeowner's Association shall be established. 8. The developer shall record covenants with the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the Homeowners in accordance with State Law. d. The Homeowner's Association shall be responsible for the maintenance of High Plains Road within the subdivision. e. The Homeowner's Association shall participate with the Homeowner's Association of Steinmann Subdivision for the maintenance of High Plains Road. f. A section addressing possible problems associated with the nearby airport's operations and affirming the airport's right to operate. The language shall state as follows: Lot owners are informed that the subdivision is located within Gallatin Field Airport's Influence Area. Lot owners and users of the subdivision are aware of its proximity to the airport and that the area is subject to frequent low level aircraft over flight and noise associated with aircraft operations and shall waive all rights to protest about aircraft and airspace use and shall affirm the aviation industry, both public and private, the right to fly. g. The maximum building height is 75 feet. h. Site plans for lots with commercial structures shall be submitted for review and approval by the Belgrade Rural Fire District. i. Commercial structures plans must be submitted for review and approval to the Belgrade Rural Fire District and the Montana State Building Codes Bureau prior to construction. j. Commercial structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. k. Further subdivision of lots is prohibited. l. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 9. Covenants, a copy of preliminary approval and the certificate of licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate of title prior to final plat approval. 10. High Plains Road shall be a sixty foot right-of-way, be dedicated to the public, and be constructed to Gallatin County Standards with a temporary cul-de-sac constructed to County Standards at Lot 4 of Minor Subdivision No. 157. 11. A second access for the subdivision must be provided and constructed to Gallatin County Standards (UNLESS A VARIANCE IS GRANTED). 12. The developer shall dedicate 5% of the area of the lots within the subdivision for parks or playgrounds or shall submit cash in lieu of parkland dedication to Gallatin County equal to the fair market value of 5% of 11.8 acres (area of lots) of unsubdivided, unimproved land in the area. 13. All plans and specifications for roads, drainage, road names, and the placement of signs shall be approved by the Gallatin County Road Superintendent prior to construction, and all road improvements must be inspected and approved by the Gallatin County Road Superintendent prior to final plat approval. 14. The final plat shall contain a statement warning lot owners that irrigation ditches are hazardous to children. 15. The easements along the irrigation ditch shown on the preliminary plat shall be shown on the final plat. 16. The developer shall provide one of the following standards to ensure a reasonable level of fire protection and life-safety to the public and firefighters. The following requirements must meet the specifications of Gallatin County Subdivision Regulations Section 6-E-5 and be reviewed and approved by the Belgrade Fire District. a. A single 10,000 gallon water supply for each home and associated structure meeting the requirements of Section 6-E-5(a). b. A single 20,000 gallon water supply meeting the requirements of Section 6-E-5-(b). c. A rural fill site meeting the requirements of Section 6-E-5(c). d. R-3 occupancies as defined by the Uniform Fire Code may be protected by automatic fire sprinkler systems meeting the requirements of NFPA 13D. If the sprinkler options is used the covenants must include the following provisions: 1. Automatic fire sprinkler systems shall be installed in all structures which are used for living and home business which people normally occupy. The fire sprinkler system must meet the requirements of NFPA 13D. 2. A stamped set of engineered sprinkler system plans shall be submitted to the Belgrade Rural Fire District for review and be approved prior to construction, and the sprinkler system must be inspected by the Belgrade Rural Fire Department during construction and at completion as required by the Belgrade Fire Chief. e. A pressurized fire hydrant system meeting the requirements of Section 6-E-5(e). 17. A waiver of right to protest annexation into the City of Belgrade shall accompany the final plat. The developer shall have three years from the date of preliminary plat approval to complete the above conditions and apply for final plat approval.

Commissioners asked for clarification with regard to the recommendation of the Planning Board to redesign the subdivision, the access to Lot 1A that is shown, the 30 foot easement being wide enough for a driveway and the request to not provide a second access.

Mark Chandler, surveyor, spoke regarding the proposed subdivision design and road configuration. Mr. Chandler showed the Commission the over all picture of the original Bassco Minor Subdivision. Dick Byron, subdivider, stated that the future development of the adjacent lot will make a connecting road over to Spooner Road. Sam Gianfrancisco, County Road Superintendent, stated that a second access is needed, it does not have to be constructed, an easement could be provided. Mr. Gianfrancisco suggested adding a condition that requires the developer to provide a second access subject to the review and approval of the County Attorney and the Road Office. Bryan Connelley, Belgrade Rural Fire District, stated concern of no secondary access or on site water supply available on the site. In addition there is no designation as to whether this is a commercial or residential subdivision and it is 1.6 miles to the nearest water supply at this time. Mr. Connelley stated, if the subdivider would provide on site water, the fire department could deal with the access concern at this time. There was no public comment. Mr. Chandler stated that he is in agreement with the added condition proposed by the County Road Superintendent, and that he would designate these lots for residential purposes only.

Finding that the requested variance is not in compliance with the Gallatin County Subdivision Regulations and does not meet the public health and safety concerns, motion by Bill Murdock to deny the variance request. Seconded by Phil Olson.. None voting nay. Motion carried.

Finding that the Byron Minor Subdivision meets the criteria of the Montana Subdivision & Platting Act, motion by Bill Murdock to grant preliminary approval with the conditions as follows: 1 through 8. g. as drafted. Omit original conditions 8. h., i., and j. Add new condition 8. h. All lots shall be used for residential structures only. Condition 8. I. to read: Further subdivision of lots is prohibited. Condition 8. j. to read: Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. Conditions 9 and 10 as drafted. Amend condition 11 to read: A public easement for a 60 foot road across lot 4 shall be dedicated to the public, approved by the County Road Department and the County Attorney's Office and filed with the Clerk & Recorder. Conditions 12 through 17 as drafted. Add condition 18 to read: A \$496.00 per lot fire impact fee shall be submitted to Gallatin County per the fire impact fee regulation. Seconded by Phil Olson. None voting nay. Motion carried.

C & H Engineering representing John and Quoteal Pratt, and Delbert and Ethel Barnes is requesting preliminary plat approval for Valley Home Subdivision which is located west of Belgrade on the north side of Old Highway 10. The proposed subdivision will consist of 46 residential lots with 1.8 acres of parkland dedicated to the public. The subdivision is proposed to be developed in 2 phases. Phase 1 will contain 30 lots and Phase 2 will contain the remaining 16 lots. Access to the subdivision will be provided by Old Highway 10 to the south and Topaz Road via the Bon Marron Subdivision to the east. The Belgrade City/County Planning Board voted at their May 14, 1997 public hearing to recommend preliminary plat approval. If the County Commission finds that the Valley Home Subdivision is in the public interest, the following conditions are recommended for approval: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. 3. The developer shall record with the final plat a waiver of right to protest creation of Rural Improvement Districts Water and Sewer Districts. 4. The subdivision shall be seeded and controlled for noxious weeds. A Memorandum of Understanding will be signed between weed district and developer prior to final plat approval. 5. A \$496.00 per lot fire impact fee shall be submitted to Gallatin County \$14,404 for Phase 1, and \$7,936 for Phase 2. 6. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever." 7. A copy of the final subdivision plat shall be submitted to the Belgrade Fire Marshall's Office and the Gallatin County Road Department prior to final plat approval. 8. A Homeowner's Association shall be established. 9. The developer shall record covenants with the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust animal odors, flies, smoke and machinery noise. Standard

agricultural practices feature the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the Homeowner's Association, in accordance with State Law. d. The Homeowners Association shall be responsible for maintenance of all parks within the subdivision. e. All roads within the subdivision shall be maintained by the Homeowner's Association. f. The Homeowner's Association shall participate with the Bon Marron Subdivision for the maintenance of Topaz Road and Tracy Ann Drive. g. Any covenant which is included herein as a condition of the preliminary plat approval and required by the county commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 10. Covenants, a copy of preliminary approval, and the certificate of licensed title abstractor shall be submitted to the Gallatin County Attorney's Office shall review and approve the covenants and certificate of title prior to final plat approval. 11. All roads within the subdivision shall have 60 foot right-of-ways, be dedicated to the public, and paved to County Standards. 12. All plans and specifications for roadways, road maintenance, drainage, road names, and placement of street signs shall be approved by the Gallatin County Road Department. 13. The final plat shall show a one(1) foot no-access strip for vehicles along Old Highway 10 except at locations approve by the Montana Department of Transportation. 14. Proof of permits from the Montana Department of Transportation for the existing encroachment to Block 1, Lot 15 must be provided, and permits must be obtained form the Montana Department of Transportation for the construction of Topaz Road at its intersection with Old Highway 10. 15. All road name signs and STOP signs must be installed or approved by the Gallatin County Road Superintendent, or a bond be deposited with the Gallatin County Road Superintendent, or a bond be deposited with the Gallatin County Road Department in the amount of the cost of the signs prior to final plat approval. 16. Roads within the subdivision ending at unsubdivided land or future phase sites shall have "T" type turnarounds or temporary cul-de-sacs constructed to Gallatin County Standards. 17. Permanent cul-de-sacs shall be constructed to Gallatin County Standards at the ends of Valley Court and Old Place Lane. 18. An NFPA compliant fill-site shall be installed to provide water for fire protection. Prior to installation of the fill-site, plans and specifications must be submitted to the Belgrade Rural Fire Department for review and approval. The fill-site must be operational and approved by the Belgrade Rural Fire Department prior to final plat approval. 19. An additional .7 acres of parkland shall be dedicated to the public, or the developer shall submit a cash-in-lieu of parkland dedication to Gallatin county in the amount equal to the fair market value of .7 acres of unsubdivided, unimproved land in the area . 20. The developer shall show a 20 foot right-of-way, dedicated to the public, along the entire southern boundary of the subdivision for additional highway right-of-way. 22. The final plat shall show an easement for the common access of Block 1, Lot 14 and 15 to Old Highway 10. 23. The final plat shall contain a waiver of right to protest creation of Rural/Special Improvement Districts for improvements and traffic control devices at the intersection of Old Highway 10 (MT 205) and Jackrabbit Lane. 24. The final plat shall contain a waiver of right to protest annexation into the City of Belgrade. The developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. If the applicant elects to submit a final plat for each phase only the conditions which apply to that phase must be completed before final plat approval.

Planner Karp stated that the fire impact fee will need to be decreased by one lot, for the existing house.

Deputy County Attorney Susan Swimley stated, the plat shows a two tract road going across the subdivision and up through the proposed park. Mrs. Swimley asked what is the history of that road would the subdivider be willing to sign documentation abandoning any use of that road?

Mark Chandler, surveyor, spoke in response to Mrs. Swimley's question, that two tract road is a farm road, there are no plans to use that road and it will can be taken off of the plat. Mr. Chandler stated that the subdivider would like to have the name of the subdivision reconsidered, he would like to keep the name as proposed. Mr. Chandler further stated that Mr. Pratt, the subdivider, indicated that he would be willing to put a covenant on lot 15 that would not allow any further subdivision.

Sam Gianfrancisco, County Road Superintendent, responded to questions regarding access onto Highway 10 and the concern with the proposed subdivision name. Mr. Gianfrancisco stated that the 9-1-1 dispatch requested the name change. There are getting to be so many subdivisions with the name Valley, they had trouble when they send out a dispatch. It is a valid public health and safety concern. Bryan Connelley, Belgrade Rural Fire Department, responded to questions regarding conditions 16 and 17. Mr. Connelley stated that the Fire Department would like to see temporary cul-de-sacs be built in both phases and that his department has no concern of exempting the existing lot from the fire impact fees. Tim Roark, County Environmental Health Department, stated that very seldom do we have the opportunity of two subdivisions being developed together, so we are encouraging that both subdivisions build a central water /sewer system at the time of development. A central system is a much more preferable system, with crucial benefits to Gallatin County. The soils in that area are very minimal for the treatment of sewage. There was no other public comment.

Board discussion, the Commission encouraged the subdivider to look into creating a central water and sewer system and district.

Finding that the Valley Home Subdivision meets the criteria of the Montana Subdivision & Platting Act, motion by Bill Murdock to grant preliminary plat approval with the conditions as follows: Conditions 1 through 4 as drafted. Amend condition no. 5 to read: A \$496.00 per lot fire impact fee shall be paid to Gallatin County pursuant to the fire impact fee regulation. The Commission exempts the existing house on Block 1, Lot 14 from this fee. Condition 6 through 9. g. as drafted. Add a new condition 9. h. to read: all lots shall be used for residential structures only. Add condition 9. I. to read: There shall be no further subdivision on Block 1, Lot 15. Conditions 11 through 21 as drafted. Amend condition no. 22 to read: The final plat shall show an easement for the common access centered on Block 1, Lot 14 and 15 to Old Highway 10, or an easement for Lot 15, across Lot 14, to the access on Highway 10. The easement shall be approved by the Gallatin County Road Department and the County Attorney's Office, and then shall be recorded with the Clerk & Recorder's Office. Conditions 23 and 24 as drafted. Add condition 25 to read: The two tract road shown from the remainder tract to detail B on the preliminary plat shall be removed from the final plat. And add condition 26 to read: The subdivider shall review the feasibility of including this property in the sewer maintenance district to be established for the 4 Dot Meadows Subdivision adjacent to the northwest prior to final plat approval. This review may include the consideration of a revised preliminary plat which would be accepted under the original application. Seconded by Phil Olson. None voting nay. Motion carried.

C & H Engineering representing J. Frederick Sowerwine is requesting preliminary plat approval for 4 Dot Meadows Subdivision, located west of Belgrade on the north side of Old Highway 10. The proposed subdivision will consist of 185 lots, which will include 174 residential single family lots and 11 residential/commercial lots with 9.9 acres of parkland dedicated to the public. The subdivision will be developed in 3 phases. Access to the subdivision will be provided Old Highway 10 to the south of Weaver Road from the north. The Belgrade City/County Planning Board reviewed the preliminary plat and voted to recommend preliminary plat approval. If the County Commission finds that the 4 Dot Meadows is in the public interest, the following conditions are recommended for approval: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. 3. The developer shall record with the final plat a waiver of right to protest creation of Water and Sewer Districts and Rural Improvement Districts including Rural Improvement Districts for improvements to the intersection of Jackrabbit Lane and MT 205. 4. The subdivision shall be seeded and controlled for noxious weeds. A Memorandum of Understanding will be signed between weed district and developer prior to final plat approval. 5. A \$496.00 per lot fire impact fee shall be submitted to Gallatin County; \$25,792 for Phase I, and \$22,320 for Phase 2, and \$43,648 for Phase 3. 6. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever." 7. A copy of the final subdivision plat shall be submitted to the Belgrade Fire Marshall's Office and the Gallatin County Road Department prior to final plat approval. 8. A Homeowner's Association shall be established. 9. The developer shall record covenants with the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the Homeowner's Association, in accordance with State Law. d. The Homeowner's Association shall be responsible for maintenance of all parks within the subdivision. e. The Homeowner's Association shall be responsible for the maintenance of the sewer system. f. All roads within the subdivision shall be maintained by the Homeowner's Association. g. Site plans and building plans for commercial lots shall be submitted to the Belgrade Rural Fire Department for review and approval prior to construction, and building permits for commercial structures must be obtained from the State of Montana, Building Codes Bureau prior to construction. h. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 10. Covenants, a copy of preliminary approval, and the certificate of licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days

prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate of title prior to final plat approval. 11. All roads within the subdivision shall have 60 foot right-of-ways, be dedicated to the public, and paved to County Standards. 12. All plans and specifications for roadways, road maintenance, drainage, road names, and placement of street signs shall be approved by the Gallatin County Road Department. 13. The final plat shall shown a one (1) foot no-access strip for vehicles along Old Highway 10 except at locations approved by the Montana Department of Transportation and along Weaver Road except at locations approved by the Gallatin County Road Department. 14. Permits must be obtained from the Montana Department of Transportation for the construction of Pageliner Road and 4 Dot Lane at their intersections with Old Highway 10, and an encroachment permit must be obtained form the Gallatin Road Department for the Pageliner Road access to Weaver Road. 15. All road name signs and STOP signs must be installed and approved by the Gallatin County Road Superintendent, or a bond be deposited with the Gallatin County Road Department in the amount of the cost of the signs prior to final plat approval. 16. Roads within the subdivision ending at unsubdivided land or future phase sites shall have "T" type turnaround or temporary cul-de-sacs constructed to Gallatin County Standards. 17. Permanent cul-de-sacs shall be constructed to Gallatin County Standards at the ends of Lasea Lane, Pine Doll Lane, Star Page Drive and Sea Quest Place. 18. An NFPA compliant fill-site shall be installed to provide water for fire protection. Prior to installation of the fill-site, location, plans, and specifications must be submitted to the Belgrade Rural Fire Department for review and approval. The fill-site must be operational and approved by the Belgrade Rural Fire Department prior to final plat approval. 19. The final plat shall contain statements that inform lot owners that irrigation canals are hazardous to small children and that the subdivision has no water rights from irrigation canals passing adjacent or over the subdivision. 20. The developer shall obtain the proper permits from the US Army Corp of Engineers for development in a wetland, or they shall provide written verification from the Corp of Engineers that permits are nto necessary. 21. The final plat shall show an additional 20 foot right-of-way along the entire southern boundary of the subdivision dedicated to the public for additional highway right-of-way. 22. A waiver of right to protest annexation into the City of Belgrade shall accompany the final plat. 23. Weaver Road shall be upgraded to County gravel standards from its intersection with Highway 10 to the east property line of the subdivision with 30 feet along the north boundary of the subdivision dedicated to the public and shown on the final plat. 24. A waiver of right to protest creation of Rural Special Improvement Districts for improvements and traffic control devices at the intersection of Jackrabbit Lane and Old Highway 10 (MT 205) shall accompany the final plat. 25. 4 Dot Lane shall be extended to Weaver Road. 26. The developer shall petition Gallatin County to create a Sewer Maintenance District for maintenance of the sewer system. The developer shall have three years from the date of preliminary approval to complete the above conditions and apply for final plat approval. If the applicant elects to submit a final plat for each phase only the conditions which apply to that phase must be completed before final plat approval.

Mark Chandler, surveyor, spoke regarding the phasing, sanitary facility, 1.8 mile linear park designated around the entire length of the subdivision, access to Weaver Road and the amount of upgrade that needs to be done to Weaver Road. Mr. Chandler requested a waiver of fire impact fee for lot 54 with existing home, lot 55 with a horse barn and lot 167 with an existing mobile home. Fred Sowerwine, subdivider spoke regarding the proposed subdivision, additional right-of-way that is being required, dangerous corner, and the linear park that is proposed.

Bryan Connelley, Belgrade Rural Fire District, stated that lot 54 has an existing residence which would be allowed to be exempted. However, Lot 55 has a horse barn which is not an existing residence. Mr. Connelley stated he has a concern of being consistent with what types of existing buildings that would be allowed to be exempted. Sam Gianfrancisco, County Road Superintendent, spoke regarding the proposed subdivision. Mr. Gianfrancisco stated that because of the density, some of the cul-de-sacs need to be done away with to allow better traffic circulation. Mr. Gianfrancisco stated he has concerns of there not being a loop road system for emergency vehicles. Mr. Gianfrancisco stated that he feels Weaver Road will impact the subdivision even if access would not be required from it, because of it's condition it will create noise and dust, he is sure there will be complaints. Weaver Road has numerous frost boils that this time of year cannot be maintained, maybe the County could do a cost share for the upgrade of Weaver Road. Sam also stated that an Equestrian crossing sing or marking a cross-walk on the linear park would help mitigate the safety concerns. Tim Roark, Environmental Health Department, suggested that the subdivider look into a central well water system. The individual wells that are proposed, will create a lot of impact in that small area with such high density.

Deputy County Attorney Susan Swimley recommended the Commission make a determination as to what lots are exempt from fire impact fees. Commissioner Murdock stated it will be lots 167, 54 and 55.

During board discussion Commissioner Murdock suggested entering into a cost share in the amount of 35% for the upgrade of Weaver Road.

Finding that the 4 Dot Meadows Subdivision meets the criteria of the Montana Subdivision & Platting Act and is consistent with the Gallatin County Subdivision Regulations, motion by Bill Murdock to grant preliminary plat approval with the conditions as follows: Conditions 1 through 2 as drafted. Amend condition no. 3 to read: The developer shall record with the final plat a waiver of right to protest creation of Water and Sewer Districts and Rural Improvement Districts. Condition no. 4 as drafted. Amend condition no. 5 to read: A \$496.00 per lot fire impact fee, pursuant to the fire impact fee regulation shall be submitted to Gallatin County. Lots 54, 55 and 167 shall be exempt from that requirement. Conditions 6 through 9. d. as drafted. Delete condition no. 9. e. Conditions 9. f. through 20 as drafted. Amend condition no. 21 to read: The final plat shall show an additional 20 foot right-of-way along the southern boundary of the subdivision dedicated to the public for additional highway right-of-way as determined by the Montana Department of Transportation, or as the Montana Department of Transportation determines turning bays need to be constructed. Condition 22 as drafted. Amend condition no. 23 to read: Weaver Road shall be upgraded to County gravel standards from its intersection with Highway 10 to the east property line of the subdivision with 30 feet along the north boundary of the subdivision dedicated to the public and shown on the final plat. The County will participate with 35% of the cost of this improvement. Condition no. 24 as drafted. Amend condition no. 25 to read: Either Star Page Drive or 4 Dot Lane shall be extended to Weaver Road at the discretion of the developer. Delete original condition 26 and add new language that reads: The subdivider shall review the feasibility of including this property in the sewer maintenance district to be established for the 4 Dot Meadows Subdivision adjacent to the northwest prior to final plat approval. This review may include the consideration of a revised preliminary plat which would be accepted under the original application. And add a new condition no. 27 to read: A water and sewer district shall be established to include this property prior to final plat approval. Seconded by Phil Olson. None voting nay. Motion carried.

There being no further business the Commission recessed at 5.25 P.M. to check quarterly securities.

The following are quarterly securities submitted by the County Treasurer for the quarter ended MARCH 31, 1997.

\$39,189,556.50 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

CHECKING	\$1,000.00
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NORWEST BANK

712386	3,563,614.01
20491	0.00
315503	203.60

SECURITY

CUSIP #

EXPIRATION

AMOUNT

FNMA 338315	31375LYL3	03/01/26	4,100,000.00
FNMA 190048	31368HBR3	10/01/23	1,749,000.00

AMERICAN BANK

CHECKING	26,310.25
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SECURITY

CUSIP #

EXPIRATION

AMOUNT

US TREASURY NOTE 8½	912827UWO	05/15/97	100,000.00
US TREASURY NOTE 8½	912827ZB1	07/15/97	100,000.00

VALLEY BANK OF BELGRADE

CHECKING	6,209.43
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100 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

MANHATTAN STATE BANK

CHECKING 57,860.37

SECURITY BANK OF THREE FORKS

CHECKING 32,895.59

FIRST SECURITY BANK OF WEST YELLOWSTONE

CHECKING 81,378.15

BIG SKY WESTERN BANK

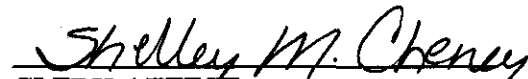
63,190.80

FISCAL AGENT BANKS

5,100.00

Cash & Checks in Office 87,499.89
County Investments 35,264,294.41
TOTAL CASH ON HAND \$ 39,189,556.50


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING TUESDAY THE 3rd DAY OF JUNE, 1997

The meeting was called to order by Chairman Phil Olson at P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MAY 26, 1997

- County Offices were closed in observance of Memorial Day.

MAY 27, 1997

- Commissioners conducted the regular public meeting.

MAY 28, 1997

- Commissioners met with Facilities Director Bob Isdahl and Personnel Director Kathy Nowierski regarding alternative space available for GIS office on an interim basis. It was agreed that the GIS office will be temporarily placed in the basement. Kathy Nowierski advised that additional personnel requests need to be considered for future office space.
- Commissioner Jelinski attended the regular monthly meeting of the 911 Administrative Board.
- Commissioners attended the Executive Board Meeting of the Bozeman Shelter Care Facility to discuss the program of the Shelter and financial status. The Director, Treasurer, Juvenile Probation Officer, and a representative of the Department of Public Health and Human Services gave presentations.
- Commissioners completed a work session to evaluate three county employees.
- Commissioner Jelinski was appointed by the Montana Department of Administration to represent MACo on the State 911 Advisory Council.

MAY 29, 1997

- Commissioner Murdock attended the regular monthly meeting of the Victim Witness Board.
- Commissioners conducted regular business.
- Commissioner Olson is out of town until Tuesday, June 2, 1997.

MAY 30, 1997

- Commissioner Jelinski attended a meeting of the State 911 Advisory Council in Helena, Montana.
- Commissioner Murdock met with Grace Morgan regarding planning issues.
- Commissioner Murdock met with Fairgrounds Supervisor Sue Shockley and Engineer Roy Steiner regarding the sewer and water design for the fairgrounds and reviewed sewer task order. Sue Shockley

will work with Deputy County Attorney Kris Gray to finish the fairgrounds Request for Proposal and advertise in the High Country Independent Press starting June 12.

- Received A101's in the amount of \$5,459.00.
- Received New Employees and Terminated Employees List for May, 1997.

The following items were on the consent agenda:

Lowell Dennis Schafer has claimed the family transfer exemption to create three, 1.5 acre parcels to be transferred to Daniel Schafer, David Schafer, his sons, and Clarence Schafer, his father. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Donald and Genevieve Marx have claimed the family transfer exemption to create one, 1.5 acre parcel to be transferred to Robert Marx, their son. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Donald and Genevieve Marx have claimed the family transfer exemption to create one, 1.5 acre parcel to be transferred to James Marx, their son. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Request for final plat approval for the Dyk Minor Subdivision. Dyk Minor Subdivision was granted preliminary plat approval by the County Commission on August 27, 1996 subject to 10 conditions. Staff report indicates that based on the information submitted, it appears that the conditions for final plat approval have been met.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Dale Beland, County Planning Director, reported this is a hearing for the reconsideration of condition No. 18 of the North Fork Creek Subdivision. Mr. Beland explained that the North Fork Creek Subdivision was granted preliminary plat approval by the County Commission on February 20, 1996. It consists of six lots on 108 acres, located in the Big Sky Meadows area, adjacent to the intersection of Andesite Road and Highway 64. Per the subdivider's request, the Commission amended conditions 6, 9, 10, 13 and 18 at the meeting held April 15, 1997. Subsequently, the Commission determined the need to reconsider condition no. 18, which had been amended to read as follows: "A new water supply well shall be installed in the Meadow Village area or approval shall be received from Water & Sewer District 363 verifying the adequacy of water supply." At the Commission meeting held May 20, 1997, the staff suggested the following revised wording: "An additional water source, acceptable to the Gallatin Canyon Consolidated Fire District Fire Chief, shall be provided to the Meadow Village Water System by one of the following means: (1) installing a new water supply well; (2) upgrading or bringing Hidden Village Well No. 1 back on line with acceptable water quality and quantity, or (3) deepening the West Fork Meadows Well No. 1 into the No. 3 Kootenai Formation. Certification of such water improvement by a third-party Montana Licensed professional engineer shall be submitted to the Gallatin County Planning Director prior to final plat approval" At that hearing the subdivider's representative requested the following wording: "The Meadow Village water system shall be upgraded to the satisfaction of the Gallatin Canyon Consolidated Rural Fire District Chief". In addition, he asked that the subdivider be allowed to use an improvements agreement to fulfill this condition. Staff finds, the suggested wording of May 20 offers several defined public health and safety goals that should be considered by the County Commission.

Dennis Foreman, Gaston Engineering, stated that the subdivider has no problem with the wording of condition no. 18 and requested the opportunity to be able to enter into an improvements agreement to meet that condition. Mr. Foreman stated that a well driller has been hired and it is the subdivider's intention is to go with option no. 3 of condition no. 18. To deepen the West Fork Meadows Well No. 1 into the No. 3 Kootenai Formation, which could take approximately 6 months may be needed to get the well deepened, it may take several months to get the pumps in.

Commissioners questioned, who would choose the third party professional to certify the water improvement, does that certification mean the verification of water quality and quantity, how can an improvements agreement be entered in to when no one is sure of the cost involved? Mr. Beland stated, with regard to the hiring of the third party professional, he would defer that option to the subdivider. As long as it is a third party engineer and not someone already directly involved with the subdivision at this time. Mr. Beland also stated that the condition only deals with the completion of the alternative, not with the adequacy of the quantity or quality of water. That could be added if the Commission feels it necessary.

Brain Wheeler, representing the subdivider, gave some of the background of the North Fork Creek subdivision and the reasoning behind the requested change to the condition of the proposed subdivision. Marjorie Black, attorney, representing a land owner of the Looking Glass Subdivision and Derik Pomeroy, attorney, representing the Hidden Village Homeowner's Association, spoke during the public comment portion of the hearing.

During board discussion Commissioner Jelinski stated that she feels the drafted change of new condition no. 18 is much better and that she is in favor of it. However, she does not feel comfortable with the improvements agreement at this time. Mrs. Jelinski stated, unless she has specific language in front of her, she will not vote for allowing an improvements agreement. Commissioner Murdock stated that it is his understanding that the subdivider is going with the suggested language to deepen the West Fork Meadows Well No. 1 into the No. 3 Kootenai Formation. Mr. Murdock stated that he thinks that the suggested language in condition no. 18 is far better than the original language proposed. He feels there has been a good faith effort by the developer, and that this Commission should enter into an improvements agreement, which will help to get a better water supply for the Big Sky Area.

Finding that the amendment of the condition of preliminary plat approval for the North Fork Creek Subdivision is in the public interest, and meets the concerns of public health, safety and welfare, motion by Jane Jelinski to adopt the new condition no. 18 as drafted by staff. Seconded by Bill. None voting nay. Motion carried.

Motion by Bill Murdock to add a new condition no. 18. a. to allow the subdivider to enter into an improvements agreement to meet condition no. 18, based on the cost estimates of a third party engineer, to be bonded in the amount of 125% of the cost, with the improvement to be completed within 6 months. This improvements agreement shall be reviewed and approved by the County Attorney's Office. Seconded by Jane Jelinski. Bill Murdock and Phil Olson voting aye. Jane Jelinski voting nay. Motion carried.

Commissioner Jelinski requested staff to write new findings and conditions within two weeks.

Shelley M. Cheney, Clerk and Recorder, reported that a petition to abandon a portion of Indigo Road has been received. Ms. Cheney stated that she has examined the petition and it contains the signatures of at least 10 qualified freeholders in Gallatin County.

Motion by Jane Jelinski to accept a petition to abandon a portion of Indigo Road and appoint a viewing committee that will consist of Clerk and Recorder Shelley Cheney, County Road Supervisor Sam Gianfrancisco, and Commissioner Murdock.. Seconded by Bill Murdock. None voting nay. Motion carried.

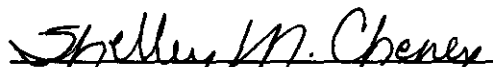
Lanette Windemaker, County Planner, reported that this is a hearing for a request for approval of the improvements agreement and final plat approval for the Spirit Hills Major Subdivision. Mrs. Windemaker, explained that the Spirit Hills Subdivision divides 163 acres into 98 lots and park land. This subdivision was granted preliminary plat approval by the County Commission on July 18, 1995; with modifications to conditions on February 20, 1996; October 8, 1996; and April 22, 1997. The subdivider has requested that the improvements agreement be approved and the subdivision be given final plat approval. The developer has completed the conditions as required and has applied for final plat approval within three years from the date of preliminary plat approval.

Dennis Foreman, Gaston Engineering , and Ken Walker, subdivider, spoke regarding the request. There was no public comment.

Finding that all of the conditions of preliminary plat approval have been met, motion by Jane Jelinski to grant final plat approval for Spirit Hills Major Subdivision. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:24 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 9th DAY OF JUNE, 1997

The special public meeting was called to order at Buck's T-4 in Big Sky by Chairman Phil Olson at 10:08 A.M. Also present were Madison County Commissioners Ward Jackson, Ted Coffman and William Doggett, Madison County Attorney Bob Zenker, Gallatin County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board. Commissioner Olson introduced Gallatin County Fiscal Officer Ed Blackman and County Auditor Joyce Schmidt.

Mike Richards, Chairman of the Big Sky Resort Tax Advisory Board, stated that the board is projecting that \$1,415,000.00 of additional funds will be available for projects to be budgeted for the 1997/98 fiscal year. Mr. Richards then reviewed the applications received and gave the board's recommendation as follows:

BIG SKY ASSOCIATION FOR THE ARTS

\$25,000.00 is being requested for the 1997 Big Sky Arts Festival. The total budget expense for the year is projected at \$56,090.00. The board made a recommendation for \$7,000.00.

BIG SKY PARK

\$40,000.00 is being requested for the funds approved for the Big Sky Park in 1996 which have not been utilized and are being requested for rollover into the 1997 year. The board made a recommendation for \$40,000.00.

GALLATIN CANYON BIKE/PEDESTRIAN PATH

\$30,000.00 is being requested for the construction of a three mile bike/pedestrian path within the highway right-of-way on the West side of Highway 191 extending from Highway 64 (spur road) to the Beaver Creek South subdivision. Total cost of the project is estimated at \$150,000.00 of which this request is the 20% community match funding amount. The balance of funds will come from the Department of Transportation in the form of the Community Transportation Enhancement Program (CTEP funds). This application process takes a couple of years, the funds are being requested for rollover into the 1997 year. The board made a recommendation for \$30,000.00.

BIG SKY SEARCH AND RESCUE, INC.

\$15,000.00 is being requested for the principal funding for the backcountry/wilderness search and rescue unit of the Big Sky area. Total 1997 budget proposal is estimated at \$21,265.00, this request being approximately 70% of the budget. The board made a recommendation for \$15,000.00.

GALLATIN COUNTY BIG SKY TRANSPORTATION DISTRICT

\$245,000.00 is being requested to provide funds for the operation of SnowExpress from early December through mid April on a daily basis between 7:00 A.M. and 11:00 P.M. Approximately 80,000 riders took advantage of the service this past season. The request is 100% of the budget to operate the service. The board made a recommendation for \$245,000.00.

BUCK RIDGE SNOWMOBILE TRAIL GROOMING

\$11,000.00 is being requested to provide funds for additional snowmobile grooming to the Buck Ridge Snowmobile area. Twelve weeks of grooming plus some signage at a cost of \$11,000. This represents 50% of the cost of grooming the Buck Ridge trails. The board made a recommendation for \$11,000.00.

GALLATIN COUNTY SHERIFF'S DEPARTMENT

\$95,805.00 is being request for three deputies, or \$115,548.00 for four deputies. The request is for costs associated with the 1.5 additional full time deputy coverage, a total of three, for the Resort Tax Area. Three deputies is the current coverage. If the community feels the need for a fourth deputy, that cost has also been submitted at the higher amount. The costs associated with this coverage is on a cost share basis with both counties. Three deputies are twice the coverage that would be provided by the counties if it were not for Resort Tax Funds. The board made a recommendation for \$80,000.00.

BIG SKY SKI EDUCATION FOUNDATION

\$20,000.00 is being requested for the salary of four experienced people to handle the brunt of the on hill work of event production. All funds expended to this entity in the past have been for safety related equipment. The board made the recommenation for 0 funding.

OPHIR SCHOOL DISTRICT NO. 72

\$12,000.00 is being requested to provide funds for the maintenance and development of the gymnasium as a community-use-facility. Numerous groups and organizations have utilized the

gymnasium/facility for a nominal fee. The request represents approximately 27% of the estimated cost to operate the gymnasium. The board made a recommendation for \$10,000.00.

GALLATIN CANYON CONSOLIDATED RURAL FIRE DISTRICT

\$391,762.00 is being requested for improvement of fire protection, fire prevention, and emergency medical services for the Big Sky area. The board made a recommendation for \$290,762.00.

BIG SKY COUNTY WATER AND SEWER DISTRICT NO. 363

\$729,840.00 is being requested with Lone Mountain Springs, or \$684,200.00 without Lone Mountain Springs. Water and Sewer District No. 363 is requesting these funds to offset a considerable portion of extraordinary costs anticipated in the budget cycle July 1, 1997, through June 30, 1998. The board made a recommendation for \$500,00.00.

BIG SKY CHAMBER OF COMMERCE

\$19,770.60 is being requested to provide funds for promotional and marketing the Big Sky area through a full time Chamber of Commerce Executive Director, operation and staffing of visitors information centers, and writer support for feature articles. The board made a recommendation for \$0.00.

BIG SKY OWNERS ASSOCIATION

\$9,300.00 is being requested to provide funds for selective public services that benefit all residents and visitors to the Big Sky area. The board made a recommendation for \$9,300.00.

BIG SKY OWNERS ASSOCIATION

\$20,000.00 is being requested to provide funds for the difference between the cost of operating the contract Post Office and the support furnished by the US Postal Service. The board made a recommendation for \$20,000.00.

MADISON COUNTY PLANNING BOARD/MADISON COUNTY WEED BOARD

\$10,000.00 is being requested to help with the cost of County Mapping for the purpose of identifying answers to numerous questions and issues. Generally, the topic of subdivision and development and the magnitude of this activity was raising interest and concern among many residents and individuals using Madison County resources in one fashion or another. Also, the noxious weed issue has, in recent years, gained a much higher level of priority with landowners, land users and agencies. The total project cost is estimated at \$36,000.00. The board made a recommendation for \$10,000.00.

WESTFORK MEADOWS HOMEOWNERS ASSOCIATION

\$43,767.00 is being requested to provide funds for the completion of the Westfork Meadows Park Project. The total cost of the project is estimated at \$80,989.00. The board made a recommendation for \$43,767.00.

PARKVIEW WEST OWNERS ASSOCIATION

\$17,424.00 is being requested for funds that will be used for grading and gravel on the 1.1 miles of roads in the subdivision. The request is for 100% of the costs associated with the project. The board made a recommendation for \$0.00.

FARMHOUSE PARTNERS LIMITED PARTNERSHIP

\$100,000.00 is being requested for a proposed Big Sky Apartment project, a 24-unit affordable apartment project, consisting of twenty-four 500 square foot one-bedroom units situated in two two-story buildings on Lot 5 in the Cascade Subdivision. The Big Sky Apartments will be financed in part through the sale of federal tax credits. The tax credit housing program restricts project rents on at least 40% of the units in a project for a least fifteen years, and also requires that the tenants earn less than 60% of the county's median household income. The funds will help defray the cost of the sewer district related expenses. The Water and Sewer District is deferring \$50,000.00 of the Sewer SFE fees. The total cost of the project is \$1,430,000.00. The board made a recommendation for \$65,000.00.

HUMAN RESOURCE DEVELOPMENT COUNCIL OF DISTRICT IX, INC.

\$1,000.00 is being requested for funds to repay final payment under the HRDC project completed in 1996. \$9,000.00 was paid on this project in 1996. The board made a recommendation for \$1,000.00.

GALLATIN VALLEY LAND TRUST

\$6,041.00 is being requested to provide funds for a conservation easement on approximately 12 acres of land at the entrance to Big Sky. Primary terms of the conservation easement stipulate that each

side of the river bank remain accessible to fishermen, but that no house be built on the land. This is a one time grant that would cover both the administrative costs of doing the easement and the endowment. The board made a recommendation for \$0.00.

GALLATIN RECYCLERS/BIG SKY OWNERS ASSOCIATION

\$13,974.00 is being requested to provide funds for recycling in the Big Sky Community. The costs of bins is in the amount of \$8,000.00 and daily cleanup of sites is in the amount of \$5,174.00. The board made a recommendation for \$13,974.00.

GALLATIN WATERSHED PARTNERSHIP

\$4,500.00 is being requested by the Gallatin Watershed Partnership to develop a Gallatin Watershed Sourcebook: Resident's Guide. The purpose is to publish timely and relevant information to: 1. advance public understanding of critical land and water resource concerns in the Gallatin Watershed and; 2. prepare residents for information stewardship of these resources in the future. Total cost of the project is estimated at \$17,745.00. The board made a recommendation for \$0.00.

GALLATIN CANYON/BIG SKY ADVISORY COMMITTEE - GALLATIN COUNTY PLANNING

\$20,000.00 is being requested for a project which proposes obtainment of site-specific information regarding wildlife distribution, specific composition and relative numbers based on vegetation types. Such information would assist the private landowners, community, planning advisory committee and zoning commission to make sound decisions relative to development impact within Gallatin Canyon/Big Sky Planning and Zoning District. The total cost of the project is \$29,300.00. A balance of funds for the project are committed by the Montana Fish Wildlife and Parks. The board made a recommendation for \$0.00.

SPUR ROAD BIKE PATH

\$13,000.00 is being requested to not rollover these funds from a prior year.

ADMINISTRATIVE EXPENSES:

Gallatin County	\$23,050.00
Madison County	\$15,800.00
Resort Tax Advisory Board	<u>\$ 2,000.00</u>
	\$40,850.00

TOTAL FUNDS RECOMMENDED 1997/98 = \$1,414,718.00

During the public portion the following people spoke: Becky Pape, speaking on behalf of the Gallatin Canyon/Big Sky Advisory Committee - Gallatin County Planning Department request and the Big Sky County Water and Sewer District No. 363 request; Sandra Stober, who spoke on behalf of Big Sky Association for the Arts; Chad Ouellette, Big Sky Chamber of Commerce; Bob Stober, Big Sky Fire Chief; Jackie Robin, Westfork Meadows Park; Wendell Ingraham Big Sky Sewer and Water District; Dab Dabney, Farmhouse Partners project and Mike Scholz, owner of Buck's T 4. Commissioner Olson then closed the public portion of the hearing and opened the hearing up for board discussion and/or action.

Motion by Ted Coffman to allocated the disbursement of administrative costs as follows:

ADMINISTRATIVE EXPENSES:

Gallatin County	\$23,050.00
Madison County	\$15,800.00
Resort Tax Advisory Board	<u>\$ 2,000.00</u>
	\$40,850.00

Seconded by Jane Jelinski. None voting nay. Motion carried.

BIG SKY SEARCH AND RESCUE, INC.

Commissioner Jelinski spoke with concern of the request of the Search and Rescue. Mrs. Jelinski stated that she would like them to go the Search and Rescue board for an additional funding source. Motion by Jane Jelinski to allocate \$2,600.00 to the Big Sky Search and Rescue. Seconded by Bill Doggett. Jane Jelinski and Bill Doggett voting aye. Bill Murdock, Phil Olson, Ward Jackson, and Ted Coffman voting nay. Motion denied.

Mike Richards, Chairman of the Resort Tax Advisory board spoke regarding the Search and Rescue funds that were requested.

Motion by Ted Coffman to appropriate \$10,000.00 to Big Sky Search and Rescue. No second. Motion denied. Motion by Bill Murdock to allocated \$15,000 to Big Sky Search and Rescue as recommended

by the Advisory Board, less any fees that they could obtain from the Gallatin County Search and Rescue. Seconded by Ward Jackson. Jane Jelinski voting nay. Bill Murdock, Phil Olson, Ted Coffman, Ward Jackson and Bill Doggett voting aye. Motion carried.

Motion by Bill Murdock to approve all of the allocations as recommended by the advisory board with the following changes: take \$65,000.00 away from the Farmhouse Partners request, add \$47,000.00 to Water & Sewer District. Contingent on the purchase of the Lone Mountain Springs Water Company. Seconded by Ward Jackson. Bill Murdock voting aye. Jane Jelinski, Phil Olson, Ted Coffman, Ward Jackson and Bill Doggett voting nay. Motion denied.

BIG SKY ASSOCIATION FOR THE ARTS:

Motion by Jane Jelinski to allocate \$7,000 for the Big Sky Association for the Arts. Seconded by Ted Coffman. None voting nay. Motion carried.

BIG SKY PARK & GALLATIN CANYON BIKE/PEDESTRIAN PATH:

Motion by Jane Jelinski to appropriate \$40,000.00 to the Big Sky Park and \$30,000.00 to the Gallatin Canyon Bike/Pedestrian path. Seconded by Ted Coffman. None voting nay. Motion carried.

GALLATIN CANYON BIG SKY TRANSPORTATION DISTRICT:

Motion by Bill Murdock to allocate \$245,000 to the Gallatin County Big Sky Transportation District as recommended by the board. Seconded Jane Jelinski. Bill Murdock and Bill Doggett voting aye. Jane Jelinski, Phil Olson, Ted Coffman and Ward Jackson voting nay. Motion denied.

The Board asked questions of Mike Scholz regarding the proposed budget and fees. Bill Schmidt, Administrator of the Bus System spoke of the need for adding buses and an extra route to the system.

Motion by Ted Coffman to allocate \$187,000 to the Gallatin Canyon Big Sky Transportation District. Seconded by Jane Jelinski. Bill Murdock voting nay. Jane Jelinski, Phil Olson, Ted Coffman, Bill Doggett and Ward Jackson voting aye. Motion carried.

BUCK RIDGE SNOWMOBILE TRAIL GROOMING:

Motion by Jane Jelinski to appropriate \$11,000 as requested for the Snowmobile Trail. Seconded by Bill Doggett. None voting nay. Motion carried.

GALLATIN COUNTY SHERIFF'S DEPARTMENT:

Motion by Ted Coffman to allocated \$95,805.00 requested for three deputies. Seconded by Jane Jelinski. None voting nay. Motion carried.

OPHIR SCHOOL DISTRICT NO. 72:

Motion by Ted Coffman to allocated \$10,000 to Ophir School as recommended by the advisory board. Seconded by Jane Jelinski. None voting nay. Motion carried.

BIG SKY SKI EDUCATION FOUNDATION:

Motion by Jane Jelinski to go with the recommendation of the advisory board to not appropriate funds to the Big Sky Ski Education Foundation. Seconded Bill Murdock. None voting nay. Motion carried.

BIG SKY CHAMBER OF COMMERCE:

Motion by Bill Murdock to go with the recommendation of the advisory board to not fund the request from the Chamber of Commerce. Seconded by Jane Jelinski. None voting nay. Motion carried.

BIG SKY OWNERS ASSOCIATION:

Motion by Jane Jelinski to allocate \$9,300; to Big Sky Owners Association for public services as requested. Seconded by Bill Murdock. None voting nay. Motion carried.

BIG SKY OWNERS ASSOCIATION:

Motion by Bill Murdock to allocated \$20,000 to Big Sky Owners Association for the cost of operating the Post Office. Seconded by Jane Jelinski. Ted Coffman voting nay. Jane Jelinski, Phil Olson, Bill Murdock, Bill Doggett and Ward Jackson voting aye. Motion carried.

MADISON COUNTY PLANNING BOARD/MADISON COUNTY WEED BOARD:

Motion by Bill Murdock to not fund the Madison County Planning and Weed Board. Seconded by Jane Jelinski. Jane Jelinski, Phil Olson, Bill Murdock, Ted Coffman and Ward Jackson voting aye. Bill Doggett voting nay. Motion carried.

WESTFORK MEADOWS HOMEOWNERS ASSOCIATION:

Motion by Jane Jelinski to allocated \$35,832 to Westfork Meadows Park Project. Seconded by Bill Murdock. Ted Coffman voting nay. Jane Jelinski, Phil Olson, Bill Murdock, Bill Doggett and Ward Jackson voting aye. Motion carried.

PARKVIEW WEST OWNERS ASSOCIATION:

Motion by Bill Murdock to go with the recommendation of the advisory board to not fund the Parkview West Owners Association request. Seconded by Ward Jackson. None Voting Nay. Motion carried.

FARMHOUSE PARTNERS LIMITED PARTNERSHIP:

Motion by Bill Murdock to not fund Farmhouse Partners request for \$100,000.00. Seconded by Ward Jackson. The Commission asked for discussion on this item. Dab Dabney, Farmhouse Partners, stated that he has to request these funds as a loan instead of a grant in order to meet the Federal Tax Credit requirements for the low income housing project. Gallatin County Deputy County Attorney Susan Swimley stated that there is no authority that will allow the County Commission's to become a lending agent. There then was discussion of giving the funds to the sewer and water district for Farm House Partners. Mr. Dabney then stated that he would go before the Sewer and Water District Board for the loan. This would allow him to meet the Federal Tax Credit requirements. Mr. Dabney then stated that the project can be sold on the 15th year after the construction, those proceeds will pay back the loan. Bill Doggett voting nay. Jane Jelinski, Phil Olson, Bill Murdock, Ted Coffman and Ward Jackson voting aye. Motion carried.

HUMAN RESOURCE DEVELOPMENT COUNCIL OF DISTRICT IX, INC.:

Motion by Jane Jelinski to allocate \$1,000 to HRDC as recommended by the advisory board. Seconded by Bill Murdock. None voting nay. Motion carried.

GALLATIN VALLEY LAND TRUST:

Motion by Ted Coffman to allocated 0 funds to the Gallatin Valley Land Trust as recommended by the advisory board. Seconded by Ward Jackson. None voting nay. Motion carried.

GALLATIN RECYCLERS/BIG SKY OWNERS ASSOCIATION:

Motion by Bill Murdock to allocate \$13,974 to Gallatin Recyclers/BSOA for recycling in the Big Sky Community. Seconded by Ted Coffman. None voting nay. Motion carried.

GALLATIN WATERSHED PARTNERSHIP:

Motion by Bill Murdock to not fund Gallatin Watershed Partnership. Seconded by Ted Coffman. None voting nay. Motion carried.

GALLATIN CANYON/BIG SKY ADVISORY COMMITTEE - GALLATIN COUNTY PLANNING DEPARTMENT:

Motion by Bill Murdock to not fund Gallatin County Planning/Big Sky Advisory Committee. Seconded by Ted Coffman. None voting nay. Motion carried.

SPUR ROAD BIKE PATH:

Motion by Ted Coffman to honor the request not to rollover funds \$13,000 or not fund Spur Road Bike Path. Seconded by Bill Doggett. None voting nay. Motion carried.

Ed Blackman, Gallatin County Fiscal Officer stated that of the \$1,414,718.00 of funds available, \$513,226.00 has at this time been allocated, leaving \$901,492.00 available funds left to allocate. Motion by Ted Coffman to allocate the recommended \$290,762.00 with the addition of \$3,535.00, for a total allocation in the amount of \$294,297.00 to the Gallatin Canyon Consolidated Rural Fire District. Seconded by Bill Murdock. None voting nay. Motion carried.

Motion by Ted Coffman to allocate \$11,465.00 to the Big Sky Search and Rescue, Inc. Seconded by Bill Murdock. None voting nay. Motion carried.

Motion by Bill Murdock to allocated \$500,000.00 to the Big Sky County Water & Sewer District No. 363 as recommended by the advisory board. Plus \$45,000.00 for the Farm House Partners apartment project. Seconded by Jane Jelinski. None voting nay. Motion carried.

Ed Blackman stated there are \$62,175.00 in available funds.

Motion by Bill Murdock to allocate \$10,000 to the Gallatin County Planning/Big Sky Advisory Committee and \$2,000 to the Madison County Weed Study. Seconded by Jane Jelinski. Becky Pape, stated that this is a 5 year study, needing \$20,000 in order to get an additional \$9,000.00 from the Montana Fish, Wildlife and Parks. Commissioner Coffman stated that the \$2,000 should be added to the Gallatin County Planning for the study. Bill Murdock amended his motion to allocate \$12,000 to the Gallatin County Planning Department. Seconded by Jane Jelinski. Ward Jackson and Bill Doggett voting nay. Jane Jelinski, Phil Olson, Bill Murdock and Ted Coffman voting aye. Motion carried.

108 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Motion by Bill Murdock to fund an additional \$15,000 to Big Sky Association of the Arts. Seconded by Ward Jackson. Ted Coffman voting nay. Jane Jelinski, Phil Olson, Bill Murdock, Bill Doggett and Ward Jackson voting aye. Motion carried.

Motion by Bill Murdock to appropriate \$20,000 to the Big Sky Water & Sewer District for the purchase of the Lone Mountain Spring. Seconded by Jane Jelinski. None voting nay. Motion carried.

Motion by Ward Jackson to appropriate \$8,000.00 to the West Fork Meadows Park. Seconded Jane Jelinski. Bill Murdock voting nay. Jane Jelinski, Phil Olson, Ward Jackson, Ted Coffman and Bill Doggett voting aye. Motion carried.

Motion by Bill Murdock to appropriate \$7,195.00 to the Chamber of Commerce. Seconded by Ted Coffman. None voting nay. Motion carried.

Ted Coffman stated for the record that the Madison County Commission will continue their hearing until tomorrow.

There being no further business the meeting adjourned at 2:10 P.M.

Phil Olson 8-12-97
CHAIRMAN APPROVAL

Shelley M. Cheney
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 10th DAY OF JUNE, 1997

The meeting was called to order by Chairman Phil Olson at P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JUNE 2, 1997

- Commissioner Jelinski participated a telephone interview for the health officer position.
- Commissioners Jelinski and Murdock met with Executive Secretaries Jan Emerson and Pat Lewis to discuss pending administrative matters.
- Commissioner Jelinski met with County Attorney Marty Lambert and did legal research on funding options for 911.
- Commissioner Jelinski and Murdock had their regular meeting with Sheriff Slaughter and Undersheriff Red Wilson and discussed budget items.
- Commissioners Murdock and Jelinski had their regular monthly meeting with Facilities Director Bob Isdahl where Bob reviewed his report for capital facilities and advised of the recommendation to keep the City of Bozeman as our garbage collection services. Bob also reported he would inspect a site for partial county storage needs.
- Commissioners Jelinski and Murdock met with Assessor Arletta Derleth, Deputy Ty Typolt, and Dave from the Department of Revenue and discussed the closure of the Assessor's office on June 10th and the implications of Senate Bill 195.
- Commissioners Murdock and Jelinski met with Emergency Operations at 9:00 p.m. to deal with flooding in the county.

JUNE 3, 1997

- Commissioners Olson and Jelinski met with Disaster and Emergency Coordinator Aaron Holst regarding the current flooding situation.
- Commissioners met with Road and Bridge Superintendent Sam Gianfrancisco and Road Supervisor Ken Hellwinkle and Bridge Foreman Doug Ford to discuss Moreland ditch water problem on the West Gallatin River. The Commissioners asked the Road Department to visit the site and give their recommendations to the Commissioners.
- Commissioners met with Sheriff Bill Slaughter, Detention Center Officer Jim Cashell, Architect Jim Prugh, County Attorney Marty Lambert, and Grants Administrator Larry Watson to discuss the format for the June 12 meeting with commissioners from surrounding counties pertaining to the future of detention needs.

- Commissioners had their bi-weekly meeting with County Attorney Marty Lambert, Deputy County Attorney Gerry Higgins, and Deputy County Attorney Susan Swimley and addressed the priority list which the Attorney's office is working through.
- Commissioners conducted the regular public meeting.
- Commissioners met with Fiscal Officer Ed Blackman to review applications for the Big Sky Resort Tax Joint Commission meeting scheduled for June 9th.
- Commissioners attended the Emergency Operations Center briefing on flooding.

JUNE 4, 1997

- Commissioners met with Clerk and Recorder Shelley Cheney, Personnel Director Kathy Nowierski, and Fiscal Officer Ed Blackman to prepare a preliminary budget for fiscal year 98.
- Commissioners Jelinski and Olson attended the regular meeting of the Rural Fire Council.

JUNE 5, 1997

- Commissioners met with Clerk and Recorder Shelley Cheney, Data Processing Director Bill Baldus, and Fiscal Officer Ed Blackman to prepare a preliminary budget for fiscal year 98.
- Commissioner Murdock attended the regular monthly meeting of the Bozeman Parks and Recreational Advisory Board.

JUNE 6, 1997

- Commissioners met with Clerk and Recorder Shelley Cheney, Personnel Director Kathy Nowierski, and Fiscal Officer Ed Blackman to prepare a preliminary budget for fiscal year 98.
- Received A101's in the amount of \$40,449.32.
- Received Applications for Cancellation of Taxes in the amount of \$2,381.95.

Shelley Cheney, Clerk & Recorder presented the Commission with one bid that was received for custodial services for the County Courthouse and the Law and Justice Center. Ms. Cheney stated that this bid was received before the deadline.

Bob Isdahl, Facilities Director, opened and read the bid received from Davis Maintenance. Mr. Isdahl stated that there is a bid bond in the amount of 10% attached. The bid for the Courthouse is \$2,975.00 per month. The bid for the Law & Justice Center is \$4,470.00 per month. The total bid is \$89,340.00 per year for both buildings. Mr. Isdahl requested taking this bid under advisement, he would like to make a recommendation on Friday at 1:30 P.M.

Shelley Cheney, Clerk & Recorder, presented the Commission with 4 bids that were received for a new four wheel drive tractor for the County Fairgrounds. Ms. Cheney stated that these bids were received before the deadline.

Sue Shockley, Fairgrounds Supervisor, opened and read the following bids:
Churchill Equipment Co., Amsterdam, MT; total bid in the amount of \$40,900.00.
Bozeman Newholland, Bozeman; total bid in the amount of \$40,656.00.
Tractor & Equipment, Billings, MT; a letter stating they are not submitting a bid at this time.
Gallatin Equipment, Belgrade, MT; total bid in the amount of \$38,954.00.

Ms. Shockley requested taking the bids under advisement and make a recommendation to award one week from today.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-31, which is a Resolution to support an application by the Gallatin City/County Health Department for a "Turning Point" Public Health Improvement Infrastructure Project. Mr. Watson reported that in 1995, the Montana Legislature enacted the Montana Public Health Improvement Act creating a Montana Public Health Task Force to develop a comprehensive Public Health Improvement Plan for the Governor and Legislature. The Montana Public Health Improvement Plan represents a focused direction for continued public health improvement. The agreements forged through this process demonstrate local and state agency commitments to continually examine and strengthen public health strategies for the residents of Montana. It is the intent of the Gallatin Public Health Alliance to incorporate the vision of this Plan in establishing the goals and objectives of it's Turning Point project.

Stephanie Nelson, Human Services Director of the Gallatin County Health Department, spoke regarding the application.

Commissioner Jelinski read the resolution. Motion by Jane Jelinski to adopt Resolution No. 1997-31. Seconded by Bill Murdock. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, spoke regarding the public hearing to discuss a proposed increase of tipping fees for the Logan Landfill. Mr. Blackman stated that the Commission may negotiate volume discounts with high utilization clients.

The proposed fee structure is: Regular (Class II) Waste, \$34.00 per ton.
Class III Light construction Waste, \$40.00 per ton.
Construction (hard to handle) Waste, \$50.00 per ton.
Minimum fee, \$5.00.

Mr. Blackman also explained that the Commission proposes setting special fees for items such as tires, small and large white goods (water heater's, refrigerators, freezers, dishwashers, bikes, and animals). Mr. Blackman then recommended that the Commission change the rate from \$33.00 per ton to \$32.00; that the high volume discount fee be lowered to \$28.00 per ton, instead of \$29.00 per ton; and that a high volume discount, lowering the rate to \$45.00 per ton, be given for hard to handle waste.

Commissioner Jelinski stated that these figures are different from the recommendations that the Commission has seen up to today. Mrs. Jelinski stated concern of giving a volume incentive for hard to handle waste, which fills up the landfill with less compaction and causes problems for the landfill operators. Commissioner Murdock asked if Mr. Blackman's suggested changes to the fees were reviewed by the advisory board? Mr. Blackman stated no, their recommendation was for me to review the fees and come back to the board with a recommendation.

During the public portion Mike Scoffield from Broadwater County spoke regarding the fee increase. Mr. Scoffield stated that they currently have a waste disposal contract with Gallatin County, they are very pleased with the current contract and service that they are receiving, but cannot afford the fee increase. Mr. Scoffield requested the County uphold the current contract fees.

During board discussion the Commission discussed a concern of losing business if they increase rates. The Commission made the decision to continue this hearing until they have made contact with some of the clients and until further information can be obtained as the fee rates recommended are not the numbers that were discussed at the advisory board meeting. Motion by Jane Jelinski to continue this item until more information can be obtained. Seconded by Bill Murdock. None voting nay. Motion carried.

Jason Karp, Belgrade City/County Planner, reported that Gaston Engineering representing Bradley and Jacqueline Bean is requesting summary review of a minor subdivision located west of Belgrade on the south side of Amsterdam Road, and east of the Gallatin River. The applicant is also requesting a waiver of fire impact fees for two lots which have residences located on them along with two variances from Gallatin County Subdivision Regulations as follows: 1. Section 7-A-2 which requires right-of-way and road construction to county standards to unsubdivided lands. The applicant owns the unsubdivided property to the south of the subdivision and prefers that a public access and road not be constructed at this time. And 2. Section 6-B-1 for irregular shaped lots. Lots 3 &4 are triangular in shape because the property lines would line up with an irrigation ditch which passes over the property. Lot 3 would have 68 feet of frontage on Amsterdam Road. The Planning Board voted at their April 30, 1997 public meeting to recommend approval of the request to waive the impact fees and the variance requests. The Gallatin County Commission reviewed the preliminary plat for the Wild Rose Ranch Minor Subdivision at their May 20, 1997 public meeting. With the applicant's consent, the Commission tabled the subdivision to give the applicant time to resolve issues regarding access to the unsubdivided property to the south of the subdivision.

If the County Commission finds the Wild Rose Ranch Minor Subdivision to be in the public interest the following conditions are recommended for approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. 4. A waiver of right to protest creation of Rural Improvement Districts and/or Water and Sewer Districts shall accompany the final plat. 5. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 6. A copy of the final plat shall be submitted

to the Belgrade Fire Department and the Gallatin County Road Department. 7. A Homeowner's Association shall be established. 8. The developer shall record covenants on the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. C. All fences bordering agricultural lands shall be maintained by the Homeowners in accordance with State Law. D. Automatic fire sprinkler systems shall be installed in all structures which are used for living and home business which people normally occupy. The fire sprinkler system must meet the requirements of NFPA 13D. e. A stamped set of engineered sprinkler system plans shall be submitted to the Belgrade Rural Fire District for review and be approved prior to construction, and the sprinkler system must be inspected by the Belgrade Rural Fire Department during construction and at completion as required by the Belgrade Fire Chief. F. A permit must be obtained from the Gallatin County Flood Plain Coordinator prior to construction of any buildings within the 100 year flood plain. G. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 9. Covenants, a copy of preliminary approval, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 10. A \$496 per lot fire impact fee shall be submitted to Gallatin County prior to final plat approval (\$1,488). 11. Encroachment permits must be obtained from the Gallatin County Road Department for the Lot 1 access, Lot 2 & 3 common access, Lot 4 access which must be in the center of the lot, and the Lot 5 access. 12. The 100 year flood plain and irrigation ditch easements shown on the preliminary plat shall be shown on the final plat. 13. The final plat shall contain a warning stating that irrigation ditches may be hazardous to children. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Brad Bean, applicant, spoke regarding the request.

The Commission stated that their concern is the large tracts of land adjacent to the proposed subdivision. If the variance request is granted there will not be any access to those tracts. There was no public comment. Commissioner Murdock stated that there has not been any new information submitted that would convince him to grant the variance. Motion by Bill Murdock to grant the variance for the irregular shaped lot, finding that the request is warranted by the placement of the natural barriers of vegetation and irrigation ditch. Seconded by Jane Jelinski. None voting nay. Motion carried.

Finding that the applicant has not shown any undue hardship, there is existing problems with inaccessible lots, and it violates the subdivision regulations, motion by Jane Jelinski to deny the variance requested from section 7-A-2, which requires access to unsubdivided lands. Seconded by Bill Murdock. Commissioner Murdock stated that he would like some discussion with regard to not requiring the applicant to construct the road to unsubdivided land. Sam Gianfrancisco, County Road Supervisor, stated that in the past we have asked for an easement to be dedicated. Dennis Foreman, Gaston Engineering, stated if the Commission would require an easement be dedicated, then at this time the applicant would like to withdraw the subdivision. Commissioner Jelinski and Murdock voting aye. Commissioner Olson voting nay. Motion carried.

Randy Johnson, Gallatin County Senior Planner, reported that over the past 12 months, the Gallatin County Planning Department has been working on reviewing and updating the Gallatin County Recreation Plan. The current Recreation Plan was adopted by the Gallatin County Commission in December of 1989, and has not been updated since. As directed by the Planning Board and County Commission, the Planning Department has now prepared draft amendments addressing Phase I updates to the Gallatin County Recreation Plan. The purpose of the proposed Phase I amendments is to incorporate changes to the Recreation Plan to comply with statutory changes mandated by the Montana Legislature in 1995. The mandated changes address the dedication of parkland, and the collection and dispersal of park funds through the subdivision review process. Montana law now requires the County to utilize county park funds in a "reasonably close proximity" to the subdivision which generated the funds. The Planning Department is proposing to divide the county into a north and south park fund benefit area. The proposed boundary separating the two areas is the Township 3 South and 4 South boundary line, which corresponds with the entrance to the Gallatin Canyon. On May 27, 1997, the Gallatin County Planning Board held a public hearing to consider the proposed amendments to the

112 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

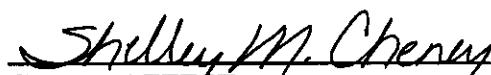
Gallatin County Recreation Plan. The Planning Board passed a motion recommending approval of the amendments.

Commissioners stated concern of a boundary separating the two areas for the disbursal of park funds. Commissioner Jelinski stated that she would like to make sure that the Commission can disburse the existing park funds in our park district fund without the proximity issue. Commissioner Olson stated that he is certain that the Legislature did not mean: "all the way to the County line" as "reasonably close proximity". Deputy County Attorney Susan Swimley stated that using the entire County as one benefit area was legally defensible. Commissioner Olson stated with that opinion the Commission may as well use the County as one benefit area and keep the funds in separate accounts. That way monies collected from West Yellowstone wouldn't be spent for something in the valley. Commissioner Murdock suggested replacing the language which refers to the benefit area with the following: The benefit area shall be the entire county. There was no public comment.

Motion by Bill Murdock to amend the last sentence under VI. Policy Alternative and plan implementation; C. Recreation Policy Alternatives; subsection 6. delete the last sentence which reads: The boundary separating the two county park fund benefit areas is the Township 3 South and 4 South boundary line, which corresponds with the entrance to the Gallatin Canyon. Replace that sentence with the following language: The boundary of the benefit area shall be the entire County. Also delete the last sentence in the 4th paragraph under Appendix C; I. Policy which reads as follows: The boundary separating the two county park fund benefit area is the Township 3 South and 4 South boundary line, which corresponds with the entrance to the Gallatin Canyon. Replace that sentence with the following language: The boundary of the benefit area shall be the entire County. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:08 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 17th DAY OF JUNE, 1997

The meeting was called to order by Chairman Phil Olson at P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JUNE 9, 1997

- Commissioners attended a joint meeting of the Gallatin and Madison County Commissioners in Big Sky, at which the appropriation of Big Sky Resort Tax Area money was determined for Fiscal Year 1998.
- Commissioner Jelinski spoke at a meeting of the Northwest Area Foundation, at the Gallatin Gateway Inn. The topic of her speech was devolution.
- Commissioner Murdock attended a regular meeting of the Fair Board.
- Commissioner Jelinski was appointed to the Nominating Committee for the National Association of Counties' 62nd Annual Conference in Baltimore, Maryland, to be held July 11-15, 1997.
- The Commissioners agreed that the Clerk & Recorder will present and verify receipt of all sealed bids.
- The Commissioners formally adopted the County Grant Proposal Procedures.

JUNE 10, 1997

- Commissioner Jelinski attended a regular meeting of the City-County Board of Health.
- Commissioners attended presentations by vendors who are bidding to supply equipment for the City-County 911 Communications Center. Also in attendance were Mike Brown, Communications Services Director; Bob Isdahl, Facilities Director; Bill Baldus, Data Processing Supervisor; and Kathy Nowierski, Personnel Officer. Both sides felt that there was a "meeting of the minds" and that contract negotiations will proceed.
- Commissioners conducted the regular public meeting.

JUNE 11, 1997

- Commissioner Jelinski attended a meeting with the 911 vendors and Communications Director Mike Brown, at which they notified the Commissioners that their negotiations were concluding and contract preparation has begun. Also in attendance were Data Processing Supervisor Bill Baldus, Bozeman Police Chief Mark Tymrack, Bozeman Fire Chief Aaron Holst, Mel McCarver, and Bill Keyser.
- Commissioners had their regular monthly meeting with Planning Director Dale Beland. Topics discussed included reorganization of the planning department, and priorities. The Commissioners instructed Mr. Beland to work with adjacent landowners to the east of the north end of the County Rest Home property, to explore options for possible sale or purchase.
- The Commissioners met with Planning staff and members of the County planning board to discuss fire impact fees and agricultural exemptions. In attendance were: Planning Director Dale Beland, Planner Lanette Windemaker, George Reich of the Rural Fire Council, new County Rural Fire Chief Brett Waters, and Steve Forrest, Roger Nerlin, Martha Collins, and Howard Van Noy of the County Planning Board. The Commissioners instructed the subcommittee to give them a recommendation based on the group's discussion at this meeting.
- The Commissioners had their regular quarterly meeting with Charlie Briggs, Director of the Area IV Agency on Aging, and Bea Horswill, Manager of the RSVP Program and Gallatin County representative on the Board of Directors. Mr. Briggs presented his quarterly report to the Commissioners.
- Commissioners had their regular monthly meeting with Road and Bridge Superintendent Sam Gianfrancisco, Road Foreman Ken Hellwinkle, Bridge Foreman Doug Ford, and Shop Foreman Dave Fowler. Also in attendance was Deputy County Attorney Susan Swimley. Topics discussed included the high water situation in the County, Spaulding Bridge, the Willow Creek Dike, Anderson School trail and crossing light, cost-per-mile to resurface paved roads, and West Babcock. It was decided at this meeting that a meeting will be set with West Babcock homeowners in the near future. A meeting will also be set to discuss the Willow Creek dike. It was also decided that Sam Gianfrancisco will speak to Anderson School officials regarding a trail and the possibility of a crossing light.
- Commissioners met with Grants Administrator Larry Watson and Dick Prugh, of Prugh & Lenon Architects, in preparation for the June 12 meeting with officials from southwestern Montana regarding the possibility of a regional Detention facility. Meeting format and the agenda were discussed.

JUNE 12, 1997

- Commissioner Jelinski met with Helen Kerr and Elicia Cisco, a student from Argentina who is in the United States on a Kellogg Foundation Fellowship to study government.
- Commissioner Jelinski met with Brian Leland, to discuss the duties of a County Commissioner.
- Commissioners met with representatives from Southwestern Montana counties to discuss their detention needs and the possibility of a regional detention facility. No county stated that they did not want to be included at this stage of the planning process. A decision was made to move forward in the regional facility planning process. In attendance were representatives from Jefferson, Park, Sweetgrass, Madison, Broadwater, Stillwater, and Meagher Counties.
- Commissioner Olson attended a regular monthly meeting of the County Weed Board, at which it was agreed that there needs to be a meeting between the Commissioners and the Weed Board, set for September 19.
- Commissioners conducted performance evaluations on three County department heads.
- Commissioner Murdock attended a regular monthly meeting of the Mental Health Advisory Board. At the meeting, it was announced that Managed Care has been sold to another for-profit mental health care provider, and that Region IV will set up a Gallatin County Advisory Board.

JUNE 13, 1997

- Commissioners met with DES Coordinator Aaron Holst, Acting Bozeman City Manager Ron Brey, and Bozeman Deputy Chief Training Officer Al Scholes to discuss the DES/HazMat contract for Fiscal Year 1998. After changes were incorporated, the contract was approved and signed at the meeting.
- Commissioners met with the following members of the Intergovernmental "MOU" Group: Ann Rodman of Yellowstone National Park; Steve Hartman of the BLM; Jim Kalitowski of the DNRC; Stan Benes and Jim Devitt of the Gallatin National Forest; Gene Gibson of the Bozeman Ranger District; Carrie Leu of the Gallatin Conservation District; Teresa Larson of the City of Bozeman; Gordon Hill of the Natural Resources and Conservation Service; and Bob Dennee of the Gallatin National Forest. Also in attendance were County Planner Lanette Windemaker, Planning Director Dale Beland, and County GIS Coordinator Allen Armstrong. Discussion included reports from the Forest Service and Yellowstone Park on GIS; a Gallatin II Land Exchange update; NRCS emergency 310 permits; the US Forest Service roads being opened late due to spring runoff; and the fact that the

Missouri River upper stream flow recently broke the flow record set in the 1940's. The next meeting of the MOU Group was set for September 19.

- A special public meeting was held regarding the bid award for custodial services. The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board. Bob Isdahl, Facilities Coordinator, stated that the purpose for this special hearing is to award a bid for custodial services for the Courthouse and the Law & Justice Center. Mr. Isdahl explained that at last Tuesday's public hearing one bid was received from Davis Maintenance. That bid was taken under advisement until today for a recommendation to be made. Mr. Isdahl stated that he has talked with the bidder, Jack Davis, and Mr. Davis indicated a willingness to negotiate the price. Ed Blackman, County Fiscal Officer, Jack Davis and Bob Isdahl will meet on Sunday, June 15, 1997 at Noon to negotiate the price. Mr. Isdahl requested an extension of this decision until next Tuesday's public hearing. Motion by Jane Jelinski to continue this bid award to allow an opportunity to negotiate the price with the bidder. Seconded by Bill Murdock on the contingency that the negotiations will be reviewed and approved by the County Attorney's Office. None voting nay. Motion carried.
- The Commissioners met with the new County GIS Coordinator Allen Armstrong, at which the Commissioners approved his work plan for the next six months.
- The Commissioners had a meeting with Bob Ballard, Director of Family Outreach, at which Mr. Ballard described the services provided by his organization.
- The following County board appointments were made by the Commissioners during the week June 9-13: Joe Bateson, Carolyn Maples, Dale Nerlin, Magdalena Bowen and Robert DeWitt appointed to the new CDBG Revolving Loan Fund Board. Susan Wordal reappointed to the DUI Task Force. John Huber appointed to the Logan Landfill Advisory Board. Terry Abelin reappointed to the Yellowstone Country Board.
- Received A101's in the amount of \$4,221.00
- Received Claims in the amount of \$275,432.93.
- Received Payroll for month of May in the amount of \$833,796.00.

The following items were on the consent agenda:

Payne Family Trust and Scenic Developers, Inc. have claimed the relocation of common boundary exemption on property located west of South 19th Avenue and generally north west of the intersection Kagy Boulevard and South 19th Avenue. Staff report indicates that the request appears to meet the criteria to qualify for an exemption.

Mary R. Catlin and Harvey L. and Sandra M. Welch have claimed the relocation of common boundary exemption on property located in the southeast corner of the intersection of Fowler Lane and Stucky Road. The applicants are proposing to realign the common boundary between proposed Tract 1 and proposed Tract 2. Further, Mrs. Catlin is proposing to aggregate the two acre parcel described on 3 Film 398-400 Plat with the rest of her property. Once the common boundary between Mrs. Catlin's property and Mr. and Mrs. Welch's property is realigned, and once Mrs. Catlin aggregates her property, proposed Tract 1 will be 20.548 acres in size and proposed Tract 2 will be 20.518 acres in size. The subject property is zoned A-S "Agriculture Suburban District" which requires a minimum lot size of 20 acres. Therefore, this boundary realignment will result in two new parcels that are in compliance with the Zoning Ordinance. Staff report indicates that based on staff's review, it appears that this is a proper use of exemption.

Mike & Naomi Wold and Bert & Margaret Dusenberry have claimed the relocation of common boundary exemption to accommodate construction of a barn. No additional tracts are being created. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Request for final plat approval of the Cowan and Skinner First Minor Subdivision. The Cowan and Skinner Minor Subdivision was granted preliminary plat approval by the County Commission on November 12, 1996 subject to 11 conditions of approval. Staff report indicates that based on the information submitted, it appears that the conditions for final plat approval have been met.

Steven and Lissa Barber, and Rockford and Patsy Miller have claimed the relocation of common boundary exemption. The reason for the survey is, a fence and shop encroach on Lot 10, this survey is to keep the shop on Lot 11 and to keep acreage's the same. No additional tracts are being created. Staff report indicates that based on the information submitted this appears to meet the criteria for exemption to subdivision regulations permitted under the Montana Subdivision and Platting Act.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, reported that at the June 10 public meeting bids were opened for a new four wheel drive tractor. At that hearing Sue Shockley, Fair Manager, requested taking those bids under advisement for review, to make a recommendation at today's meeting. Mr. Blackman stated that the recommendation is to award to the low bidder, Gallatin Equipment of Belgrade, in the amount of \$39,539.00. The tractor they are proposing meets all of the defined specifications.

Motion by Bill Murdock to award the bid for a new tractor to Gallatin Equipment of Belgrade in the amount of \$39,539.00 as recommended by the Fair Manager. Seconded by Jane Jelinski. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, reported that on June 15, 1997, he and Bob Isdahl, Facilities Operations Office met with Jack and Susan Davis of Davis maintenance to negotiate the bid received for the janitorial services contract. Davis Maintenance has reduced their bid from \$89,340 per year to \$76,323 per year. The scope of work was not reduced. Mr. Blackman stated that he recommends the Commission award the bid to Davis Maintenance in the amount of \$76,323.00 per year.

Motion by Jane Jelinski to award the bid for janitorial services to Davis Maintenance in the amount of \$76,323.00. Seconded by Bill Murdock. None voting nay. Motion carried.

Clerk and Recorder, Shelley Cheney, stated that the Commission had received a petition on May 20, 1997 to annex the following real property into the Manhattan Rural Fire District: All of Section 5, Township 1 North, Range 4 East, and all of Section 28, 29 and all of Section 32 lying west of Spaulding Bridge Road and north of the East Gallatin River, Township 2 North, Range 4 East, M.P.M., Gallatin County, Montana. Ms. Cheney stated that she has the affidavit of publication, and this item was published in the High Country Independent Press on June 5th and June 12. There was no public comment.

Motion by Bill Murdock to adopt Resolution No. 1997-32, which is a resolution to annex real property into the Manhattan Rural Fire District. Seconded by Jane Jelinski. None voting nay. Motion carried.

Joe Menicucci, Belgrade City Manager, reported that Allen and Associates representing Mountain States Petroleum is requesting summary review for the Mountain States Petroleum Minor Subdivision. The subdivision is located between Bair's Truck Stop and the Rabbit Truck Wash south of the I-90 interchange on the west side of Jackrabbit Lane. The subdivision is proposed to contain two lots. Lot one will consist of 1.331 acres. The remaining lot contains 11.286 acres. Access to the subdivision will be provided by the existing encroachment onto Jackrabbit Lane. The applicant is requesting a variance from Section 6-B-1 of the subdivision regulations, the new lot proposed creates an irregular shape. The reason for the variance request is that with the shape of the existing lot and the limited frontage available there were no other options as to the shape of the lot. The Belgrade City/County Planning Board voted at their June 11, 1997 public meeting to grant preliminary plat approval of the proposed subdivision. If the Commission finds that the Mountain States Petroleum Minor Subdivision is in the public interest the following conditions are suggested to be completed for final plat approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. the location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. 4. A waiver of right to protest creation of Rural/Special Improvement Districts and Water and Sewer Districts shall accompany the final plat. 5. A waiver of right to protest annexation into the City of Belgrade shall accompany the final plat. 6. The developer shall record covenants on the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. All fences bordering agricultural lands shall be maintained by the property owners in accordance with State Law. c. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. d. Site plans of all lots must be submitted for review and approval by the Belgrade Rural Fire District prior to construction. e. All commercial structures must submit plans to the Montana State Building Codes Bureau (or City of Belgrade if property is annexed) and the Belgrade Rural Fire District

for review and approval prior to construction f. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 7. Covenants, a copy of preliminary approval, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 8. A \$496.00 per lot fire impact fee shall be submitted to Gallatin County prior to final plat approval. 9. An encroachment permit must be obtained from the Montana Department of Transportation for the intersection with Jackrabbit Lane. 10. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 11. A copy of the final plat shall be submitted to the Belgrade Rural Fire Department and the Gallatin County Road Department. 12. An NFPA compliant Fire Department Fill Site or approved water supply system shall be in place and operable prior to construction of any buildings. The Fire Department shall approve the plans, specifications, and location of the fill site prior to construction. 13. The applicant must request and be granted a variance for the irregular shape of Tract B. 14. The irrigation canal and easements shown on the preliminary plat shall be shown on the final plat. If approved the applicant shall have three years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Ron Allen, surveyor, addressed the Commission's concerns regarding access to the unsubdivided property and spoke regarding the proposed subdivision. There was no public comment.

Finding that strict compliance would result in un-due hardship, motion by Bill Murdock to grant the variance requested from Section 6-B-1. Seconded by Jane Jelinski. None voting nay. Motion carried.

Finding that the Mountain States Petroleum Minor Subdivision conforms with the Gallatin County Subdivision Regulations and meets the criteria of the Montana and Subdivision and Platting Act, motion by Bill Murdock to grant preliminary plat approval with the conditions as drafted. Seconded by Jane Jelinski. None voting nay. Motion carried.

Debbie Arkell, Bozeman City/County Assistant Planning Director, spoke regarding the William J. Gaffke family transfer exemption. Mr. Allen stated that the applicant has requested that the exemption be withdrawn at this time.

Lanette Windemaker, Gallatin County Planner, reported that Doornbos Partnership is requesting preliminary plat approval for the Doornbos Second Minor Subdivision. The proposed subdivision consists of five lots on approximately 104 acres located on the north side of Pleasant Street and Flying Eagle Way, in the Churchill area. The property has access off Churchill Road, Pleasant Street and Flying Eagle Way. There are no improvements on the property, and it is currently in agricultural use. At their public meeting on May 27, 1997, the Gallatin County Planning Board reviewed the proposed subdivision against the goals and policies of the County Plan, and the criteria for findings of fact. The Planning Board found that the subdivision plat conforms to the County Plan; recommends that the County Commission approve the requested variance for the cul-de-sacs in excess of 1,000 feet in length; the requested variance to not construct the unnamed cul-de-sac; that the County Commission deny the requested variance to not construct the unnamed thoroughfare; and grant preliminary plat approval. The County Commission has two determinations to make with this application: 1. A determination as to whether the requested variances should be granted. And 2. A determination as to whether the proposed subdivision should be approved. If the Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: *"The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever."* 3. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district. 5. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, road easement documents, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the

covenants, documents establishing the property owners' association, easement documents, and certificate prior to final plat approval. 6. The subdivider shall record the following covenants on or with the final plat: a) The property owners shall be responsible for the control of County declared noxious weeds. b) Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c) A statement addressing agricultural uses of neighboring properties in the following form: *Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.* d) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48 hour notice, during construction and after completion. f) The property owners' association shall be responsible for maintenance of the interior subdivision roads. g) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 7. The subdivider shall dedicate to the public the sixty (60) feet of rights-of-way for the roads shown as easements on the plat or shall cause said roads to be made a public road easement. The subdivider shall submit the documentation establishing the easements to the County Attorney's office for approval of the easements in accordance with the Subdivision Regulations. 8. The subdivider shall improve the unnamed thoroughfare, shown as an easement on the plat, to County gravel standards; to include a paved approach off of Churchill Road, and stop and street signs, in accordance with the Subdivision Regulations. All road work to be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Office that the roads has been brought to County gravel standards prior to final plat approval or under an improvements agreement in accordance with the Subdivision Regulations. 9. The subdivider shall name the roads, shown as easements on the plat. The subdivider shall submit the road names to the County Road office for review and approval prior to final plat approval. 10. The subdivider shall describe the irrigation ditch easement on the final plat. 11. The subdivider shall establish a property owners' association for enforcement of the required covenants. 12. The subdivider shall obtain an encroachment permit for the access at Churchill Road prior to final plat approval. 13. The subdivider shall provide a covenant which assures the maintenance of Flying Eagle Way and Pleasant Street. If the subdivider proposes to join the property owners' association for Minor Subdivision No. 119 to provide joint maintenance, then the subdivider shall provide a written agreement from the property owners' association for Minor Subdivision No. 119. 14. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot (\$2,480) prior to final plat approval. 15. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

Dennis Foreman, Gaston Engineering, spoke on behalf of the applicant. Mr. Foreman stated that the applicant is in agreement with all of the conditions for final plat approval. Mr. Foreman then spoke regarding the variance requested to not build the road. Mr. Foreman stated that this is prime agricultural land, when irrigated, and if roads were put in they would interfere with the wheel line irrigation system that is set up on this land. Marvin Doornbos, applicant, spoke regarding this being the 2nd Minor Subdivision request. Mr. Doornbos stated that his family is dissolving a partnership and would like to be able to give a piece of land to each family member. Commissioner Murdock questioned the reasoning for not wanting to build either of the roads? Mr. Doornbos responded by stating that we would like to leave this land in ag use and would like only to show easements at this time. Dennis Foreman, Gaston Engineering, stated that we could show a designated building site on each lot, with a 100 foot strip from the property line. Sam Gianfrancisco, County Road Superintendent, spoke regarding the request to not to construct the roads.

During the public portion Doug Dyk spoke. Mr. Dyk stated that he leases and farms this land. He requested the road not have to be built. There was no other public comment.

Commissioner Murdock stated that there are already three public streets in place at this time that are built to county standards, he feels that the request for the variance to allow cul-de-sac lengths to exceed 1,000 feet is fair. Finding that it would create undue hardship and would not detriment the public health, safety and welfare, motion by Bill Murdock to grant the variance to allow the cul-de-sac length to exceed 1000 feet.

Finding that it would not serve the public interest and based on the advice of the County Road Superintendent, motion by Jane Jelinski to grant the variance to not to construct the unnamed cul-de-sac. Seconded by Bill Murdock. None voting nay. Motion carried.

Finding that this is only a 4 lot minor, there are already built to county standard public accesses, motion by Bill Murdock to grant the variance to allow the applicant to not construct the roads in order to allow the ag production to stay in progress. To have it shown as a 60 foot public easement or dedicated right-of-way. Seconded by Jane Jelinski for purposes of discussion. Bill Murdock and Phil Olson voting aye. Jane Jelinski voting nay. Motion carried.

Commissioner Jelinski stated that she has a concern of condominiums going in on those lots without secondary access and roads that have been built. Commissioner Murdock proposed an additional covenant to read: The final plat shall show building envelopes on each lot, 150 feet from Flying Eagle Way, Pleasant Way and the northwest access for lot 4. Dennis Foreman, Gaston Engineering, addressed Commissioner Jelinski's concern with the suggestion of adding a restriction of allowing one single family residence within each building envelope. The following condition was suggested by Commissioner Jelinski, it would be condition no. 17 which would read as follows: A restriction shall be placed on the final plat that each lot shall be limited to one single family residence, to be constructed within a building envelope. The building envelope shall be located within 150 feet of Flying Eagle Way, Pleasant Street or the northwest access for lot 4. Until such time as the lots are further subdivided. Commissioner Murdock suggested language that states: The building envelope shall be located within 150 feet of Flying Eagle Way, Pleasant Street or the northwest access for lot 4.

Commissioner Jelinski stated that she would like to continue this for one week to work on condition 17. Dennis Foreman stated that would be acceptable to the applicant. Motion by Jane Jelinski to continue this for one week. Seconded by Bill Murdock. None voting nay. Motion carried.

Jennifer Bourquist, Gallatin County Planning, reported that John P. Zuelke has requested preliminary plat approval for a minor subdivision located southeast of the intersection of Trident and Carpenter roads. The proposed subdivision consists of five lots averaging 11.6 acres in size. The property has access off Carpenter and Trident roads. Lot 5 was created in February 1995 by an agricultural exemption. With this application, the subdivider proposes to eliminate this restriction. The subdivider has requested one variance to the Gallatin County Subdivision Regulations: A variance from Section 7-A-2 regarding design and improvement standards - roads, to not provide right-of-way and construction of a road to adjacent, un-subdivided land. The County Commission has two determinations to make with this application: 1. A determination as to whether to grant the requested variance. And 2. A determination as to whether the proposed subdivision should be approved. If the County Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: *The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.* 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of Rural Improvement Districts, Local Improvement District and/or the creation of a sewer and/or water district. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owner's association and certificate prior to final plat approval. 7. The subdivider shall establish a property owners' association for the enforcement of the required covenants. 8. The subdivider shall record the following covenants on or with the final plat: a) The property owners shall be responsible for the control of County-declared noxious weeds. b) Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c) A statement addressing agricultural uses of neighboring properties in the following form: *Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise.*

Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late in the evening. d) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire sprinkler systems meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled during construction and after completion. f) The property owners' association shall be responsible for maintenance of Zuelke-Sac Road. g) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 9. The subdivider shall dedicate to the public thirty (30) feet of Carpenter Road along the length of the property. 10. The subdivider shall obtain an encroachment permit for Zuelke-Sac Road onto Carpenter Road. Zuelke-Sac shall provide access to lots 1, 2 and 3. Lots 1, 2 and 3 shall have no other access onto Carpenter Road. 11. The subdivider shall obtain encroachment permits for both lots 4 and 5 onto Trident Road. 12. Access to Trident Road shall not be provided to lots 1, 2 or 3 and the plat shall be so noted. 13. The subdivider shall make Zuelke-Sac Road a sixty (60) foot road, dedicated to the public, built to county gravel standards, including a street and stop sign, in accordance with the Subdivision Regulations, with an approved turn-around. All road work shall be inspected and certified by a registered civil engineer. 14. A wetlands investigation shall be conducted by a certified consultant and if a wetlands if found to be present, a wetlands delineation will be required. 15. The subdivider shall provide a Letter of Map Amendment (LOMA) removing the tract of land from the floodplain. 16. The subdivider shall make payment of fire impact fees to the Gallatin County Planning Office in the amount of \$496 per lot (\$2,480). 17. The subdivider shall provide a private 60-foot easement from Trident Road to unsubdivided property to the east. 18. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.

Doug Daniels, engineer, spoke regarding the subdivision to clarify questions of the Commission. Ron Allen, surveyor, spoke regarding the private easement across the Langel property (Lot 5). Mr. Allen stated that we cannot make that access across the south end of lot 5 a public road without complications. John Zuelke, applicant, spoke regarding the access to the Gillingham property.

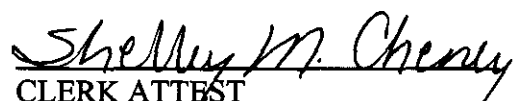
During the public portion Wayne Langel, owner of Lot 5, spoke regarding the proposed subdivision.

During board discussion the Commission concurred that it is important to have access to unsubdivided lands which mitigates public health and safety concerns. Finding that it is not in the interest of the public health, safety or welfare, motion by Bill Murdock to deny the request for a variance to not provide right-of-way and construction of a road to adjacent, un-subdivided land. Seconded by Jane Jelinski. None voting nay. Motion carried.

Finding that this application for a 5 lot minor subdivision meets the criteria of the Montana Subdivision and Platting Act, motion by Jane Jelinski to grant preliminary plat approval with the conditions as follows: Conditions 1 through 16 as drafted. Amend condition no. 17 to read: The subdivider shall provide a 60-foot public easement from Trident Road to the Gillingham property to the east. The location to be reviewed and approved by the County Road Supervisor and the County Attorney's Office. And condition no. 18 as drafted. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:44 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 24th DAY OF JUNE, 1997**

The meeting was called to order by Chairman Phil Olson at 1:33 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JUNE 16, 1997

120 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioners met with Health Officer Jackie Stonnell and Fiscal Officer Ed Blackman regarding the lease of the Planalp property and discussed the health and welfare needs. The Commission decided Jackie Stonnell will submit a letter outlining the specific needs of the Health Department as soon as possible.
- Commissioner Jelinski met with County Attorney Marty Lambert to discuss Senate Bill 195 and special election requirements for the 911 budget.
- Commissioners met with MSE-HKM representative Greg Underhill regarding landfill gas monitoring and agreements.
- Commissioners met with Acting City Manager Ron Brey, City Engineer Phil Forbes, and Road and Bridge Supervisor Sam Gianfrancisco to discuss Oak Street right-of-way crossing the county fairgrounds. The Commissioners decided to have the fairgrounds land appraised to provide a basis for valuation.
- Commissioners attended a meeting of the Capital Facilities Committee. In attendance were Fairgrounds Supervisor Sue Shockley, Facilities Officer Bob Isdahl, Data Processing Supervisor Bill Baldus, Public Assistance Director Joan Davies, Human Services Director Stephanie Nelson, Health Officer Jackie Stonnell, Auditor Joyce Schmidt, GIS Coordinator Allen Armstrong, Fiscal Officer Ed Blackman, County Attorney Marty Lambert, Planning Director Dale Beland, and Grants Administrator Larry Watson, and Rob Pertzborn from Prugh & Lenon Architects. Items discussed included a County Facilities Master Plan, the new office building at the Fairgrounds and associated utility improvements; Phase One of the Courthouse renovation; the Detention Center Task Force; 911 funding and the interim 911 facility; plans for leased office space at the Planalp Building, and the Law and Justice Center parking lot.
- Commissioners had their regular monthly meeting with Grants Administrator Larry Watson.
- Commissioner Olson attended the regular meeting of the Extension Advisory Board.

JUNE 17, 1997

- Commissioners had the regular monthly meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, and Deputy Attorney Gerry Higgins. Planning Director Dale Beland attended the meeting and the topics discussed included a Zoning Enforcement Agent contract and the airport influence area.
- Commissioners conducted the regular public meeting.
- Commissioner Murdock attended the regular meeting of the Detention Center Task Force.

JUNE 18, 1997

- Commissioners Jelinski and Olson attended the Montana Association of Counties Public Lands Informational Meeting at the Yogo Inn in Lewistown.
- Commissioner Murdock, along with the road viewing committee, viewed Indigo Road to consider the abandonment of a portion of the road.
- Commissioner Murdock attended the regular meeting of the Gallatin Development Corporation.
- Commissioner Olson attended the bi-monthly meeting of the Landfill Advisory Board.
- Commissioner Jelinski attended a Reach, Inc. meeting regarding a new group home proposal.

JUNE 19, 1997

- Commissioners attended a Zoning Hearing in West Yellowstone.
- Commissioners Olson and Jelinski attended the West Yellowstone Hebgen Basin Solid Waste District Board regular meeting held in West Yellowstone.

JUNE 20, 1997

- Commissioner Jelinski met with the Search Committee for the Health Officer replacement.
- Commissioners Olson and Murdock attended a meeting regarding the Planalp property lease.
- Commissioners Olson and Murdock attended the Southwest Regional Juvenile Detention Meeting and the agenda included non-secure detention as an alternative to detention, new federal legislation pending regarding funding for construction for juvenile detention centers, and a report on the budget.
- The following County board appointment was made by the Commissioners during the week June 16: Clyde Seely was reappointed to West Yellowstone/Hebgen Basin Refuse District Advisory Board on June 17th.
- Received claims in the amount of \$389,890.94.

The following items were on the consent agenda:

Victor and Mary Cavalier and Trevor and Eleanor Povah have claimed the relocation of common exemption to improve setbacks along three tracts of land. No additional tracts are being created. Staff

report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Thomas Rue has claimed the family transfer exemption to create a 40.59 acre tract of land to transfer to his daughter, Amy Rue. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

John and Louis Heetderks have claimed the family transfer exemption to create a tract of land for their daughter, Nancy J. Linn. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Charles and Patricia Kirk have claimed the family transfer exemption to create three tracts of land to be transferred to Douglas Allan Kirk and David Scott Kirk, their sons and Diane Kirkpatrick, their daughter. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Jim and Dorothy Soares have claimed the relocation of common boundary to provide additional area around a building site. No additional tracts are being created. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Commissioner Murdock presented certificates of appreciation to the Montana Conservation Corp. Members and Belgrade High School Students for their community service during recent flooding.

Mark Deyer, Regional Crew Supervisor of the Montana Conservation Corp. and Steve Nelson, Executive Director of the Montana Conservation Corp. spoke regarding the services.

Ed Blackman, Fiscal Officer, spoke regarding the continuation of a hearing on the proposed Logan Landfill Tipping Fees and additional special fees. Mr. Blackman presented the Commission with Resolution No. 1997-33, which is a resolution amending the tipping fees established by the Gallatin County Commission in September, 1994.

Motion by Jane Jelinski to adopt Resolution No. 1997-33. Seconded by Bill Murdock. None voting nay. Motion carried.

Randy Johnson, Gallatin County Senior Planner, reported that Ed Matos of Bridger Engineers Inc., representing Grayling Partners, L. C., has requested preliminary plat approval for the Lookout Subdivision Phase I. The proposed subdivision will consist of 11 single-family residential lots which will also include 15 acres of common open space. The property is located north of the Grayling Arm at Hebgen Lake, above the Narrows commercial area, between Highway 287 and the Gallatin National Forest. Primary and secondary access to the subdivision will be provided at two locations off State Highway 287. Access to Lot 1 will be provided by the north end of Hackert Drive, which is an existing public road within the Yellowstone Holiday No. 1 Subdivision. The applicant is requesting three variances from the Road Design and Improvement Standards of the Gallatin County Subdivision Regulations. Variance No. 1: Section 7., Table 1 which requires all collector and minor subdivision streets to have a minimum 60 foot right-of-way. Access to Lot 1 is provided by an existing public road within the Yellowstone Holiday No. 1 Subdivision. The road, Hackert Drive, is recorded as a 40 foot dedicated right-of-way. The applicant is requesting the variance to allow a 40 foot right-of-way for access to Lot 1. The north end of Hackert Drive serves five existing lots. According to the applicant, because of topographic restraints in the northwest corner of the proposed subdivision, access to Lot 1 is best served by the existing road (Hackert Drive) within the Yellowstone Holiday No. 1 Subdivision. The applicant has stated that Lot 1 will share in the road maintenance of Hackert Drive. Variance No. 2: The applicant has requested a variance to provide a 14 foot emergency access easement as the second means of access to the subdivision. The road easement will connect to the parking lot and road system of the Phase II development. Prior to development of Phase II, the access road will follow the Phase II road alignment back to the Highway. This access will be maintained and plowed during the winter. The applicant has provided the following reasons for the variance request: The intent of the owners was to develop a private setting for the single family lots with the hope of forming a neighborhood atmosphere. They fear that providing a second county road access would encourage traffic to drive through at higher speeds. Variance No. 3: The applicant is requesting the variance from the requirement to provide access

to adjacent un-subdivided lands. The topography consists of very steep slopes and is heavily forested. Public access to the National Forest in this area is provided by Red Canyon Road, approximately one half mile to the east of the proposed subdivision. Access to adjacent private properties can be provided by Highway 287. According to the applicant, providing access in this area will encourage more traffic in the residential neighborhood and more disturbance to wildlife. Gary Benes, District Ranger for the Hebgen Lake Ranger District, has stated that the Forest Service has no intentions to subdivide the property north of the Yellowstone Holiday subdivision, nor do they have any land exchange proposals that would include this area. The applicant has also requested a variance from the fire protection requirements of the County Subdivision Regulations. Section 6.E.1 provides the following: If a subdivision is not located in a fire district or fire service area, one of the following alternatives shall be met: a. If contiguous to a fire district or fire service area, annex to the district or area. b. If the annexation is unsuccessful, contract for fire protection service or form a new fire district. Or c. Other reasonable protection as recommended by the Fire Chief, his designee or the fire district and approved by the County Commission. In support of the variance request, the applicant has stated that they are committed to the formation of a fire district, and will lend their support and resources to help complete the formation. On October 17, 1996, the proposed subdivision received planned unit development (PUD) approval by the Hebgen Lake Planning and Zoning Commission.

The County Commission needs to make the following determinations: A determination as to whether or not the four requested variances should be granted. And a determination as to whether or not the proposed subdivision meets the requirements of Section 76-3-608 MCA. If the County Commission finds that the proposed subdivision meets the requirements of Section 76-3-608 MCA, the following conditions should be considered for preliminary plat approval, to be completed prior to final plat approval: 1. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 2. State Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City/County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. The developer shall obtain an approved weed management plan from the Gallatin County Weed Control District prior to any construction projects within the site. The approved weed management plan shall be submitted to the Gallatin County Planning Department prior to final plat approval. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 4. A survey marker shall be placed in the center of each residential building envelope. 5. Interior road plans, road maintenance plans, drainage plans, lot access plans, and sign plans shall be submitted to the County Road & Bridge Department prior to the construction of all interior subdivision roads. 6. Lake Trail Road and Look-Out Trail Road shall have a 60 foot dedicated right-of-way, and each cul-de-sac shall have a 50 foot radius dedicated right-of-way. 7. A second access road shall be provided from the west end cul-de-sac of Look-Out Trail Road to Highway 287. The road shall be within a 60 foot public easement right-of-way. The subdivider shall submit the documentation establishing the public road easement to the County Attorney's Office for approval of the easement in accordance with the Gallatin County Subdivision Regulations. 8. All interior subdivision roads shall be constructed to county gravel standards. 9. Hackert Drive, located within the Yellowstone Holiday Subdivision No. 1, which provides access to Lot 1 of the Look-Out Subdivision, shall be improved to county gravel standards. 10. All road construction shall be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road & Bridge Department that the roads have been brought to county gravel standards prior to final plat approval. 11. The subdivider shall enter into an agreement with the Yellowstone Holiday Subdivision No. 1 Homeowner's Association for the shared maintenance of Hackert Drive. The agreement shall be reviewed and approved by the Gallatin County Road & Bridge Department. 12. All road names shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 13. Street signs, stop signs, and speed limit signs shall be installed or bonded prior to final plat approval. 14. The final plat shall contain a statement requiring lot access to be built to the standards of Section 6.E.18(a) of the Gallatin County Subdivision Regulations. 15. All utility easements are to be shown on the final plat. Utility easements shall be centered along side and rear lot lines wherever possible, and shall be twenty (20) feet wide. Underground utilities, if placed in the road right-of-way, shall be located between the roadway and the right-of-way line. Such underground facilities shall be installed or utility culverts provided before the road is surfaced. In addition, the following statement must appear on the final plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as 'Utility Easement' to have and to hold forever". 16. The subdivider shall cause the subdivision to be included in a fire district or fire service area prior to final plat approval. 17. The subdivider shall provide a water supply for fire protection in accordance with the Gallatin County Subdivision Regulations. The subdivider shall have the fire district/fire service area review and approve the water supply prior to final plat approval. The subdivider

shall obtain written verification from the fire district/fire service area that the required water supply has been provided. 18. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, and a fire district or fire service area. 19. A Homeowners' Association for the Look-Out Subdivision Phase I shall be created. 20. Covenants for the subdivision shall include the following provisions: a. The title to the common open space property shall be placed with the homeowners' association. b. Restrict title to private and common open space property so that residential buildings and related structures may not be constructed thereon. c. Permanently limit the uses of the private and common open space property to agriculture, recreation, and open space uses. d. Give each lot owner the right to use the common open space property. e. Place responsibility for operation and maintenance of roads and common open space property in the homeowners' association. Common open space property shall be maintained in its natural state. f. Plans for residential and accessory structures on slopes greater than 15% shall be certified by a licensed engineer prior to construction. g. The homeowners' association shall be responsible for the control of noxious weeds within all common open space areas and road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. h. All structures shall be constructed in compliance with the Uniform Building Codes, and the National Fire Protection Association (NFPA) codes. i. All new residential dwellings built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with automatic fire sprinkler systems meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspection shall be scheduled, with 48 hour notice, during construction and after completion. j. All new power lines shall be installed underground. k. Roofing materials shall only be Class A or B fire-rated. Wood shakes or shingles shall not be permitted. l. All roofs shall have a minimum pitch of 4 to 12. m. Spark arrestor screens shall be placed on all fireplace and wood stove chimneys. n. Smoke detectors shall be installed on each level of dwelling units. o. Defensible space shall be created around habitable structures. The defensible space shall be of the minimum size as determined by the Wildland Residential Interface Development Guidelines. p. Open fires shall be prohibited, except at designated locations. q. The artificial feeding of all big game wildlife shall be prohibited. r. All garbage shall be stored in bear-proof containers or otherwise be made unavailable to bears. s. Owners acknowledge that wildlife damage to landscaping will occur, and shall accept that risk and shall not file claims against the owners association or any other governing body for such damages. t. Fencing along the exterior boundaries of lots shall be prohibited. u. The taking of any wildlife species with the property is prohibited, except for catching fish. v. Pets shall be controlled by each owner, and not allowed to roam within the subdivision. w. Horses shall be confined to corrals and feeding areas. x. Trails shall be maintained by the homeowners' association. y. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 21. Two copies of covenants, a copy of the preliminary approval document, documents establishing the homeowners' association, road easement documents, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the homeowners' association, easement documents, and certificate of title abstract prior to final plat approval. 22. The developer shall have three (3) years to complete the above conditions and apply for final plat approval.

Zeke Dumke, and Ed Matos, applicants, spoke regarding the proposed subdivision and answered questions of the Commission. The applicants requested that condition no. 9 be eliminated.

Bryan Connelley, Belgrade Fire Marshall, spoke regarding sprinkler systems that are being required and the wildland interface fire protection standards. There was no other public comment.

Finding that it is in the public interest to allow access to Lot 1 from Hackert Drive, which is already improved to a 40 foot width and that there will only be one lot accessing onto this road, motion by Jane Jelinski to grant variance no. 1. Seconded by Bill Murdock. None voting nay. Motion carried.

Finding that the adjacent unsubdivided land to the north is National Forest and that it has been stated by the District Ranger that this adjacent land will not be subdivided, motion by Bill Murdock to grant variance no. 3. Seconded by Jane Jelinski. None voting nay. Motion carried.

Sam Gianfrancisco, County Road Supervisor, answered questions of the Commission regarding variance no. 2 that is being requested. Mr. Gianfrancisco stated that after listening to the testimony today he can support the variance no. 2 request. Along with that his recommendation would be to not require any emergency access at this time. Mr. Gianfrancisco's concern is that if the road was built as an emergency access, people are going to use it and it would be a substandard road.

Finding that the public health, safety and welfare is not jeopardized, motion by Jane Jelinski to grant the variance no. 2 and require that the 14 foot emergency access not be constructed. Seconded by Bill Murdock. None voting nay. Motion carried.

Motion by Bill Murdock to deny the variance request from the fire protection requirements of Section 6.E.1., finding that the efforts to establish a fire district are underway. Seconded by Jane Jelinski. None voting nay. Motion carried.

Finding that the proposed Lookout Subdivision meets the criteria of the Montana Subdivision & Platting Act, motion by Jane Jelinski to grant preliminary plat approval with the conditions as follows: Conditions 1 through 6 as drafted. Delete condition 7. Condition 8 as drafted. Amend condition 9 to read: Hackert Drive, located within the Yellowstone Holiday Subdivision No. 1, which provides access to Lot 1 of the Look-Out Subdivision, shall be improved to a 40 foot county gravel standard. Conditions 10 through 20. s. as drafted. Amend condition 20. t. to read: Fencing along the exterior boundaries of lots shall be prohibited, except along the north side of Look-Out Trail Road. Condition 20. u. through 22 as drafted. Add condition 23 to read: The developer shall petition to join the Yellowstone Holiday Water & Sewer District. Seconded by Bill Murdock. None voting nay. Motion carried.

Lanette Windemaker, Gallatin County Planner, explained that the Commission tabled the decision to grant preliminary plat approval of the Doornbos second or subsequent minor subdivision because of a concern of condition no. 9. The original condition reads as follows: The subdivider shall improve the unnamed thoroughfare, shown as an easement on the plat, to County gravel standards; to include a paved approach off of Churchill Road, and stop and street signs, in accordance with the Subdivision Regulations. All road work to be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Office that the roads have been brought to County gravel standards prior to final plat approval or under an improvements agreement in accordance with the Subdivision Regulations.

Planner Windemaker suggested the following modification to condition no. 9 to read as follows: The subdivider shall record the following covenant with the plat: Each lot shall be limited to one single family dwelling prior to the construction of the road or roads, shown as public easements on the final plat, to provide a second access. Each such dwelling shall be located within a building envelope which shall be within 150 feet of Flying Eagle Way, Pleasant Street, or the northwest corner of Lot 4 south of the road easement. The lots shall not be further subdivided prior to the construction of the road or roads, shown as public easements on the final plat, to provide a second access. Construction of the roads, shown as public easements on the final plat, shall be in accordance with the Subdivision Regulations.

Dennis Foreman, Gaston Engineering, stated that the applicant is in agreement with all of the conditions of preliminary plat approval.

Finding that the Doornbos Second Minor Subdivision is in the public interest and meets the criteria of the Montana Subdivision & Platting Act, motion by Jane Jelinski to grant preliminary plat approval with the 16 conditions as originally drafted, amending condition no. 9 as indicated by staff. Seconded by Bill Murdock. None voting nay. Motion carried.

Gerald Reed, Assistant Belgrade City/County Planning Intern, reported that Innovative Engineering for Gordon and Julia Hardaway is requesting preliminary plat approval for Hardaway Minor Subdivision. The proposed subdivision is located approximately one mile south of the I-90 interchange on the eastern boundary of Jackrabbit Lane and will contain four lots. Access to the subdivision will be provided by the existing encroachment onto Jackrabbit Lane. Approximately the first 800 feet of proposed Hardaway Minor Subdivision is Zoned B-2 which has an existing Veterinary Clinic at this time. The applicant has requested that the fire impact fee for Lot 2 be waived because there is an existing house on the lot which would not create any new impact. The Planning Board voted at their June 11, 1997 public meeting to recommend that the fire impact fee be waived for Lot 2 and recommended preliminary plat approval be granted for the subdivision. If the County Commission determines that the proposed subdivision is in the public interest the following conditions are suggested: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be

obtained for the subdivision. 4. A waiver of right to protest creation of Rural Improvement Districts and Water and Sewer Districts shall accompany the final plat. 5. A waiver of right to protest annexation into the City of Belgrade shall accompany the final plat. 6. A Property Owner's Association shall be established. 7. The developer shall record covenants on the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the Homeowners in accordance with State Law. d. The property owner's association shall be responsible for the maintenance of access roads. e. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. f. Site plans of all lots must be submitted for review and approval by the Belgrade Rural Fire District. g. All commercial structures must submit plans to the Montana State Building Codes Bureau (or City of Belgrade if property is annexed) and the Belgrade Rural Fire District for review and approval prior to construction. h. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 8. Covenants, a copy of preliminary approval, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 9. A \$496 per new lot fire impact fee shall be submitted to Gallatin County prior to final plat approval. 10. Encroachment permits must be obtained from the Montana Department of Transportation for the intersection with Jackrabbit Lane. 11. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 12. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 13. The final plat will show all irrigation ditches with required easement necessary for cleaning and maintenance. 14. The access road must be constructed to County gravel standards from Jackrabbit Lane to the east boundary of Lot 3 and a temporary cul-de-sac or "T" turn around constructed to county standards at its east end, and the road shall be named with the name approved by the Road Department. 15. The north 30 feet of the access road along the entire southern boundary of property shall be dedicated to the public and shown on the final plat, and the 30 feet shall be a public easement approved by the Gallatin County Attorney's Office and filed with the Gallatin County Clerk and Recorder as a separate document. 16. In order to provide adequate water supply for fire protection, the developer shall meet one of the following conditions: A. An NFPA compliant Fire Department fill site shall be in place and operable prior to construction of any buildings. The Fire Department shall approve the plans, specifications, and location of the fill site prior to construction. OR B. The covenants shall contain the following provisions: 1. An automatic fire sprinkler system meeting the requirements of NFPA 13R and the Gallatin County Subdivision Regulations shall be installed in all new structures. 2. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval. 3. Inspections will be scheduled with a 48 hour notice, during construction and completion. 17. The final plat shall contain a statement informing lot owners that a Veterinary Hospital is located within the subdivision which will generate animal odors and noises. 18. The final plat shall show an easement for the septic drainfield which is located on lots 2 and 3. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Commissioner Jelinski questioned where the irrigation ditches are located and why isn't the road extended to the back of lot 4. Jason Karp, Belgrade City/County Planner stated that the back portion of lot 4 is accessed by Alaska Road. Sam Gianfrancisco, County Road Superintendent, stated that his recommendation is to build the road to the back of lot 4. Terry Threlkeld, Innovative Engineering, answered questions from the Commission regarding the access to lot 4 from Alaska Road. Mr. Threlkeld suggested continuing this item until the applicant can meet with Sam to discuss the lot 4 access. There was no public comment.

Motion by Bill Murdock to continue this until the developer can work out the easement details with the County Road Superintendent. Seconded by Jane Jelinski. None voting nay. Motion carried.

Jason Karp, Belgrade City/County Planner, reported that Rocky Mountain Engineers representing Belgrade Commercial Park Corporation is requesting preliminary plat approval for Belgrade Gardens Subdivision. The subdivision is located west of Belgrade on the north side of Highway 10 east of the proposed Belgrade Commercial Park Subdivision and is proposed to contain 139 lots. The subdivision

will be developed in two phases. Access to the subdivision will be provided by Old Highway 10 to the south, and the Belgrade Commercial Park road network to the west. No individual lots will be served by Highway 10. The subdivider is also requesting a waiver of fire impact fee for one lot because of an existing house on the property. The Belgrade City/County Planning Board voted at their June 11, 1997 public hearing to recommend preliminary plat approval of the subdivision and that the fire impact fee for one lot be waived because there is an existing house on the lot which will provide no new impact. There is concern that the large number of individual septic systems on the site may cause harm to ground water. The developer will have to undergo review and approval by the State Department of Environmental Quality as required by State Law, however the Planning Board strongly encouraged the developer to install a central sewer system for the subdivision to mitigate the impacts to ground water. If the County Commission determines that the proposed subdivision is in the public interest the following conditions are suggested: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. 3. The developer shall record with the final plat a waiver of right to protest creation of Rural Improvement Districts and Water and Sewer Districts. 4. The subdivision shall be seeded and controlled for noxious weeds. A Memorandum of Understanding will be signed between the weed district and developer prior to final plat approval. 5. A \$496 per new lot Fire Impact Fee shall be submitted to Gallatin County. 6. All utility easements shall be shown on the final plat. In addition, the following statement must appear on the final plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 7. A copy of the final subdivision plat shall be submitted to the Belgrade Fire Marshall's Office and the Gallatin County Road Department prior to final plat approval. 8. A Homeowner's/Property Owner's Association shall be established. 9. The developer shall record covenants with the final plat including the following provisions: a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the Property Owner's Association, in accordance with State Law. d. All roads within the subdivision shall be maintained by the Property Owner's Association. e. The Property Owner's Association shall participate with the Belgrade Commercial Park Subdivision for shared maintenance of roads passing through both developments. f. Site plans for commercial lots must be submitted to the Belgrade Fire District prior to beginning construction. g. Plans for all commercial structures must be submitted for review and approval by the Belgrade Rural Fire District and Montana Building Codes Bureau. h. Outside Storage, Enclosure Required-All persons accumulating, depositing, or storing salvage, raw material, manufacturing material, building material, or other materials within the subdivision, when the accumulating, depositing, or storing thereof shall be without a building or not within a building, shall enclose surrounding said materials with a sight obscuring fence or vegetative buffer approved by the property owners association which is sufficient to enclose said materials from public view from outside the enclosure. i. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 10. Covenants, a copy of preliminary approval, and a certificate of licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 11. All interior subdivision roads shall have 60 foot right-of-ways, be dedicated to the public, and be constructed and paved to County Standards prior to final plat approval or a bond shall be posted in the amount equal to 125% of the estimated cost of the paving in accordance with Gallatin County Subdivision Regulations. 12. All plans and specifications for roadways, drainage, and placement of street signs shall be approved by the Gallatin County Road Department prior to final plat approval. 13. Stop signs and road name signs shall be installed to Gallatin County Standards or a bond shall be posted with the Gallatin County Road Department to cover the costs of the signs. 14. The final plat shall show a no-access strip for vehicles on all lots bordering Old Highway 10. 15. Encroachment permits for the entrances onto Old Highway 10 must be obtained from the Montana Department of Transportation. 16. Plans for the fire protection system or fill site and hydrant locations shall be reviewed and approved by the Belgrade Rural Fire Department prior to installation of the system. 17. A Fire Department Fill Site or approved fire protection water supply system shall be installed to Belgrade Rural Fire District specifications and be inspected and approved by the Belgrade Rural Fire Department prior to final plat approval. 18. The final plat shall contain a warning stating that irrigation ditches may be hazardous to small children. 19. A Fire Department Fill Site or approved fire protection water supply system shall be installed to Belgrade Rural Fire District specifications and be inspected and approved by the Belgrade Rural Fire Department prior to final plat approval. 20. The final plat shall contain a warning stating that irrigation ditches may be hazardous to small children. 21.

The final plat shall show a 15 foot easement along one side of the irrigation ditch and a 5 foot easement on the other side of the irrigation ditch for cleaning and maintenance. 22. The final plat shall show a 20 foot easement, dedicated to the public, along the entire southern boundary of the subdivision for additional highway right of way. 23. The final plat shall contain a statement that lot owners are made aware that there are no water rights for Belgrade Gardens Subdivision from canals passing through the subdivision. 24. An access road to the unsubdivided land north of the subdivision shall be constructed to Gallatin County Standards and approved by the Gallatin County Road Department. 25. Black Hawk Lane or Moon Beam Drive must be extended to the east property line. 26. In order to provide the necessary secondary access, roads which tie into Belgrade Commercial Park Subdivision must be constructed and paved to County Standards within Belgrade Commercial Park Subdivision and be dedicated to the public prior to final plat approval of Belgrade Gardens Subdivision, therefore Belgrade Commercial Park Subdivision must receive final plat approval prior to final plat approval of Belgrade Gardens Subdivision. 27. Roads providing access to future Phase sites or unsubdivided land shall end in a temporary cul-de-sac constructed to Gallatin County Standards. Other proposed cul-de-sacs indicated on the preliminary plat shall be permanent and constructed to Gallatin County Standards (Briar Place, Hale-Bopp & Moon Beam or Black Hawk). 28. A waiver of right to protest creation of Rural Improvement Districts for improvements and traffic control devices at the intersection of Jackrabbit Lane and Old Highway 10 (MT 205) shall accompany the final plat. 29. Due to the high concentration of septic systems the subdivider shall review the feasibility of creating a sewer maintenance district and central sewer system for the entire subdivision. This review may include the consideration of a revise preliminary plat which would be accepted under the original application. The developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. If the applicant elects to submit a final plat for each phase, only the conditions which apply to that phase must be completed before final plat approval.

Commissioners asked questions regarding parkland, ditch easements for ditch maintenance and the feasibility of creating a central sewer system. Ray Center, Rocky Mountain Engineers and Russ Estes, developer answered questions of the Commission and spoke regarding the ground water, the feasibility of creating a central sewer system, the location of Astor Road and access to unsubdivided land.

Bryan Connelley, Deputy Fire Marshall for Belgrade, addressed concerns regarding fire protection. Sam Gianfrancisco, County Road Superintendent, spoke in support of not building the road back to the unsubdivided land. Mr. Gianfrancisco's concern is of adding too much traffic onto Hwy. 10. During the public portion Terry Threlkeld spoke of a concern of the amount of individual septic systems going in that area. There was no other public comment.

Commissioner Murdock stated that he has concern with all of the high density subdivision going on in the Belgrade area and encouraged the developer to look into putting in a central sewer system. Commissioner Jelinski concurred with Commissioner Murdock and suggested that the Commission send a letter to The Department of Environmental Quality to alert them of the fact of approximately 1000 lots going in this area on individual septic systems.

Finding that the Belgrade Meadows Subdivision meets the criteria of the Montana Subdivision & Platting Act and the Belgrade Planning Board recommended approval, motion by Bill Murdock to grant preliminary plat approval with the following conditions: Condition 1 through 9. I. as drafted. Add condition 9. j. to read: All parkland shall be maintained by the Homeowner's Association in accordance with the County Recreation Plan. Conditions 10 through 18 as drafted. Amend condition 19 to read: An approved fire protection water supply system shall be installed to Belgrade Rural Fire District specifications and be installed to Belgrade Rural Fire District specifications and be inspected and approved by the Belgrade Rural Fire Department prior to final plat approval. Conditions 20 through 23 as drafted. Delete original condition no. 24 and renumber the rest of the conditions and leave them as drafted by staff. Add a condition to read as follows: The developer shall dedicate to the public acreage for parkland as shown on the preliminary plat, to be consistent with State Law and Gallatin County Subdivision Regulations and County Recreation Plan. Seconded by Jane Jelinski. None voting nay. Motion carried.

Motion by Jane Jelinski that the County Commission send a letter to the Department of Environmental Quality advising them that the Commission has given preliminary plat approval for the Belgrade Gardens Subdivision. To alert them to the fact that this Commission is concerned about the accumulative impacts of approximately 1000 approved subdivision lots in the vicinity that are proposed to have individual septic systems. And ask them that when they review this subdivision to give this special scrutiny. Seconded by Bill Murdock. None voting nay. Motion carried.

128 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Sam Gianfrancisco, presented the Commission with emergency Ordinance No. 97-01, which is an ordinance to close Clarkston Road to truck traffic. Due to the very wet conditions from the spring flooding, that road is very soft and being torn up.

Motion by Jane Jelinski to adopt this emergency Ordinance No. 97-01, to become effective immediately. Commissioner Jelinski requested the County Road Superintendent notify the media. Seconded by Bill Murdock. None voting nay. Motion carried.

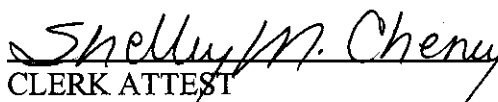
Jason Karp, Belgrade City/County Planner, reported that Rocky Mountain Engineers for Belgrade Commercial Park Corporation is requesting to amend the preliminary plat by rearranging lot lines in Block 1 of Phase II and Block 3 of Phase II. The applicant would like to do away with one lot in order to meet the length to width ratio of the Gallatin County Subdivision Regulations and then they would not any longer need a variance. If the amendment is granted the original condition no. 25 would need to be deleted. Condition 9. j. would need to be amended to designate Lots 2-5 of Block 3 as residential lots and designate Lot 1 of Block 3 as a residential/commercial lot. A new condition no. 30 would need to be added to read as follows: The developer shall pay a cash-in-lieu of parkland dedication equal to the fair market value of .3995 acres of unsubdivided, unimproved land in the area prior to final plat approval of Phase II.

Ray Center, Rocky Mountain Engineers, spoke regarding the requested amendment. Mr. Center stated that the applicant is in agreement with all of the conditions proposed by staff. There was no public comment.

Motion by Bill Murdock to amend the preliminary plat of the Belgrade Commercial Park Subdivision with the following changes to conditions: Amending condition no. 9. g. to read: For Commercial lots, outside storage, enclosure required-all persons accumulating, depositing, or storing salvage, raw material, manufacturing material, building material, or other materials within the subdivision, when the accumulating, depositing, or storing thereof shall be without a building or not within a building, shall enclose surrounding said materials with a sight obscuring fence or vegetative buffer approved by the property owners association which is sufficient to enclose said materials from public view from outside the enclosure. Delete condition no. 25. Amend condition 9. j. to read as follows: Block 1, Lots 3 through 9 shall be used for residential/ranchette purposes, Block 3, Lots 2 through 5 shall be used for residential purposes, and the remaining lots in the subdivision shall be used for commercial purposes. And add new condition no. 30 to read: The developer shall pay a cash-in-lieu of parkland dedication equal to the fair market value of .3995 acres of unsubdivided, unimproved land in the area prior to final plat approval of Phase II. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:57 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING TUESDAY THE 1st DAY OF JULY, 1997

The meeting was called to order by Chairman Phil Olson at 1:32 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, County Attorney Marty Lambert and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JUNE 23, 1997

- Commissioners met with Executive Secretaries Pat Lewis and Jan Emerson to discuss pending administrative matters.
- Commissioner Murdock met with Clark Wheeler to discuss an appraisal of a portion of the County property where Oak Street crosses the fairgrounds. Mr. Wheeler will forward a letter of proposal to the Commission, and if acceptable, would complete the appraisal in mid-July.
- Commissioners met with the Road and Bridge Department, the Auditor, and the Planning Department to discuss their individual proposed budget for fiscal year 1998.

JUNE 24, 1997

- Commissioners viewed the intersections on Western Drive, in response to a request for stop signs on those intersections. Finding that the intersections are at dead-end roads, the Commission decided additional stop signs are not warranted.
- Commissioner Olson met with Planning Director Dale Beland and discussed the building code needs on and the options for lease on the Planalp property. It was agreed that Mr. Planalp would be offered a lease for a part of the building now and a lease of the entire building on January 1, 1998. Dale Beland will calculate the square footage and a preliminary lease price along with a full building lease price.
- Commissioners conducted the regular public meeting.
- Commissioners attended the joint planning board meeting hosted by the Gallatin County Planning Board.

JUNE 25, 1997

- Commissioner Olson met with Planning Director Dale Beland and Bob Planalp to start negotiations on the lease of Mr. Planalp's property.
- Commissioners Murdock and Jelinski met with Public Assistance Director Joan Davies as the welfare board.
- Commissioners Murdock and Jelinski met with Public Assistance Director Joan Davies, Stephanie Gray, Judy Mathre, and Ken Weaver and received a report on the study of the impact of Welfare Reform and discussion of a survey. The Commission agreed to complete a survey.
- Commissioner Olson met with Deputy County Attorney Gerry Higgins, Health Officer Jackie Stonnell, Acting Environmental Health Director Tim Roark, and Environmental Health Specialist Tom Moore to discuss the options available regarding the draining of fluids from junk vehicles. These individuals decided to send out a Request For Proposals for the hauling and draining of junk vehicles so the County would not have to deal with the disposal of fluids.
- Commissioner Olson attended the regular meeting of the Composting Committee which represents several southwest Montana counties. The final version of the compost feasibility study was reviewed, and the issue of the direction of the committee was discussed. There was a motion to accept the compost feasibility study and it passed unanimously. A Motion to prepare an agreement for the continuation of the Compost Committee was made, and passed unanimously. The Committee agreed to commit to funding for additional information needed to continue. Tim Hudson will pursue the possibilities of having a pilot plant come for demonstration purposes. Peggy Nelson will pursue grant sources.
- Commissioner Jelinski attended the regular monthly meeting of the 911 Administrative Board.
- Commissioner Jelinski met with County Attorney Marty Lambert, Belgrade Fire Chief Brett Waters, and Diane Martin of DNRC to discuss the final terms of the Rural Fire Chief Contract. All parties reached an agreement on the terms for Brett Waters to be the Rural Fire Chief.
- Commissioner Olson met again with Planning Director Dale Beland and Bob Planalp to negotiation terms of the lease.

JUNE 26, 1997

- Commissioners had their regular bi-monthly meeting with Disaster and Emergency Services Coordinator Aaron Holst and discussed the plans to relocate the Emergency Operations Center during courthouse construction, building permits and impact fees.
- Commissioner Olson met with Planning Director Dale Beland and Bob Planalp on further negotiations of the terms of the lease for the Planalp building. The County agrees to lease Suite 2 until December 31, 1997 for an additional \$1,000.00 per month and on January 1, 1998 lease the entire building for \$6,000.00 a month.
- Commissioners had their regular monthly meeting with Interim City Manager Ron Brey and the newly appointed City Manager (as of July 1, 1997) Clark Johnson and discussed House Bill 388, the compost program, landfills, Oak Street and Babcock Street.
- Commissioners met with Sheriff Bill Slaughter, Captain Jim Cashell, Undersheriff Red Wilson, Captain Don Houghton, Fiscal Officer Ed Blackman, and Clerk and Recorder Shelley Cheney to discuss their preliminary budget for fiscal year 1998 with the inclusion of a new grant for purchase of an additional car.
- Commissioners met with District Judge Mike Salvagni, District Judge Tom Olson, Fiscal Officer Ed Blackman, and Clerk and Recorder Shelley Cheney to discuss the district court preliminary budget for fiscal year 1998 and juvenile probation meeting space.
- Commissioners met with Fiscal Officer and Shelley Cheney regarding advertising costs for fiscal year 1998.

JUNE 27, 1997

- Commissioner Murdock attended the Board of Director's meeting for the Mental Health Center in Billings.

130 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- The following County board appointments were made by the Commissioners during the week of June 23-27: Daniel Bingen to the Gallatin Gateway Rural Fire District.
- Received Gallatin County New Employees List for June 1997:
 - Ann Neutgens, Resthome-CNA, \$7.33/hr., 5/19/97.
 - Trina Spaulding, Resthome-CNA, \$7.33/hr., 6/2/97.
 - Brandi Boka, Resthome-CNA, \$7.33/hr., 6/3/97.
 - Stacie Erickson, Resthome-CNA (temp), \$7.33/hr., 6/9/97.
 - Brandy Griffith, Resthome-KAI (temp), \$6.47/hr., 6/10/97.
 - Jack Jorgenson, Sheriff-Detention Center Officer, \$1,392.00/mo., 5/27/97.
 - Peter Hickman, Sheriff-Detention Center Officer, \$1,392.00/mo., 6/1/97.
 - Clyde Leazenby, Road-Mechanic, \$9.47/hr., 5/27/97.
 - Allen Armstrong, GIS Manager, \$2,935.00/mo., 6/9/97.
 - David Saltiel, District Court I-Clerk (temp), \$7.50/hr., 6/2/97.
 - John Ansley, Temp. Weed Foreman, \$9.92/hr., 5/19/97.
 - Aaron Beard, Temp. Weed Crew, \$7.50/hr., 5/20/97.
 - Brian DeMartin, Temp. Weed Crew, \$7.50/hr., 5/20/97.
 - Kristin Hickman, Temp. Weed Crew, \$7.50/hr., 5/20/97.
 - Kevin LaTray, Temp. Weed Crew, \$7.50/hr., 5/20/97.
 - Mark Lincoln, Temp. Weed Crew, \$7.50/hr., 5/20/97.
 - Rodney Frieling, Temp. Weed Crew, \$7.50/hr., 5/20/97.
 - Suvi Scott, Temp. Weed Crew, \$7.60/hr., 5/20/97.
 - James Waterman, Temp. Weed Crew, \$7.50/hr., 5/20/97.
- Received Terminated Employees List for June 1997:
 - Heidi Binau, Environmental Health, 5/30/97.
 - Beverly Ervin, Resthome, 5/28/97.
 - Lisa Hanson, Resthome, 6/1/97.
 - Stephanie Santala, Resthome, 5/28/97.
 - Heather Unger-Robertson, Resthome, 5/30/97.
 - Jeannie Zisch, Resthome, 6/2/97.
 - Dawn Stout, Resthome, 6/17/97.
 - Jolene Jauert, Treasurer - MVD, 6/5/97.
 - Patrick McLaughlin, Detention Center, 5/31/97.
 - Vicky Webster, Weed, 6/20/97.

The following items were on the consent agenda:

Warren Yeley and Tom Parac have requested the relocation of common boundary exemption between 2 adjoining parcels within a platted subdivision. The applicants seek to orient the frontages of both lots on Falcon Lane. The lots currently front on Calico Drive. Staff report indicates that the request appears to meet the criteria to qualify for an exemption.

Resolution No. 1997-34, which is a resolution of the Gallatin County Commission amending the Bridger Canyon Zoning Regulation regarding Planned Unit Development requirements. Michael Liebelson, on behalf of the Bridger Canyon Property Owners Association, requested a text amendment to the Bridger Canyon Zoning Regulation requiring multiple parcels within a Planned Unit Development to be contiguous or share a common boundary.

Resolution No. 1997-35, which is a resolution of the Gallatin County Commission granting the setback variance for the Ken Harvey property. The Harvey property is described at Lot 9, Yellowstone Holiday Subdivision Filing No. 1.

Resolution No. 1997-36, which is a resolution of the Gallatin County Commission amending the Hebgen Lake Zoning Regulation allowing for a Master Planned Unit Development through Planned Unit Development process. Ed Matos of Bridger Engineers, on behalf of Red Creek Ranch Ltd., requested a text amendment to Section 14.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Sue Shockley, Gallatin County Fairgrounds Supervisor, opened the following bid received for the construction of an office at the Fairgrounds: Rotherham Cooper Construction: total bid for the building is in the amount of \$190,046.00; option no. 1 the total bid amount of \$226,497.00; option no. 2 the

total bid amount of \$199,046.00. Ms. Shockley requested taking this bid under advisement for one week to allow the Fair Board to review and make a recommendation at next Tuesdays public hearing.

Ed Blackman, Fiscal Officer, presented the Commission with an application to borrow \$499,950.00 through the State Intercap Program for computer aided dispatch and radio equipment. Mr. Blackman explained that this money is for 911 equipment and will be combined with the City of Bozeman's proportionate share. There was no public comment.

Motion by Jane Jelinski to approve the loan application to borrow \$499,950.00. Seconded by Bill Murdock. None voting nay. Motion carried.

Shelley Cheney, Clerk & Recorder, reported that the County has received a petition requesting annexation of the following property into the Reese Creek Rural Fire Service Area:

- All of Section 14, T2N, R5E, except COS 632;
- Tract 45A of COS 632A in Section 11, T2N, R5E;
- Tract 27 of COS 632 in Section 15, T2N, R5E;
- Tracts A-1 and A-2 of COS 632C, Tract C of COS 632B in Section 14, T2N, R5E;
- The SE1/4 of Section 26, T3N, R5E;
- All of Section 35, T3N, R5E;
- The E1/2 of the NE1/4 of Section 2, T2N, R5E;
- The N1/2 of the SE1/4 of Section 2, T2N, R5E;
- Tracts 1, 2 and 4 of COS 1738 (located in Section 4, T2N, R5E);
- The W1/2 of the NE1/4, the NW1/4, and the N1/2 of the SW1/4 of Section 2; All of Section 3; the NW1/4 of the SE1/4, the S1/2 of the SE1/4, and the SE1/4 of the SW1/4 of Section 4; All of Section 9; the S1/2 of the NW1/4, and the S1/2 of Section 8; All of Section 17; All of Section 16 lying north and west of Theisen Road. All located in T2N, R5E.

Ms. Cheney explained that she finds that the petition contains signatures of a majority of the owners of real property within the proposed area to be annexed and the Board of Trustees of the Reese Creek Fire Service Area have submitted their written approval for annexation. Ms. Cheney recommended that the public hearing date for this request be set for August 5, 1997.

Motion by Jane Jelinski to adopt Resolution No. 1997-37, which is a Resolution of intention to change the boundaries of the Reese Creek Fire Service Area by adding real property. Seconded by Bill Murdock. None voting nay. Motion carried.

Shelley Cheney, Clerk & Recorder, reported that the viewing committee viewed a portion of Indigo Road that has been requested to be abandoned. Ms. Cheney read the viewing committee report and stated this was published in the High Country Independent Press on June 26, 1997.

Finding that this in the public interest and that public access will not be obstructed by the abandonment, motion by Jane Jelinski to grant the abandonment of a portion of Indigo Road. Seconded by Bill Murdock. None voting nay. Motion carried. Commissioner Jelinski requested that the County Attorney's Office prepare a resolution granting the abandonment.

Marty Lambert, County Attorney, presented the Commission with Resolution No. 1997-38, which is a resolution of the Gallatin County Commission reorganizing the Gallatin County Fair Board.

Commissioner Jelinski explained that the Fair Board made a request to the County Commission for more members, this resolution is formalizing the expansion of the number of members to 7. There was no public comment.

Motion by Bill Murdock to adopt Resolution No. 1997-38. Seconded by Jane Jelinski. None voting nay. Motion carried.

Jennifer Borgquist, Gallatin County Planner, reported that Darwin Steffler and Pam Miner have requested preliminary plat approval for a one-lot subdivision for development of eight condominiums. The property is located south of US Highway 287, north of Hebgen Lake and west of US Forest Service land. Primary access to the proposed subdivision will be provided by US Highway 287. An interior, private drive has been proposed to provide access to the condominium units. Six detached log guest cabins, a six-unit motel and several deteriorating out-buildings are presently located on the property. The subdividers intend to demolish the existing cabins and the motel structure and construct seven custom log homes to be sold as condominiums. The existing single-family residence will remain on the property. The subdividers have submitted a letter to the US Forest Service requesting a Special Use

Permit for the boat launch and trailer storage area located east of the proposal. The launch is presently accessed through subdividers' property. The subdivider has requested one variance to the Gallatin County Subdivision Regulations from Section 6.E.1 Design and Improvement Standards, Fire Protection Requirements, because the proposed Lakeview Minor Subdivision is not in an organized fire district or fire service area. In reviewing the PUD application on May 12, 1994, the Planning and Zoning Commission determined that the proposal would be compatible with the environmental characteristics associated with the property and area, and that the proposed structures would not pose any threats to the area or to Hebgen Lake. The County Commission has two determinations to make with this application:

1. A determination as to whether to grant the requested variance.
2. A determination as to whether the proposed subdivision should be approved. If the Commission decides to approve the subdivision, the following conditions for final plat approval are recommended:
 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates.
 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval.
 3. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, road easement documents, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, easement documents, and certificate prior to final plat approval.
 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, fire district or fire service area and/or the creation of a sewer and/or water district.
 5. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.
 6. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval.
 7. The subdivider shall record the following covenants on or with the final plat:
 - a) The property owners association shall be responsible for the control of County-declared noxious weeds.
 - b) The property owners' association shall be responsible for maintenance of all subdivision roads.
 - c) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48-hour notice, during construction and after completion.
 - d) All structures shall be constructed in compliance with the Uniform Building codes, including codes for Seismic Zone 4, and the National Fire Protection Association (NFPA) codes.
 - e) All siding shall be in earth tone colors to blend with the natural environment.
 - f) All garbage, refuse, and any other food of any type whatsoever edible by bears shall be kept in bear-proof containers or shall otherwise be made unavailable to bears. Containers shall be designed to be resistant to entry by bears. The suitability of such refuse and food containers to meet the requirements of this section shall be determined by the Zoning Enforcement Agent.
 - g) The artificial feeding of big game wildlife shall be prohibited.
 - h) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission.
 - i) Fuel tanks shall not be stored underground.
 8. The subdivider shall establish a property owners' association for enforcement of the required covenants.
 9. The subdivider shall make payment of road impact fees in the amount of \$1,596 per lot (\$1,596 total) prior to final plat approval.
 10. The subdivider shall obtain a special use permit from the US Forest Service for use of the adjacent boat launch and trailer storage area.
 11. The subdivider shall obtain an encroachment permit for access to the proposed subdivision.
 12. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval.
 13. The subdivider shall cause the subdivision to be included in a fire district or fire service area prior to final plat approval.
 14. The subdivider shall provide a water supply for fire protection in accordance with the Gallatin County Subdivision Regulations. The subdivider shall have the fire district/ fire service area review and approve the water supply prior to final plat approval. The subdivider shall obtain written verification from the fire district/fire service area that the required water supply has been provided.

Commissioner Murdock questioned if there are any efforts to create a Fire Service Area in Hebgen Lake. Commissioner Jelinski questioned condition no. 8 why would there be a need to establish a property owners association for one lot? Planner Borgquist stated that this will be a condominium development which will need a condominium association. Commissioner Olson questioned if under condition no. 10,

they will not be able to go forward with the project if they do not obtain a forest service permit for the boat launch? Planner Borgquist stated that access to the boat launch is through this property.

Rick Kerin, Kerin & Associates, representative for the applicant, made the following comments on the conditions: The boat ramp issue that is addressed within Condition no. 10, Mr. Kerin requested that the Commission delete that and stated that a permit may be necessary for the use of the boat ramp but it is not necessary for the subdivision project. In condition no. 7. f. suggested a wording change to add language for units under construction. And requested that the road impact fee be waived. Darwin Steffler, subdivider, stated that the boat ramp is partially on his property and partially on the Forest Service property. There is no formal easement of record and it is not heavily used at this time. County Attorney Marty Lambert asked Mr. Steffler if he has ever denied anyone access of the ramp? Mr. Steffler stated that he has only suggested that people not use it if they do not have a 4 wheel drive.

Finding that it would not be in the best interest of the public health and safety, motion by Bill Murdock to deny the requested variance. Seconded by Jane Jelinski. None voting nay. Motion carried.

During board discussion the Commission discussed the request to waive the road impact fees. Commissioner Jelinski stated that there was no formal application for the waiver submitted.

Finding that the Lakeview Subdivision is consistent with County Subdivision Regulations, the Hebgen Lake Zoning District Plan, and the criteria of the Montana Subdivision and Platting Act, motion by Bill Murdock to grant preliminary plat approval with the conditions as follows: Conditions 1 through 7. e. as drafted. Delete condition 7. f. and re-letter the rest of the conditions under 7. Condition 8 and 9 as drafted. Delete original condition 10. Condition 10. to read: The subdivider shall obtain an encroachment permit for access to the proposed subdivision. Condition 11 to read: The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Condition 12 to read: The subdivider shall cause the subdivision to be included in a fire district or fire service area prior to final plat approval. And condition 13 to read: The subdivider shall provide a water supply for fire protection in accordance with the Gallatin County Subdivision Regulations. The subdivider shall have the fire district/fire service area review and approve the water supply prior to final plat approval. The subdivider shall obtain written verification from the fire district/fire service area that the required water supply has been provided. Seconded by Jane Jelinski. None voting nay. Motion carried.

Lanette Windemaker, Gallatin County Planner, Scenic Land Development, Inc., has requested an extension to the preliminary plat approval period for the Snowshoe Subdivision. This three-phase commercial/residential subdivision received preliminary plat approval from the County Commission on July 12, 1994. The location of this subdivision is along the west side of US Highway 191, just south of Buck's T-4 Lodge in Big Sky. The preliminary plat approval for the Snowshoe Subdivision will expire on July 12, 1997. The subdivider has indicated that there have been several delays in acquiring the necessary approvals from the state since the application for platting and other unforeseen delays in acquiring the necessary approvals from the state since the application for platting and other unforeseen delays that have affected the start of construction of this project.

Wayne Jennings, attorney representing Scenic Developers, Inc., explained that the sewer moratorium, delays by Department of Environmental Quality and restructuring of the Corporation are what held up this subdivision. One of the share holders in the corporation has backed out and David Shelton is now the only developer. Mr. Jennings explained that Mr. Shelton would need this extension to go forward with the development. Jim Ritten, and Mike Scholz spoke in opposition to the extension and stated concern that allowing this extension goes against the zoning ordinance. Mr. Ritten stated that this property is for sale and the applicant would be selling his development rights. Commissioner Jelinski questioned the developer's diligence in going fourth with the subdivision, in the past year how far did they go to complete the conditions set by preliminary plat approval. Wayne Jennings stated that this property is for sale, in July 1996 an offer to buy the property was received. The applicant went forward with that option to sell which fell through and during that time none of the subdivision was worked on. David Shelton, owner of the property, addressed the concerns of the Commission. Mr. Shelton stated that when DEQ approval was received he was involved in a project in Texas, he has finished that development and would now like to go forward with this project. Mr. Shelton stated that he would waive the rights for a second extension.

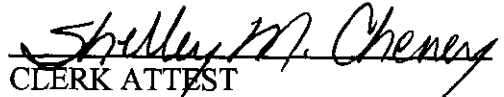
Finding that we have an precedent of granting extensions to preliminary plat approval and the applicant has shown difficulties in getting approval from State agencies, motion by Jane Jelinski to grant the one year extension for the Snowshoe Subdivision. Seconded by Bill Murdock. Jane Jelinski and Phil Olson voting aye. Bill Murdock voting nay. Motion carried.

134 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Gallatin County Attorney Marty Lambert presented the Commission with emergency ordinance 1997-02, which is for the emergency closure of Clarkston Road to truck traffic. Mr. Lambert explained that this Ordinance replaces Ordinance No. 97-01 and only closes a portion of Clarkston Road. Motion by Jane Jelinski to adopt Ordinance No. 97-02. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:18 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 8th DAY OF JULY, 1997

The meeting was called to order by Chairman Phil Olson at 1:32 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JUNE 30, 1997

- Commissioner Jelinski, as part of the Health Officer Interview Committee, conducted a telephone interview with a candidate.
- Commissioners met with Executive Secretaries Jan Emerson and Pat Lewis regarding pending office matters.
- Commissioners met with the Capital Facilities Committee to discuss pending facility matters. It was reported that the lease for the northeasterly corner of the Planalp building has been agreed upon and should be signed soon. The fairgrounds office building bid will be awarded on July 8, 1997.

JULY 1, 1997

- Commissioner Jelinski attended the regular meeting of the Board of Health.
- Commissioners had their regular monthly meeting with County Attorney Marty Lambert and discussed the priority list of items. The procedure for replacement of the treasurer was reviewed. The Commissioners agreed to advertise the treasurer position and interview candidates. Commissioners asked the County Attorney to review procedures to consolidate the office of coroner with another office.
- A special Commission meeting was held and the Commissioners considered two items: Commissioner Olson brought the Cooperative Fire Control Agreement Between the State of Montana and Gallatin County before the Commission and Commissioner Jelinski moved that the County enter into a contract with the State Department of Natural Resources and Conservation, Commissioner Murdock seconded the motion and the motion passed unanimously. Then Commissioner Olson brought the Gallatin County Rural Fire Protection Operation Plan with Fire Chief Brett Waters before the Commission and Commissioner Murdock moved that the County enter into an agreement with Brett Waters for rural fire protection, Commissioner Jelinski seconded the motion and the motion passed unanimously.
- Commissioner Jelinski met with Ralph Schwaab regarding people hauling logs on Little Bear Road and contacted the Road Department to take care of the matter.
- Commissioners conducted the regular public meeting.
- Commissioners met with Treasurer Stan Hughes, with Tim Neville of the Bozeman Daily Chronicle present, to discuss the criteria and experience required for a candidate for the treasurer's position.

JULY 2, 1997

- Commissioners met with Clerk and Recorder Shelley Cheney, Fiscal Officer Ed Blackman, Property Valuation Specialist of the Assessor's Office Linda Willmuth, Jack Schunke and Char McKenzie of Morrison Maierle, Road and Bridge Secretary Anita Shaw, Accountant Susan Lang, Assistant Treasurer Jeff Krause and Treasurer Stan Hughes regarding the 1997 RID Maintenance procedures. Jack Schunke reports the systems is working well but there is some concern about individuals who are not taking care of their weeds. The Commission decided to ask the County Attorney about the weed problem. The Clerk and Recorder's office will not send notifications to Middle Creek Meadows, Sourdough Ridge, Clover Meadows, and Buckskin Williams Parks because Morrison

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44 135

Maierle is sending notification. It was agreed Hebgen Lake Sewer and Water RID budget will be prepared by Morrison and Maierle, not the Clerk and Recorder.

- Commissioners met with Sheriff Bill Slaughter, Probation Officer Bernie Driscoll, Probation Officer Ron Alsbury, Grants Administrator Larry Watson, Detention Center Officer Anita Shaw Tymrak, Montana Department of Corrections Representative Mike Cronin, and Montana Department of Corrections Representative Rick Day to discuss our efforts with other counties toward a regional detention facility and funding.
- Commissioner Olson met with Sheriff Bill Slaughter and Captain Don Houghton to discuss the possibility of having a vehicle purchase package and 20 hand held radio/pagers. It was agreed they would work toward establishing a program/account to replace cars and radios for the Sheriff's office, for the Commission's approval.
- Commissioners met with County Planning Board members Roger Nerlin and Archie Alexander to discuss the appointment process for the Open Space Task Force. The Planning Board will review the task force letters and applications, and make recommendations to the Commissioners for task force members.

JULY 3, 1997

- Commissioners met with Extension Agents Ron Carlstrom and Todd Kesner, Fiscal Officer Ed Blackman, and Clerk and Recorder Shelley Cheney regarding budget requests.
- Commissioners met with Personnel Director Kathy Nowierski, Sheriff Bill Slaughter, Undersheriff Red Wilson, and Labor Negotiator Duane Johnson regarding union negotiations.
- Commissioners met with Weed Supervisor Dennis Hengel regarding budget matters as well as mowing of weeds. It was decided the Commission would pursue all options to find some way to make sure the weeds get mowed.
- Commissioner Olson met with Environmental Health Specialist Tom Moore to find a viable option for the draining and towing of junk vehicles.

JULY 4, 1997

- In observance of Independence Day, county offices were closed.
- Received Purchase Order claims in the amount of \$460,381.91.
- Received A101's in the amount of \$110,157.34

The following items were on the consent agenda:

Charlie and Wilma Younkin are claiming the relocation of common boundary exemption.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Sue Shockley, Fairgrounds Supervisor, reported that one bid was received for the construction of a new office building at the Fairgrounds and after reviewing the bid with the Fair Board the recommendation is to award the bid to Rotherham Cooper in the amount of \$199,046.00.

Motion by Jane Jelinski to award the bid to Rotherham Cooper in the amount of \$199,046.00. Seconded by Bill Murdock. None voting nay. Motion carried.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-42, which is resolution to support an application by the Gallatin County Sheriff's Department for funding under the Local Bureau of Justice Assistance Law Enforcement Block Grant Program.

Motion by Bill Murdock to approve the grant proposal by adopting Resolution No. 1997-42. Seconded by Jane Jelinski. None voting nay. Motion carried.

Shelley Cheney, Clerk & Recorder, reported that a petition has been received for the creation of a Rural Improvement District for paving of roads in Outlaw Country Subdivision (the portion south of the East Gallatin River.) Ms. Cheney stated that she has reviewed the petition and finds that there are 28 parcels represented by qualified signatures appearing on the petition, which equals 58% of the possible 48 parcels within the proposed district. The signature for Lot 39 is a facsimile, but it has been counted as a qualified signature. According to the Gallatin County RID policy (Section 3.A.12) 60% of the parcels represented by qualified signatures are required on the petition.

Susan Swimley, Deputy County Attorney, stated that she received all the information regarding this proposed RID, in a letter received from Rick Kerin of Kerin and Associates on May 14, 1997, it is indicated that there was an attempt to lower the cost of the RID from \$198,500.00 to \$186,000.00. That

136 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

would mean there is a \$10,000.00 to \$12,000.00 difference in the amount that was proposed on the petition. Mrs. Swimley requested that Mr. Kerin testify regarding that letter. Mrs. Swimley also stated that the Commission needs to make the following specific findings: Will the estimated market value of the property in the district be increased by more than the special assessment. The diversity of ownership. Are there any special assessments due in this district. Are there any mortgage backed bonds or levies of record against the property in this district. Are there any delinquencies due within the district. Will the public receive benefit of improved road surface. And is this a newly platted subdivision. Based on those findings the Commission needs to make the decision to secure this RID with the rural revolving fund.

Rick Kerin, engineer, answered questions of the Commission and addressed the discrepancy in the amount of the RID petition. Mr. Kerin stated that the reduced price to \$188,300.00 was done only as a recommendation, to cut costs, they were thinking of taking out some items such as the mailbox relocation \$198,500.00 was the amount actually submitted with the petition, which is the actual cost. Mr. Kerin stated that there are two delinquent parcels within this RID at this time. Susan Swimley went through each of the findings of fact with Mr. Kerin. During the public portion the following people spoke in favor of the proposed RID: Jim Johannes, Vern Klingensmith, Stewart Holzworth, Sally Graham, Betty Lister, Robert Christensen, Patricia Freund, and Sandra Gaub. Sam Gianfrancisco, County Road Superintendent, highly encouraged the petitioners not to cut the mailbox relocation out of the costs in the petition.

Motion by Bill Murdock to accept less than 60% signatures required, recognizing that there have been extensive efforts in the past and that the petition contains 58% of signatures. Seconded by Jane Jelinski. None voting nay. Motion carried.

Based upon the findings and that Rural Improvement District 370 is in the public interest and best serves the interest of the County and the District, motion by Bill Murdock to pledge the rural revolving fund to secure this Rural Improvement District. Seconded by Jane Jelinski. None voting nay. Motion carried.

Finding that this Rural Improvement District serves the public interest and convenience, motion by Jane Jelinski to adopt Resolution No. RID-97-370-A, which is a resolution of intention to create Rural Improvement District No. 370, with the following correction: Under Section 7. Assessment Methods 7. a., line 8: (delete the words per year) \$4,135.42, plus the cost of maintenance. Seconded by Bill Murdock. None voting nay. Motion carried.

Susan Swimley stated that the public hearing will be held July 29th, 1997 at 1:30 P.M. to hear protests.

Andy Epple, City /County Planning Director, reported regarding an application for a Master Plan Amendment to change the land use element of the 1990 Bozeman Area Master Plan Update by changing the land use designations on portions of approximately 411 acres of property generally located west of Ferguson Avenue, south of Durston Road, and north of U.S. 191 from suburban residential and urban residential to urban residential infill with some business park/industrial to correspond with the proposed annexation of said property. Mr. Epple stated that the City Commission heard the proposal last night and deferred any action at this time, they would like more questions answered. Mr. Epple stated that the Commission should defer their decision until the City has made a decision.

Jack Schunke, Morrison-Maierle, and Robert Lee, Westridge Planning, spoke regarding the annexation application and addressed concerns of the Commission regarding infrastructure, parkland dedications, and financial commitments.

Sam Gianfrancisco, County Road Superintendent, stated that the condition of Durston Road needs to be addressed, it is a major problem. Durston Road is a road by use, not a County Road. Mr. Gianfrancisco stated concern that the County will be paying for it. Peggy Metcalf spoke during the public portion.

During board discussion the Commission discussed concerns regarding infrastructure, specifically Durston Road, and the residents in zoning district no. 1. Commissioner Murdock stated that he feels that the Commission should not make any decision today.

Motion by Bill Murdock to table this item until this Commission has enough information to make a decision. Seconded by Jane Jelinski. None voting nay. Motion carried.

Motion by Jane Jelinski that the County Commission draft a letter to the Bozeman City Commission expressing our concerns regarding impact on unresolved road issues as they pertain to Durston Road. Seconded by Bill Murdock. None voting nay. Motion carried.

 Mike Hoey, Deputy Director for Disaster and Emergency Services, presented the Commission with Resolution No. 1997-39, which is a Resolution declaring a flood emergency.

Motion by Jane Jelinski to adopt Resolution No. 1997-39. Seconded by Bill Murdock. None voting nay. Motion carried.

 There being no further business the meeting adjourned at 3:48 P.M.


 CHAIRMAN APPROVAL


 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 15th DAY OF JULY, 1997

The meeting was called to order by Chairman Phil Olson at 1:33 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

 Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

 Commissioner Olson announced that Commissioner Jelinski is attending a NACo in Baltimore, MD.

 The following proceedings were had to wit:

July 7, 1997

- Commissioners Olson and Murdock met with District Judge Mike Salvagni, Probation Officer Dave Gates, Clerk and Recorder Shelley Cheney, and Fiscal Officer Ed Blackman to discuss probation's budget for Fiscal Year 1998 and the need for a hearing space.
- Commissioners had their regular monthly meeting with Data Processing Supervisor Bill Baldus and discussed a policy regarding internet use and the telepsychiatry contract. Bill Baldus will have all games removed from the newly installed computers and he will check ability and cost of monitoring internet use.
- Commissioners Murdock and Olson had their regular monthly meeting with Facilities Director Bob Isdahl and discussed the additional building maintenance needs when the Planalp building comes on line, the cleaning contract, and storage needs. Bob Isdahl will update the department heads at the next staff meeting.
- Commissioners Murdock and Olson met with Disaster and Emergency Services Coordinator Mike Hoey regarding a Declaration of Emergency regarding the recent flood damage. Mike provided an estimate of costs to be \$104,000.00 and some of this amount is eligible under a declared presidential emergency. The Commissioners will consider declaring a flood emergency in order to be eligible for the presidential emergency. Some non-profit organizations such as irrigation companies are eligible for financial help under a declared emergency.

JULY 8, 1997

- Commissioner Murdock met with Planning Director Dale Beland to discuss the Open Space Task Force. Dale advised the Planning Board will review candidates on July 22, 1997 and asked that the Commission be present.
- Commissioner Jelinski met with Rae Fire Service representative Brian Crandell and discussed a petition to alter the types of services provided by Rae Fire Service area and a petition to alter the boundaries of the district which will soon be presented at public hearing.
- Commissioners conducted the regular public meeting.
- Commissioners met with Deputy County Attorney Susan Swimley and Road and Bridge Supervisor Sam Gianfrancisco to discuss Buffalo Horn Road. The Commission directed the Road Office to write a letter to the inquiring individual that the posted sign on Buffalo Horn Road needs to be removed and the road open to the public.
- Commissioners met with Personnel Director Kathy Nowierski and Data Processing Supervisor Bill Baldus to discuss the resignation of an employee, the requirements and timetable to fill the vacancy, and the duties of the 911 Administrative Board Secretary. Commissioners agreed to allow an increase in the grade in order to fill the vacancy in Data Processing and requested Bill Baldus to advertise for the position as soon as possible.

138 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

JULY 9, 1997

- Commissioner Jelinski left for the Annual National Association of Counties Conference in Baltimore, Maryland.
- Commissioner Murdock was interviewed by Jeff Gersch regarding county planning issues.
- Commissioners Olson and Murdock met with Gallatin County Council on Aging Director John Langenheim, Fiscal Officer Ed Blackman, and Clerk and Recorder Shelley Cheney regarding their budget.
- Commissioner Murdock was given a tour of the rest home by Rest Home Director Connie Wagner and they had an opportunity to discuss budget and personnel issues.
- Commissioners Murdock and Olson had their regular monthly meeting with Grants Administrator Larry Watson and reviewed the grants administration and projects, goals, and timetables.

JULY 10, 1997

- Commissioners attended a zoning hearing.
- Commissioner Olson attended the regular monthly meeting of the Weed Board and there was discussion regarding grass mowing of county roads and demonstration of the Road Department's mowing equipment.
- Commissioners Olson and Murdock met with Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Cheney regarding the RID maintenance.
- Commissioner Murdock attended the regular monthly meeting of the Mental Health Advisory Board.
- Commissioner Jelinski participated in the meeting of the National Association of County Rural Renaissance Task Force.

JULY 11, 1997

- Commissioner Olson attended a software training workshop.
- Commissioner Murdock met with Steve Kirkoff regarding his bi-weekly newspaper and Commissioner Murdock agreed to provide interviews when requested.
- Commissioner Murdock attended a meeting of the Mental Health Citizen's Advisory Council.

JULY 12, 1997

- Commissioner Jelinski participated in meeting of the National Association of County Nominations Committee and the Labor and Employee Benefits Steering Committee.
- The following County board appointment was made by the Commissioners during the week July 7: Michael Vincent was reappointed to the Bozeman City-County Planning Board and Martha Lonner was appointed to the Bozeman City-County Board of Health.
- Received A101's in the amount of \$4,939.84.

The following items were on the consent agenda:

Paul N. and Nelda S. Holcomb are claiming the family transfer exemption to create a 1 acre parcel for Jennifer J. Dixon, their daughter.

Paul and Alice Janke are requesting final plat approval of a 2 lot minor subdivision located west of Belgrade at the corner of Thorpe Road and Redtail Hawk Drive. The County Commission voted at their June 19, 1996 public hearing to grant preliminary plat approval subject to 17 conditions. Staff report indicates that as of July 15, 1997 the applicant has demonstrated compliance with each of the seventeen conditions as required by the preliminary approval.

Bruce and Diane LaRue and Judy Lewis have claimed the relocation of common boundary exemption to relocate the boundary between two tracts of land. Staff report indicates that based on the information submitted, this appears to be a proper use of the exemption procedure.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Phil Olson. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, presented the Commission with Resolution No. 1997-40, which is a resolution adopting the proposed County budget for FY98. There was no public comment.

Finding that all of the requirements of the law have been met, motion by Bill Murdock to adopt Resolution No. 1997-40. Seconded by Phil Olson. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, presented the Commission with Resolution No. 1997-41, which is a resolution setting salaries for Gallatin County Elected Officials and designating Gallatin County as a Class 1 County.

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44 139

Motion by Bill Murdock to adopt Resolution No. 1997-41, based on the recommendation of the County Fiscal Officer. Seconded by Phil Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:00 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 22nd DAY OF JULY, 1997

The meeting was called to order by Acting Chairman Jane Jelinski at 1:32 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

Commissioner Jelinski announced that Commissioner Olson is attending a meeting in Boulder.

The following proceedings were had to wit:

JULY 14, 1997

- Commissioners appointed Jeff Krauss as interim Gallatin County Treasurer effective July 21, 1997.
- Commissioner Jelinski attended a meeting of the Western States County Commissioners, and made a presentation on Violence in the Workplace at the NACo Annual Conference in Baltimore, MD.
- Commissioners Murdock and Olson met with Executive Secretaries Pat Lewis and Jan Emerson regarding pending office matters.
- The meeting was called to order by Chairman Phil Olson at 11:00 A.M. Also present were County Commissioner Bill Murdock, County Attorney Marty Lambert and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board. Marty Lambert, Gallatin County Attorney, presented the Commission with the contracts for the 911 dispatch system. Mr. Lambert stated that based upon the unanimous recommendation of the 911 Administrative Board, and the extensive request for proposal process that has been gone through it is his recommendation to the Commission to enter into the contract with International Public Safety, Huntsville, AL and Teton Communications Inc., Idaho Falls, ID. Mr. Lambert explained that he has been reviewing the contracts with Paul Luwe, City Attorney. There are no originals for the Commission to sign today, but should have them by tomorrow. From the total cost of the project the County will pay 55% of the cost and the City of Bozeman will pay 45% of the cost. Based on the unanimous recommendation from the 911 Administrative Board and the County Attorney, motion by Bill Murdock to approve the contract with International Public Safety, Inc. in the amount of \$864,806.00 with 45% being paid by the City of Bozeman. Seconded Phil Olson. None voting nay. Motion carried. Commissioner Murdock questioned when this system is expected to be up and running and how the ongoing operating costs will be funded? Mr. Lambert stated that he expects early summer of 1998 for the new system to be up and running. With regard to the operating costs Mr. Lambert spoke as to how they will incur the costs, and suggested there may need to be a bond issue of 4 to 5 mills on the June ballot and spoke of legislation for raising money. Motion by Bill Murdock to enter into the contract with Teton Communications Inc. in the amount of \$700,344.00, being aware that there will be ongoing operating costs. Seconded by Phil Olson. None voting nay. Motion carried. Commissioner Olson stated for the record that the reason that Commissioner Jelinski is not in attendance it that she is in Baltimore, MD at a National Association of Counties (NACo) meeting, but Commissioner Jelinski is on the 911 Administrative Board and has worked very closely with this process. There being no further business the meeting adjourned at 11:57 A.M.
- Commissioner Murdock attended the regular monthly meeting of the Fair Board and the items discussed included the new office, expansion of the board, and winter fair. The winter fair agreed to write a proposal to the Fair Board and the County Commission on the county taking over the winter fair.

JULY 15, 1997

140 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Jelinski was a moderator of a panel discussion on Pension Reform and served as Tally Clerk for the annual NACo election for 1st and 2nd Vice Presidents.
- Commissioners Olson and Murdock had their regular bi-weekly meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, Deputy County Attorney Gerry Higgins, and Deputy County Attorney Chris Gray.
- A special meeting of the County Commissioners was called to order by Commissioner Olson at 9 a.m. on Tuesday, July 15, 1997. In attendance were Commissioners Phil Olson and Bill Murdock; County Attorney Marty Lambert, Sheriff Bill Slaughter, and Deputy County Attorneys Susan Swimley, Gerry Higgins and Chris Gray. Topic of discussion was a claim for damages in the amount of \$15,000 submitted to Gallatin County, in a letter dated May 30, 1997 from Attorney Chris Angel on behalf of his client, Darin Schultz. Mr. Schultz was assaulted by Deputy Ray Irby while a prisoner at the Gallatin County Detention Center on January 1, 1997. Mr. Irby was prosecuted for this assault and found guilty of three misdemeanors, and is no longer an employee of Gallatin County. County Attorney Lambert has discussed this matter with the County's insurer, National Casualty, and its agent Mr. Zobrist, as well as Sheriff Bill Slaughter. Based on these discussions, the County Attorney hereby makes a recommendation to the Commissioners that Gallatin County pay the \$15,000 claim, that it is an appropriate amount, with the condition that a Release and Hold Harmless will be signed by Mr. Schultz in relation to these damages. Sheriff Slaughter concurred with this recommendation. Commissioner Murdock stated his support to award the \$15,000, but also wants a finding noted that Mr. Schultz also pled guilty to several misdemeanors, and that Mr. Irby is no longer an employee of the Sheriff's department. Commissioner Olson agreed, and stated that if the matter was not settled now, it could cost the County more in the future. County Attorney Lambert concurred. Commissioner Murdock made a motion to accept the terms of the settlement, with the above conditions. Commissioner Olson seconded the motion. Commissioner Jelinski was absent. The motion was approved unanimously. Commissioner Olson directed County Attorney Lambert to draft a letter to Attorney Chris Angel, with a Condition of Release and Hold Harmless, to be signed by Mr. Irby, and also directed the County Attorney to discuss with the County Auditor the process for processing of the check for payment. Meeting was adjourned at 9:05 a.m.
- Commissioners Olson and Murdock conducted the regular public meeting.
- Commissioner Murdock attended the regular monthly meeting Detention Center Task Force.

JULY 16, 1997

- Commissioner Jelinski returned to Bozeman from the Annual National Association of Counties Conference in Baltimore, Maryland.
- Commissioners Murdock and Olson attended the regular monthly staff meeting and the agenda consisted of an announcement of Commissioner Jelinski's appointment to the State 911 Advisory Council, a farewell to Treasurer Stan Hughes, Fiscal Officer Ed Blackman provided an update on the Fiscal Year 1998 Budget, Auditor Joyce Schmidt provided an update on the Employee Appreciation Party, and department heads provided updates.

JULY 17, 1997

- Commissioners met with Assistant Treasurer Jeff Krauss and Auditor Joyce Schmidt to discuss the tax receivable system and the treasurer's office need for additional staff. Commissioners agreed to temporary hiring of an accountant for a couple of months to assist the treasurer's office.
- Commissioners met with Stephanie Freeze of Knaub & Company to discuss the upcoming external audit. Stephanie will check with the treasurer's office in the transition and discuss the inventory management with the auditor.
- Commissioners met with Mike Vincent regarding the Habitat for Humanity program and their need for land. The Commission advised Mr. Vincent that the county does not have land available at the present time.
- Commissioners had their regular monthly meeting with Personnel Director Kathy Nowierski and reviewed and approved the new personnel to be hired. Commissioners agreed that Commissioner Jelinski would work with Kathy on the Personnel Manual and Commissioner Murdock would help with RID policy. Commissioners approved up to 80 paid hours for exempt emergency call out and approved a new employee for the Weed Department for road mowing. The Commissioners approved a new clerk in the Planning Department to start when the department money is available. It was agreed that the new planner position would be effective October 1, 1997. Commissioners agreed that Road and Bridge Supervisor Sam Gianfrancisco and Kathy will respond to employee sick leave concerns.
- Commissioners Olson and Murdock had their regular quarterly meeting with Director of Alcohol and Drug Services Roger Curtis to get an update on the continuing activities. Roger Curtis stated the West Yellowstone facility has been working well.

JULY 18, 1997

- Commissioner Jelinski met with the Health Officer Interview Committee.
- Commissioners had their regular monthly meeting with GIS Coordinator Allen Armstrong and were advised he has interviewed 12 departments and has prepared a needs assessment. Allen has met with the City of Bozeman and MSU GIAC Department regarding GIS.
- The following County Board Appointments were made During the Week of July 14th:
 - Martha Collins was reappointed to the County Planning Board on 7-14-97.
 - Steve Forrest was reappointed to the County Planning Board on 7-14-97.
- Received A101's in the amount of \$14,402.02.
- Received Claims in the amount of \$550,717.64.

Robert Isdahl, Facilities Coordinator, presented the Commission with Resolution No. 1997-43, which is a resolution for the adoption of the competitive sealed proposal procedure for furniture.

Motion by Bill Murdock to adopt Resolution No. 1997-43. Seconded by Jane Jelinski. None voting nay. Motion carried.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-10A, which is a resolution to accept a grant award contract from the Montana Board of Crime Control to fund the Gallatin County Sheriff's Department STOP Violence Against Women Project.

Motion by Bill Murdock to adopt Resolution No. 1997-10A. Seconded by Jane Jelinski. None voting nay. Motion carried.

Allen and Associates representing Bob Davis is requesting preliminary plat approval for the Davis Minor Subdivision located south of Valley Center Road and Westlake Road, and east of Davis Lane. The subject property is currently in agriculture production and is proposed to be divided into four single family residential lots. Lots 1 and 2 will front on East Valley Center Lane and Westlake Road. Lot 1 will be 28.945 acres and Lot 2 will be 22.879 acres. Lot 3, proposed to be 52.373 acres, will adjoin Davis Lane, and contains a large pond. Lot 4 will be accessed from Roxi Lane, a new subdivision road along the west side of the half section line of Section 26, and will be 28.538 acres in size. A high pressure gas line, which lies in an 80-foot wide easement, bisects Lot 4, crosses through the northeast corner of Lot 3, and crosses the very southwest corner of Lot 2. The Bozeman City/County Planning Board reviewed the proposed minor subdivision on the Consent Agenda of their regularly scheduled meeting on July 15, 1997 and forwards a recommendation of conditional approval of the subdivision. Based on the review of the Subdivision, the Bozeman City/County Planning Board has found that the subdivision, with conditions, will be in compliance with the 1990 Bozeman Area Master Plan Update, Zoning Ordinance, and Bozeman Area Subdivision Regulations, and, on a vote of 6-0, recommends that the application be approved with the following conditions: 1. The Final Plat shall conform to all requirements of the Bozeman Area Subdivision Regulations and the Uniform Standards for Final Subdivision Plats, and be accompanied by all appropriate documents and all required certificates, including a Certificate of Director of Public Service and corrected Treasurer's Certificate. Two clothback (or equivalent) and two mylar copies of the final plat must be submitted for final plat approval, along with a digital copy of the final plat, on a double sided, high-density 3-1/2" floppy disk. 2. A \$496.00 per lot Fire Impact Fee and \$1,596.00 Road Impact Fee for each lot shall be submitted with the Final Plat application. The subdivider shall comply with the requirements of Section 6.E(5) of the Gallatin County Subdivision Regulations regarding fire protection, by providing the fire access easement on the final plat, and installing a year-a-round access, provisions for apparatus turn-a-round, and fire department connections prior to final plat approval. The installation of these improvements shall be approved by the Rae Fire Chief or his designee, in writing, and a copy of the approval submitted with the final plat application. Either the final plat or the covenants shall clarify who will be responsible for maintaining the fire fill site access. 3. Fifty (50) feet along the west boundary of Lot 3 shall be dedicated to the public on the final plat for Davis Lane. 4. Thirty (30) feet along the south boundary of the property shall be dedicated to the public on the final plat for the future extension of Hulbert Road. 5. Roxi Lane shall be constructed within a sixty (60) foot right-of-way, dedicated to the public. Roxi Lane shall be constructed to a County gravel standard, with the north 75-feet paved to its intersection with East Valley Center Road. A temporary cul-de-sac shall be constructed at the south end of the development. The road shall either be constructed prior to final plat approval or the developer may enter into an Improvements Agreement with Gallatin County guaranteeing the construction and installation of all required improvements in conformance with all policies, standards, and resolutions adopted by Gallatin County. If an improvements agreement is utilized, the road must be constructed within four years of final plat approval. A road name sign and STOP sign shall be installed at the intersection of Roxi Lane and Valley Center Road at the time Roxi Lane is improved. A note shall be placed on the final plat indicating that no buildings shall be constructed on Lot 4 until Roxi Lane is improved and the improvements accepted by the County. 6. Encroachment permits shall be obtained from the County

Road Department for access from Lot 3 onto Davis Lane, for accesses from Lots 1 and 2 to Valley Center Road, and for Roxi Lane onto Valley Center Road, prior to final plat approval. 7. The Waiver of Right to Protest Rural Improvement Districts and the Utility Easement shown on the preliminary plat must also be provided and signed on the final plat. 8. Covenants shall be recorded with the final plat which specifically include the following provisions: a. That all county declared noxious weeds will be controlled. b. A section addressing agricultural uses of neighboring properties in the following form: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, smoke, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the landowners in accordance with state law. d. The Homeowner's Association shall be responsible for maintenance of the subdivision road. e. That any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 9. The Covenants and a list of conditions of preliminary plat approval shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants prior to final plat approval. 10. All areas within the subdivision disturbed by road and utility construction shall be seeded and controlled for noxious weeds. A Weed Control Agreement shall be entered into with the County Weed Control Officer to ensure control of noxious weeds. A copy of the signed agreement shall be submitted with the final plat application, and any control measures required in the Agreement must be completed prior to final plat approval. 11. All utilities shall be installed underground. Utility easements, a minimum of 20-foot wide, shall be centered along side and rear lot lines wherever possible and shall be shown on the final plat. 12. A 35-foot wide watercourse setback line shall be shown on the final plat for each side of the unnamed creek flowing through the property. A note shall be added to the face of the plat stating no newly constructed structure, addition to an existing structure, or other impervious surface may be located closer than 35 feet to the mean high water mark of the creek. 13. A 20-foot wide maintenance easement, 15 feet on one side and 5 feet on the other, shall be shown on the final plat for all irrigation ditches. 14. The developer shall have three years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Ron Allen, surveyor for the applicant spoke regarding the proposed subdivision. Mr. Allen requested modifying condition no. 2 to allow the applicant to not build the fire fillsite, but provide the easement and site for a fillsite to be built at a later date. Mr. Allen stated that the Rae fire chief stated, the Cosco hydrants are less than one mile from this subdivision for an adequate water supply for fire suppression.

Debbie Arkell concurred that she has in writing from the Rae fire chief that there is no need to build a fillsite.

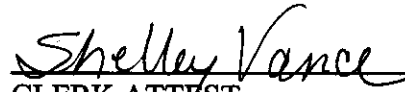
During the public portion Cecilia Vaniman spoke in opposition to the subdivision. Bob Davis, applicant addressed concerns of the Vaniman's.

Sam Gianfrancisco, County Road Superintendent, addressed concerns of Davis Lane and the approaches onto Valley Center Road. Commissioner Murdock questioned the approach onto Westlake Road. Mr. Gianfrancisco suggested adding a condition that would require a no access strip on the north end of Lot 2 onto Westlake Road. The applicant, Mr. Davis stated that he has no concern with adding that condition.

Finding that the Davis Minor Subdivision meets the requirements of the Montana Subdivision and Platting Act and is in compliance with the 1990 Bozeman Area Master Plan Update, Zoning Ordinance, and the Bozeman Area Subdivision Regulations, motion by Bill Murdock to grant preliminary approval with the following conditions: Condition no. 1 as drafted, amend condition to read: A \$496.00 per lot Fire Impact Fee, per County Impact Fee Policy, and \$1,596.00 Road Impact Fee for each lot shall be submitted with the Final Plat application. The subdivider shall comply with the requirements of Section 6.E.(5) of the Gallatin County Subdivision Regulations regarding fire protection, by providing the fire access easement on the final plat, and installing a year-a-round access, provisions for apparatus turn-around, and fire department connections, or a waiver of all or part thereof, prior to final plat approval. The installation of these improvements shall be approved by the Rae Fire Chief or his designee, in writing, and a copy of the approval submitted with the final plat application. Either the final plat or the covenants shall clarify who will be responsible for maintaining the fire fill site access. Condition no. 3 to read: Thirty (30) feet along the west boundary of Lot 3 shall be dedicated to the public on the final plat for Davis Lane. Conditions 4 through 14 as drafted. Add condition no. 15 to read: A no access strip onto Westlake Road from Lot 2 shall be shown on the final plat. Seconded by Jane Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:43 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 29th DAY OF JULY, 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JULY 21, 1997

- Commissioners met with Executive Secretaries Pat Lewis and Jan Emerson regarding pending administrative matters.
- Commissioners met with Personnel Director Kathy Nowierski and Intermountain Administrators Insurance Representative Dirk Visser to discuss the county health insurance plan.
- Commissioners had their regular monthly meeting with Road and Bridge Supervisor Sam Gianfrancisco and discussed a pedestrian safety committee, Sypes Canyon Road speed issue, Big Sky ISTE A project, personnel, the Willow Creek project, Gateway South Road, Love Lane, Clarkston, Trident Area Transportation Plan, weed mowing, speed bumps, Durston annexation issue, West Babcock, and Anderson School Pedestrian path. Sam will contact the Sypes Canyon Road area homeowners association regarding the posted speed limit and will write a letter to Senator Baucus regarding the Big Sky ISTE A project. Gateway South Road will be milled and the Willow Creek road will be bid out on a per mile basis with plans to go to the railroad tracks if the bid money allows. On August 6th Sam will meet with Planning Director Dale Beland to start the transportation plan.
- Commissioners met with Rural Fire Chief Brett Waters and Fiscal Officer Ed Blackman to review the condition of the County Fire Trucks No. 1 and No. 2 and to take inventory in each vehicle. The County fire budget was reviewed as well as the need for county fire equipment. The Commission approved the disposal of the obsolete breathing apparatus and Brett will look into the feasibility of the need for county fire equipment.
- Commissioner Jelinski met with the Health Officer Interview Committee and interviewed a candidate.

JULY 22, 1997

- Commissioner Murdock met with Rich Allison of JTL Group regarding the gravel pit near Belgrade. JTL has proposed a gravel pit south of Interstate 90 and east of Alaska Road. Mr. Allison stated the pit operation would start August 15th and that Alaska Road would be topped with millings this year and chip sealed next year. JTL Group requested a commissioner's signature on a form stating that the gravel pit was not in a zoned area. Commissioner Murdock checked a map in the Planning office and verified the property was not located in a zoning area and signed JTL's form.
- Commissioner Olson attended a settlement hearing in Butte, Montana regarding the fire in 1994 at the landfill and the Douma lawsuit. The hearing was attended by Mr. Douma, the attorneys for the Federal Government, and Gallatin County's insurance representative.
- Commissioners Jelinski and Murdock conducted the regular public meeting.
- Commissioners Jelinski and Murdock met with Ron Cooper, Lanny and Leono Atchison, and Attorney Marjorie Black regarding the Lower Middle Creek Ditch Supply Sponsorship. The Natural Resources Conservation Services Project on Lower Middle Creek Ditch through Rainbow subdivision lots owned by Atchison without Atchison's knowledge or consent. Attorney Black informed NRCS and the ditch company that a cooperative effort to fix the damage to the ditch should be undertaken. The Commissioners agreed to draft a letter to NRCS and provide the Atchison's a copy.

JULY 23, 1997

- Commissioners met with Assessor/Regional Office Supervisor Arletta Derleth and Regional Appraisal Supervisor Ty Typolt and reviewed the procedures used for transferring the assessed values to the county system. The regional Department of Revenue supervisor has been moved and Arletta and Ty are co-supervisors of the region for the present and near future.

144 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Jelinski attended the regular monthly meeting of the 911 Administrative Board. Those present included Sheriff Bill Slaughter, Mel McCarver, County Attorney Marty Lambert, City Attorney Paul Luwe, DES Coordinator Aaron Holst, Dan Lewis and Velma Rewitz. The Board worked on a draft resolution regarding a voted levy to fund 911 and discussed the special service district funding option. The Board voted to authorize the county and city attorneys to negotiate a contract with US West for 911 services, approved the 911 mission statement, and voted not to pursue a special district funding option.
- Commissioner Murdock attended the regular meeting of the Transportation Committee and the items discussed included West Babcock, Oak Street, Enhancement funds, an urban boundary for Bozeman roads and funding, signalization, STARS 2000, and the Belgrade interchange. Road and Bridge Supervisor Sam Gianfrancisco will form a committee to review the Bozeman Transportation Plan, arterial and collector status, and urban service boundary in Bozeman. A West Babcock homeowners meeting has been scheduled.
- Commissioners Jelinski and Olson attended the regular monthly meeting of the Logan Landfill Advisory Board. Those present included Board members Bob Marshall, Dr. Ed King, Glen Jorgenson, and John Huber; Dave and Alice VanDyken, and County Fiscal Officer Ed Blackman. Items discussed included past due accounts, tipping fees, volume discounts, and seeding the cap. The Board discussed the Three Rivers Disposal agreement and agreed to send a counter-proposal. The Board agreed to request Gallatin County Environmental Health Specialist Tim Roark to obtain information on a drying impoundment for grease and sump material; and to proceed with the seeding project with MSE-HKM.

JULY 24, 1997

- Commissioners met with Rest Home Director Connie Wagner regarding the resident bus and discussed the acquisition of a new bus and the disposition of the old bus. Connie will contact the county attorney's office to establish the procedure for selling the old bus.
- Commissioners met with City Manager Clark Johnson and reviewed the items for future discussion. They agreed to pursue proceeding on Oak Street, discussed Durston Road in relation to the annexation of land on West Durston, and discussed landfill issues. The next meeting was scheduled for August 27, 1997 from 1:30 p.m. until 3:30 p.m.
- Commissioners Olson and Jelinski had their regular monthly meeting with Planning Director Dale Beland and discussed the Facilities Master Plan Committee and approved Dale's work plan.
- Commissioners Olson and Jelinski met with Liz Galli-Noble of the Montana Conservation Corps to discuss their program and opportunities to serve the community.

JULY 25, 1997

- Commissioner Olson met with Acting Environmental Health Director Tim Roark, Environmental Health Specialist Tom Moore, and Deputy County Attorney Gerry Higgins regarding the Junk Vehicle Program and discussed the possibility of using the RFP procedures to find someone that would do the fluid draining and hauling of junk vehicles.

The following items were on the consent agenda:

First Security Bank of Bozeman is claiming the relocation of common boundary exemption to provide a suitable building site for tract C. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

James & Marie Clore III is claiming a security for construction financing exemption. Staff report indicates that based on the information submitted, this appears to meet the criteria for the exemption to the subdivision regulations allowed under the Montana Subdivision and Platting Act.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Jane Jelinski. None voting nay. Motion carried.

Lanette Windemaker, Gallatin County Planner, reported that the Gallatin County Commission directed the Planning Board to present an amendment to Appendix D.6.2 of the Gallatin County Subdivision Regulations. The Subdivision Regulation Review Committee has suggested as an alternative the addition of an agricultural waiver to Appendix D.10.1. The proposed amendments consists of the following change to Appendix D.6.2: 6.2 Unless the subdivider requests that the County determine the amount of such Fee pursuant to section 6.3, the County shall determine the amount of the Fire Protection Impact Fee by applying a fixed fee for \$496 per additional lot or parcel shown on the final map of the subdivision. Planning Board can not support the suggested change to Appendix D.6.2 for the following

reasons: The County Road and Fire Impact Fee Study set forth a reasonable methodology and analysis based on prior expenditures, capital facilities and equipment existing at the time of study. A subdivision proposal must undergo review of the effect on local services. A subdivider is asking for a level of entitlement which is based on the impact of all of the lots on the local services. Income to the rural fire districts/fire service areas is based on structures of valuation. An existing vacant parcel does not pay a fee and has a very low valuation. The Planning Board recommends that the change to Appendix D.6.2. be denied for the following reasons: 1. The County Road and Fire Impact Fee Study set forth a reasonable methodology and analysis based on prior expenditures, capital facilities and equipment existing at the time of the study, and the impact of new development. The exclusion of the original parcel was not considered in the study. 2. A subdivision proposal must undergo review for the effect on local services. A subdivider is asking for a level of entitlement which is based on the impact of all of the lots on the local services. 3. Income of the rural fire districts/fire service areas is based on structures of valuation. An existing vacant parcel does not pay a fee and has a very low valuation. 4. The term "additional" lacks specificity, and it would be difficult to ensure consistent application. The Commissioner's discussed the proposed amendment and asked questions of the County Planner, who addressed their concerns. Motion by Commissioner Jelinski to amend appendix 10.D.1 as recommended by Planning Board and to direct staff to make those amendments. Seconded by Bill Murdock. None voting nay. Motion carried.

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Dale Beland, Gallatin County Planning Director, reported that William C. Ladwig is claiming the family transfer exemption to create one additional tract of land for Troy W. Ladwig, his son. Staff report indicates given the history of the parcel, it appears that this claim may be an attempt to evade the Montana Subdivision and Platting Act. Commissioner Jelinski stated that the history of this piece may be an attempt to evade, but the Commission has a sworn affidavit, signed by applicant which states that he will not subdivide in the future. Susan Swimley summarized her findings in researching the piece of ground regarding how these tracts were created.

Mark Chandler, C&H Engineering, surveyor for applicant, and William Ladwig, applicant, spoke in regards to the request. Jane Jelinski, asked Mr. Ladwig if he intended to further subdivide. Mr. Ladwig answered no. He has no further intention of further subdividing with his sworn affidavit claiming that fact, entered into the record. Jane Jelinski, stated for the record, that the County has seen many evasion of subdivision regulations, that if land is further divided the County will start to take action in the future.

Finding that there is a sworn affidavit stating that the applicant has no intention to sell or further subdivide, motion by Bill Murdock to grant the family transfer exemption to William Ladwig. Seconded by Jane Jelinski. None voting nay. Motion carried.

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Dale Beland, Gallatin County Planner, reported that Harold, Fannie, Evert T., and James D. Wierda are requesting preliminary plat approval for a minor subdivision. The proposed subdivision will consist of 3 lots each containing 6 acres and is located on the north side of Norris Road (U.S. Highway 289) west of the Little Holland Road intersection, at the intersection of Wierda Way and Chandler Drive. The subdivider has requested one variance to the Gallatin County Subdivision Regulations: a variance from Section 7.A.9. Road Design Standards, General: to not construct the public road which provides the required second access to this subdivision. The request was continued from the Commission hearing of July 1, 1997 to allow staff review of the subdivider's rationale for the requested variance. On June 30, the subdivider submitted a proposal in support of the variance. The proposal suggested that covenants be placed on the property to restrict use to agricultural purposes as a means of deferring improvement on the second access. If the property were sold in the future, the access road would have to be built. Staff review of this proposal indicates the following problem: 1. The proposed easement involves property not part of the proposed subdivision, and there appears to be no way to provide a "road easement" via the ditch company. As an alternative approach staff suggests adding the following additional conditions no. 14 through 19. **The County Commission has two determinations to make with this application:** 1. **A determination as to whether the requested variance should be granted.** 2. **A determination as to whether the proposed subdivision should be approved. If the Commission decides to approve the subdivision, the following conditions for final plat approval are recommended:** 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: *"The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other*

facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever." 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, and/or the creation of a sewer and/or water district. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, road easement document and certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, road easement document and certificate prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a) The property owners' association shall be responsible for the control of County declared noxious weeds. b) Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c) A statement addressing agricultural uses of neighboring properties in the following form: *Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.* d) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler systems meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled during construction and after completion. f) The property owners' association shall be responsible for maintenance of Wierda Way, Chandler Drive, and the second access. g) The lots shall not be further subdivided prior to the provision of a second public access in accordance with the Subdivision Regulations. h) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot (\$1,488). 9. The subdivider shall dedicate to the public the sixty (60) feet of right-of-way for the extension of Chandler Drive to Little Holland Road or shall cause said right-of-way to be made a public road easement. The subdivider shall submit the documentation establishing the easement to the County Attorney's office for approval of the easement in accordance with the Subdivision Regulations. 10. The subdivider shall improve the extension of Chandler Drive to Little Holland Road to County gravel standards; to include stop and street signs, in accordance with the Subdivision Regulations. All road work to be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Office that the road has been brought to County gravel standards prior to final plat approval. 11. The subdivider shall obtain an encroachment permit for the Chandler Drive access at Little Holland Road prior to final plat approval. 12. The subdivider shall establish a property owners' association for the enforcement of the required covenants. 13. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Staff recommended adding the following: 14. The preliminary plat be revised to include "Tract 6" at the northeast end of Chandler Drive. 15. The parcel be covenanted to remain as agricultural use only. 16. That a secondary access road easement be recorded across the parcel. 17. The subdivider record an easement from the ditch company granting the subdivider a right to cross the irrigation ditch. 18. That all such required easements be subject to the review and approval of the County Attorney's Office. 19. That all other conditions recommended by the 7/1/97 staff report be included in the preliminary plat approval. Dale Beland added condition number 20 to read as follows: Developer shall enter into a non-revocable agreement with the ditch company owning the ditch which crosses lot 6. The agreement shall secure the right of developer or his successor(s), assignee(s) or heir(s) to construct a road way for vehicle travel across the ditch. The non-revocable agreement shall be presented to the County Attorney's office for review and approval prior to final plat approval.

Mark Chandler, C&H Engineering, representing the applicant spoke regarding the proposed subdivision.

Finding that the requested variance meets the concerns of public health, safety and welfare and with the addition of the staff recommended conditions, motion by Bill Murdock to grant the requested variance. Jane Jelinski seconded the motion. None voting nay. Motion carried. Commissioner Jelinski made a motion to grant the preliminary plat approval with the conditions as follows: Conditions 1 through 7. h. as drafted. Amend condition 8 to read: The subdivider shall make payment of fire protection impact fees pursuant to Gallatin County Impact Fee Policy. Conditions 9 and 10 as drafted. Delete condition 11. Conditions 12 through 20 as drafted. Seconded by Bill Murdock. None voting nay. Motion carried.

Jason Karp, Belgrade City-County Planner, reported that Gaston Engineering representing Belgrade Investors is requesting preliminary plat approval for the Belgrade North Business Park Phase III & IV. The proposed subdivision will consist of 35 non-residential lots and is located directly north of the city limit boundary of the City of Belgrade at the northeast corner of Jackrabbit Lane and Cruiser Lane. The Planning Board voted at their July 22, 1997 public hearing to recommend preliminary plat approval of the subdivision. If the County Commission decides to approve the subdivision, the following conditions for final plat approval are recommended: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. 3. The developer shall record with the final plat a waiver of right to protest creation of Rural Improvement Districts and Special Improvement Districts. 4. Any area of the subdivision disturbed by construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding will be signed between weed district and developer prior to final plat approval. 5. Fire impact fee and a road impact fee shall be submitted to Gallatin County pursuant to Gallatin County Impact fee policy. 6. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, 'Utility Easement' to have and to hold forever." 7. A copy of the final subdivision plat shall be submitted to the Belgrade Fire Marshall's Office and the Gallatin County Road Department prior to final plat approval. 8. A Property Owner's Association shall be established. 9. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowners right-to-farm. The language shall state as follows: Lot owners of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of machinery early in the morning and sometime late into the evening. c. All fences bordering agricultural lands shall be maintained by the Property Owner's Association. e. A section addressing possible problems associated with the nearby airport's operations and affirming the airport's right to operate. The language shall state as follows: Lot owners are informed that an airport exists adjacent to the subdivision and are aware of its proximity to the airport and that the area is subject to frequent low level aircraft over flight and noise associated with aircraft operations and shall waive all rights to protest about aircraft and airspace use and shall affirm the aviation industry, both public and private, the right to fly. f. No building shall exceed the Belgrade Zoning Ordinance's prescribed maximum, height of thirty-two (32) feet for Business Park Zones. g. Residential occupancy within the subdivision is prohibited. h. All structures must meet the flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. i. Site plans of all lots must be submitted for review and approval by the Belgrade Rural Fire District. j. All commercial structures must submit plans to the Montana State Building Codes Bureau (or the City of Belgrade if the subdivision is annexed) and the Belgrade Rural Fire District for review and approval. k. The Property Owner's Association shall participate with the Property Owners of Belgrade North Business Park Phases I & II. l. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 10. Covenants and a copy of preliminary approval and a certificate of licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 11. The developer shall record with the final plat a waiver of right to protest annexation into the City of Belgrade. 12. Glider Lane and Happy Lane north of Glider Lane shall have a sixty (60) foot right-of-way, be dedicated to the public, and paved to Gallatin county Standards prior to final plat approval of Phase III. 13. Jackrabbit Lane shall have one-hundred (100) foot right-of-way, be dedicated to the public and constructed to Designated Collector Standards with a minimum thirty (30) foot wide paved surface with a temporary cul-de-sac constructed to county standards at the North boundary of Phase IV prior to final plat approval. 14. Cruiser Lane and Happy Lane south of Glider Lane shall be a sixty foot dedicated right-of-way or public access approved by the Gallatin County Attorney's Office and filed with the County Clerk and Recorder, be constructed to county gravel standards to provide a second access to the subdivision prior to final plat approval. 15. All plans and specifications for roadways, drainage, and placement of street signs shall be approved by the Gallatin County Road Department prior to final plat approval. 16. All road name and STOP signs must be installed or a bond be deposited with the Gallatin County Road Department covering cost of the signs prior to final plat approval. 17. A thirty (30) foot easement along the irrigation ditch for cleaning and maintenance shall be shown on the final plat. 18. A waiver of right to protest Rural improvement

/Special Improvement District for traffic control devices and other improvements to the intersection of Jackrabbit Lane and Main Street (MT 205) shall accompany the final plat. 19. Gallatin Airport Authority Zoning, and notation of non-residential development shall be shown on the final plat. 20. The developer shall install "STOP" signs at all intersections within the subdivision or deposit a bond with Gallatin County that covers the cost of the signs. This condition was deleted by Belgrade-City Planner, Jason Karp during reading of staff report. 21. A notice shall be placed on the final plat stating that aircraft flight operations such as height lighting, and radio interference shall be prohibited. 22. A NFPA compliant fill-site or approved water supply system shall be in place and operable prior to final plat approval. Plans, specifications and locations for the fill-site or hydrants shall be reviewed and approved by the Belgrade Rural Fire District prior to construction. The fill-site or water supply system shall inspected and approved by the fire department prior to final plat approval. 23. If the City of Belgrade water system is to be utilized to provide water for fire protection, the developer must request and be granted permission from the Belgrade City Council and the City of Belgrade Department of Public Works prior to final plat approval. 24. The developer shall pay a proportionate reimbursement of the costs of paving Jackrabbit Lane and Spooner Road which were required as part of the approval for Belgrade North Business Park Phase I & II. the payment shall be calculated in accordance with the Gallatin County Subdivision Regulations and e made to the Belgrade City-County Planning Office which will reimburse the record lot owners in Belgrade North Business Park Phase I & II in accordance with County subdivision Regulations (unless a variance is granted). This condition was deleted by Jason Karp, planner during staff report. 25. All road work must be inspected and certified by a licensed engineer and provided to the County Road Department in writing prior to final plat approval. The developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply or final plat approval.

Dennis Foreman, Gaston Engineering, surveyor for applicant said he is okay with the conditions with the deletion of conditions number 22 and 24. Bryan Connelley, Assistant Fire Chief/Belgrade Fire, stated there was no need for temporary cul-de-sac on the north end of the Phase III. He suggested amending condition #13 to read as, at the northern end of boundary prior to Phase IV.

Finding that the Belgrade North Business Park Phase III & IV is consistent with the Gallatin County Subdivision Regulations and is in conformance with the Montana Subdivision and Platting Act, motion by Bill Murdock to grant preliminary plat approval with the conditions as follows: Conditions 1 through 4 as drafted. Amend condition 5 to read: Fire impact fees and road impact fees shall be submitted to Gallatin County pursuant to Gallatin County Impact Fee Policy. Conditions 6 through 12 as drafted. Amend condition 13 to read: Jackrabbit Lane shall have one-hundred foot right-of-way, be dedicated to the public and constructed to Designated Collector Standards with a minimum thirty foot wide paved surface with a temporary cul-de-sac constructed to county standards at the north boundary of Phase IV prior to final plat approval of Phase IV. Conditions 14 through 19 as drafted.. Delete condition 20. Conditions 21 through 23 as drafted. Delete condition 24. And condition 25 as drafted. Seconded by Jane Jelinski. None voting nay. Motion carried.

Motion made by Commissioner Jelinski to continue item #5 to a subsequent hearing. County Commissioner's Murdock and Olson concurred. Commissioner Murdock seconded motion. None voting nay. Motion carried.

Ed Blackman, County Fiscal Officer, reported on the proposed county budget. On July 15, 1997 Commissioner read into the record, public hearing on the proposed county budget to discuss County's budget. Bill Murdock, stated that the County budget is a public document and can be viewed in the Gallatin County Clerk and Records Office, and have advertised and held the public meeting as the law requires. No discussion. Commissioner Murdock made a motion to pass the proposed the budget. Seconded by Jane Jelinski. None voting nay. Motion carried.

Larry Watson, Gallatin County Grants Administrator, brought to the Board consideration of a resolution to adopt a contract between Gallatin County and Prugh and Lenon Architects P.C. to facilitate CTEP project STPE 1299 (7) for historic preservation and enhancement of the Gallatin County Courthouse. There were no questions from Board. Commissioner Jelinski read Resolution 1997-21A into the record. Motion by Jane Jelinski to adopt Resolution No. 1997-21A. Seconded by Commissioner Murdock. None voting nay. Motion carried. Resolution 1991-21A is adopted.

Commissioner Olson opened the public hearing considering Resolution to Create RID 370, Outlaw Country Subdivision, South portion. Eric Semerad, Chief Deputy for the Clerk and Recorder, read into the record the advertisements the County posted on creating RID according to Montana law. 1. Receipt of the affidavit of publication which was published in the High Country Independent Press on July 10 and 17, 1997. The affidavit of mailing was entered into the record and the number of protests received. fourteen protest letters protesting the creation of RID #370. There are 48 lots within the

proposed district. This constitutes 29% of the owners within the proposed district protesting the creation of this district.

Commissioner Murdock asked what the lot owners received by way of notice of this RID? Chief Deputy Eric Semerad stated it was an affidavit prepared by our Deputy County Attorney, Susan Swimley. Susan stated the % fell below the 50% needed to automatically defeat the creation of the district, so now it is up to the discretion of the Commission on whether or not to create the district. Susan Swimley clarified why this RID is being presented again, after 3 times to the Commission for consideration..

The following people spoke in favor of the proposed RID: Cynthia Devries, Don Small, Rick Kerin, Project Engineer, Ralph Giamanco, Betty Lister, Larry Lister, Lynda Turck, Vern Klingensmith, Patricia Freund, Stuart Holzworth, Brian Stoppel, Darwin Gaub, Robert Christensen, Mrs. Robert Christensen, Betty Lister entered into the record letters in favor: Jean D. Cione and Virginia Hunt Lynda Turck entered a proxy for her husband, Chairman Olson stated the Commission received letter in favor from Jamara and Kyle Mobley and John and Judy P. Wiegard. The following people spoke in opposition to the proposed RID: Debbie Lokken, Dave Carty, Lucy Mohr, Keith Frazer, Sharon Frazer, Sally Nagra, and Dennis Gilbert, Dave Carty submitted two letters into the record against from Mark MacLeod, Susanne and Dan Vokt.

Commissioner Jane Jelinski asked Sam Gianfrancisco to step forward and answer questions for the Commission: She asked if the project will improve or make the roads worse if paving is done. He answered that some ditch's have not been maintained and the bank of the river could not be built up because of the Fish and Game. The road might be helped with culverts installed, and roads will be built up. It would not hinder flooding problems. Nothing will stop the flooding of this area. By today's standards some lots would not be allowed to build because of the flooding. Sam Gianfrancisco, clarified standards for set back of entrance to the subdivision and it will be looked at further if passed. During board discussion Jane Jelinski stated she was in favor of the RID because of the amount of traffic on road daily. She states the public health safety and welfare would benefit and be in the best interests of the public. Phil Olson stated he was in favor of the RID. He couldn't see paving would make the flooding problems worse. Jane Jelinski made a motion to pass RID -97-370B which is a resolution to create RID No. 370. Bill Murdock seconded motion. None voting nay. Motion passed in favor of RID-97-370B.

There being no further business, the meeting was adjourned at 4:33 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 5th DAY OF AUGUST, 1997

The meeting was called to order by Chairman Phil Olson at P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JULY 28, 1997

- Commissioners met with Personnel Director Kathy Nowierski and Fiscal Officer Ed Blackman regarding the county health plan and possible changes. The Commission agreed to increase to \$60,000 the stop loss and change coverage to Safeco and add acupuncture to the covered services.
- Commissioners met with Executive Secretaries Pat Lewis and Jan Emerson regarding pending administrative matters.
- Commissioners attended the Capital Facilities Committee meeting where an update was given on the move to the courthouse annex; the Facilities Master Plan Committee has schedule their first meeting for August 16th; Grants Administrator Larry Watson provided an update on the Detention Center Task Force, stating that they are working on a report to the Commission with their recommendations; the 911 tower is under construction and the Law and Justice basement space is being cleared for the 911 office construction; options were presented for providing better security and access control to the Law and Justice Center Parking Lot; Fairgrounds Supervisor Sue Shockley presented a status report on the fairgrounds building stating the construction contract is in place for the office building; Personnel

150 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Director Kathy Nowierski reported that the plans for the basement of the courthouse have been distributed to affected departments and she is awaiting their input; and an update on the storage facility needs assessment was provided reflecting the concerns of individuals for the need for confidentiality of their records.

- Commissioner Murdock met with Planning Board member Ray Rasker regarding the Open Space Task Force.

JULY 29, 1997

- Commissioners met with Belgrade City Manager Joe Menicucci to review issues of mutual concern to Belgrade and Gallatin County.
- Commissioners conducted the regular public meeting.
- Commissioner Jelinski attended the West Yellowstone City Council meeting to discuss 911 funding.

JULY 30, 1997

- Commissioner Murdock attended the 1997 Western Planner Conference held in Red Lodge, Montana July 30th, and 31st.
- Commissioner Olson met with Deputy County Attorney Gerry Higgins, Acting Director of Environmental Health Tim Roark, and Environmental Health Specialist Tom Moore regarding the Junk Vehicle program. Gerry Higgins reported that the County needs to contract with the Board of Health to continue and possibly should update the lease with the airport after the junk vehicle program is finalized. The possible need to recheck the role and need of administration and oversight of the landfill was discussed. It was decided that the State would be called to get a crushing event. Gerry Higgins will get an RFP started for the August 5th public meeting and Gerry will work on an Interlocal agreement to administer the junk vehicle program. It was decided to follow up on the landfill administration and oversight. Additional discussion on the abandoned vehicles will include the Sheriff.

JULY 31, 1997

- Regular business was conducted.

AUGUST 1, 1997

- Commissioners had their regular monthly meeting with Personnel Director Kathy Nowierski and discussed changing the performance evaluation procedures for the department heads and the proposed changes to the health plan. Kathy will check with the insurance company to see if a cost increase is necessary.
- Commissioners had their regular monthly meeting with Data Processing Supervisor Bill Baldus and discussed the new direction for monthly meetings and how they would relate to annual evaluations; discussed the possible need for an upgrade of the computer operation II; and reviewed the process of assessing, tax billing, and collection. Bill reports that the last 911 task force's final meeting was scheduled for July 30, 1997. The Commission agreed that the finance committee should review the taxing process and recommend changes, if needed. Bill will bring his updated work plan and list of priorities, as soon as possible. Bill will install a computer security system for the hours after 7:00 a.m. to 6:00 p.m.
- Commissioners had their regular monthly meeting with Grants Administrator Larry Watson and discussed the new procedure for monthly meetings of prioritizing needs and carrying those needs into the next budget year and for evaluation purposes and discussed the projects that the department has ongoing.
- Commissioners had their regular monthly meeting with GIS Coordinator Allen Armstrong and discussed the new procedure for performance evaluations.
- Commissioners conducted a work session to prepare evaluations for two county employees.

AUGUST 1, 1997

- Commissioners participated in the annual Sweetpea Parade.
- The following board appointments were made during the week of July 28, 1997:
 - Patrik Callis was reappointed to the Search and Rescue Advisory Board on 7-28-97.
 - John Mandeville was reappointed to the Bozeman City-County Planning Board on 7-28-97.
- Received A101's in the amount of \$34,039.99.
- Received the Gallatin County New Employees List for July 1997:
 - Julianne Burkhardt, District Court Law Clerk, \$35,000 annual, 7/1/97.
 - Melanie Tipton, Resthome, CNA, \$7.55/hr., 7/1/97.
 - Kathleen Cooper, Resthome, Temp. CNA, \$7.55/hr., 7/2/97.
 - Heather Dickey, Resthome, CNA, \$7.55/hr., 7/14/97.
 - Janice Whitehouse, Resthome, CNA, \$7.55/hr., 7/24/97.

Jennifer Welton, Resthome, Activities Director, \$13.14/hr., 7/21/97.
 Stacy Jepson, Resthome, Dt. Hsk., \$6.66/hr., 7/21/97.
 Alice Jandt, Resthome, Temp. Office, \$6.66/hr., 6/24/97.
 Ashley Harrington, County Attorney, Temp. Intern, \$1,000/mo., July-Aug. \$500/mo., Sept.
 Katherine Krick, Sheriff/Detention Officer, \$1,392.00/mo., 7/10/97.
 Michelle Munro, Treasurer/Accountant II, \$2,286.36/mo., 7/24/97.
 Denise Moldroski, Environmental Health Specialist I, \$2,286.36/mo., 7/28/97.
 Elizabeth Kalakay, Health/PHN I, \$13.14/hr., 7/16/97.
 Austin Beard, Fair Temp., \$6.00/hr., 7/12/97.
 Thad Daniels, Fair Temp., \$6.00/hr., 7/9/97.
 Justine Fauser, Fair Temp., \$6.00/hr., 7/11/97.
 Zachary Gillett, Fair Temp., \$6.00/hr., 7/11/97.
 Jesse Slaughter, Fair Temp., \$6.00/hr., 7/15/97.
 Tanner, Robson, Fair Temp., \$6.00/hr., 7/11/97.
 Josh Plaggemeyer, Fair Temp., \$6.00/hr., 7/9/97.
 Elizabeth Fuller, Fair Temp., \$6.00/hr., 7/16/97.

- Received Gallatin County Terminated Employee List for July 1997:

Sybil Hughes, Resthome, 7/7/97.
 Hilary Kuntz, Resthome, 7/23/97.
 Gretchen Burton, Clerk & Recorder, 7/3/97.
 Anne Watson, District Court 2, 6/30/97.
 Jamie Derleth, Temp. Planning, 6/30/97.
 Denise Wolf, Health, 7/17/97.
 Don Carlson, Data Processing, 7/25/97.
 Austin Beard, Temp. Fair, 7/23/97.
 Thad Daniels, Temp. Fair, 7/22/97.
 Justin Fauser, Temp. Fair, 7/24/97.
 Zach Gillett, Temp. Fair, 7/24/97.
 Jesse Slaughter, Temp. Fair, 7/19/97.
 Tanner Robson, Temp. Fair, 7/24/97.
 Josh Plaggemeyer, Temp. Fair, 7/24/97.
 Elizabeth Fuller, Temp. Fair, 7/20/97.
 Stan Hughes, Treasurer, 7/21/97.

- Payroll in the amount of \$900,805.59

The following items were on the consent agenda:

Final approval of the minutes of June 24, July 1, 8, 15 & 22, 1997 as written.

Motion by Jane Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Shelley Vance, Clerk & Recorder, submitted two bids that were received for the RID road maintenance overly program. Mrs. Vance stated that these bids were receive before the deadline.

Jack Schunke, Morrison & M aierle, explained the scope of work for the RID overlay project and opened and read the following bids: Daktanna Paving, Belgrade, Mt: total bid price for all of the schedules in the amount of \$303,967.52. JTL, Group, Belgrade, Mt: total bid price for all of the schedules in the amount of \$286,543.30. Mr. Schunke requested taking these bids under advisement for one week and he will make a recommendation at next weeks public meeting.

Shelley Vance, Clerk & Recorder, explained that on July 1, 1997 the County Commission adopted a Resolution of Intention to add property into the Reese Creek Fire Service Area, on July 16, 1997 notices were mailed to the petitioners and everyone within the Fire Service Area, and notice was published in the High Country Independent Press on July 17 and 24.

There was no public comment during the public hearing portion.

Finding that this is in the public interest, motion by Bill Murdock to adopt Resolution No. 1997-44, which is a resolution to alter the boundaries of the Reese Creek Fire Service Area by adding property. Seconded by Jane Jelinski. None voting nay. Motion carried.

152 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Tim Roark, Gallatin City/County Health Department, is requesting the authorization of the Commission for adoption for the competitive sealed proposal procedure for junk vehicle fluid removal, storage and disposition. There was no public comment.

Motion by Jane Jelinski to adopt the competitive sealed proposal procedure for junk vehicle fluid removal, storage, and disposition. Seconded by Bill Murdock. None voting nay. Motion carried.

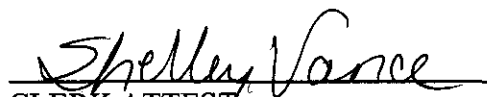
Ed Blackman, Fiscal Officer, presented the County Commission with Resolution No. 1997-45, which is a resolution of intent to levy and assess a tax on maintenance districts within Gallatin County, Montana.

Mr. Blackman went over the procedures with the Commission. Sam Gianfrancisco, County Road Superintendent, stated that he has not seen the projected cost for each district.

Motion by Jane Jelinski to adopt Resolution No. 1997-45. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:02 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 12th DAY OF AUGUST, 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioner Bill Murdock, and Deputy Clerk & Recorder Tina M. Altimus, Acting Clerk to the Board.

Commissioner Olson announced that Commissioner Jelinski is on vacation.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

AUGUST 4, 1997

- Commissioners met with Executive Secretary Jan Emerson regarding pending administrative matters.
- Commissioners met with Bob Ross, Jerry Spaulding and Bill Kennedy of the Mental Health Center to discuss concerns including managed care, cash flow from managed care, privatization issues, with mental health services. CMG is only paying 10% of all responses. Crisis response continuum is still the top priority, discussed juvenile crisis stabilization unit at Shelter Care and need for adult unit. The Commissioners agreed to write Randy Polson at Department of Public Health and Human Services, Division of Mental Health, Rusty Redfield of the same office, and Jeff Folsom to address eligibility issues and suggest a block grant system to pay the average or historic number of responses based on a formula.
- Commissioners had their regular bi-monthly meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, Deputy County Attorney Gerry Higgins, and Deputy County Attorney Chris Gray and discussed the priority list of projects the county attorney's office is currently processing. Commissioner Olson and Gerry Higgins will set a date for a public hearing on the airport influence map. This special meeting of the Commission was called to order by Phil Olson, Chairman. Those present included Commissioner Murdock, County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, Deputy County Attorney Gerry Higgins, and Deputy County Attorney Chris Gray. Commissioner Jelinski was absent. Commissioner Olson asked Deputy County Attorney Susan Swimley to clarify, for the record, the situation with the Yellowstone Holiday Subdivision request for approval for placement of wells within the public right-of-way (road easement). Ms. Swimley restated the County Attorney Opinion 97-5 dated July 24, 1997. She informed the Commission that the Road and Bridge Supervisor Sam Gianfrancisco has issued permits, in the past, in a County road right of way as long as they do not interfere with the physical requirements of a road. Commissioner Olson asked if Mr. Gianfrancisco approved of the placement of a well within the 100 foot easement which runs north and south along the easterly line of Lots P and J. Ms. Swimley advised that Sam approved of this placement as long as they applied for the permit. Susan states that the Commission may permit the Yellowstone Holiday County Water and Sewer District to place a well within the public road easement which crosses Lots P and J of Yellowstone Holiday Subdivision provided that it is determined that: a. the placement of the well is

necessary for the best interests of the county roads and the road district; b. the well does not unreasonably impair the special easement of abutting owners in the street for purposes of access, light and air; and c. the well is conducive to the public welfare and serves one of the purposes for which streets are dedicated. Commissioner Murdock moved that the Commission approve the placement of a well within the public easement in the Yellowstone Holiday Subdivision since conditions a, b, and c above have been met on the condition that they obtain the required utility permit from the County Road Department. Commissioner Olson seconded the motion and it was approved unanimously. The second item to be addressed was the abandoned portion of Indigo Road which the two landowners to the north have requested revert to them. Susan states that the county purchased an easement on the Birche's land and because of the plotted subdivision they wanted to abandon the road on the north side. Commissioner Murdock moved that the Commission make a finding that the abandoned portion of the Indigo Road easement shall revert to the two current landowners to the north of Indigo Road or to the future landowners of those two lots. Commissioner Olson seconded and the motion carried unanimously.

- Commissioner Jelinski met with Bob Taylor to discuss the Airport Authority board appointment.
- Commissioners met to review resumes of treasurer candidates.

AUGUST 5, 1997

- Commissioner Jelinski attended the regular meeting of the Board of Health.
- Commissioners met with Marv Nelson of Pecia Associates regarding the right of way for the sewer line to the fairgrounds and easements for Oak Street. The Commissioners will review the documents, when they are completed, with the county attorney.
- Commissioners met with Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Vance and reviewed the department's requested changes from the proposed budget.
- Commissioners conducted the regular public meeting.
- Commissioners interviewed a candidate for the treasurer's position.
- Commissioners met with Fairgrounds Supervisor Sue Shockley; Fair Board members Greg Raths, Jack Dugan, and Jeana Henley; Montana Winter Fair Board members Jim Bryson, Vic Lutes, Sandy Taylor, and Lyle Zimmer; Fair Advisory Committee Members Al Lien and Lon Lundberg; and Fiscal Officer Ed Blackman to discuss the viability of the Fair Board taking over the Winter Fair for 97-98. The Fair Board and Winter Fair Board will work out a proposal to present to the commissioners.
- Commissioner Phil Olson called the special meeting to order for the purpose of appointing a member of the Gallatin County Zoning Commission to replace Stan Hughes, former Treasurer. Commissioner Jane Jelinski moved that Jeff Krauss, Gallatin County Treasurer be appointed, as of August 6, 1997, as a member of the Gallatin County Zoning Commission. Commissioner Bill Murdock seconded the motion based on the recent County Attorney Opinion. All voting aye, the motion passed unanimously. The meeting was adjourned.

AUGUST 6, 1997

- Commissioners attended the initial meeting of the Open Space Task Force to provide direction and a mission to the task force.
- Commissioners met with Rest Home Director Connie Wagner to discuss nursing home software needs and a proposal to address those needs. She stated that Data Processing Supervisor Bill Baldus had reviewed and approved the software package and the funds are in the budget for the rest home. She requested spending authority from the Commissioners. The Commissioners approved the software expenditure, furniture expenditure for the nurses' stations, and Connie's attendance at the October conference in San Antonio on future direction of nursing homes. The Commission also approved spending authority for her to install a water softening system in the Rest Home.
- Commissioners met with a county employee to provide an annual evaluation.
- Commissioner Murdock attended the regular meeting of the Victim Witness Program and items discussed included the national victim hotline funding and various aspects of victim/witness program.

AUGUST 7, 1997

- Commissioners met with City-County Planner Debbie Arkell and reviewed the City of Bozeman's requested changes to the subdivision regulations.
- Commissioner Jelinski, as a member of the Health Officer Interview Committee, participated in a telephone interview of a candidate.
- Commissioners had their regular monthly meeting with Planning Director Dale Beland and reviewed his 1997-98 work plan.
- Commissioner Murdock attended the informational public meeting hosted by the Rocky Mountain Elk Foundation. Those present included Fish and Game, Ophir school, Gallatin Associates, Inc., and members of the local community with the goal being to arrive at a master plan and proposed zoning for the property owned by the Montana Fish and Game that surrounds the Ophir School. Fish and

154 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Game has surplus property near the Ophir School which they are interested in trading for land in the Taylor's Fork area which Gallatin Associates is interested in purchasing.

AUGUST 8, 1997

- Commissioners met with Jamie Lenon and Rob Pertzborn of Prugh and Lenon Architects to discuss the courthouse floor plan in Phase I.
- Commissioners attended a Forest Service tour with Bozeman Ranger Gene Gibson, West Yellowstone Ranger Stan Benes, Road and Bridge Supervisor Sam Gianfrancisco, and Deputy County Attorney Susan Swimley. The tour was to review lands that are potential for development and currently have only Forest Service Roads.
- The following board appointments were made during the week of August 4, 1997:
Steven Williamson was reappointed to the Airport Authority Board 8/4/97.
- Received A101's in the amount of \$78.20.
- Received claims in the amount of \$371,498.55.
- Payroll in the amount of \$900,805.59.

The following items were on the consent agenda:

Final approval of the minutes of July 29th and August 5th, 1997 as written.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Phil Olson. None voting nay. Motion carried.

Bid award for RID Road Maintenance Overlay Program: Jack Schunke, Morrison & Maierle, stated that at last weeks public meeting bids were opened and read for RID Road Maintenance Overlay projects. At that hearing Mr. Schunke requested taking those bids under advisement in order to make a recommendation at today's hearing. Mr. Schunke stated that after reviewing the bids, it is his recommendation to award to the low bidder, JTL Group, Inc. in the amount of \$286,543.30. Mr. Schunke stated that he has determined that sufficient funds are available in the RID's maintenance funds for the overlays, contingencies and engineering. There was no public comment.

Based on the recommendation of the engineer, motion by Bill Murdock to award to the low bidder, JTL Group, Inc. in the amount of \$286,543.30. Seconded by Phil Olson. None voting nay. Motion carried.

Gerry Higgins, Deputy County Attorney, spoke regarding a request for proposals for prescription medications for the Gallatin County Detention Center. Anita Shaw, Acting Detention Center Administrator, recommended that the County Commission award the request for proposal to Western Drug, based on the per unit price.

Based on the recommendation of the Detention Center Administrator, motion by Bill Murdock to award the request for proposal to Western Drug. Seconded by Phil Olson. None voting nay. Motion carried.

Commissioner Olson stated that a memorandum has been received from the Bozeman City/County Planning Office requesting a continuance of the public hearing for the Valley West Master Plan Amendment until the September 23, 1997 public hearing.

Motion by Bill Murdock to open and continue the Valley West Master Plan amendment until September 23, 1997. Seconded by Phil Olson. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, presented the Commission with Resolution No. 1997-46, which is a resolution approving a tax abatement for Luzenac America, Inc. and Resolution No. 1997-47, which is a resolution approving a tax abatement for Montana Talc Company. Mr. Blackman stated that he notified the Three Forks Superintendent of Schools by certified mail, this item was also posted and published in the paper. Mr. Blackman recommended approval.

During the public portion the following people spoke: Ron Crowley, Senior Cost and Budget Analyst for Luzenac America and Fred Panion, Administrative Manager for Luzenac America.

Motion by Bill Murdock to adopt Resolution No. 1997-46 to Luzenac America, Inc. Seconded by Phil Olson. None voting nay. Motion carried.

Motion by Bill Murdock to adopt Resolution No. 1997-47 for Montana Talc. Seconded by Phil Olson. None voting nay. Motion carried.

Ed Blackman, Fiscal Officer, presented the Commission with Resolution No. 1997-48, which is a resolution approving tax abatement for Lattice Materials Corp.

Carol Engen, Accountant for Lattice Materials, spoke regarding the request.

Based on the recommendation of the County Fiscal Officer, motion by Bill Murdock to adopt Resolution No. 1997-48. Seconded by Phil Olson. None voting nay. Motion carried.

Larry Watson, Grants Administrator, presented the Commission with Resolution No. 1997-49, which is a resolution to sponsor an application for Community Development Block Grant Technical Assistance on behalf of the Willow Creek Community.

There was no public comment.

Motion by Bill Murdock to adopt Resolution No. 1997-49, which is a resolution to sponsor an application in the amount of \$6,075.00. Seconded by Phil Olson. None voting nay. Motion carried.

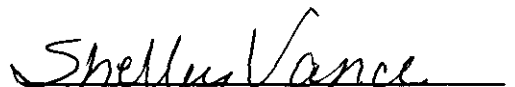
Commissioner Olson stated that he has been presented with Resolution No. 1997-50, which is a resolution of intention to change the boundaries for RID No. 343 maintenance district for Pineview Subdivision. And Resolution No. 1997-51, which is a resolution of intention to change the boundaries of RID No. 356 maintenance district for Springvale Subdivision.

Motion by Bill Murdock to adopt Resolution No. 1997-50 for Pineview Subdivision. Seconded by Phil Olson. None voting nay. Motion carried.

Motion by Bill Murdock to adopt Resolution No. 1997-51 for Springvale Subdivision. Seconded by Phil Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:58 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 19th DAY OF AUGUST, 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson announced that Commissioner Jelinski is on vacation.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

AUGUST 11, 1997

- Commissioners met with Executive Secretary Jan Emerson regarding pending administrative matters.
- Commissioner Murdock met with Dick Roehm to tour the airport facility.
- Commissioners Olson and Murdock met with Sheriff Bill Slaughter and Undersheriff Red Wilson to discuss the \$2,900.00 bill from the Humane Society and the fact that the contract has expired. The Sheriff would like to buy two equipment packages and new Ford Explorer for Big Sky. Sheriff Slaughter will investigate his available funds. It was agreed that the Sheriff's office would purchase two equipment packages for two new cars and buy a new Ford Explorer for the Big Sky area.
- Commissioners Murdock and Olson had with Facilities Director Bob Isdahl to discuss the carpet cleaning needs, the Law and Justice Center parking lot gravelling, the Law and Justice Center - 911 move and related costs, Law and Justice Center roofing and various other repairs needed. Bob Isdahl will obtain an estimate for the cost of cleaning the carpets. The Commission approved the purchase of three chain link units for department record storage. The decision was made to incorporate storage

156 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

costs into the department space charges. The Commission approved time for Bob to attend a workshop in Billings on August 27th regarding records storage, the replacement of cooling tower controls at the Law and Justice Center, installation of new Monway assembly to the Courthouse boiler, and short term repairs to the Law and Justice Center roof.

- Commissioner Murdock attended a meeting of the Fair Board where items discussed included the rifle range/baseball cost share of sewer and water lines, board expansion, winter fair, and new office building. The baseball field and rifle range will present written proposals to the fair Board within seven (7) days on the terms of payment for the sewer and water lines. The Board will submit their recommendations to the Commission for additional board members.

AUGUST 12, 1997

- Commissioners Murdock and Olson met with Road and Bridge Supervisor regarding the grass mowing contract.
- Commissioner Olson met with Environmental Health Specialist Tom Moore and Mike Kraft to discuss a conflict between landowners regarding used cars kept on Mike Kraft's land.
- Commissioners conducted the regular public meeting.
- A special meeting of the County Commissioners was called to order at 3:30 P.M. by Commissioner Phil Olson. Also in attendance was Commissioner William A. Murdock. Purpose of the meeting was to consider a Resolution authorizing payment by Gallatin County for services rendered by County Prosecutor Services Bureau, of the Department of Justice, in Case Number 97-088-01. This payment would include travel time and personal services rendered. Commissioner Murdock moved that the Commissioners adopt Resolution 1997-52. Commissioner Olson seconded the motion. The motion was unanimously approved. Meeting adjourned at 3:35 P.M.

AUGUST 13, 1997

- Commissioner Murdock attended the Facilities Master Plan Committee meeting. In attendance were Facilities Director Bob Isdahl, Fair Supervisor Sue Shockley, Fiscal Officer Ed Blackman, Personnel Director Kathy Nowierski, Grants Administrator Larry Watson, and Planning Director Dale Beland. Items discussed included site criteria, detention center process, need for consultant, and reviewed an overview of the facilities master plan. The Committee agreed to make this a detention center focused effort; to meet with all Law and Justice Center users to get site selection criteria; to consider alternate sites because county land may not be adequate; and to draft an RFQ for a real estate consultant to assist with a land search for our needs.
- Commissioners Murdock and Olson met with Tom Henesh of Morrison-Maierle to discuss the possibility of a joint sale with Mr. Brunton of property near the resthome. A review of the statute found that any land sold by the County would need to be appraised and sold at an auction.
- Commissioner Murdock met with Mike Liebelson regarding the Gallatin II Land Exchange and issues in the Bangtails. Commissioner Murdock agreed to present Mr. Liebelson's concerns to the other commissioners.
- Commissioner Olson attended the regular meeting of the Composting Committee. In attendance were representatives from several southwestern Montana counties and items discussed included funding sources for composting, a pilot plant, estimates of cost, and an entity funding agreement.

AUGUST 14, 1997

- Commissioners Murdock and Olson attended the regular Zoning Hearing.
- Commissioner Olson attended the meeting of the Weed Board. Those present included Board Members Kay Moore, Chairman Bob Nowierski, Craig Morgan, Leo Schlenker, and Bob Hofman, State Noxious Weed Board Linda Ellison, Extension Agent Ron Carlstrom, Weed Supervisor Dennis Hengel, and Secretary Jan Emerson. The Board reviewed weed plans for subdivisions, talked about the mowing of roadsides and the progress that is being done. A motion passed to give \$100.00 to "know your watershed" for educational purposes. Motion passed to approve four weed management plans, and a request has been made for a refund of \$5,000 from the double payment made in the past by the Weed Dept.

AUGUST 15, 1997

- Commissioner Olson met with Fiscal Officer Ed Blackman, Facilities Director Bob Isdahl, and Planning Director Dale Beland to review the draft lease for the Courthouse Annexation and recommendations were made for changes in the lease. A meeting was scheduled with Deputy County Attorney Chris Gray to recommend changes.
- The Commission reappointed E..J. Clark to the DUI Task Force 8/15/97.

- Received A101's in the amount of \$5,124.32.

The following items were on the consent agenda:

- A request for final plat approval for the Mohr Minor Subdivision which was granted preliminary plat approval on May 6, 1997.
- A request for final plat approval for the Cougar Park Amended Subdivision which was granted preliminary plat approval on November 28, 1995.

The Planning Office has reviewed the conditions of approval for these plats, and based on those reviews, have determined that final plat approval should be granted.

- A request for a family transfer exemption for Gary and Ann Lower.
- A request for a family transfer exemption for Thomas Rue.

Staff report indicates that these appear to meet the criteria for the exemptions to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Susan Swimley, Deputy County Attorney asked that the family transfer exemption requested by Thomas Rue be removed from the consent agenda and moved to the regular agenda. Motion by Commissioner Murdock to pull the Rue request and add it to the regular agenda for discussion. Seconded by Chairman Olson. None voting nay. Motion carried.

Motion by Bill Murdock to adopt the consent agenda. Seconded by Phil Olson. None voting nay. Motion carried

Jennifer Borquist, County Planner presented a request for a family transfer exemption for Thomas Rue. Susan Swimley, Deputy County Attorney, explained that her reason to pull the item from the consent agenda was because the deeds submitted to the staff in the County Planning Department and the County Attorney's Office raised questions as to whether this is a proper use of the family transfer exemption. She asked that this item be continued until they have time to study the documents. Finding that certain legal documents on this request need to be reviewed to determine if it is a proper use of the family transfer exemption, motion by Commissioner Murdock to continue the request until determination can be made by the County Attorney's office and by the Commission. Seconded by Commissioner Olson. None voting nay. Motion carried.

A Resolution of Intention to alter the kinds, types and levels of service for the Fort Ellis Fire Service Area was presented to the Commission. Susan Swimley, Deputy County Attorney, asked the Commission to consider the Resolution of Intention and not ask for public comment at this time. She explained that Clerk and Recorder Shelley Vance will publish the public hearing as specified by Montana State Law. At those hearings, the public will have an opportunity to comment. Bill Murdock moved to adopt Resolution of Intention No. 1997-53. Phil Olson seconded the motion. None voting nay. Motion carried.

Dave Skelton, Bozeman City-County Planner, reported that Joseph W. Sabol, representing Gateway Limited Partners has requested a master plan amendment to initially classify 148.05 acres of agricultural land for development as "Urban Residential Infill" on the Land Use Plan Element of the 1990 Bozeman Area Master Plan Update. In addition, the applicant has also applied for a zone map amendment to the Bozeman Area Zone Map to establish an initial urban zoning designation of "R-2-A", Single-Family, Medium Density District. Both applications are the result of a request for annexation of said property to the corporate limits of the City of Bozeman. The property is located approximately one-half mile west of the intersection of North 19th Avenue and Durston Road. The master plan amendment must meet the four criteria set forth in the 1990 Bozeman Area Master Plan update. They are as follows: 1. Whether the development pattern contained in the land use plan adequately provides appropriate optional sites for the use proposed in the amendment. 2. Whether the amendment constitutes an overall improvement to the Master Plan or would be solely for the good or benefit of a particular landowner or owners at a particular point in time. 3. Whether the amendment will adversely impact the community as a whole or a portion of the community by: significantly altering acceptable existing land use patterns. b. Requiring larger and more expensive improvements to roads, sewer or water systems that are needed to support the prevailing land uses and which, therefore, may impact development of other lands. c. Adversely impacting existing uses because of increased traffic on existing systems. d. Affecting the livability of the area or the health and safety of the residents. 4. Whether the amendment is consistent with the overall intent of the Master Plan. Mr. Skelton stated that the proposals are in general compliance and recommends approval contingent upon annexation of the property into the corporate city limits of Bozeman. Attorney Joe Sabol, representing Gateway Limited Partners, spoke regarding the proposed request. Sam Gianfrancesco, County Road Superintendent, explained past problems regarding both the

county and city owning the road. The county has still had to maintain the roads, yet loses its tax base. He stated the County needs to set a policy to keep the County involved in what's being done in those situations. He feels that past negotiations regarding this annexation is a good start working towards that policy. Finding that the Planning Board and the City Commission voted unanimously to approve, motion by Bill Murdock to approve the master plan amendment as requested by Gateway Limited Partners contingent upon annexation into the corporate limits of the City of Bozeman. Seconded by Phil Olson. None voting nay. Motion carried.

Dave Skelton, Bozeman City-County Planner reviewed information submitted to the County Commission at its July 29, 1997 meeting to rescind Bozeman Area Subdivision Regulations and to adopt new Bozeman Area Subdivision Regulations in the City-County jurisdiction. At the time of the July 29th meeting the item was removed from the agenda to allow time for a work session between staff and the County Commission. The set of regulatory standards are outdated and need significant amendments made to it. The public hearings started back in February with both the City and County Commission. Significant changes were made at the request of the City Attorney. Debbie Arkell, Assistant City-Planner Director reviewed the changes in her July 4th memo to the County Commission. The City and the County must adopt these regulations, as it falls under the City County jurisdiction. Susan Swimley, Deputy County Attorney, stated for the record, that public notice was provided consistent with the regulations and the statutes. Commissioner Murdock moved to adopt the changes presented by the staff to make the subdivision regulations consistent with the Gallatin County regulations and to amend the Bozeman Area Subdivision Regulations. Phil Olson seconded the motion. None voting nay. Motion passed.

Lanette Windemaker, Gallatin County Planner, presented the applications for County Park funds. The Gallatin County Recreation Plan, adopted in 1989 and revised in 1997, allows for the disbursement of county park funds on a bi-annual basis. At the time of subdivision approval, the County Commission has the authority to collect a monetary dedication instead of the land dedications. There are 10 applications that have met the criteria and are waiting for the approval of the disbursement of the County Park funds. They are as follows along with their rating points. Westfield Park Homeowners' Association 65 pts., Valley Grove Homeowners' Association 60 pts., Big Sky Owners' Association 59 pts., Springvale Homeowners' Association 58 pts., Manhattan Patrons of the Park 55 pts., Sports Complex Softball field #5 54 pts., Monforton School 51 pts., Anderson School 48 pts, Belgrade Baseball, Inc. 47 pts., Adam Bronken Sports Complex 46 pts.. The Gallatin County Planning Board reviewed the 1997 park fund requests at the meeting on August 12, 1997 and recommended that the County Commission distribute the park funds in decreasing order from the highest rated request as long as there is a geographical relationship to a suitable amount of park funds. In order to distribute the park funds, the County Commission must find: 1. that the area where the funds will be utilized is in reasonably close proximity to the subdivision which dedicated the money; 2. That Gallatin County has a formally adopted park plan which establishes the needs and procedure for use of the dedicated money; and 3. that no more than 50% of the dedicated money may be used for maintenance. Any park funds acquired before October 1, 1995, which exceed \$10,000, may only be used for park land acquisition and initial development, and a geographical proximity is not necessary. It is the policy of Gallatin County that the cash-in-lieu of park funds should be kept at a minimum balance of \$15,000, and the park funds balance shall have a minimum of \$20,000 before the money can be distributed. According to a memorandum from Ed Blackman, Fiscal Officer, the park fund has a balance of \$116,299.60 as of July 30, 1997. Also, \$4,000.00 of the fund has previously been committed to the Bozeman City Parks Department. This leaves \$92,299.60 available for disbursement. The Recreation Plan establishes criteria for rating each application. Proposals must score 31 points or more to be eligible for County park funds. The rating evaluation has been reached by consensus of the planning staff due to the possibility of a perceived staff conflict of interest. The following public testimony regarding the disbursement of funds of county park funds are as follows: John Condie (Monforton School), Brian Troth (Adam Bronken Sports Complex), Brenda Townsend (Patrons of the Park for Taylor Park in City of Manhattan), Nancy Vandeventer (Anderson Community Park), Joyce Thompson (Springvale Homeowners' Association), John Plenke (Springvale Homeowner's Association), Mervin Gunderson (Belgrade Baseball, Inc.), Tony Nopper (Westfield Park Homeowners' Association), Dawn Major (Valley Grove Homeowners' Association), Terry Baldus (Sports Complex Softball Field #5), Bill Auger (Belgrade Baseball, Inc.). The Commissioners directed questions to each representative regarding specific use, public access, and if funding was asked and raised for the projects from other sources. Each applicant responded in detail their efforts raising money for the project and what stage it was in, and the access given to the public in each case. There was no further comment from the public. Commissioner Olson commented that there were over \$100,000 dollars of requests over what is in the fund which is not enough money to fund all of the projects. Commissioner Olson and Murdock discussed continuing their decision, as Commissioner Jelinski was on vacation and they would like to wait and get her input into the final disbursement of the funds. Commissioner Murdock made a motion to continue their decision for 2 weeks. Chairman Olson seconded the motion. None voting nay. Motion carried.

W. Randall Johnson, Gallatin County Senior Planner, reported that a request for preliminary plat approval for the Radick Minor Subdivision, located along the southwest boundary of the Aspen Groves subdivision, approximately 3 miles west of the intersection of Highways 191 and 64 has been submitted. The proposed subdivision consists of 5 single-family residential lots ranging in size from 3.8 acres to one acre. The proposed subdivision is within the Gallatin Canyon/Big Sky Zoning District. Access to the subdivision is provided by way of Big Sky Spur Road (Highway 64), Andesite Road, Puff's Way, and Fer Nan Way. Fer Nan Way will be the interior road which provides access to each subdivision lot. The proposed subdivision is required to pay fire and road impact fees at the time of final plat approval. Single-family residences exist on lots 1 and 4, and therefore meet the requirements for waiver of fees. Lots 2,3, and 5 must pay the full impact fee at final plat approval. The County Commission needs to make the following determinations: Whether the requested variance should be granted (see Finding No. 9). Whether or not the proposed subdivision meets the requirements of Section 76-3-608 MCA. If the County Commission finds that the proposed subdivision meets the requirements, the following conditions should be considered for preliminary plat approval and be completed prior to final plat approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. The State Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. The developer shall obtain an approved weed management plan from the Gallatin County Weed Control District prior to any construction projects within the site. The approved weed management plan shall be submitted to the Gallatin County Planning Department prior to final plat approval. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 4. Interior road plans, road maintenance plans, drainage plans, lot access plans, and sight plans shall be submitted to the County Road & Bridge Department prior to the construction for Fer Nan Way. 5. Fer Nan Way shall be extended to the west boundary of the subdivision. 6. Fer Nan Way shall have a 60 foot dedicated right-of-way, and the cul-de-sac shall have a 50 foot radius dedicated right-of-way. The road shall be constructed to county gravel standards prior to final plat approval. 7. All road construction shall be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road & Bridge Department that the roads have been brought to County gravel standards prior to final plat approval. 8. The developer shall either join the Big Sky Owners' Association, or enter into maintenance agreements with all subdivision associations which utilize Andesite Road and Puff's Way. If the developer chooses the maintenance agreement option, the agreements shall be reviewed and approved by the Gallatin County Road & Bridge Department prior to final plat approval. 9. Street signs and a stop sign shall be installed or bonded prior to final plat approval. 10. The final plat shall contain a statement requiring lot access to be built to the standards of Section (a) of the Gallatin County Subdivisions Regulations. 11. All utility easements are to be shown on the final plat. Utility easements shall be centered along side and rear lot lines wherever possible, and shall be twenty (20) feet wide. Underground utilities, if placed in the road right-of-way, shall be located between the roadway and the right-of-way line. Such underground facilities shall be installed or utility culverts provided before the road is surfaced. In addition, the following statement must appear on the plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under, and across each area designated on the plat as 'Utility Easement' to have and to hold forever." 12. The subdivider shall provide a water supply for fire protection in accordance with the Gallatin County Subdivision Regulations. The subdivider shall have the fire district review and approve the water supply prior to final plat approval. The subdivider shall obtain written verification from the fire district that the required water supply has been provided. 13. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 14. The subdivider shall make payment of fire protection impact fees in the amount of \$496.00 per lot, for Lots 2,3, and 5 (\$4,788.00 total). 15. The subdivider shall make payment of road impact fees in the amount of \$1,596.0 per lot, for lots 2,3, and 5 (\$4,788.00 total). 16. The developer shall establish a homeowners' association for the enforcement of the required covenants for the Radick Minor Subdivision. 17. Covenants for the subdivision shall include the following provisions: a. Place title of common open space property with the homeowners' association. b. Open space shall be preserved and maintained for passive and active recreation, wildlife habitat, and protection of scenic unique or important natural features. c. Membership shall be mandatory for each owner, who must be required to pay fees to the association for taxes, insurance, and maintenance of common open space. d. The homeowners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. e. Assessments levied by the association must be able to become a lien on the property. f. The association shall be responsible to adjust the assessment to meet changed needs. g. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual

owners in the association and the dwelling units they each own. h. Place responsibility for operation and maintenance of roads and common open space property in the homeowners' association. i. the homeowners' association shall be responsible for the control of noxious weeds within all common open space areas and road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. j. All structures shall be constructed in compliance with the Uniform Building Codes, and the National Fire Protection Association (NFPA) codes. k. All new residential dwellings built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler systems meeting the requirements of NFPA13D/Uniform fire code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48 hour notice, during construction and after completion. l. Roofing materials shall only be Class A or B fire-rated. Wood shakes or shingles shall not be permitted. m. all roofs shall have a minimum pitch of 4 to 12. n. spark arrestor screens shall be placed on all fireplace and wood stove chimneys. o. Smoke detectors shall be installed on each level of dwelling units. p. Defensible space shall be created around habitable structures. The defensible space shall be of the minimum size as determined by the Wildland Residential Interface Development Guidelines. q. Open fires shall be prohibited, except at designated locations. r. The artificial feeding of all big game wildlife shall be prohibited. s. All garbage shall be stored in bear-proof containers or otherwise be made unavailable to bears. t. Owners acknowledge that wildlife damage to landscaping will occur, and shall accept that risk and shall not file claims against the owners association or any other governing body for such damages. u. Fencing along the exterior boundaries of lots shall be prohibited. v. The taking of any wildlife species within the property is prohibited, except for catching fish. w. Pets shall be controlled by each owner, and not allowed to roam within the subdivision. x. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 21. Two copies of the covenants, a copy of the preliminary approval document, documents establishing the homeowners' association, road easement documents, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the homeowners' association, easement documents, and certificate of title abstract prior to final plat approval. 22. The developer shall have 3 years to complete the above conditions and apply for final plat approval.

Deputy County Attorney Susan Swimley asked Mr. Johnson to explain the specifics of the variance requested from the Road Design and Improvement Standards of the Gallatin County Subdivision Regulations. He responded by pointing out on a plat map that the land to the west of this development appears to have adequate access and support the variance being requested by the developer. He summarized that access will be provided to each lot within the subdivision and will be delineated on the face of the final subdivision plat. According to Section 13 of the Gallatin County Subdivision Regulations, the County Commission may grant reasonable variances from the design and improvement standards of the regulations where it is found that strict compliance would result in undue hardship and is not essential to the public health, safety, and general welfare. John Radick, applicant spoke in regards to the access roads across the property. Easement agreements for cross country trails and a request that the fire sprinkler system be left up to the Fire Department authority. There was no public comment. Sam Gianfrancesco, County Road Superintendent, commented that the roads do have the proper access. Mr. Radick has kept a private access, and it could be used for an emergency access. His whole road system is built to county standards and supports condition No. 8. The agreements have been reviewed by the Road Department and the Bridge office and by the County Attorney's Office. The Board discussed conditions regarding fire protection. Commissioner Murdock moved to approve the preliminary plat approval for the Radick Minor Subdivision with the following conditions: 1-13 as written, eliminate condition no. 5 because it is not needed with the variance request granted. Insert the words "Road, Bridge and County Attorney Department" to condition No. 8. Strike language in No. 14 and substitute language to read, "The subdivider shall make payment of fire protection impact fees per county fire impact fee policy." Condition No. 15 Strike language and add language to read, "The Subdivider shall make payment of road impact fees in the amount required as per county road impact fee policy." Change condition 17k. to read "All new residential dwellings built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler systems meeting the requirements of NFPA13D/Uniform Fire code. In the alternative, the Gallatin County Fire Department may approve another acceptable fire protection system." Conditions 21-22 as written by staff. Seconded by Phil Olson. None voting nay. Motion passed

There being no further business the meeting adjourned at 4:10 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 26th DAY OF AUGUST, 1997**

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

AUGUST 17, 1997

- Commissioner Olson greeted Vice President Al Gore and his wife during his visit to Yellowstone National Park.

AUGUST 18, 1997

- Commissioner Jelinski was on vacation from August 11 through August 22, 1997.
- Commissioners Murdock and Olson met with Executive Secretary Jan Emerson regarding pending administrative matters.
- Commissioner Murdock met with City Engineer Phil Forbes and Craig Brawner, County Road Engineer Roy Steiner, and City-County Planner Chris Saunders to discuss the impact fees for the fairgrounds building, water and sewer line approvals, timing of construction on the fairgrounds office building. The question was raised as to whether this needs to be done at a public hearing to exempt this building from zoning. There is a possibility if the sewer and water lines are cut and capped to the old building at the fairgrounds, the impact fee may be refunded. Those present recommended the public hearing in front of the Board of Adjustments.
- Commissioners Murdock and Olson had their regular monthly meeting with Road and Bridge Supervisor Sam Gianfrancisco, Dave Fowler, Ken Hellwinkle, and Roy Steiner. Items discussed included Sypes Canyon speed limit, Staffanson Subdivision on Cottonwood, milling on Gateway South, the purchase of a roller for the grader to improve the grading process, grader areas on Thiesen Road, and they are having problems getting land to straighten and widen the road. Love Lane and Willow Creek paving bids are scheduled for public hearing on September 2. Sam will request Montana Department of Transportation to do a speed study on South Cottonwood by Staffason Subdivision. Sam reports that Spaulding Bridge is complete.
- Commissioner Murdock attended the regular meeting of the Open Space Task Force.

AUGUST 19, 1997

- Commissioners conducted the regular public meeting.
- Commissioners Murdock and Olson had a meeting with Deputy County Attorney's Susan Swimley, Gerry Higgins, and Chris Gray. Items discussed included a review of the current items the county attorney's office is working. It was agreed that all task orders go to the county attorney's office for review.
- Commissioners Murdock and Olson attended the regular monthly meeting of the Detention Center Task Force.
- Commissioners Olson and Murdock met with Road and Bridge Supervisor Sam Gianfrancisco and reviewed Durston Road and how it was created.
- Commissioners Murdock and Olson met with Road and Bridge Supervisor Sam Gianfrancisco, City-County Planning Director Andy Epple and City-County Planner Dave Skelton to review the annexation and development procedure, and the need to annex the infrastructure which includes the roads.

AUGUST 20, 1997

- Commissioners Olson and Murdock attended the regular Interagency breakfast. Items discussed included GDC board reorganization, MSU parking, play field plans, the Chamber's interest in bringing back the rodeo, Wally Byam, and City-County Planning Board applicants.
- Commissioner Murdock attended the Facilities Committee meeting at the Law and Justice Center. The Committee received input from the Law and Justice users regarding location of a detention center, and the Law and Justice Center campus. Planning Director Dale Beland will compile all Law and Justice Center users concerns on the detention center location and Law and Justice Center location.

162 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioners Olson and Murdock met with City Commissioner Joan Rudberg and Mayor Don Stueck regarding the tree maintenance fee, annexation issues, and road responsibility. It was agreed that the City Commission and County Commission would meet more often and have staff work on a policy for road responsibility/improvements at annexation. The County agreed to pay the tree maintenance fee at the fairgrounds and will budget the same for the future.
- Commissioner Olson met with Assistant Disaster and Emergency Services Coordinator Mike Hoey to discuss the flood damage and possible recourse for private property owners in the Central Park area. They reviewed the procedures and possible improvements to procedures regarding FEMA applications. Mike Hoey will do further research and submit it to the commission.
- Commissioner Murdock attended the regular meeting of the Gallatin Development Corporation. GDC will reorganize their board and eliminate ex-officio members. The County Commission will be asked to serve on an advisory committee on an as yet to be determined basis.
- Commissioner Olson attended the Montana Association of Counties' Board of Directors Fall Leadership Retreat in Lewistown, Montana.

AUGUST 21, 1997

- Commissioner Olson attended the MACO's Fall Leadership Retreat presentation on Customer Friendly Courthouse.
- Regular business was conducted.

AUGUST 22, 1997

- Commissioner Olson attended the MACO's Fall Leadership Retreat.
- Regular business was conducted.
- The Commission appointed : Lon Lundberg to the Gallatin County Fair Board 8/19/97; Andy Leep to the Gallatin County Fair Board 8/19/97; Ray White to the City-County Planning Board on 8/19/97.
- The Commission received A101's in the amount of \$15,345.54 and received claims in the amount of \$529,904.68.

The following items were on the consent agenda:

Final approval of the minutes for August 5, 1997 as written.

Consideration of a resolution to file a map with Resolution No. 381. The County Commission adopted Resolution No. 381 on August 15, 1979 which refers to an Official Airport Influence Area Map delineating the noise contours of the area. The Clerk and Recorder's Office does not have a map attached or filed with the Resolution. In order to approve a map to be filed with the Resolution and resolve the matter, mylars of the "Gallatin Field Airport Area of Influence and Noise contours" map of 3/20/79 showing the official area shall be filed with the Clerk and Recorder, the Airport Manager of Gallatin Field, and the City of Belgrade.

A request for the final plat approval for the Wildhorse Minor Subdivision No. 3 which is located in the NE¼ of Section 3, T1S, R4E and consists of 5 lots, 21.413 acres. It was granted preliminary plat approval on October 22, 1996.

A request for final plat approval for the Griffith Minor Subdivision located off Highway 191, just north of Gallatin Gateway, consisting of 5 lots within a 20 acre parcel. It was granted preliminary plat approval on December 6, 1994.

A request for final plat approval for the Settlement Subdivision Phase I., consisting of 61 residential lots within the community of Churchill. The Settlement Subdivision, Phases I through IV, were granted preliminary plat approval on May 2, 1995. Rick Kerin of Kerin & Associates, on behalf of the applicant, has requested that Phase I of the subdivision now be given final plat approval. Phase I consists of 19 lots.

A request for final plat approval of the S & D Minor Subdivision, consisting of 2 lots, located on US Highway 191, approximately one mile south of the entrance to Big Sky. The preliminary plat approval was granted by the County Commission on April 2, 1996.

Staff reports indicate, according to the information submitted, these requests appear to meet all of the conditions for final plat approval.

Susan Swimley, Deputy County Attorney, asked the Commission to remove the consideration to add a map to Resolution No. 381 from the consent agenda and continue the item until the next public meeting at the request of Deputy County Attorney, Gerry Higgins.

Motion by Bill Murdock to pass the consent agenda and continue the resolution adding a map to Resolution No. 381 until next week. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Larry Watson, Gallatin County Grants Administrator presented the Commission with a Resolution to accept a grant contract with the Montana Department of Resources and Conservation of the Local Water Quality District. This grant was written 2 years ago because of the concerns regarding underground water quality in Gallatin County. The contract will proceed in three steps. 1. Evaluate quantity and quality 2. Develop a well network to monitor water quality. 3. Create a GIS data base, that will allow to pinpoint geographic areas. This contract will be a 2 year project that will include joint funding by the Gallatin County Water Quality District and the U.S. Geological Survey. The total price of the project is \$319,654.00. An interlocal contract with Gallatin County and the U.S. Geological Survey will be available to the public in 10 days. At that time, he will ask the Commission to approve the contract. It has been reviewed by the Gallatin County Attorney's Office and the Fiscal Officer. Commissioner Jelinski moved to adopt the resolution approving the contract with the Montana Department of Natural Resources and Gallatin Local Water Quality District. Seconded by Bill Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance stated that notice of a public hearing to consider changing the boundaries of RID No. 343 Maintenance District for Pineview Subdivision was published in the High Country Independent Press on August 14 and 21, 1997. The Clerk and Recorder mailed the notice of this hearing to the owners of record and contract purchasers within the district on August 15, 1997. There was no public testimony. Finding that the property described in the Resolution of Intention does benefit the public, Commissioner Jelinski made a motion to approve the consideration and modify the boundaries of RID No. 343. She directed the County Attorney's Office to draft the resolution. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance stated that notice of the public hearing to consider changing the boundaries of RID No. 356 Maintenance District for Springvale Subdivision was published in the High Country Independent Press on August 14 and 21, 1997. The Clerk and Recorder mailed notice of this hearing to all owners of record and contract purchasers within the district on August 15, 1997. The boundary change would delete 2 tracts of land being described as Tracts 2 and 3 of Certificate of Survey No. 1880, which is currently located in the Springvale maintenance district but does not receive any benefit from the district. A new boundary map was prepared by Morrison and Maierle, contract engineer for the project, delineating the change in the legal description attached to the Resolution as Exhibit "A". There was no public testimony. Finding that tracts 2 and 3 of Certificate of Survey 1880 do not receive benefit from RID 356, Commissioner Jelinski moved to remove these tracts from the Springvale maintenance district and directed the County Attorney's office to draft resolution. Seconded by Bill Murdock. None voting nay. Motion carried.

Shelley Vance, Clerk and Recorder stated that notice of the public hearing to consider a resolution to levy and assess a tax on rural improvement maintenance districts within Gallatin County was published in the High Country Independent Press on August 14 and 20, 1997. Notice was mailed to record owners and contract purchasers of properties located within all maintenance districts on August 15, 1997. Jack Schunke, Engineer for Morrison and Maierle, answered questions by the Commission regarding a letter received from James E. Ford. There was no public comment. Commissioner Jelinski moved to adopt Resolution 1997-57. Commissioner Murdock seconded motion. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported that Gordon and Julia Hardaway are requesting summary review of a minor subdivision located approximately one mile south of the I-90 interchange on the eastern boundary of Jackrabbit Lane in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, T1S, R5E, Gallatin County Montana consisting of 4 lots within 20.845 acres. Access to the subdivision will be provided by the existing encroachment onto Jackrabbit Lane. The applicant has requested that the fire impact fee for lot 2 be waived because there is an existing house on the lot which would not create any new impact. Staff recommended that the fire impact fee for lot 2 be waived. Staff recommended preliminary plat review with the following conditions: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric

power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. 4. A waiver of right to protest creation of rural improvement districts and water and sewer districts shall accompany the final plat. 5. A waiver of right to protest annexation into the City of Belgrade shall accompany the final plat. 6. A property owner's association shall be established. 7. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowners right-to-farm. The language shall state as follows: Lot owners of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of machinery early in the morning and sometime late into the evening. c. All fences bordering agricultural lands shall be maintained by the property owner's association. d. The property owner's association shall be responsible for the maintenance of access roads. e. All structures must meet the flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. f. Site plans of all lots must be submitted for review and approval by the Belgrade Rural Fire District. g. All commercial structures must submit plans to the Montana State Building Codes Bureau (or the City of Belgrade if the subdivision is annexed) and the Belgrade Rural Fire District for review and approval. h. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 8. Covenants and a copy of preliminary approval and a certificate of licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 9. Fire impact fee per policy shall be submitted to Gallatin County prior to final plat approval. 10. Encroachment permits must be obtained from the MDOT for the intersection with Jackrabbit Lane. 11. Any area of the subdivision disturbed by construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding will be signed between weed district and developer prior to final plat approval. 12. A copy of the final subdivision plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 13. The final plat will show all irrigation ditches with required easement necessary for cleaning and maintenance. 14. The access road must be constructed to county gravel standards from Jackrabbit Lane to east boundary of the property and a temporary cul-de-sac or "T" type turn around constructed to county standards at the east end, and the road shall be named with name approved by the Road Department. 15. The north 30 feet of the access road along the entire southern boundary of property shall be dedicated to the public and shown on the final plat, and the 30 feet shall be a public easement approved by the Gallatin County Attorney's Office and filed with the Gallatin County Clerk and Recorder as a separate document. 16. In order to provide adequate water supply for fire protection, the developer shall meet one of the following conditions: a. NFPA compliant Fire Department Fill Site shall be in place and operable prior to construction of any buildings. The Fire Department shall approve the plans, specifications, and location of the fill site prior to construction. or b. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval. c. Inspections will be scheduled with a 48 hour notice, during construction and completion. 17. The final plat shall contain a statement informing lot owners that a veterinary hospital is located within the subdivision which is located on lots 2 and 3. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Commissioner Murdock moved to grant the impact fee waiver for lot 2 as applicant has requested because it does not create any new impact. Seconded by Commissioner Jelinski. None voting nay. Motion carried. Finding that the Hardaway Minor Subdivision is consistent with the Belgrade Master Plan and the Montana Subdivision and Platting Act, Commissioner Murdock made a motion to approve the preliminary plat approval with the conditions staff recommended with the following changes: Condition No. 9 will be changed to read: fire impact fee per county impact fee policy shall be submitted to Gallatin County prior to final plat approval. Condition No. 14 will be amended to read: The access road must be constructed to County gravel standards from Jackrabbit Lane to east boundary of lot 3 temporary cul-de-sac or "T" type turn around constructed to county standards at its east end, and the road shall be named with name approved by the Road Department. Seconded by Commissioner Jelinski. None voting nay, motion carried.

Susan Swimley, Deputy County Attorney, reported that on July 1, 1997 the Commission took action to abandon a portion of Indigo Road. Because of that action, the Commission met again and made a decision to distribute the portion of Indigo road being abandoned to lots 252 and 238 of Rainbow Subdivision because they are the legal lot owners who paid for the new county road. Commissioner

Jelinski moved to adopt Resolution 1997-58 as written. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:20 P.M. Chairman Olson reconvened the meeting at 2:25 P.M. to reconsider previous action taken by the Commission. Clerk and Recorder Shelley Vance, explained to the Commission that proper notice was not given to all interested parties to change boundaries of RID-343 of the maintenance district for Pineview Subdivision. She requested the Commission to reconsider the action taken to alter those boundaries. Motion by Commissioner Jelinski to rescind the motion to change the boundaries of RID-343 Maintenance District. Seconded by Commissioner Murdock. None voting nay. Motion carried. Jack Schunke, Engineer for Morrison and Maierle explained the ramifications of not amending the levy and assessment fees as it relates to altering the boundary of maintenance district of RID-343 to the Commission. Commissioner Murdock made a motion to not alter the levy and assessment tax as indicated by Resolution 1997-57 for RID-343 maintenance district. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:10 P.M.



CHAIRMAN APPROVAL



CLERK ATTEST

PUBLIC MEETING TUESDAY THE 2nd DAY OF September 2, 1997

The meeting was called to order by Chairman Phil Olson at 130 :P.M. Also present were County Commissioners Bill Murdock, Jane Jelinski, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

AUGUST 24, 1997

- Commissioners attended the annual Gallatin County Employee Appreciation Party.

AUGUST 25, 1997

- Commissioners met with Executive Secretary Jan Emerson regarding pending administrative matters.
- Commissioners met with the following people in preparation for an evening meeting with members of the West Babcock Homeowners Association: County Road Supervisor Sam Gianfrancisco, Roy Steiner of the County Road and Bridge Department; Deputy County Attorney Susan Swimley; Bozeman City Engineer Craig Brawner; Bozeman City-County Planner Chris Saunders; Bozeman City Manager Clark Johnson; Bozeman Director of Public Service Phill Forbes; and Rick Hickson, Project Engineer. Discussion involved the City's needs for West Babcock, and how they affect the owners of land still within the County portions. The agenda was also drafted for that evening's meeting.
- Commissioners attended an evening meeting with the West Babcock Homeowners Association at the Bobcat Lodge. Also in attendance were Deputy County Attorney Susan Swimley, Bozeman Director of Public Service Phill Forbes; Bozeman Project Engineer Craig Brawner; County Road Supervisor Sam Gianfrancisco; and Bozeman City-County Planner Chris Saunders. The group reviewed the City's plans for West Babcock Street, and received public comments on same, the majority of which were made by the attorney for the West Babcock residents, Art Whittich. There was an expressed agreement on all sides to be fair and create as little impact as possible.

AUGUST 26, 1997

- Commissioners met to discuss park fund applications.
- Commissioners conducted the regular public meeting.
- Commissioners met to discuss applications for the new executive secretarial position in their office.

AUGUST 27, 1997

166 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioners met as the Welfare Board with Director of Public Health and Human Services Joan Davies.
- Commissioners had their regular quarterly meeting with DES Coordinator Aaron Holst. Topics discussed included the HazMat technical team, and the location of the Emergency Operations Center (EOC). The Commissioners decided at this meeting to appoint a task force to recommend an EOC location for the duration of Phase I Courthouse renovation, and a long-term, permanent location.
- Commissioner Jelinski attended a regular meeting of the 911 Admin Board. Also attending were DEC Coordinator Aaron Holst, Bozeman City Attorney Paul Luwe, Sheriff Slaughter, Bozeman City Manager Clark Johnson, and City-County Communications Services Director Mike Brown.
- Sheriff reported on private fundraising efforts for 911. The board decided that a resolution for a voted levy should be approved by the board before October 22, 1997. Mike Brown reported that West Yellowstone is following up to integrate their Emergency 911 services into the County system.
- Commissioners met with the following people, as part of their regular monthly "City-County Co-op" meeting: Neil Paulsen, Bozeman chief building official; Chuck Winn Bozeman Fire Marshal; Aaron Holst, Bozeman Fire Chief; Marty Lambert County Attorney; Susan Swimley, Deputy County Attorney; Paul Luwe, Bozeman City Attorney, and Clark Johnson, Bozeman City Manager. Topics discussed included the Bozeman "Doughnut" area, and building permits in that area, as well as in the County jurisdictional area. It was decided at this meeting that the County will obtain a legal opinion as to which area the building permits would apply in. The City of Bozeman will submit a proposal to take over building permits for the doughnut area only, as well as another proposal to do permits for the entire County. The City Attorney will give an opinion on an Attorney's Opinion regarding zoning which was written by former County Attorney Mike Salvagni.
- Commissioner Jelinski met with Archie Alexander, County Planning Board member. Discussion involved the fact that the County Planning Board is moving forward on its identified work plan.

AUGUST 28, 1997

- Commissioners Murdock and Olson attended the annual first-day-of-school ceremony for the Bozeman School District, held at Willson School Auditorium.
- Commissioner Jelinski was appointed to the National Association of Counties' Sustainability Leadership Team by NACO President Randy Johnson.
- Commissioner Jelinski attended the monthly State 911 Advisory Council meeting in Helena.
- Commissioners Olson and Murdock met with members of the Local Emergency Planning Committee at Bozeman City Hall.
- Commissioner Murdock toured Ken Flikkema's mint-growing operation near Four Corners, along with Mr. Flikkema, Bill Grey, and County Extension Agent Ron Carlstrom. It was decided that Mr. Carlstrom would meet with the Commissioners and staff from the County Attorney's office to consider drafting an ordinance which would make Gallatin County a certified mint root stock county; and that Commissioner Murdock would present the reasons for adopting this ordinance at that meeting.
- Commissioners met with Executive Secretary Pat Lewis to discuss applications received for the new secretarial position in their office, in preparation for upcoming interviews.

AUGUST 29, 1997

- The Commission appointed : Russell DeRemer to the Big Sky Resort Area Advisory Board as a representative of the Big Sky Owners Association Board.
- The Commission received A101's in the amount of \$24,505.83.
- The Commission received claims in the amount of \$194,569.25. Received Gallatin County New Employee List for August 1997 they are as follows: Aaron Jenkins, Detention Officer, \$1392/mo., 7/31/97; Chelsa Sutton, RH, \$7.55/hr., 7/28/97; Gayle Brewster, RH, \$7.55/hr., 7/30/97; Tonya Falcon, RH, \$7.55/hr., 8/4/97; Monica Bryan, RH, \$6.66/hr., 8/15/97; Glenda Barnes, Health, \$13.14/hr., 8/4/97; Brian Oevermann, GIS Tech, \$1931.40/mo., 8/4/97; Kevin Noctor, Y.P., \$1821.60/mo., 8/4/97; Shirley Visser, Crt/Clk 1, \$1468.56/mo., 8/5/97; Brenda Adams, Crt/Clk 1, \$1468.56/mo., 8/6/97; Janet Cross, Exec. Sec. 1, \$1621.68/mo., 8/11/97
- Received Gallatin County Terminated Employee List for August 1997: Rhonda Clayton, Rest Home, 7/30/97; Annie Neutgens, Rest Home, 8/3/97; Melanie Tipton, Rest Home, 8/15/97; Monica Bryan, Rest Home, 8/18/97; Jennifer Maltby, Rest Home, 8/22/97; Larry Ryan, Rest Home, 8/22/97; Charlotte Moore, Rest Home, 8/25/97; Diana Martin, 911, 8/8/97; Peter Hickman, Detention Center, 8/15/97; John Reneau, Detention Center, 7/30/97; Colby Christensen, M.V.D., 8/7/97; Wilson

Dunkel, Road, 8/28/97; Jo Semingson, Health, 8/22/97; Kathleen Harvey, Clerk of Court, 7/28/97; Trina Spaulding, Rest Home, 7/30/97

The following items were on the consent agenda:

A request to correct the final plat for Wylie Creek Estates Subdivision I, located in T1S, R5E, Gallatin County. The applicant is requesting to correct the final plat for the Wylie Creek Estates Subdivision Phase I, to correct a survey error which effects lots 68-71, 77-79, and 81-87 and removes a 10 foot ditch easement. Corrections do not appear to create a material alteration of Wylie Creek Estates Subdivision, therefore, staff recommends that the corrected plat be approved.

A variance request to increase the maximum number of lot lines included in a boundary line relocation from five to ten. The variance request would affect property in the Eagle Rock Reserve located in NE1/4 of Section 4, Township 3 South, Range 6 East, P.M.M. Gallatin County, Montana. The applicant intends to file a boundary realignment exemption if this variance request is approved. The Planning Board found that the proposed variance conforms with the criteria and procedures for granting variances and recommends the Commission approve the variance request.

Motion by Commissioner Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Ken Hellwinkel of the Gallatin County Road Department opened and read the bids received for the following County road projects: Love Lane Road Project: The bid received was from JTL. It was for \$64,742.20; Old Yellowstone Trail Project: The bid received was from JTL. It was for \$169,990.00. Mr. Hellwinkel took the two bids under advisement and will report back later in the meeting.

Rick Kerin of Kerin & Associates opened the bid for RID 370 for Outlaw Country Subdivision South: The bid was from JTL for \$96,018.52. He took this bid under advisement for review.

The applications for county park funds reviewed at the public hearing on August 26, 1997 was brought to the Commission for action by Lanette Windemaker, County Planner. She answered questions raised in the previous meeting on August 26, 1997. A motion by Commissioner Murdock to allocate the following park funds: Westfield Park \$2,000; Valley Grove Home Owners \$9,442.00; Big Sky Owners Association Park \$5,000 being contingent upon the use of the Resort Tax dollars. They need to use up the tax dollars prior to giving them the \$5,000. Springvale Home Owner's Association \$5,000; Manhattan Patrons of the Park \$5,000; Sports Complex Softball Field \$10,350.00; Monforton School \$2,000; Anderson School \$3,400.00; Belgrade Baseball \$5,000 contingent on the money being used for what was stated in the application to sod and level. Adam Bronken Sports Complex \$40,500.00 contingent on it being dedicated to the public within 2 years. If they don't dedicate it to the public in that time, they will have to re-apply to the fund. Commissioner Jelinski suggested they leave the remainder of the money in reserve in the fund at this time for later applicants who were waiting for funds from a prior policy. \$4,607.00 remains in the fund. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

The continuation of consideration of a resolution to file a map with Resolution No. 381 concerning the Gallatin Field Airport Noise Influence Area by the County Attorney was removed from the agenda and will be put back on the public hearing scheduled for September 9, 1997.

Ken Hellwinkle of the Gallatin County Road Department stated that after reviewing the bids for the Love Lane road project he recommends awarding the bid to JTL, Inc. for \$64,742.20. The bid meets all of the specifications and is within budget. Motion by Commissioner Jelinski to award the Love Lane project to JTL, Inc. Seconded by Commissioner Murdock. None voting nay. Motion carried. Mr. Hellwinkle stated he reviewed the bids for Old Yellowstone Trail and recommends awarding the bid to JTL, Inc. for \$169,990.00. The bid meets all specifications and is within budget. Motion by

Commissioner Jelinski to award the bid to JTL, Inc. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Jodi Olsen, Bozeman City-County Planner reported that Brian Kurth has requested preliminary plat approval for Spain Homestead Park.. A 5-lot minor subdivision dividing 15.33 acres and located in the NE¼ of Section 17, T2S, R5E. The proposed subdivision would comply with the Bozeman Area Master Plan. Because the site is outside of the corporate city limits a private water and wastewater disposal system will be used. Plans and specifications for the water and wastewater systems must be submitted to the Montana Department of Environmental Quality (DEQ) for review and approval. The DEQ will require pump tests to verify the adequacy of the water supply. On the final plat, the applicant will need to indicate what type of water system will be used. Further, the location of all existing and proposed wells must be shown. The recommended conditions of approval for this project are as follows: 1. On the final plat, the temporary cul-de-sac shown at the intersection of Haley Springs Road and the west property line shall be moved to the point where Spain Road intersects the south property line. In addition, a cul-de-sac shall be constructed according to County standards prior to final plat approval. 2. On-site fire protection shall be provided for the development through one of the following means: 1) an approved rural fill site capable of delivering 1,500 gallons per minute for two hours shall be installed prior to final plat approval. This fill site shall be tested and approved by the Rae Fire Department before acceptance. The design and location of the dry hydrant shall be approved by the Rae Fire Department. 2) All commercial buildings shall be protected by an approved fire sprinkler system that meets the requirements of NFPA 3) The location for, and type of, fire protection system shall be included on the final plat. If a fill site is used, the final plat shall show an access easement on Lot 5 for the fire fill site. The covenants shall clarify who will be responsible for maintaining the fill site access- the owner of lot 5 or the subdivision association. 3. County Fire (496/lot) and Road (\$1,596/lot) impact fees shall be paid, in accordance with the Gallatin County Impact Fee Ordinance, prior to final plat approval. These fees are paid to the Gallatin County Planning Office. 4. All the interior roads shall be built to county gravel standards, have a 60 foot right-of-way, and be dedicated to the public. The existing paved road (shown on the plat as "Spain Road" shall be approved by a civil engineer to ensure that it meets county paved road standards. All road work shall be inspected and certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Office in writing. Final approval shall not be given until this documentation is received. 5. Street signs shall be placed at all intersections as part of the required improvements or security shall be provided to insure the installation of signs. All of the road names for the interior roads shall be approved by the County Road Office. The road name "Spain Road" duplicates an existing road name, therefore a new name shall be selected and submitted to the County Road Office for approval. In addition to road name signs, STOP signs shall be installed at all intersections with State Highway roads. All street signs shall conform with the standards outlined in Section 16.12.050.0 in Bozeman Area Subdivision Regulations. 6. The applicant shall provide proof of Encroachment Permit (s) from the Montana Department of Transportation to the Gallatin County Road Office prior to final approval. 7. On the final plat, public utility easements (P.U.E.) located along side and /or rear property lines shall be at least 20 feet wide. Public utility easements is acceptable. 8. The necessary permits and approvals shall be obtained, from the Gallatin City-County Health Department and the Montana Department of Environmental Quality, for the water supply and wastewater treatment facilities proposed for this subdivision. Written notification of approval from the MDEQ, for the water supply and wastewater treatment facilities, shall be submitted to the City-County Planning Office prior to final plat approval. 9. Prior to final plat approval, the developer shall submit a copy of the protective covenants to the Planning Office for review and approval. Once approved, the covenants shall be filed with the final plat. The covenants shall address the following: a. All county declared noxious weeds will be controlled. b. A section addressing agricultural uses of neighboring properties in the following form: lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, smoke, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the landowners in accordance with state law. d. That any covenant which is included herein as a condition of the preliminary plat approval and required by County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. e. A subdivision association shall be formed, and the association shall be responsible for maintaining all subdivision roads. The covenants and a list of conditions of preliminary plat approval shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants prior to final plat approval. 10. All areas disturbed during construction shall be re-seeded with vegetation types approved by the Natural Resource Conversation Service (NRCS). 11. A memorandum of understanding for the control of noxious weeds shall be entered into with the County Weed Control District prior to final plat approval. A copy of the signed agreement shall be submitted

with the final plat application, and any control measures required in the agreement shall be completed prior to final plat approval. The control of noxious weeds shall be addressed in the covenants for the subdivision. 12. The final plat shall indicate the use of sites for any use other than single-family residences. A note on the plat stating that the subdivision will create lots for commercial use shall be sufficient. 13. The final plat shall include the names of any adjoining, platted subdivisions and number of any adjoining certificates of survey previously recorded. 14. On the final plat, the common drainfield easement can remain in the location shown on the preliminary plat. However, the common drainfield shall be at least 100 feet away from the existing pond on the site and its location shall be verified by the MDEQ. 15. The developer shall install all required improvements including the subdivision roads, utilities, and wastewater collection and treatment facilities, prior to final plat approval, or shall enter into an agreement with Gallatin County guaranteeing the installation and performance of the improvements. Prior to installation of required improvements, the developer shall submit plans and specifications that shall be reviewed and approved by the Planning Director and the County Road Office. All improvements shall be installed, in accordance with the approved plans and specifications, by the subdivider and certified by a registered engineer and accepted by the County Road Office prior to approval of the final plat. 16. The following Certificate of Director of Public Services must be added to the plat, per 7-3-4444, M.C.A.: I, Phillip J. Forbes, Director of Public Service for the City of Bozeman, Montana, do hereby certify that the accompanying plat has been duly examined as required in 7-3-4444, M.C.A., and that all streets and alleys are of a proper width and are coterminous with adjoining streets and alleys, and all other regulations are conformed with. 17. The developer shall have 3 years from the date of preliminary plat approval to complete the above conditions and apply for final plat approval. Ray Center, Surveyor for the applicant, agreed to all the conditions. Finding that the Spain Homestead Park Minor Subdivision is in compliance with all the Montana Subdivision Regulations and consistent with Gallatin County's Master Plan, Commissioner Jelinski moved to grant preliminary plat approval based on the 17 conditions as drafted. Seconded by Commissioner Murdock. None voting nay. Motion passed.

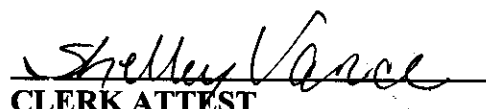
Commissioner Murdock moved to adopt Resolution 1997-55, to change the boundaries of Rural Improvement District No. 356 Maintenance District for Springvale Subdivision. Seconded by Jane Jelinski. None voting nay. Motion carried.

Susan Swimley, Deputy County Attorney, presented the Commission with RID-370-C which is a Resolution to authorize the sale of the bonds by calling for the notice of the sale of the bonds for the Rural Improvement District. Motion by Jane Jelinski to authorize the sale of bonds. Seconded by Bill Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:10. The meeting reconvened after finding bids received by the Commission were not the only ones to be considered in the award process. Commissioner Jelinski moved to rescind all motions concerning the bids awarded for the Love Lane Project, Old Yellowstone Trail, and RID 370 and opened the new bids received and consider all bids together. Ken Hellwinkel, County Road Department opened the bid from Daktana paving for the Love Land project. A bid bond was included and the bid was for \$77,443.00. He stated it was over the County budget. Finding both bids received, JTL and Daktana were submitted properly and that Daktana came in over budget and JTL meets the budget and specifications, motion by Jane Jelinski to award JTL the bid. Seconded by Commissioner Murdock. None voting nay. Motion carried. Ken opened the bid from Daktana for the Yellowstone Trail paving project. The bid bond was enclosed and it was for \$185,250.00. He reported that it came in over budget. Finding that the two bids were properly submitted and Daktana came in over budget, Commissioner Murdock moved to award the bid to JTL. Seconded by Jane Jelinski. None voting nay. Motion carried. Rick Kerin, Engineer opened a bid from Daktana for RID #370. A bid bond was included @10% and the bid was for \$110,038.52. This bid was taken under advisement and a recommendation will be submitted next week. Commissioner Jelinski directed Clerk of the Board to call the reporter from the High Country Independent Press and advise her of the new bids considered and the awarding of the bids.

There being no further business the meeting adjourned at 3:30 P.M.


 CHAIRMAN APPROVAL


 CLERK ATTEST

PUBLIC MEETING TUESDAY THE 9th DAY OF SEPTEMBER, 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M.. Also present were County Commissioner Bill Murdock, Commissioner Jelinski, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

SEPTEMBER 1, 1997

- In observance of Labor Day, County Offices were closed.

SEPTEMBER 2, 1997

- Commissioners had their regular bi-monthly meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, Deputy County Attorney Gerry Higgins, and Deputy County Attorney Chris Gray and reviewed the list of items the attorney's office is working on.

SEPTEMBER 3, 1997

- Commissioners met with Bill Hull regarding a proposed mental health program. The Commission took Mr. Hull's proposal under advisement.
- Commissioners met with Dick Prugh of Prugh and Lenon to discuss their attendance at the PONI program in Colorado. The Commissioners voted unanimously that Prugh and Lenon attend the program as part of the detention center planning process as the county's architect.
- Commissioner Jelinski attended a presentation of the Commissioner of Higher Education, Richard Crofts regarding the state of the University.
- Commissioner Olson met with Fiscal Officer Ed Blackman, Planning Director R. Dale Beland, Facilities Operator Bob Isdahl, and Deputy County Attorney Chris Gray to review the last draft of the lease on the courthouse annexation, changes were made and it was agreed that the lease was acceptable with the suggested changes.
- Commissioners conducted the regular public meeting.

SEPTEMBER 4, 1997

- Commissioners attended the special zoning hearing.
- Commissioners met with Deputy County Attorney Susan Swimley to discuss items pertaining to West Yellowstone Refuse District including garbage haulers, non-payment of bills by all the licensed garbage haulers that deliver to Logan, animals killed on the road, and reviewed documentation regarding EcoWest hauling to other landfills than Logan. Susan Swimley advised that the Commission does not have enough documentation and therefore should disregard the out of state haulings at this time and should consider amending the contract. The Commission requested Susan Swimley send a demand letter to the haulers. Susan will also put her findings in writing to use at the next meeting and will send packets of the information to the board and EcoWest.
- Commissioner Olson attended the regular monthly meeting of the Weed Board, those present included members Bob Hoffman, Kay Moore, Bob Nowierski, Craig Morgan, and Leo Schlenker; Weed Supervisor Dennis Hengel; and Extension Agent Ron Carlstrom. Dennis Hengel reported that the crews have been disbanded, the equipment is being winterized and he will continue to spot spray. Individuals with severe weed problems were discussed. It was agreed that individuals will receive a second letter that action will be taken if they don't take personal responsibility. The next meeting is scheduled for October 2 at 1:30 p.m.
- Commissioners met with Weed Board members Bob Hoffman, Kay Moore, Bob Nowierski, Craig Morgan, and Leo Schlenker and Weed Supervisor Dennis Hengel where the year's operations were reviewed, the enforcement law was explained, the Memorandum of Understanding was discussed, and Dennis Hengel requested additional assistance. Dennis will review his staff needs and provide a request.
- Commissioner Jelinski provided a video taped interview to Karen Johnson of Montana State University Extension Service on growth issues in the West.

SEPTEMBER 5, 1997

- Commissioners Murdock and Olson had their regular monthly meeting with Personnel Director Kathy Nowierski and discussed personnel matters
- Commissioner Murdock and Olson had their regular monthly meeting with Data Processing Supervisor Bill Baldus and discussed purchase order procedures and other data processing matters.
- Commissioners had their regular monthly meeting with Grants Administrator Larry Watson and discussed progress on various grant applications and projects and the work time in relation to projects.
- Commissioner Jelinski, as a member of the Health Officer Interview Committee, attended the health officer interviews.
- Commissioner Murdock and Olson had their regular monthly meeting with Facilities Director Bob Isdahl, also present were Jamie Lenon and Robert Pertzborn of Prugh and Lenon. Phase I and the courthouse CTEP renovations were discussed as well as the task orders and contracts.
- Commissioners Murdock and Olson had their regular monthly meeting with Geographical Information Systems Coordinator Allen Armstrong and discussed the GIS work plan and progress report. Allen reported that all needs assessments are done and he is preparing a response to all departments individually on their needs and concerns. The compensatory time policy was explained to Allen and he was advised to work 40 hours per week unless unusual circumstances arise.
- Payroll in the amount of \$916,821.31.

The following items were on the consent agenda:

Jennifer Borquist, County Planner, submitted request for a change in boundary location for Donald Durbin, John and Marg Keserick, applicants. The parcel is described as Certificate of Survey No. 763-A which is located in T2S R5E in the NE¼ and SE¼ of section 29 Gallatin County, Montana. According to the information submitted, staff report indicates, this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Jennifer Borquist, County Planner, submitted a request for a boundary relocation to create a two-acre tract (tract 3) for an existing single-family residence. It is described as Certificate of Survey 212A, which is located in T2S R4E in the S½SW¼ of section 11 on behalf of LeeLynn Inc. applicant. According to the information submitted, staff report indicates this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Jennifer Borquist, County Planner, submitted a request for an exemption from the Montana Subdivision and Platting act to secure a construction loan for William Fairhurst, applicant. the property is described as Tract A in Certificate of Survey No. 1870. It is 1.325 acres. According to the staff report submitted, this appears to meet the criteria for exemption under the Montana Subdivision Regulations.

Motion by Commissioner Jelinski to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Chairman Olson announced that item No. 11, the request for preliminary plat approval of the Weeks Minor Subdivision has been removed from the agenda and will be considered on the September 16, 1997 at the request of the applicant.

Roger Cartis of Alcohol and Drug services read a proclamation declaring September 1997 as "Treatment Works! Month". Finding the disease of alcoholism and drug dependence is America's most serious problem, affecting every community, whether urban or rural, Commissioner Jelinski made a motion to adopt the proclamation. Seconded by Commissioner Murdock. None voting nay. Motion carried.

John Heintz, Consultant for Gallatin County Resthome opened the bids received for the Resident Bus for the Gallatin County Rest Home. The only bid received was from Ronan Auto Body Sales in Ronan, Montana. A bid bond was included and the bid was for \$36,916.00. Mr. Heinz took the bid under advisement until next week at the public meeting.

Tom Moore, Sanitarian for the Gallatin County Environmental Health Department stated he did not receive any bids for the proposed Junk Vehicle Fluid Removal Program. He stated he would need to readvertise the bid proposals and start the process over and bring it to the Commission at a later date.

Clerk and Recorder Shelley Vance, received a petition to alter the boundary of the Rae Fire Service Area and a Consideration of a Resolution of Intent. She reported she examined 39 qualified signatures appearing on the petition. Currently, the property described in the petition is in Meadow Creek Fire District. They are requesting to alter the boundary and be included in the Rae Fire Service Area. Deputy County Attorney Gerry Higgins explained the history of the Middle Creek Meadows property. They had been contracted with the Rae Fire Service. They would like to dissolve the volunteer Fire Department and be placed into the Rae Fire Service Area. The Clerk and Recorder's Office has received the petition from Rae Fire District, and it is ready, but would like to continue the consideration until next week to make sure all the signatures have been verified. There will be a hearing on the 14th of October. The notice will be published on September 14, 1997. Commissioner Jelinski made a motion to acknowledge receipt of the petition to include the Middle Creek Meadows No. 3 South Rural Fire District into the Rae Fire Service Area and the Consideration of the Resolution of Intent to alter the boundary of the Rae Fire Service Area and continue it until the public hearing on September 16, 1997. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance received a petition to alter the kinds types and levels of service for the Rae Fire Service Area. She acknowledged receipt of the petition with 38 qualified signatures. Commissioner Murdock read the Resolution into the record. David Lukas with the Rae Fire Service Area spoke in favor of altering the types and levels of service to be able to take advantage of the State Workers Compensation Program.

Motion by Commissioner Murdock to adopt Resolution No. 1997-56, a resolution of intention to alter the kinds, types and levels of service for the Rae Fire Service Area, including how the Trustees govern and manage the affairs of the area. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Sheriff Bill Slaughter brought before the Commission a Consideration of a Recommendation on a Request for proposals for Preventive Maintenance Program for the Sheriff's Office Vehicles. There was one bid received from Bozeman Ford. He reviewed the bid and found it acceptable and recommended to the Commission to award the proposal to Bozeman Ford. The rates are the same as they are operating with currently. Finding that the proposal meets specifications, is within the County Sheriff's Department budget, and following the recommendation of Sheriff Bill Slaughter, Commissioner Murdock made a motion to accept the bid from Bozeman Ford. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Jason Karp, Belgrade City/County Planner brought a consideration for preliminary plat approval by Granite Peak Properties, applicant for the Wildhorse Trail Properties Subdivision which consists of 26 lots and covers 101 acres, located in the N1/2 of Section 3, T1S, R4E, Gallatin County. The proposed subdivision is located west of Belgrade between Thorpe Road and Royal Road. There is currently no zoning in the area and past use has been agricultural. Due to the marginal quality of soil on the site, it appears that subdividing the property will have minimal effects on agriculture. The recommendations made by the Belgrade Planning Office for final plat approval as follows: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department or Environmental Quality Approval shall be obtained for the subdivision. 3. The developer shall record with the final plat a waiver of right to protest creation of rural Improvement Districts Water and Sewer Districts. 4. The subdivision shall be seeded and controlled for noxious weeds. A memorandum of Understanding will be signed between weed district and developer prior to final plat approval. 5. Fire Impact fee and road impact fee shall be submitted to Gallatin county as per current impact fee policies. 6. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within the subdivision. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 7. A copy of the final subdivision [plat shall be submitted to the Belgrade Fire Marshall's Office and the Gallatin County Road Department prior to final plat approval. 8. A Homeowner's Association shall be established. 9. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent framing practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be

agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of machinery early in the morning and sometimes late INTO THE evening. c. All fences bordering agricultural lands shall be maintained by the Homeowner's Association, in accordance with State Law. d. The Homeowners Association shall be responsible for maintenance of all parks and open space within the subdivision. e. All roads within the subdivision shall be maintained by the Homeowner's Association. f. The Homeowner's Association shall participate with the Bos Minor Subdivision and the Wildhorse Minor Subdivisions for the maintenance of Wildhorse Trail. g. The Bos Minor subdivision and the Wildhorse Minor Subdivisions shall be allowed to join the Wildhorse Trail Properties Subdivision for the joint use and maintenance of parks and open space within the Wildhorse Trail Properties Subdivision. h. Any covenant which is included herein as a condition of the Preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. I. Site plans must be reviewed by all lots by the Belgrade Fire District. 10. Covenants, a copy of preliminary approval, and the certificate of licensed title abstractor shall be submitted to the Gallatin county 'Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate of title prior to final plat approval. 11. Wildhorse Trail shall have a 60 foot right-of-way, b e dedicated to the public, and paved to County Standards from Summit Subdivision to Wildhorse Trail. 13. Thirty feet of royal Road east of the centerline, and thirty feet of Thorpe Road west of the centerline must be dedicated to the public along the entire length of the subdivision, and the final plat shall show no access strip for vehicles for individual lots to Thorpe and Royal Roads. 14. All plans and specifications for roadways, road maintenance, drainage, road names, and placement of street signs shall be approved by the Gallatin Road Department. 15. Road name signs are requested at all intersections. 16. The developer shall be responsible for paying a proportionate reimbursement of the total construction cost of the Summit Subdivision fill site to the Belgrade City-County Planning Office which will reimburse the entity responsible for the maintenance of the Summit Subdivision fill site. The proportionate reimbursement for the cost of paving Thorpe Road from Amsterdam road to Wildhorse Trail to the Belgrade City-County Planning office which will reimburse the record lot owners of the Summit Subdivision . The amount shall be calculated using the prescribed formula in the Gallatin County Subdivision Regulations and be approved by the Gallatin County Road Department. 18. All road work shall be inspected and certified by a licensed engineer. Inspection and certification shall be provided to the County Road Department in writing prior to final plat approval. 19. A ditch easement be indicated on final plat and a warning attached stating that it is "hazardous to children." 20. Park land or public land be deeded to the Homeowners Association. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Commissioner Jelinski asked about the data on the overall amount of septic systems being built in the area and its accumulative effect. Mr. Murdock asked about the Bos Minor and its participation in the maintenance fund. Jason responded that there is not a way to require a land owner in the Minor Subdivision to participate in the fund, but will offer the opportunity to the lot owners in the subdivision. Jason stated that the dedication of park land as proposed, would then give the homeowner's a chance to deny access to the Bos Minor if they did not participate in the maintenance district.

Dennis Foremen of Gaston Engineering, representing Granite Peak Properties, applicant, stated the 22 acres of open space stay a private open space for the subdivision and be used for horse trails and pedestrian trails. Boundary property owners are in agreement on joining the maintenance district. He has no problem with the road impact fees. He questioned the 13 feet of Royal Road and if they would get a credit for that right of way. The Royal RID also participated and should get a credit for that money. He would like the conditions to state what the subdivision would get credit for and what they would not get credit for. Commissioner Murdock asked Brad Bean if he had talked with all the owners to see if they would participate. He responded yes, that he had talked to all of them. It was a verbal agreement right now.

Brian Connelly, Belgrade Rural Fire District clarified the impact fee of 26 lots with no structures and explained the plans must be reviewed by their office to see if access is provided to the streets coming and going and that the structures on the properties can be accessed by the fire department's equipment. He explained that this is now a standard condition they are using. It was a previously standard condition on commercial applications and now they have made it a standard on residential plans. The recommendation will be included in the covenants and not as part of the conditions of approval. He hasn't had any developer question or have concerns on adding that covenant. There was no public comment.

Commissioner Jelinski stated the impact fee question has not been answered regarding reimbursements for credit, dedication of road, and the Royal RID. Sam Gianfrancisco, County Road Superintendent explained the developer will get credit if paying into a RID, reimbursement of paving or access to right

of way. They would not get a credit for site related improvements, driveways, roads covered in conditions 13 and 16, but would get credit if the developer paid for them. He encouraged the applicant to meet with the Planning Director, Dale Beland and get clarification on the credit issues brought up. Commissioner Murdock said the policy of the County is that the park land be dedicated to the public. He stated they might not be eligible for park funds and wanted the developer to be aware of it.

Commissioner Jelinski agreed with the special use park requested in the application for open space to accommodate horses allowed in the subdivision. Chairman Olson concurred.

Finding that the Wildhorse Trail Properties conforms to the Belgrade Master Plan and the goals and objectives are consistent with that plan Commissioner Murdock moved to grant preliminary plat approval with the following conditions as drafted 1-8 standard conditions, adding a condition I. to No. 9 that states: Site plans must be reviewed by all lots by the Belgrade Fire Department. Conditions 10-18 are standard conditions as drafted and adding, a condition No. 19 to read, "Ditch easement shall be indicated on final plat approval and a warning attached that it is "hazardous to children." A condition No. 20 will be added that states: "The Park land or public land which is set aside for park and recreation purposes be deeded and dedicated to the Wildhorse Trail Properties Homeowner's Association. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Commissioner Jelinski directed Mr. Karp to draft a letter to the Department of Environmental Quality (DEQ) to review the cumulative impacts of multiple septic systems in jurisdiction 1. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Gerry Higgins reported on the Continuation of a Consideration of a Resolution to File a Map with Resolution No. 381 concerning the Gallatin Field Airport and Noise Influence Area. Gallatin County adopted Resolution No. 381 on July 6, 1978 which is a Resolution adopting the Gallatin Field Airport Influence Area concerning land use regulations in the vicinity of the airport; and whereas, Resolution No. 381 refers to an official airport influence area map which delineates the noise contours of the influence area. A map was filed with the Clerk and Recorder on July 18, 1978, and is still on file there. Recently, however, there was an attempt to find a map attached to and filed with Resolution 381 which shows the noise contours of the influence area. It was not attached. The County is involved in 2 court cases involving this matter. The noise contour map has been reviewed, and the County Attorney's office has a signed letter to that fact. The map has been compared to the noise areas and has been found to correctly describe the sensitive districts and is consistent with the Gallatin Influence area with the exclusion of that portion which extends south beyond highway No. 10., which portion was deleted from the Influence Area By Resolution No. 381. Because of the history of this Resolution, Gerry Higgins recommends that the Board pass a Resolution stating that mylars of the map be signed by the County Commission to show the Official area and file the mylars with the Clerk and Recorder, the Airport Manager, and with the City of Belgrade.

Commissioner Jelinski moved to adopt Resolution No. 1997-57. Seconded by Bill Murdock. None voting nay. Motion carried.

Claud Matney, representing Kerin & Associates, reported on the bids they received for Construction Bids on Rid 370 for Outlaw Country South Subdivision. The first bid was from JTL, Inc. for \$96,018.52, and the second bid was from Daktana Paving for \$142,890.96. They were both under the estimates of the Engineers and Kerin and Associates recommends awarding the bid to JTL, Inc. contingent upon the sale of bonds being accepted. Deputy County Susan Swimley verified with Mr. Matney to clarify for the record that the two bids weren't received in their office but were received in the County Commissioner's office over a week ago and were referred to Kerin & Associates for review and referral and further, that it met all specifications set out in the bid.

Finding that the bid from JTL, Inc. meets all specifications and is below the County budget, Commissioner Jelinski moved to award bid to JTL, Inc. contingent on the sale of bonds. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Susan Swimley directed Claud Matney of Kerin and Associates to contact bidders and let JTL, Inc. they were awarded the bid, and to Daktana, that they were not the low bidder.

The bid award for paving of Love Lane and the bid award for paving of Old Yellowstone Trail on the regular agenda were awarded in the public hearing on September 2, 1997.

There being no further business the meeting adjourned at 3:20 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 16 DAY OF SEPTEMBER, 1997**

The meeting was called to order by Chairman Phil Olson at 1:30 P.M.. Also present were County Attorney Marty Lambert, Commissioner Jane Jelinski, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

SEPTEMBER 8, 1997

- Commissioners met with Executive Secretaries Pat Lewis and Jan Emerson regarding pending administrative matters.
- Commissioners met with Human Society Director Ganay Johnson and Sheriff Bill Slaughter regarding the lease renewal, increase in annual fee for the shelter, and animal licensing. Sheriff Slaughter will develop a new draft contract by November 1st for the Commission to review. The Commission agreed to pay the veterinary fee of \$2,894.23 for the claim submitted by the Humane Society and the annual fee of \$2,500.00 per the fee on the old contract.
- Commissioner Jelinski attended a special meeting of the Board of Health to discuss health officer candidates.

SEPTEMBER 9, 1997

- Commissioner Jelinski attended the meeting of the Board of Health.
- Commissioner Murdock attended the meeting of the Turner Foundation.
- Commissioners conducted the regular public meeting.

SEPTEMBER 10, 1997

- Commissioners met with Joe Driskell and Roger Curtis of Alcohol and Drug Services. The planning grant which Alcohol and Drug Services wishes to apply for was reviewed and the Commission agreed to support the grant application.
- Commissioner Jelinski met with Personnel Director Kathy Nowierski regarding revisions to the personnel manual.
- Commissioners met with Kate Mohr to discuss the condition of the subdivision approval regarding fill points in Mohr Minor Subdivision and agree to arrange a cost share amount for the fill point that is mutually acceptable with the Sourdough Fire District.
- Commissioners had their regular quarterly meeting with Area Agency on Aging Director Charlie Briggs and Bea Horswill. Mr. Briggs announced that he will be leaving the organization and procedures were discussed for the replacement.
- Commissioner Jelinski attended the Gallatin Valley Land Trust luncheon. Bob Dennee of the US Forest Service and a game biologist explained the Gallatin II Land Exchange.
- Commissioners interviewed candidates for the secretarial position in the Commission office.

SEPTEMBER 11, 1997

- Commissioner Olson met with Auditor Joyce Schmidt regarding the possibility of the county having membership with Costco.
- Commissioners attended a joint Commission meeting and Zoning Hearing.
- Commissioners interviewed candidates for the secretarial position in the Commission office..
- Commissioners met with Planning Director Dale Beland and discussed the possibility the role of Capital Facilities Coordinator be eliminated, task order policy, Prugh and Lenon's participation in PONI, and project management. The Commission agreed, pursuant to his request, to remove Dale Beland from the duties of Capital Facilities Coordinator. The Commission will discuss the future of that role.

SEPTEMBER 12, 1997

- Commissioners met with Fairgrounds Supervisor Sue Shockley; Fair Board members Andy Leep and Greg Rath; and Bozeman Baseball representatives Dick Harte and Jack Dugan regarding the Bozeman Baseball lease of property at the fairgrounds. Items discussed included the period of time the new lease should cover, parking, what should happen in the event the fairgrounds is moved, and the sewer and water needs of the baseball field. It was agreed that Sue Shockley will work with the county attorney's office to draft a new lease.
- Commissioners met with County Attorney Marty Lambert and Planning Director R. Dale Beland to review the alternatives and legal aspects of hiring personnel to assist the planning department in the area of building permits. Marty and Dale will work together to develop a plan.
- Commissioner Murdock attended the United Way Campaign Kickoff Barbecue.
- Commissioners interviewed candidates for the secretarial position in the Commission office.
- Commissioner Olson met with Jim Paugh regarding damage caused by flooding to Middle Creek.
- The Commission received cancellation of taxes in the amount of \$2,591.44.
- The Commission received A101's in the amount of \$6,316.00.

The following items were on the consent agenda:

An application for a family transfer exemption to create 3 parcels. The property is now described as tract 1 of Certificate of Survey 1576 which is located in T 1S, R 4E Section 14 in the SW¼ and contains 6.3 acres. According to the information submitted, this appears to be a proper use of the exemption procedure.

Motion made by Commissioner Jenlinski to pass the consent agenda. Seconded by Chairman Olson. None voting nay. Motion carried.

John Heintz, Consultant for Gallatin County Resthome recommended awarding the bid proposal for a new resident bus to Ronan Auto Body Sales in Ronan, Montana for \$36,916.00. It was the only bid received and included a bid bond. He verified the specifications with Ronan Auto Body Sales. The bid met and exceeded the requirements. Commissioner Jelinski moved to award the bid for \$36,916.00 to Ronan Auto body Sales. Seconded by Commissioner Olson. None voting nay. Motion carried.

Chairman Olson opened the bids for the Sale of Bonds for RID 370 which is Outlaw Country South Subdivision. Two bids were received. The first bid is from D.A. Davidson & Son for \$192,644.25 at a 5.9994 interest rate with a bond check included for \$3,970.00. The second bid is from Steve Hample, CFP of KMS Financial Services of Bozeman. It is for \$198,500. A bond check was enclosed of \$3,970.00 stating the average interest rate is 6.94 interest rate. Susan Lang, Accountant for the Clerk and Recorder's Office, accepted the bids for Ed Blackman, Fiscal Officer. Commissioner Jelinski moved to defer the bids to the finance staff and wait for a recommendation on Wednesday. Seconded by Chairman Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported receiving a petition to dissolve the Middle Creek Rural Fire District. She reviewed and certified that the petition contains the signatures of the owners of fifty percent or more of the areas privately owned lands included within the fire district who constitute a majority and are freeholders of the area and that the names appear on the last assessment roll. Commissioner Jelinski explained that Middle Creek Rural Fire District has been inactive for many years and have contracted with the volunteer Rae Fire District for fire protection since 1979. Commissioner Jelinski read the draft Resolution of Intention to Dissolve Middle Creek Meadows 3 South Rural Fire District South No. 1 into the record. There was no public comment. Finding the petition is in the public's interest, Commissioner Jelinski moved to adopt the Resolution of Intention 1997-60 with the hearing dates changed from October 14, 1997 to October 21, 1997. Seconded by Commissioner Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on the continuation of a Consideration of a Resolution of Intention to Alter the Boundary of the Rae Fire Service Area to include Middle Creek Meadows Subdivision No. 3 first brought to the Commission at the public hearing on September 9, 1997. David Lucas with the Rae Fire Service Area stated that they looked forward to serving the Middle Creek Meadows Subdivision and supports the altering of boundaries of the Rae Fire Service Area to

include the Middle Creek Meadows area. Commissioner Jelinski read Resolution of Intention 1997-61 to alter the boundaries of the Rae Fire Service Area. Finding this Resolution is in the best interests of the public, Commissioner Jelinski moved to adopt Resolution of Intention 1997-61. Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp brought a consideration for a summary review of the Weeks Minor Subdivision, which will contain 5 lots in 3.3 acres located in SW¼ of the SE½ of Section 33, T1N, R4E, Gallatin County Montana. The applicant, Charlie and Cindy Weeks had asked for the subdivision to be tabled at the public hearing on July 30, 1996 because of a variance request to allow them time to research options regarding the conditions of road paving. At this time, they are bringing it back to the Commission for approval with the variance request and to present new information regarding the traffic studies done showing the trips per day that were lower than the other studies exempting it from the requirement to pave Royal Road. The staff and planning board recommends the following conditions for approval: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. 4. A waiver of right to protest creation of rural improvement districts shall accompany the final plat. 5. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A memorandum of understanding shall be signed between the weed district and the developer prior to final plat approval. 6. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 7. A homeowners association shall be established. 8. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices feature the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with state law. d. Requiring the homeowners to participate with the homeowners along MacTavish Lane and Pache Road for the maintenance of MacTavish Lane and Pache Road. e. Requiring homeowners the participate in the maintenance of the water system. f. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 9. Covenants, a copy of preliminary approval, and the certificate of licensed title abstractor shall be submitted to the Gallatin County's Attorney Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final approval. 10. A \$100 per additional lot fee shall be submitted to the Belgrade Rural Fire District prior to final plat approval. 11. The developer shall provide one of the following standards to ensure a reasonable level of fire protection and life-safety to the public and firefighters. The following requirements must meet the specifications of Gallatin County Subdivision Regulations Section 6-E-5 and be reviewed and approved by the Belgrade Fire District. a. A single 10,000 gallon water supply for each home and associated structure meeting the requirements of Section 6-E-5 (a). b. A single 20,000 gallon water supply meeting the requirements of Section 6-E-5 c. d. R-3 occupancies as defined by the Uniform Fire code may be protected by automatic fire sprinkler systems meeting the requirements of NFPA 13D. If the sprinkler option is used the covenants must include the following provisions. 1. Automatic fire sprinkler system plans shall be submitted to the Belgrade Rural Fire District for review and be approved prior to construction, and the sprinkler system must be inspected by the Belgrade Rural Fire Department during construction and at completion as required by the Belgrade Fire Chief. e. A pressurized fire hydrant system meeting the requirements of Section 6-E-5 (e). 12. Weeks Place shall be a sixty foot right-of-way dedicated to the public and constructed to Gallatin County standards at its south end. 13. MacTavish Lane shall be a sixty-foot right-of-way, be dedicated to the public, and be constructed to Gallatin County standards from Royal Road to the western boundary of the subdivision with a temporary cul-de-sac constructed to county standards at its west end. 14. The developer shall submit a maintenance agreement with the homeowners along Pache Road and MacTavish Lane and a maintenance plan for the maintenance of Pache Road, MacTavish Lane, and Weeks Place for approval by the Gallatin County Road Department.

15. A street name sign for Weeks Place shall be installed and approved by the Road Department or a bond be posted for the cost of the sign prior to final plat approval. 16. Royal Road shall be paved to Gallatin County Road standards from Thorpe Road to MacTavish Lane. 17. The final plat shall show a no-access strip for vehicles for Lot 5 along MacTavish Lane. 18. Pache Road must be upgraded to county gravel standards with a cul-de-sac constructed to county standards along the west border of lot 4. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. Conditions 11,13,16,17 & 18 have been amended since the original public hearing. The road variance had been voted down by the Commission at the public hearing July 30, 1996. The Weeks asked the Commission to reconsider their vote and grant the variance with the new information given on the traffic studies. Mr. Weeks answered questions brought up in that hearing, and brought new information on traffic studies done. Trina Kallenbach of Fluidyne explained their concerns on the paving of Royal Road and submitted a proposal to the Commission to help mitigate the impact of the minor subdivision. They are proposing \$3,820 worth of road improvements to set off road costs. They feel it is not a public safety issue whether this road is paved and is an undue hardship on developer. They propose to provide dust control for 2 years on Royal Road, add two aprons on Thorpe Road at Apache Road and Royal Road to help cut down rocks thrown (approximate cost \$2,000.), and to upgrade Apache Road (\$1,000.) These costs are estimates based on current prices that may vary in the future. There was no public comment. Sam Gianfrancisco, County Road Superintendent explained the inconsistencies in the traffic studies. He has reviewed the proposal and using dust control for 2 years is an option he supports to help mitigate the dust problem along with regular maintenance. They discussed rewording condition No. 14 to keep it less specific so it does not hold the developer to paving the entire road. Jason Karp worded number 14 to read: "The applicant shall initiate an RID for the paving of Royal Road and if 60 percent support it, then it is proposed, and if not, the developer shall pay the 18% of the cost of paving Royal Road as approved by the County Road Department, or shall submit a maintenance plan for the maintenance of Royal Road and Apache Road for approval by the Road Department. Commissioner Jelinski asked the applicant if they can continue their decision for two weeks. Mr. Weeks agreed. Commissioner Jelinski moved to continue the Weeks Minor Subdivision until October 7th at the regular public hearing. Seconded by Commissioner Olson. None voting nay. Motion carried.

Debbie Arkell, Bozeman City-County Planner requested preliminary plat approval for William J. Gaffke Minor. It is a proposed one lot minor subdivision containing 2 acres out of a 160 acre parcel located in the Southeast Quarter of Section 31, T1S, R5E, Gallatin County. The Planning Board recommended that the application be approved with the following conditions to make it in compliance with the 1990 Bozeman Area Master Plan. 1. The final plat shall conform to all requirements of the Bozeman Area subdivision Regulations, the Uniform Standards for Final Subdivision Plats, be accompanied by all appropriate documents and all required certificates. One cloth back (or equivalent) and one mylar copy of the final plat approval, along with a digital copy of the final plat, on a double sided, high-density 3-1/2" floppy disk. 2. Encroachment permits for the existing accesses from Baxter Lane to Tract A shall be verified or obtained from the County Road Department prior to final plat approval. 3. The Waiver of Right to Protest Rural Improvements Districts and the Utility Easement shown on the preliminary plat must also be provided and signed on the final plat. 4. The covenants shown on the preliminary plat must also be provided and signed on the final plat. 5. The plat containing the covenants and a list of conditions of preliminary plat approval shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the Covenants prior to final plat approval. 6. A Weed Control Agreement shall be entered into with the County Weed Control Officer to ensure control of noxious weeds. A copy of the signed agreement shall be submitted with the final plat application, and any control measures required in the Agreement must be completed prior to final plat approval. 7. The developer shall have three years from the date of preliminary approval to complete the above conditions and apply for final plat approval. The applicant has requested 3 variances with this application. 1. The paving requirement of East Baxter Lane. Sam Gianfrancisco supports this variance as this 1 lot has no further impact on this road. 2. Payment of fire impact fees. Section 10 of the Fire Protection Impact Fee Regulation adopted April 1, 1997 outlines 4 criteria for any lot to meet in order for the County to waive the fire impact fee. The proposed 1 lot minor complies with all the criteria set forth to waive the fee. The staff feels the Impact Fee should be waived without the need for a variance. 3. The payment of Road Impact Fees. Section 9 of the County Road Impact Fee Regulations effective on May 1, 1997 allows a waiver of the fee if the subdivider can demonstrate that the land when subdivided and built out with at least one structure per lot will produce no more vehicle trips than would have been produced if such land had not been subdivided. Staff reviewed this request with the County Planning Director and based on that fact the proposed lot is already constructed, no more vehicle trips will be generated. Staff believes the variance is not necessary. Ron Allen, Surveyor for Allen & Associates reviewed the history of the piece of land. There was no public comment. Finding that the request has no additional impact on the public and the criteria for the variance has been met, Commissioner Jelinski moved that the variance from the paving

requirement be granted, that the second and third variance are not required because they comply with the waiver criteria, and grants preliminary plat approval for the William J. Gaffke Minor Subdivision with the modifications to Condition No. 5 that 2 copies of the plat be provided. Seconded by Phil Olson. None voting nay. Motion carried.

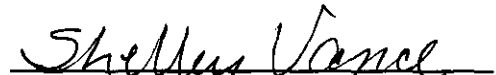
Planning Director R. Dale Beland brought to the Commission a modification of conditions of approval for Wierda First Minor Subdivision. It is a 3 lot subdivision on approximately 20 acres located in Section 15, T2S, R 3E. This subdivision was conditionally approved on July 29, 1997. The Commission adopted several conditions as drafted by staff, plus a new condition pertaining to the required easement across the ditch. Discovery was made that the latter condition added makes several of the conditions redundant and unnecessary. Accordingly, staff recommends that the Commission modify the conditions of preliminary plat approval. The amended conditions are as follows: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. Subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: ***"The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever."*** 4. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 5. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, and/or the creation of a sewer and/or water district. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, road easement document and certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, road easement document and certificate prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a) The property owners' association shall be responsible for the control of County declared noxious weeds. b) Individual lot access from County public roads shall be built to the standards of Section 7.G.2. of the Subdivision Regulations. c) A statement addressing agricultural uses of neighboring properties in the following form: ***Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.*** d) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. e) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler systems meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled during construction and after completion. f) The property owners' association shall be responsible for maintenance of Wierda Way, Chandler Drive, and the second access. g) The lots shall not be further subdivided prior to the provision of a second public access in accordance with the Subdivision Regulations. h) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot (\$1,488). 9. The subdivider shall dedicate to the public the sixty (60) feet of right-of-way for the extension of Chandler Drive to Little Holland Road or shall cause said right-of-way to be made a public road easement. The subdivider shall submit the documentation establishing the easement to the County Attorney's office for approval of the easement in accordance with the Subdivision Regulations. 10. The subdivider shall improve the extension of Chandler Drive to Little Holland Road to county gravel standards and include stop and street signs, in accordance with the subdivision regulations. All road work shall be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Office that the road has been brought to County gravel standards prior to final plat approval. 11. The subdivider shall obtain an encroachment permit for the Chandler Drive access at Little Holland Road prior to final plat approval. 12. The subdivider shall establish a property owners' association for the enforcement of the required covenants.

13. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Finding that this is in the public interest. Commissioner Jelinski moved to adopt the amendments as presented for the Wierda First Minor Subdivision and directed Mr. Beland to prepare the appropriate findings of fact. Seconded by Commissioner Olson. None voting nay. Motion carried.

Larry Watson, Grants Administrator brought before the Commission two resolutions pertaining to grant awards received from the Montana State Board of Crime Control for the Youth Probation Office. Resolution 1997-8A is for the Intensive Supervision Program, and 1997-9A is for the Peer Court Program. Commissioner Jelinski moved to adopt Resolution No. 1997-8A and Resolution No. 1997-9A. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:58 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 23th DAY OF SEPTEMBER 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jane Jelinski, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

SEPTEMBER 15, 1997

- Commissioner Murdock was in Longmont, Colorado from September 15-18, attending a training conference sponsored by PONI [Planning of New Institutions) regarding the planning process for building new jails.
- Commissioners Olson and Jelinski met with Executive Secretary Pat Lewis regarding pending administrative matters.
- Commissioners Olson and Jelinski met with County Extension Agents Todd Kesner and Ron Carlstrom. Topics included the progress of their activities and requested staffing levels. The agents were requested to present a staffing proposal to the Commissioners for consideration.
- Commissioners Olson and Jelinski attended a meeting of the Capital Facilities Committee. Topics discussed included a review of the 1997 Basement Space Plan; the Phase One renovation of the County Courthouse; a report on the Courthouse Annex; as well as status reports on the Detention Center Task Force, the Facilities Master Plan, the 911 Interim Facility, the L&J Center Parking Lot Project; and the progress of work on the new office building at the County Fairgrounds.

SEPTEMBER 16, 1997

- Commissioners met with County Attorney Marty Lambert to review items being addressed by Mr. Lambert and his staff.
- Commissioners Olson and Jelinski conducted the regular public meeting.

SEPTEMBER 17, 1997

- Commissioners Jelinski and Olson attended the monthly Interagency Breakfast, also attended by Bozeman City Manager and Chamber of Commerce Board Chair Bruce McCullum, Chamber of Commerce Director David Smith, and Gallatin Development Corporation Director Dixie Swenson.
- Commissioners Olson and Jelinski attended a meeting of County department heads and elected officials. Topics of discussion included: Bi-Annual work plans; FY98 Budget; Internet access;

Facilities planning; the county employee appreciation picnic; a "customer friendly" courthouse; the possibility of a county having a corporate account with Costco; and updates from department heads.

- Commissioners Olson and Jelinski attended a regular meeting of the West Yellowstone/Hebgen Basin Refuse District Advisory Board. Items discussed included EcoWest hauling garbage to Idaho, how to handle dead animals, and bill presented by EcoWest. A motion was passed at this meeting to dismiss the discussion and action regarding the taking of refuse to Idaho. Charges presented for hauling of dead animals were denied. EcoWest asked for and received approval to start the process of renegotiating their contract.
- Commissioners Olson and Jelinski met with Planning Director R. Dale Beland to discuss the planning department work plan.

SEPTEMBER 18, 1997

- Commissioner Olson attended an all-day session of Leadership Bozeman at Hyalite.
- Commissioner Jelinski met with County Attorney Marty Lambert, to work on a Resolution for 911.

SEPTEMBER 19, 1997

- Commissioner Jelinski met as the Welfare Board with Gallatin County Director of Public Health and Human Services, Joan Davies. Discussion included welfare reform.
- Commissioners Olson and Jelinski met with the "MOU" group, comprised of representatives from several local governmental entities, including the U.S. Forest Service, Bureau of Land Management, MSU, the Gallatin National Forest, the Gallatin Conservation District, Yellowstone National Park, and the Natural Resources Conservation Service. Discussion included fire prevention efforts in the forest; GIS developments and coordination between agencies; composting; plans to proceed with the West Yellowstone demonstration project; and demonstration of the Gallatin Range Landscape Assessment.
- Commissioner Olson met with the Mental Health Board of Directors in Billings. Topics discussed included: The budget and lack of payments from the private partners, "CMG," and a plan of how to proceed. The next meeting, scheduled for September 26, will include recommendations from the region's administration.
- Commissioner Jelinski met with the Health Officer Search Committee to review new applications for the position of County Health Officer, and develop new recruiting strategies.
- Commissioner Olson met with Planning Director Dale Beland, Facilities and Operations Supervisor Bob Isdahl, Deputy County Attorney Chris Gray, Fiscal Officer Ed Blackman, and Mr. Bob Planalp to discuss lease arrangements for the building now known as the "Courthouse Annex."
- The Commission received A101's in the amount of \$359,061.36 and claims in the amount of \$277,416.78

The following items were on the consent agenda:

- A request for a relocation of a common boundary exemption for Gilbert and Vera Robinson of Four Corners Investors.
- A request for a family transfer exemption for J.R. Bozman.
- A request for a family transfer exemption for Jim Anderson.
- A request for a relocation of common boundary exemption for Robert Gene Davis and Sandan, L.L.C.

Staff reports indicate that these requests meet the exemption criteria set forth in the Montana Subdivision and Platting Act.

- A request for final plat approval for the Dejong Minor Subdivision. Preliminary Plat approval was granted on November 25, 1995, and granted a variance on July 30, 1996.
- A request for final plat approval for the Ryberg Minor Subdivision. Preliminary Plat approval was granted on September 26, 1995.
- A request for final plat approval for the Boyne USA Minor Subdivision No. 2. Preliminary Plat approval was granted on September 14, 1993.

The conditions of approval for final approval have been reviewed and according to the information submitted, the Planning staff recommends that final plat approval be granted.

Commissioner Jelinski moved to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Thomas Moore of the Gallatin County Environmental Health Department read the bids received for the proposal of the Junk Vehicle Fluid Removal Program that was continued from the September 9, 1997 public hearing. They received two bids: AFT Salvage \$100/per vehicle with no other conditions. Cerro Bros: \$56/per vehicle. He took these bids under advisement until the October 7, 1997 public hearing, at which time he will make his recommendation.

Gallatin County Fiscal Officer Ed Blackman reported receiving bids from Buttrey and Price Rite Drug Center for the Commission to consider the proposals for medications for the Gallatin County Rest Home. He met with Connie Wagner, County RestHome Administrator, to review the proposed bids. They recommend the bid be awarded to Price Rite Drug. Their decision was based on the number of pharmacist provided, type of system proposed, delivery of units, cost of delivery, emergency delivery cost, training provided, and the discount prices on generic and brand name drugs. This bid was the lowest bid in all applicable bids. Commissioner Murdock moved to award the bid to Price Rite Drug as recommended by the Fiscal Officer. Seconded by Jane Jelinski. None voting nay. Motion carried.

City-County Planner Debbie Arkell reported a request for a change in condition no. 15 of the preliminary plat approval for the Davis Minor Subdivision which is located in the SW ¼ of Section 26, T1S, R5E and consisting of four lots on 136.820 acres. Subdivider requests that the condition be amended to allow two accesses off of Westlake Road to accommodate lot 2. At the Planning Board meeting on September 16, 1997 the staff reviewed the request and voted to recommend the amendments. Ron Allen of Allen of Associates, applicant's surveyor explained the request which proposes two 800 foot right-of-ways. Bob Davis, developer, explained further his request and summarized the history of the original access. He agreed to upgrade Westlake Road to County road standards. Susan Swimley, Deputy County Attorney, asked Mr. Davis for clarification on the accesses proposed. Roy Steiner, Gallatin County Road Department stated that the Road Department has no problem with the location of the two accesses proposed onto Westlake Road. However, the Road Department requests two restrictions on the accesses proposed. The Road Department will state where the accesses will go for safety purposes and the Developer will upgrade the road to Gallatin County Road Standards. Cecilia Vaniman adjacent land owner, spoke against the proposal. Finding that the County Road Superintendent and the City-County Planning Board has recommended the amendment to condition no. 15 and in doing so, it is not contrary to the public health, welfare, and safety, Commissioner Jelinski moved to approve the amendment with the following change in the language, "that the two accesses will be allowed from lot 2 onto Westlake Road from the west boundary of the subdivision to East Valley Center Road. Prior to final plat approval, the subdivider shall improve Westlake Road to a county gravel standard, following all requirements. Encroachment permits must be obtained from the County Road Office and will designate where the accesses are to be located." Seconded by Bill Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported the Commission passed Resolution of Intent 1997-53 altering the types of service for the Fort Ellis Fire Service Area. She stated the notice of hearing today was published in the High Country Independent Press on September 11 and the 18th. On September 10th, copies of the notice of public hearing were mailed to the landowners of the Fort Ellis Fire Service Area. She informed the Commission, that this was a public hearing for the public to address the resolution. There was no public comment. Commissioner Olson stated he received one unidentified phone call from a citizen opposed to the changes in the Jackson Creek area. Three letters in opposition from Margaret Brown, Steven B. and Susan I. Arts, and James and Irma Kurk. Commissioner Jelinski asked for a member of the Fort Ellis Board of Trustees to come forward so the Commission could ask questions. Tony Geis, Secretary Treasurer explained the intent of the resolution. Katie Cady and Robert Thibeault, members of the Board of Trustees for the Fort Ellis Fire Service Area spoke in favor of the resolution. Commissioner Murdock read the Resolution into the record. Finding the petition is in the best interest of the public, Commissioner Murdock moved to pass Resolution No. 1997-62. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Fiscal Officer Ed Blackman submitted a resolution establishing the daily rate for incarceration at the Gallatin County Detention Center. The rates were compiled by Gallatin County Auditor Joyce Schmidt. The actual costs incurred by the detention facility during fiscal year 96-97 on an average daily basis was \$55.54 with depreciation and without depreciation \$52.04. Commissioner Murdock read Resolution No.1997-63 into the record. There was no public comment. Commissioner Jelinski moved to adopt Resolution 1997-63 with the correction of the year from 1996 to 1997. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Fiscal Officer Ed Blackman submitted a resolution appropriating State and Federal revenues received for MCH/Pregnancy Services to the City-County Health Department of Gallatin County. Notices were published in the High County Independent Press on September 11, 1997 and September 18, 1997. Bill Murdock motioned to adopt Resolution 1997-64. Seconded by Jane Jelinski. None voting nay. Motion carried.

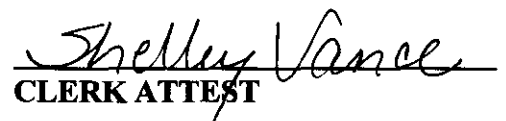
Clerk and Recorder Shelley Vance presented a petition to create a rural improvement district for Wheatland Hills II subdivision which contains 15 parcels represented by qualified signatures which equals 62 percent of the possible 24 parcels within the proposed district requesting creation. Deputy County Attorney Susan Swimley directed the Commission they have to first decide whether or not they want to pass this resolution of intention to create the RID and if so, to direct the financing of such improvements and the costs incidental by the issuance of Rural Special Improvement District Bonds secured to use the revolving fund. The total estimated costs of the improvements are \$63,000.00. Dick Shanahan spoke in favor of the creation of this district for Wheatland Hills II subdivision. Brent Miller, Project Engineer for Gaston Engineering, answered questions for Deputy County Attorney regarding his findings and the preparation of the petition submitted. There was no public comment. Based on the findings brought forth, Commissioner Murdock moved to pledge the revolving fund to secure the RID. Seconded by Commissioner Jelinski. None voting nay. Motion carried. Finding that the RID serves the public interest and convenience Commissioner Jelinski moved to adopt the Resolution of Intention to create RID-97-371A for Wheatland Hills II Subdivision. Seconded by Commissioner Murdock. None voting nay. Motion carried.

County Fiscal Officer Ed Blackman recommended awarding the bid for the bonds to D.A. Davidson and Company at an effective rate of 6.02 percent compared to 6.94 percent by the other bidder. Commissioner Jelinski moved to award the bonds for RID 370 to D.A. Davidson and Company. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:00 P.M..



CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 7th DAY OF October, 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioners Jane Jelinski and Bill Murdock, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

SEPTEMBER 22, 1997

- Commissioners Olson and Jelinski met with Executive Secretary Pat Lewis to discuss a proposed special public meeting in West Yellowstone (date to be determined); County Board vacancies; and upcoming meetings.
- Commissioner Murdock attended a Schools Transportation Committee meeting, along with School District Superintendents, and County Superintendent of Schools, Jill Richards.
- Commissioners Jelinski and Murdock met with Director of the Retired and Senior Volunteer Program (RSVP) Bea Horswill regarding the selection of a new Area IV Agency on Aging Director.
- Commissioners Jelinski and Murdock met with Health Officer Jackie Stonnell, Acting Director of Environmental Health Tim Roark, and Planning Director R. Dale Beland in preparation for a meeting on September 25 with Dennis McKenna of the Department of Environmental Quality (DEQ). It was agreed that the following items would be placed on the agenda of the next MACO/DEQ quarterly meeting: timeliness issues on all state permitting; approval of alternative treatment systems; option for local approval; public drinking water issues; and Big Sky Environmental Impact Statement (EIS).
- Commissioners met with Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Vance to discuss the FY98 budget.
- Commissioners Jelinski and Murdock met with Ken Weaver of the Local Government Center at MSU to discuss performance standards for various County departments.
- Commissioner Olson met with Bob Planalp, Deputy County Attorney Chris Gray, Planning Director R. Dale Beland, Facilities and Operations Director Bob Isdahl, and Fiscal Officer Ed Blackman to discuss lease negotiations for the Courthouse Annex.

SEPTEMBER 23, 1997

- Commissioner Murdock attended a meeting of the Turner Foundation to discuss youth-at-risk needs in Gallatin County. A final public meeting will be held on October 7 to identify a project for the Turner grant.
- Commissioners met with Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Vance to further discuss the budget process subsequent to receipt of State valuations.
- Commissioner Murdock met with Jim Pepper and his associate regarding Simkins' property in Big Sky.
- Commissioners Olson and Jelinski conducted the regular public meeting.

SEPTEMBER 24, 1997

- Commissioners held a work session in preparation for an evaluation of a County Department Head.
- Commissioner Murdock attended a meeting of the Capital Facilities Master Plan Committee to discuss the location of the Detention Center and other L&J functions along with Planning Director R. Dale Beland, Personnel Director Kathy Nowierski, Facilities and Operations Director Bob Isdahl, Grants Administrator Larry Watson, Fiscal Officer Ed Blackman, and Fairgrounds Supervisor Sue Shockley. Request for Proposals will be prepared and an appraiser hired to conduct values/appraisals on all County properties. The Committee recommended unanimously that the L&J Campus and the Detention Center share the same location, although the site has not yet been determined.
- Commissioner Jelinski met with the 911 Admin. Board, including County Attorney Marty Lambert, Sheriff Bill Slaughter, Bozeman Staff Attorney Tim Cooper, Bozeman City Manager Clark Johnson, 911 Communications Director Mike Brown and his Assistant Jan Cross, American Medical Response representative Dan Lewis, Bozeman Chief of Police Mark Tymrak, and Fiscal Officer Ed Blackman. County-wide levy resolutions were refined, fiscal approval procedures agreed upon, and most recent updates regarding the budget and upgrade project were discussed.

- Commissioner Murdock met with Archie Alexander regarding the Open Space Task Force. Discussion included Planning Board priorities and the transportation plan.
- Commissioners met with Treasurer Jeff Krauss to review operations in his department. He plans to write off approximately \$10,000 in old bad checks, and needs an updated refund process to accommodate new computerization. Since 1993, it was found that \$316,000 in personal property reimbursements were overpaid to the State, and the Treasurer will withhold that amount from future payments.
- Commissioners met with State Legislators Emily Swanson and Don Hargrove. Mental Health Services Director Bob Ross was available via conference call to address numerous questions regarding CMG's performance.
- Commissioners conducted a performance evaluation of a County Department Head.
- Commissioner Olson met with members of the Planalp Committee to review lease changes requested by Bob Planalp. Committee agreed to meet again on September 25.
- Commissioners Olson and Jelinski met with the Logan Landfill Advisory Board to discuss landfill management issues. The Board voted to restrict access to the landfill to haulers with overdue accounts.

SEPTEMBER 25, 1997

- Commissioners met with Dennis McKenna of the DEQ, along with Planning Director R. Dale Beland and Acting Director of Environmental Health Tim Roark. Mr. McKenna outlined plans for an Environmental Resource Assessment to determine cumulative impacts on area water quantity/quality, and there will be no moratorium while this study is taking place. Treatment alternatives county-wide were discussed, as were problems with the subdivision approval process between the State and the County.
- Commissioners met with Bozeman City Manager Clark Johnson to review items of mutual interest which included West Babcock, Oak Street, building permits, landfills, and the 911 budget.
- Commissioner Jelinski was re-appointed as a member of NACo's Labor and Employee Benefits Steering Committee.
- Commissioner Olson met with the Planalp Committee to discuss revisions to the draft lease of the Courthouse Annex.
- Commissioners Jelinski and Murdock met with Data Processing Supervisor Bill Baldus and Project Director of Southwest Montana's Telepsychiatry Network Nancy A. Cobble to discuss the future of the telepsychiatry equipment at the Law & Justice Center.
- Commissioners met with Executive Secretary Pat Lewis to discuss pending administrative matters.
- Commissioners Olson and Murdock attended a meeting of the Detention Center Task Force which discussion included a review of the Planning of New Institutions (PONI) program, and recommendations by the Task Force to the Commissioners which will be included in their final report.

SEPTEMBER 26, 1997

- Commissioners Jelinski and Murdock met with Detention Center Task Force members Dave Pruitt and Bob Taylor, Captain Jim Cashell of the Gallatin County Detention Center, Dick Prugh of Prugh & Lenon Architects, Planning Director R. Dale Beland, and Grants Administrator Larry Watson regarding the PONI program held in Colorado. Participants gave a synopsis of the information obtained at the program, and a first draft of an action plan was discussed. The Commissioners agreed to follow the proposed action plan.
- Commissioner Olson attended a regular monthly meeting of the Mental Health Board of Directors in Billings to discuss the budget, to adopt staff recommendation on budget cuts, and will contact Governor Racicot and Department of Public Health and Human Services Director Laurie Ekanger regarding CMG non-payment.
- The Commissioners received A101's in the amount of \$46,165.04.

SEPTEMBER 29 - OCTOBER 1, 1997

- Commissioners attended the 88th Annual MACo Conference in Great Falls from Saturday, September 28 through Wednesday, October 1.

OCTOBER 2, 1997

- Commissioner Jelinski attended the Enhanced 911 Technology Conference in Helena sponsored by the Montana APCO Chapter.

186 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Murdock met with Jack Roadarmel to inspect the Road Abandonment proposal in Logan. Mr. Roadarmel will circulate petition for abandonment, and will work with neighbors on a consensus solution.
- Commissioner Murdock met with Doug Burkenpas of Gallatin Equipment to review and discuss the tractor lease between John Deere and the County Fairgrounds. County Attorney Chris Gray found some language to be unacceptable; Commissioner Murdock will discuss with Commissioners Olson and Jelinski, and County Attorney's office to find resolution.

OCTOBER 3, 1997

- Commissioners Olson and Murdock met with Personnel Director Kathy Nowierski to discuss New York insurance surtax, filling of staff vacancy, and other personnel matters.
- Commissioners Olson and Murdock met with Data Processing Supervisor Bill Baldus to review the work plan and to discuss the ability and process to improve the serviceability of the Data Processing Department. Mr. Baldus will send a memo to all departments regarding the policy and procedure for ordering new equipment.
- Commissioners Olson and Murdock met with Grants Administrator Larry Watson to discuss various grants and programs, the continued need to order computer equipment for his department. Mr. Watson also informed Commissioners that the recent TIIAP 911 grant was not awarded.
- Commissioner Olson attended the regular monthly meeting of the Weed Board. Discussion included two weed management plans and the process of notification to people who are not in compliance. County Extension Agent Ron Carlstrom and Mr. Hengel addressed the need for secretarial support and agreed that a full-time person is necessary, working half time with Weeds and half time with Extension.
- Commissioner Murdock was interviewed by Jeff Gersch, a documentary filmmaker, regarding growth in the West.
- Commissioner Murdock met with Jack Roadarmel to discuss the language for the Logan Townsite Road Abandonment petition.
- Commissioner Olson met with the Planalp Committee to discuss revisions to the draft lease of the Courthouse Annex.
- The Commission received claims in the amount of \$251,599.04; approved payroll in the amount of \$729,736.81;
- The new employee list for September 1997 is as follows:
 - Lorna Berger, 8/23/97.
 - Susan Walter, Detention-housekeeping, 9/6/97.
 - Todd Whipple, Deputy Co. Attorney, \$2166.66/mo., 8/20/97.
 - Monica Calvin, Detention Center-Officer, \$1392.00/mo., 8/25/97.
 - Robin Lennmann, Health-PHN I, \$2286.36/mo., 8/26/97.
 - Carol Banghardt, \$13.14/hr., 9/3/97.
 - Nancy Day, Motor Vehicle-Admin Clerk I, \$1313.70, 8/25/97.
 - Leisa Holland, 9/3/97.
 - Steve Allen, Road Dept-Mechanic, \$1696.50/mo., 9/2/97
 - Amy Cathey, Clerk & Recorder-Admin Clerk II, \$1313.70/mo., 9/15/97.
 - Darlene Ritchey, Grants-Fiscal Secretary, \$8.44/hr., 9/16/97.
 - Stacy Johnston, County Commission-Exec. Secretary I, \$1621.68/mo., 9/29/97.
- The September 1997 list of terminated employees is as followed:
 - Tina Altimus, Clerk and Recorder, 9/5/97
 - Aaron Jenkins, Detention Center, 9/9/97
 - Kay Nelson, Resthome, 9/10/97
 - Carol Leinard, Extention Service, 9/19/97.

The following items were on the consent agenda:

A request for a consideration of an exemption for security purposes for applicants Mark and Lani Huyser. The property is described as Certificate of Survey 1121, tract 4B, which is located in NE $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 33, and the NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 34 in T2S, R4E, Gallatin County. A Tract M (1 acre) will be created for Mortgage purposes only. According to the information submitted, this appears to meet the criteria for the exemption allowed under the Montana Subdivision and Platting Act.

A request for a consideration of an exemption for a relocation of common boundaries for applicants Charlie and Wilma Younkin. The property is located in the SE $\frac{1}{4}$ of T1N, R 3E, Section 13. According to the information submitted, this appears to meet the criteria allowed by the exemption to the Montana Subdivision and Platting Act.

A request for a consideration of an exemption to relocate a common boundary for applicants Steve Hicks. The property is described as Certificate of Survey No. 2006, located in the NW $\frac{1}{4}$ of Section 24, T7S, R3E. According to the information submitted this seems to meet the criteria allowed by the exemption to the Montana Subdivision and Platting Act.

A request for a Family Transfer Exemption for applicants Larry and Muriam Verge to create 3 parcels of land from Certificate of Survey No. 555E located in Section 33, T1N, R4E. One parcel will be deeded to his son Lynn Verge, and one to his daughter Lynette Barnett. The remainder parcel will be retained by the Verges.

Commissioner Jane Jelinski moved to adopt the consent agenda. Seconded by Commissioner Bill Murdock. None voting nay. Motion carried.

Dave Crawford of Thomas Dean & Hoskins, Project Engineer, received 4 bids for the water and sewer improvements at the Gallatin County Fairgrounds. They were opened and read. They are as follows: 1) Bozeman Sand and Gravel -contractors license no. 12878: 10% bid bond, addendum no. 1 included with a total bid of \$145,904.94. 2) Van Dyke Construction Co.-contractors license no. 6544: 10% bid bond, addendum no. 1 included with a total bid of \$223,314.00. 3) Williams Plumbing & Heating -contractors license no. 8395A: 10% bid bond, addendum no. 1 included with total bid of \$226,101.30. 4) JTL, Inc.-contractors license no. 10089: 10% bid bond, addendum no. 1 included with a total bid of \$179,876.55. Mr. Crawford took the bids under advisement and will make his recommendation at the public hearing on October 14, 1997.

Tom Moore of the Gallatin County Environmental Health Department requests the Commission table the awarding of the bid proposals for their Junk Vehicle Fluid Removal Program until the programs can be further reviewed. They would like to combine both bid proposals for their Junk Vehicle Removal program and the Fluid Removal Program and advertise again for a single contractor to handle both. Commissioner Murdock moved to deny any bids and to not award the bid for the Health Department's Junk Vehicle Fluid Removal Program at this time, until further review by the Health Department. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Jason Karp, Belgrade City-County Planning submitted the Commission the continuation of a request for preliminary plat approval of the Weeks Minor Subdivision for applicants Charlie and Cindy Weeks. This proposed subdivision will contain 5 lots in 3.3 acres and is Tract 2 of Certificate of Survey 1251A located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33, T1N, R4E, Gallatin County Montana. The applicant requested a variance from Section 7-F-3 which requires roads at or over 100 average daily trips to be paved. On July 30, 1996 the Commission denied the requested variance. The applicants requested the Commission to table the decision to allow them time to research options regarding the conditions of approval regarding the road paving. On September 16, 1997 it was brought back to the County Commission. At that time, the Commission asked to continue the hearing until the Engineer, County Road Supervisor, and applicants could discuss the proposed changes. The applicant stated their traffic counts showed that Royal Road would have less than 100 average daily trips. At this time, they are bringing it back to the Commission to reconsider their variance and for preliminary plat approval. The staff and Planning board recommends the following conditions for approval: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The

undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality Approval shall be obtained for the subdivision. 4. A waiver of right to protest creation of Rural Improvement Districts shall accompany the final plat. 5. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between the Weed District and the Developer prior to final plat approval. 6. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 7. A Homeowners Association shall be established. 8. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right to farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the Homeowners in accordance with state law. d. Requiring the homeowners to participate with the homeowners along MacTavish Lane and Pache Road for the maintenance of MacTavish Lane and Pache Road. e. Requiring homeowners the participate in the maintenance of the water system. f. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 9. Covenants, a copy of preliminary approval, and the certificate of licensed title abstractor shall be submitted to the Gallatin County's Attorney Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 10. A \$100 per additional lot fee shall be submitted to the Belgrade Rural Fire District prior to final plat approval. 11. The developer shall provide one of the following standards to ensure a reasonable level of fire protection and life-safety to the public and firefighters. The following requirements must meet the specifications of Gallatin County Subdivision Regulations Section 6-E-5 and be reviewed and approved by the Belgrade Fire District. a. A single 10,000 gallon water supply for each home and associated structure meeting the requirements of Section 6-E-5 (a). b. A single 20,000 gallon water supply meeting the requirements of Section 6-E-5 (b). c. A rural fill site meeting the requirements of Section 6-E-5 (c). d. R-3 occupancies as defined by the Uniform Fire Code may be protected by automatic fire sprinkler systems meeting the requirements of NFPA 13D. If the sprinkler option is used the covenants must include the following provisions. 1. Automatic fire sprinkler system plans shall be submitted to the Belgrade Rural Fire District for review and be approved prior to construction, and the sprinkler system must be inspected by the Belgrade Rural Fire Department during construction and at completion as required by the Belgrade Fire Chief. e. A pressurized fire hydrant system meeting the requirements of Section 6-E-5 (e). 12. Weeks Place shall be a sixty foot right-of-way dedicated to the public and constructed to Gallatin County standards at its south end. 13. MacTavish Lane shall be a sixty foot right-of-way, be dedicated to the public, and be constructed to Gallatin County Standards from Royal Road to the western boundary of the subdivision with a temporary cul-de-sac constructed to County standards at its west end. 14. The developer shall submit a maintenance agreement with the homeowners along Pache Road and MacTavish Lane and a maintenance plan for the maintenance of Pache Road, MacTavish Lane, and Weeks Place for approval by the Gallatin County Road Department. 15. A street name sign for Weeks Place shall be installed and approved by the Road Department or a bond be posted for the cost of the sign prior to final plat approval. 16. Royal Road shall be paved to Gallatin County Road Standards from Thorpe Road to MacTavish Lane. 17. The final plat shall show a no-access strip for vehicles for Lot 5 along MacTavish Lane. 18. Pache Road must be upgraded to county gravel standards with a cul-de-sac constructed to County standards along the west border of Lot 4. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. Finding that there is new information available Commissioner Jelinski moved to open the hearing regarding the reconsideration of the variance request. Seconded by Commissioner Murdock. None voting nay. Motion carried. Trina Kallenback with Fluidyne, representing the Weeks, stated that at this time there was no new information. She also stated that the applicants did try and get supporters for starting an RID in the area. Chairman Olson asked if the applicants were agreeable to the conditions of approval. Trina stated that they were in agreement. In the public portion of the meeting the following people spoke against the proposed variance request: David Stevens, Curtis and Jean Rowe, Tammie Sandstrom, Leonard Wells, Bill Brunner, and Mark Paddock. Several issues were brought up by public testimony. The Commissioner's asked County Road Superintendent to come forward and clarify the issues regarding the paving of Royal Road, verses dust control, and the alternatives proposed. Sam stated dust control would be a quick fix but after two years the cost would outweigh the effectiveness,

and paving should be done. He stated the applicant tried to create an RID in the area and no support was given. During Board discussion Commissioner Murdock stated that several issues were raised, and that the County has a standard that a road be paved if it has a certain amount of average daily trips and he feels it has met that. He does not support granting the variance request because he does not see the hardship in this case. Commissioner Jelinski concurred and stated the burden of proof lies with the developer and that they have not met that burden of proof. Granting a variance is an exception to the rule of the way that they do business and she doesn't see that variance as a hardship and does not support granting the variance. Chairman Olson stated he was against the variance because the road already had a problem and nothing was being done to alleviate the problem. He doesn't think dust control would be beneficial in the long run to help the condition of the road and will not approve the variance. Commissioner Jelinski moved to deny the variance from the paving of Royal Road. Bill Murdock seconded the motion. None voting nay. Motion carried. Finding that the subdivision meets the requirements of the Montana Subdivision and Platting Act, Commissioner Jelinski moved to grant preliminary plat approval of the Weeks Minor Subdivision with the 18 conditions as drafted by staff, with a change in 8 D regarding the recording of covenants, which will read, "Requiring the homeowners to participate with the homeowners along MacTavish Lane, Pache Road, and Royal Road for the maintenance of MacTavish Lane, Pache Road, and Royal Road. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance submitted a petition received in her office to alter the kinds, types and levels of service for the Clarkston Fire Service Area. She certifies that she has examined the petition and there are 30 qualified signatures appearing on the attached petition. They are requesting the addition of wildland fire prevention and suppression activities. She recommends to the Commission to hold a public hearing on November 18, 1997 to accept and hear protests. There was no public comment. Commissioner Murdock moved to pass the Resolution of Intention 1997-65 for the Clarkston Fire Service Area. Seconded by Jane Jelinski. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance submitted a petition received in her office to annex property located in the NW ¼, and the W½ of the NE ¼ of Section 12, T 1S, R 5E into the Belgrade Rural Fire District. The Board of Trustees has accepted the petition to annex the property. She has examined the petition and certifies it constitutes 50% of the freeholders of the privately owned lands included within the area to be annexed which constitute a majority. Their names appear on the last completed assessors role. She recommends holding the public hearing on November 4, 1997. Commissioner Jelinski moved to accept the petition to annex property into the Belgrade Rural Fire District and sets the public hearing for November 4, 1997. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance submitted a petition received in her office to annex property into the Bridger Canyon Rural Fire District. The property is described as Tract A of Certificate of Survey 1822 located in Section 17, T 1N, R 7E. She has examined the petition and certifies it constitutes 50% of the freeholders of the privately owned lands included within the area to be annexed which constitute a majority. Their names appear on the last completed assessors role. A letter was received by the Bridger Canyon Rural Fire District Trustees accepting the property to be annexed. She recommends holding the public hearing on November 4, 1997. Commissioner Jelinski moved to accept the petition to annex property into the Bridger Canyon Rural Fire District and sets the public hearing for November 4, 1997. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Grants Administrator Larry Watson submitted a consideration of a Resolution to approve a contract between Gallatin County and Damschen & Associates, Inc. for preliminary engineering and design of the Big Sky Bike / Pedestrian Trail, CTEP project. The Montana Department of Transportation has awarded Gallatin County enhancement funds under the Community Transportation Enhancement Program (CTEP) for purposes of constructing a 3 mile asphalt bike/pedestrian trail along Highway 191, extending south of Highway 64, identified as CTEP Project STOE 16 (27). Commissioner Jelinski moved to pass Resolution 1997-66 to approve the contract between Gallatin County and Damschen & Associates. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:20 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 14th DAY OF OCTOBER 1997**

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioner Bill Murdock, Commissioner Jane Jelinski, County Attorney Marty Lambert and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

OCTOBER 6, 1997

- Commissioners met with Planning Director R. Dale Beland to review the current work plan and discussed having the Planning Department open to the public on Fridays.
- Commissioners met with Facilities Director Bob Isdahl to discuss various projects and activities for Facilities Department, Courthouse, and Law & Justice Center.
- Commissioners met with GIS Supervisor Alan Armstrong to discuss GIS Work Plan and it appears that considerable progress is being made.
- Commissioner Olson met with members of the Planalp Committee and Bob Planalp to review the latest version of the draft lease for the Courthouse Annex. All changes were approved.

OCTOBER 7, 1997

- Commissioners met with County Attorney Marty Lambert and reviewed the list of items the attorney's office is currently working on. Also in attendance at this meeting was First West Insurance representatives Jim Smith and Linda Lougee regarding the possible change in insurance carriers.
- Commissioners Olson and Jelinski met with Kathy Gallagher of Gallagher Consulting and were updated on the most current well-testing results of the Logan Landfill.
- Commissioners conducted the regular public meeting.
- Commissioner Murdock attended the Turner Youth Initiative Public Hearing at Bozeman High School to determine what project(s) would best suit area youth' needs for submission to the Turner Foundation for \$100,000 planning grant.

OCTOBER 8, 1997

- Commissioners Olson and Murdock met with Sheriff Bill Slaughter and Undersheriff Red Wilson to discuss a new position (Statewide Prisoner Transport Coordinator) being funded by the State and eventually the need for another position in West Yellowstone. This new position was approved contingent upon the following: budget approval by Fiscal Officer Ed Blackman, contract approval by County Attorney Marty Lambert, and approval from Personnel Director Kathy Nowierski that position will be eliminated in two years should State funding cease.
- Commissioner Olson attended a meeting of the Headwaters Recycling Group to address interlocal concerns of Manhattan residents, existing and new bin sites, how to educate the public about the program, and commodities and volumes to date. Work on interlocal for possible upgrading to relieve concerns and work on obtaining the support of entities who have not yet joined (i.e., Belgrade, Three Forks, etc.).
- Commissioners Olson and Jelinski attended the West Yellowstone Refuse District meeting. Also in attendance were Clerk of the Board Jo Miller; Board members Doug Edgerton, Clyde Seeley, Jim Micklewright; and Eco West representatives Jay Hauch, Rocky Hermanson and Tom Dolazal. The open meeting process was explained by Deputy County Attorney Susan Swimley. Discussions included the Eco West contract and a review of the by-laws. It was also agreed that the Commission would send dismiss notices to Board members not in compliance to section 3 paragraph 2 of the by-laws. Motions to pay scale bill and appoint a Committee to work on negotiations of the Eco West

contract were passed. Commission to send letter of rejection to Greg Johnson as he works for Eco West and would be considered a conflict of interest. Next meeting is scheduled for November 13 at 3:30 p.m.

- Commissioner Murdock attended the Open Space Task Force meeting. Task Force members discussed agenda items, started effort to define open space, discussed preparing a budget for a facilitator and recommended Barbara Beck from Red Lodge for that position.

OCTOBER 9, 1997

- Commissioner Olson attended an all-day session of Leadership Bozeman.
- Commissioners Jelinski and Murdock met with County Engineer Roy Steiner to discuss the sewer project at the Fairgrounds, project management, and owners' representative duties for pending construction projects.
- Commissioners Jelinski and Murdock met with Bob Ross, Executive Director of the Mental Health Center in Billings, and Jerry Spaulding, Director of Community Services in Bozeman and Livingston. Mental Health Services reported that 3 staff in Bozeman were laid off and 3.5 staff were retained. This is a result of CMG failing to pay claims since May. On October 6, \$72,000 in April claims were denied. Commissioners were informed that the Bozeman Mental Health Services office will be shut down effective November 7. Services retained in Bozeman include crises response, adult case management and Adolescent Day treatment in the school system. Letter was sent to DPHHS Director Laurie Ekanger to express the Commissioners' dissatisfaction with this turn of events and proposed action of what can be done to avoid same.
- Commissioners Jelinski and Murdock met with Road Supervisor Sam Gianfrancisco, Doug Ford, and Dave Fowler to discuss reassigning Project Manager for construction projects, responses to Road complaints, speed study on Huffine, and update on current paving projects. Commissioners will direct Deputy County Attorney Susan Swimley to discuss status of Gateway Foothills Road with Department of State Lands. Denied Jim Morton's request for riprap because the erosion does not affect the county road; will consider a county-wide speed limit of 35 mph on all county gravel roads.

OCTOBER 10, 1997

- Commissioners held met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss administrative matters.
- Commissioner Olson met with Deputy County Attorney Gerry Higgins to discuss the Solid Waste Disposal Contracts for other public entities that haul solid waste to the Logan Landfill.
- Commissioners met with the following individuals regarding the architectural plans and proposed timeline for Phase One renovation of the County Courthouse: Facilities and Operations Director Bob Isdahl; Auditor Joyce Schmidt; Data Processing Supervisor Bill Baldus; Clerk & Recorder Shelley Vance; Health Officer Jackie Stonnell; Fiscal Officer Ed Blackman; GIS Coordinator Alan Armstrong; Personnel Director Kathy Nowierski; Superintendent of Schools Jill Richards; and architects Rob Pertzborn and Jamie Lenon from Prugh & Lenon Architects, P.C. A presentation was made by Rob Pertzborn regarding proposed work to be done on the basement of the Courthouse, and how it would potentially impact departments in the building. A discussion was held between the Commissioners and those department heads regarding issues such as storage, temporary office relocation during the renovation, and impacts such as noise, dust, and other environmental concerns. After intensive discussion, the Commission unanimously voted to approve the architectural plans as presented by Prugh & Lenon, including upgrading a new proposed cold storage area into a warm storage area.
- Commissioners Olson and Jelinski met with Morrison-Maierle/CSSA, Inc. to discuss the availability of County property that may eventually be for sale.

The following items were on the consent agenda:

A request for a consideration of a family transfer exemption for Rex M. Duncan. The tract will consist of 6.04 acres and will go to his daughter, Ann Lizabeth Brucks. The remaining farm land located in Sections 1 & 2 in T1N, R4 E will consist of 106 acres. According to the information submitted, this appears to be a proper use of the exemption under the Montana Subdivision and Platting Act.

A request for a consideration for a family transfer exemption for Jack A. Weidenaar. The tract will consist of a 1.00 acre parcel located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12 in T1S, R3E. The parcel will be transferred to his daughter Teresa Kredit. According to the information submitted, this appears to be a proper use of the exemption procedure under the Montana Subdivision and Platting Act.

A request for a consideration for an agricultural exemption for Red Creek Ranch which is described as Tract 1 of Certificate of Survey No. 1713, located in Sections 1, 2, 11, and 12, T12S, R4E. According to the information submitted, this appears to be a proper use of the exemption under the Montana Subdivision and Platting Act.

A request for a relocation of common boundary exemption to relocate the boundary between 2 tracts of land. The original tracts were created by Certificate of Survey No. 1277 located in Section 12, T1S, R4E. The boundary relocation would transfer approximately 9 acres from a parcel with an existing residence to a parcel with an existing business. The site is zoned M-1 Light Manufacturing district by the Belgrade Zoning Ordinance, and the relocation would not cause the property to be out of compliance with Belgrade Zoning. The reason for the request is to create the smaller Tract B-1 for the existing home, and place the existing business on the larger parcel (Tract A-1). According to the information submitted, this appears to be a proper use of the exemption under the Montana Subdivision and Platting Act.

Commissioner Murdock moved to adopt the consent agenda with the exception of the consideration for the Weidenarr Family Transfer Exemption which was asked to be pulled and moved to the regular agenda. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Gallatin County Fairgrounds Supervisor Sue Schockley reported that four bids for the water and sewer improvements project to be done at the Gallatin County Fairgrounds were received. The Fair Board recommended that the bid be awarded to Bozeman Sand & Gravel. The bid was for \$145,904.94. Finding that the bid was the lowest and responsible bid received, Commissioner Jelinski moved to award the bid to Bozeman Sand & Gravel for \$145,904.94. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Bozeman City-County Planner Dave Skelton submitted a minor subdivision preliminary plat application to subdivide 9.132 acres into two lots; a 2.954 acre lot to contain an existing veterinary clinic and single family residence and a 5.243 acre lot for a neighborhood commercial development, on property located at NE1/4, NE1/4 of Section 17, T2S, R5E, MPM, Gallatin County, Montana, located at the southwest corner of the intersection of Huffine Lane/U.S. Highway 191 and Gooch Hill Road, and more commonly referred to as 5391 Gooch Hill Road. The City-County Planning Board found that consideration should also be given to locating the encroachment onto Gooch Hill Road as far south as possible on Lot #1, to an east bound deceleration lane on Huffine Lane/U.S. Highway 191, and to a right turning lane from Gooch Hill Road onto Huffine Lane/U.S. Highway 191. The Bozeman City-County Planning Board reviewed and considered the application in light of the criteria established in the Montana Subdivision and Platting Act and recommends that the application be approved with the following conditions: 1. That the final plat shall conform to all requirements of the Bozeman Area Subdivision Regulations and the Uniform Standards for Final Subdivision Plats, and be accompanied by all appropriate documents and all required certificates, including the Certificate of the Director of Public Service and Certificate of Planning Director. Two cloth back (or equivalent) and two mylar copies of the Final Plat must be submitted for final plat approval, along with a digital copy of the Final Plat, on a double sided, high density 3 1/2" floppy disk. 2. That a \$496.00 per lot Fire Impact Fee and \$1,596.00 Road Impact Fee, per County Impact Fee Policy, for each lot shall be submitted with the final plat application. The subdivider shall comply with the requirements of Section 6.e(5) of the Gallatin County Subdivision Regulations regarding fire protection, by providing written approval of a fire protection implementation program by the Rae Fire Chief or his designee, prior to final plat approval. The installation of any required improvements shall be approved by the Rae Fire Chief or his designee, in writing, and a copy of the approval submitted with the final plat application. Either the final plat or the covenants shall clarify who will be responsible for maintaining any fire protection improvements; 3. That the applicant provide a Certificate of Waiver on the final plat, or execute at Gallatin County Clerk & Recorder's Office, a waiver of right-to-protest creation of Rural Improvement Districts prior to Final Plat approval; 4. That the applicant record protective covenants with the final plat which specifically include the following provisions: a. That all county declared noxious weeds will be controlled. b. A section addressing agricultural uses of neighboring properties in the following form: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, smoke, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays, and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the landowners in accordance with state law. d. That any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked

without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 5. That two copies of the final plat, along with the Protective Covenants and a list of conditions of preliminary plat approval shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Gallatin County Attorney's Office shall review and approve the covenants prior to final plat approval; 6. That all areas within the subdivision disturbed by road and utility construction shall be seeded and controlled for noxious weeds. A Weed Control Agreement shall be entered into with the County Weed Control Officer to ensure control of noxious weeds. A copy of the signed agreement shall be submitted with the final plat application, and any control measures required in the Agreement must be completed prior to final plat approval; 7. That all utilities shall be installed underground and noted accordingly on the Final Plat. Utility easements, a minimum of twenty (20) feet wide, shall be centered along the side and rear lot lines and shall be shown on the final plat. In the event the applicant proposes front yard utility easements, rear and side yard easements must still be provided unless written confirmation is submitted to the Planning Office from all utility companies indicating that front yard easements only are adequate; 8. That a twenty (20) foot wide "drainage and irrigation maintenance easement", fifteen (15) feet on one side and five (5) on the other, shall be delineated and identified on the Final Plat for all irrigation ditches; 9. That the applicant remove the freestanding sign from Lot #1, which is currently located at the northeast corner of said lot, prior to final plat approval; That the metes and bounds of the final plat's perimeter legal description exclude the dedicated Gooch Hill road right-of-way from the two lots; and 11. That the developer shall have three (3) years from the date of preliminary plat approval to complete the above conditions and apply for final plat approval.

Dennis Foreman of Gaston Engineering, asked for clarification on Condition no. 2. Bill Murdock stated that the policy would clarify that the fire impact fees is for only lot 1. Chairman Olson, would like to amend No. 2 to delete the fees quoted in the fire impact fee and road impact fees as they have been doing in the past review of preliminary plat approval since fees may change in the course of final plat approval. Finding that the Germeroth 2-lot Minor Subdivision is consistent with the Bozeman Area Master Plan and the Gallatin County Subdivision Regulations, Commissioner Murdock moved to grant preliminary plat approval with the 11 conditions as drafted by staff with condition No. 2 amended. The first sentence will state, ***"A Fire impact fee and road impact fee be paid, per county impact fee policy, for each lot and shall be submitted with the final plat application."*** Amend Condition No. 6, putting a period after Officer in the second sentence. Condition No. 6 will then read, ***"That all areas within the subdivision disturbed by road and utility construction shall be seeded and controlled for noxious weeds. A weed control agreement shall be entered into with the County Weed Control Officer. A copy of the signed agreement shall be submitted with the final plat application, and any control measures required in the Agreement must be completed prior to final plat approval."*** Seconded by Commissioner Jelinski. None voting nay, motion carried.

Clerk and Recorder Shelley Vance submitted a petition received in her office to alter types of services for the Rae Fire Service Area. The notice was mailed to all freeholders listed on the last completed assessment roles within the Rae Fire Service Area and also the Middle Creek Meadows subdivision on October 3, 1997. The notice of the public hearing was published in the High Country Independent Press on September 25, 1997 and October 2, 1997. In the public portion of the meeting the following people testified against the proposed Resolution: John Craig White, Raymon White, Nick Schrauger, Gordon Fuller, and Allen Lien. The following people spoke in favor of the proposed resolution: Mike Hoey, Tom Kingman, Kevin Haggerty, David Lucas, and Chris Angle of Angle Law Firm representing the Rae Fire Service Area. Commissioner Murdock supports the resolution but has a problem with the way the budgets and the fire service area has been handled after listening to the concerns of the public in the fire service area stating the budget was not readily available to them when asked to view it. Commissioner Murdock asked County Attorney Marty Lambert about the budget procedure for a fire service area. Gary Higgins, Deputy County Attorney read the State law creating the county fire companies procedures and policies and budgets. Commissioner Jelinski is in favor of the resolution but has concerns over the way the fire service area is being run. The Commissioners would like to have the Trustees make available the operating budgets to the land owners in the Rae Fire Service Area. Commissioner Murdock moved to adopt Resolution 1997-67. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance submitted a petition to abandon a cul-de-sac at the end of Cape Avenue. She reported the petition does contain at least 10 qualifying signatures of freeholders in the district. The property is located in Springhill Park Subdivision adjacent to lots 23 and 24 and lots 22 and 23 in block 2 which lies in the NE ¼ of the SE ¼, Section 23, and the NW ¼ of the SE ¼, Section 24 all in Township 1S, R5E. Commissioner Jelinski moved to accept the petition and instructed the Chairman to appoint the viewing committee. Seconded by Commissioner Murdock. None voting nay.

Motion carried. The viewing committee will consist of Shelley Vance, Sam Gianfrancisco, and Bill Murdock.

Fiscal Officer Ed Blackman reported on the proposed increase in revenue from property taxes pursuant to 15-10-203 (2) MCA. The amount of increase in taxes from property taxes for the 75.16 mills proposed to be levied by Gallatin County is \$323,326.26. This is an increase of 4.49% from last year. During this same time the population for the county is estimated to have increase by 2,569 people or 4.65%. The commission will be using this increase for increases in operating expenses and to upgrade county infrastructure-including 911 services, office building at fairgrounds, office space for public assistance and public health departments and Phase I of the courthouse retrofit. There was no public comment.

Fiscal Officer Ed Blackman reported on the proposed increase in the number of mills to be levied for the City County Health Board pursuant to 15-10-412 (8) (b) (I) MCA. The City / County Health Board requested the County Commission to levy 4.70 mills in FY 98. This is an increase of .25 mills from the previous fiscal year. However, because of decreases in the number of mills levied for bond payments the actual millage increase for the County funds is .02 mills (\$2,320). The increase taxes to the City / County Health fun is \$28,086. There was no public comment

Fiscal Officer Ed Blackman reported on the intent to exceed certified millages pursuant to 15-10-204 (1) MCA. The Department of Revenue determines the certified levy by reducing this certified taxable value generated by new construction, improvements to the previous years taxable value, and deletions times 95%. This amount is used to determine the number of mills needed to generate tax revenue. No millage in excess of the Department of Revenue's certified millage may be levied until a resolution or ordinance is approved by the governing board of the taxing authority, which resolution or ordinance must be approved by the taxing authority. The taxing authority publishes notice of its intent to exceed the department's certified millage in the same manner that it gives notice of hearings on its preliminary or proposed budget for the forthcoming fiscal year. The notice states that the taxing authority will meet on a day, at a time and place fixed in the notice, which must be approximately 7 days after the day that the notice is published, for the purpose of hearing comments regarding the proposed increase and to explain the reasons for the proposed increase. The majority of the levies included in the notice actually have maintained the same number of mills as last year but, by the law, this public hearing was required. There was no public comment.

Fiscal Officer Ed Blackman submitted a resolution for the Commission to consider to set out the total amount appropriated and authorize the expenditures from each fund for Fiscal Year 98. There was no public comment. Motion by Commissioner Jelinski to adopt Resolution 1997-68. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Fiscal Officer Ed Blackman submitted a resolution to set the number of mills to be levied as follows: Whereas, the Gallatin County Commission has approved Resolution 1997-68 adopting the Final County FY98 Budget and whereas, State law requires the County Commission to fix the levy for each fund at a rate which will raise the amount set out in the budget and whereas, the Commission held a public hearing on July 29, 1997 on the proposed Gallatin County Budget and then held a public hearing on October 14, 1997 on budgeting of increased tax revenue derived from an increase in taxable value and whereas, the public hearing on October 14, 1997 was held to hear public comment on exceeding of the Department of Revenues Certification of Millage and whereas, the County Commission held a public hearing on the need to exceed the maximum mill limitation imposed by Initiative 105 for the City/County Health Fund, and the included spreadsheets, which are made a part of the resolution by reference, listing the millage by fund and that the mill levies shown on the included spreadsheet are approved and fixed for the current fiscal year. There was no public comment. Motion by Commissioner Jelinski to adopt Resolution 1997-69 as follows. Seconded by Commissioner Murdock. None voting nay. Motion carried.

**COUNTY OF GALLATIN
FUND BALANCE SHEET RECAP
FY 98 BUDGET**

Fund No.	Description	Budget	Cash Reserved	Total Requirement	Cash Available	Non-Tax Revenues	Taxes Needed	Mill Value	FY 98 Mills	sq. ft Charge
1000	General	7,719,307	1,100,000	8,819,307	2,523,040	3,487,617	2,808,650	112,346	25.00	
1050	Employer Contributions	792,832	244,000	1,036,832	302,408	85,124	649,300	112,346	5.78	
2105	Search & Rescue	163,127	4,236	167,363	102,439	8,700	56,224	112,346	0.50	
2120	Poor	855,246	231,485	1,086,731	526,103	96,579	464,049	112,346	4.13	
2130	Bridge	714,627	240,000	954,627	495,534	75,200	383,893	112,346	3.42	
2140	Noxious Weed	304,427	75,000	379,427	175,937	49,900	153,590	112,346	1.37	
2160	Fair	553,519	110,256	663,775	312,515	182,400	168,860	112,346	1.50	
2170	Airport	35,249	12,800	48,049	46,849	1,200	-	112,346	-	
2180	District Court	1,380,238	200,000	1,580,238	323,735	582,503	674,000	112,346	6.00	
2280	Senior Citizens	104,120	15,000	119,120	13,041	12,100	93,979	112,346	0.84	
2290	County Extension	217,053	40,000	257,053	132,030	22,900	102,123	112,346	0.91	
2355	Study Commission	33,000	24,231	57,231	57,390	-	-	112,346	-	
5020	Rest Home	3,890,945	338,445	4,229,390	613,959	3,581,235	34,196	112,346	0.30	
	subtotal	16,763,690	2,635,453	19,399,143	5,624,980	8,185,458	5,588,864		49.75	
2300	Rural Revolving	275,136	46,982	322,118	313,118	9,000	-	112,346	-	
2190	City/County Health	897,910	132,400	1,030,310	287,873	214,177	528,260	112,346	4.70	
3020	Law & Justice Bond	135,587	29,793	165,380	37,946	21,269	106,165	112,346	0.94	
3030	Rest Home Bond	132,243	26,449	158,692	35,471	15,880	107,341	112,346	0.96	
	subtotal Exempt Levies	1,440,876	235,624	1,676,500	674,408	260,326	741,766		6.60	
	County Wide Total	18,204,566	2,871,077	21,075,643	6,299,388	8,445,784	6,330,630		56.35	
2110	Road	1,826,692	326,647	2,153,339	660,339	621,000	872,000	63,178	13.80	
2220	Library	392,950	19,320	412,270	(1,678)	98,350	315,598	63,178	5.00	
2260	County Emergency Fund	138,000	-	138,000	15,042	122,958	-	63,178	-	
	subtotal Special Levies	2,357,642	345,967	2,703,609	673,703	842,308	1,187,598		18.80	
	Taxing Total	20,562,208	3,217,044	23,779,252	6,973,091	9,288,092	7,518,228		75.15	
	less Transfers	-	-	-	-	-	-		-	
	NET BUDGET	20,562,208	3,217,044	23,779,252	6,973,091	9,288,092	7,518,228		75.15	
	County Wide Value						4.50%		112,346	
	Road/Library Value						4.28%		63,178	
	County Planning Value						6.14%		24,092	
2100	Big Sky Resort Tax	900,000	179,848	1,079,848	654,848	425,000	-			
2210	Park	115,299	22,000	137,299	116,299	21,000	-			
2225	Law Library	15,000	700	15,700	700	15,000	-			
2270	Pregnancy Services	55,406	14,242	69,648	30,248	39,400	-			
2271	Water Quality	244,912	65,000	309,912	106,166	203,746	-	19,775 UNITS	\$ 6.00	
2272	Follow Me Grant	44,558	2,591	47,149	3,249	43,900	-			
2273	Maternal Child	51,893	4,481	56,374	4,430	51,944	-			
2274	DFS Partnership Grant	106,164	62	106,226	6,226	100,000	-			
2275	Special Immunization	133,868	13,681	147,549	72,857	74,692	-			
2276	W.I.C.	163,950	-	163,950	(2,934)	166,884	-			
2279	Community Clinic	44,464	-	44,464	44,464	-	-			
2282	School Nursing	27,880	215	28,095	5,555	22,540	-			
2310	Drug Forfeiture	10,200	710	10,910	10,910	-	-			
2315	Special Response Team	-	-	-	(3,018)	3,018	-			
2350	Alcohol Rehabilitation	56,281	-	56,281	-	56,281	-			
2384	Yellow. Prop. Judgment	30,343	-	30,343	30,343	-	-			
2391	Historic Preservation	7,300	5,188	12,488	12,488	-	-			
2392	Records Preservation	168,020	10,943	178,963	136,963	42,000	-			
2393	Economic Development	8,315	131,079	139,394	137,394	2,000	-			
2395	City County Building Reserve	84,006	20,000	104,006	62,006	42,000	-			
6070	Facilities Budget	536,313	92,041	628,354	59,034	569,320	-			
2410	Crime Control	-	-	-	(4)	4	-			
2415	D.U.I. Program	22,147	8,146	30,293	8,103	22,190	-			

196 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Fund No.	Description	Budget	Cash Reserved	Total Requirement	Cash Available	Non-Tax Revenues	Taxes Needed	Mill Value	FY 98 Mills	sq. ft Charge
2420	Gas Tax	323,170	59,152	382,322	166,822	215,500	-			
2430	Junk Vehicle	60,866	-	60,866	-	60,866	-			
2431	Junk Vehicle Cap Imp	13,504	6,500	20,004	17,504	2,500	-			
2440	County Land Planning	6,654	-	6,654	2,185	4,469	-			
2761	P.I.L.T.	1,095,699	16,665	1,112,364	597,364	515,000	-			
2850	9-1-1 Emergency	130,100	2,000	132,100	95,100	37,000	-			
2915	Violence Against Women	32,964	-	32,964	-	32,964	-			
2916	Youth Detention	4,991	-	4,991	4,991	-	-			
2917	Court of Peer Review Grant	18,981	-	18,981	(4,757)	23,738	-			
2918	Intensive Supervision Grant	31,540	-	31,540	-	31,540	-			
2975	Aid to Dependent Children	1,761	-	1,761	1,156	605	-			
2990	Drug Enforcement Grant	448,572	-	448,572	28,118	420,454	-			
2991	Compost Feasibility Study	-	-	-	(25,789)	25,789	-			
8040	Logan Landfill	760,500	25,216	785,716	25,216	760,500	-			
8041	W. Yellowstone/Hebgen Refuse	162,800	60,162	222,962	180,462	42,500	-			
6050	Employee Health Insurance	913,160	101,557	1,014,717	315,756	698,961	-			
6060	Motor Pool	38,509	7,739	46,248	22,818	23,430	-			
6090	Central Communications	214,432	34,198	248,630	88,976	159,654	-			
6100	Joint Dispatch	2,375,187	4,654	2,379,841	(47,525)	2,427,366	-			
4010	L & J Rebuild	-	-	-	(67,416)	67,416	-			
subtotal Grants/Ent. & Misc. Funds		9,459,709	888,770	10,348,479	2,897,308	7,451,171	-			
SPECIAL DISTRICTS										
<i>Fire Departments:</i>										
7235	Amsterdam	61,143	11,351	72,494	21,624	6,600	44,270	2,643	16.75	
7236	Clarkston	4,001	400	4,401	102	-	4,299	86 Units	\$ 50.00	
7200	Belgrade	730,327	35,000	765,327	198,915	184,553	381,859	14,681	26.00	
7201	Reese Creek	13,380	2,996	16,376	7,816	-	8,560	107 Units	\$ 80.00	
7202	Rae	139,322	9,051	148,373	(20,722)	20,722	148,373	1701 units	\$ 84.22	
7203	Springhill	5,460	19	5,479	1,517	-	3,962	72.03 units	\$ 55.00	
7204	Fort Ellis	67,150	2,974	70,124	1,105	700	68,319	854 units	\$ 80.00	
7205	Sourdough	115,000	4,785	119,785	52,540	9,000	58,245	5,836	9.98	
7206	Manhattan	85,312	20,241	105,553	53,014	8,481	44,058	1,400	31.47	
7207	Sedan	32,650	4,050	36,700	34,877	-	1,823	309	5.90	
7208	Three Forks	33,699	7,500	41,199	28,104	800	12,295	4,640	2.65	
7209	Willow Creek	18,350	25	18,375	1,416	1,400	15,559	967	16.09	
7210	Story Mill	13,849	220	14,069	220	-	13,849	404	34.28	
7211	Storm Castle	20,010	-	20,010	20,010	-	-	242	0.00	
7212	Middle Creek	3,267	-	3,267	1,585	-	1,682	151	11.14	
7213	Gallatin Canyon	484,530	34,625	519,155	44,058	328,915	146,182	10,244	14.27	
7215	Gallatin Gateway	78,882	-	78,882	13,313	28,160	37,409	3,618	10.34	
7216	Bridger	199,758	4,450	204,208	34,875	122,000	47,333	1,928	24.55	
subtotal fire		2,106,090	137,687	2,243,777	494,369	711,331	1,038,077			
<i>Other Districts</i>										
2250	County Wide Planning	56,868	14,300	71,168	17,718	5,350	48,100	24,092	2.00	
7217	West Yellowstone TV	25,807	-	25,807	8,757	-	17,050	3,289 Units	\$ 5.18	
7218	Mount Green Cemetery	9,442	-	9,442	1,892	1,450	6,100	1,525	4.00	
7219	Meadowview Cemetery	21,625	-	21,625	6,485	1,500	13,640	4,366	3.12	
7220	Royal Village Zoning	4	-	4	-	-	4	4	1.00	
7221	S. Gallatin Zoning	575	50	625	301	50	274	274	1.00	
7222	Hebgen Lake Zoning	3,140	500	3,640	1,369	1,000	1,271	1,270	1.00	
7223	Fairview Cemetery	43,201	14,000	57,201	35,144	1,164	20,893	5,224	4.00	
7224	Bridger Canyon Zoning	6,550	-	6,550	2,228	2,000	2,322	2,325	1.00	
7225	Zoning District #1	925	200	1,125	380	200	545	547	1.00	
7226	Hyalite Zoning District	3,140	100	3,240	1,570	100	1,570	1,569	1.00	
7227	Sypes Canyon #1 Zoning	239	50	289	114	50	125	125	1.00	
7228	Sypes Canyon #2 Zoning	150	22	172	62	50	60	60	1.00	
7229	Wheatland Hills Zoning	210	-	210	105	-	105	105	1.00	

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44 197

Fund No.	Description	Budget	Cash	Total	Cash	Non-Tax	Taxes	Mill	FY 98	sq. ft
			Reserved	Requirements	Available	Revenues	Needed	Value	Mills	Charge
7230	Zoning District #6	141	-	141	80	-	61	61	1.00	
7231	Bear Canyon Zoning	245	50	295	118	50	127	127	1.00	
7232	Springhill Zoning	488	100	588	241	100	247	248	1.00	
7233	Trail Creek Zoning	353	-	353	146	-	207	208	1.00	
7234	Big Sky Zoning	13,270	3,000	16,270	5,547	5,000	5,723	5,705	1.00	
7237	Middle Cottonwood Zoning	427	-	427	427	-	-	517	0.00	
7348	Yellowstone/Holiday Sewer	68,073	-	68,073	21,682	7,665	38,726	1,767,229	0.02191	
7354	Big Sky Transit	187,000	11,769	198,769	11,769	187,000	-	-	-	
7850	Airport Authority	4,048,510	-	4,048,510	360,056	3,688,454	-	-	-	
7350	Park Cons. Dist	-	-	-	-	-	-	378	0.74	
8020	Conservation District	82,300	28,000	110,300	30,198	-	80,102	68,140	1.18	
8010	Predatory Animal Control	2,000	405	2,405	405	-	2,000	-	\$ 0.60	
8011	Bozeman City/County Planning	125,700	-	125,700	7,722	89,095	28,883	14,455	2.00	
8012	Belgrade City/County Planning	25,280	-	25,280	1,793	7,185	16,302	8,169	2.00	
8013	Manhattan City County Planning	200	-	200	200	-	-	1,189	-	
8140	Madison Dyke	27,837	-	27,837	22,310	-	5,527	336	16.45	
8141	Three Forks Dyke	17,110	2,600	19,710	13,828	-	5,882	1,391	4.23	
8152	Mosquito	36,750	10,450	47,200	16,375	-	30,825	6,169	5.00	
8120	Churchill Lighting	3,510	-	3,510	220	-	3,290	28	\$ 117.50	
8121	Logan Lighting	1,250	-	1,250	(26)	-	1,276	6.70	\$ 190.45	
8122	Riverside Lighting	8,000	700	8,700	1,816	-	6,884	98	\$ 70.25	
8123	Willow Creek Lighting	780	70	850	166	-	684	7	\$ 97.71	
8205	Big Sky Sewer & Water	3,902	-	3,902	3,902	-	-	-	-	
	subtotal Other Districts	4,825,002	86,366	4,911,368	575,100	3,997,463	338,805			
	RID Maintenance Districts:							SQ. FT.	Cost per Lot	Cost per Sq. Ft.
8202	Northwestern Drive	17,304	-	17,304	15,173	-	2,131	1,544,753	-	0.0014
8208	Riverside	105,395	-	105,395	96,707	-	8,688	1,241,243	-	0.0070
8209	Hitching Post	59,719	-	59,719	52,250	-	7,469	2,987,850	-	0.0025
8210	Riverside S/W	17,838	-	17,838	643	-	17,195	1,227,449	-	0.0140
8214	Middle Creek #3	19,174	-	19,174	15,740	-	3,434	858,568	-	0.0040
8215	Hyalite Heights	110,789	-	110,789	100,460	-	10,329	5,351,912	-	0.0019
8216	Hebgen Lake Estates	45,783	-	45,783	35,944	-	9,839	2,282,279	-	0.0043
8217	Gardner Park Subdivision	111,807	-	111,807	99,459	-	12,348	4,115,924	-	0.0030
8218	Big Sky Meadow Village	192,660	-	192,660	176,705	-	15,955	5,844,382	-	0.0027
8221	El Dorado	90,536	-	90,536	83,548	-	6,988	3,996,978	-	0.0017
8222	Hebgen Lake S/W	14,809	2,000	16,809	7,520	-	9,289	2,282,279	-	0.0041
8223	Middle Creek #2	20,406	-	20,406	18,402	-	2,004	1,113,485	-	0.0018
8224	Glacier Condo Parking Lot	14,402	-	14,402	12,096	-	2,306	193,810	-	0.0119
8226	Sourdough Creek	110,321	-	110,321	101,063	-	9,258	2,805,593	-	0.0033
8227	Silverbow Condo #1	11,931	-	11,931	11,078	-	853	215,895	-	0.0040
8228	Silverbow Condo #2	6,796	-	6,796	6,393	-	403	87,599	-	0.0046
8232	Rae Subdivision	37,411	-	37,411	33,566	-	3,845	435,985	-	0.0086
8236	Sunset Heights	33,531	-	33,531	31,386	-	2,145	714,936	-	0.0030
8237	Middle Creek #1 and #3	18	-	18	18	-	-	-	-	-
8238	Mountain View 338	28,598	-	28,598	24,709	-	3,889	1,104,895	\$ 70.71	0.0035
8239	Mountain View 339	100,701	-	100,701	84,734	-	15,967	6,025,344	\$ 117.41	0.0027
8240	Sourdough Ridge	51,815	-	51,815	36,923	-	14,892	2,874,960	\$ 229.11	0.0052
8241	Rocky Creek	4,935	-	4,935	3,121	-	1,814	1,133,730	\$ 106.70	0.0016
8242	Wheatland Hills	51,914	-	51,914	42,252	-	9,662	3,659,040	\$ 102.79	0.0026
8243	Pineview Subdivision	32,418	-	32,418	25,969	-	6,449	2,090,880	\$ 137.21	0.0032
8244	Clover Meadows	30,886	-	30,886	23,233	-	7,653	3,136,320	\$ 106.29	0.0024
8246	Riverside Water Tower	18,892	-	18,892	16,210	-	2,682	1,208,151	-	0.0022
8249	Mount View Thorpe Road	19,443	-	19,443	15,891	-	3,552	1,180,000	\$ 60.20	0.0030
8250	Mystic Heights	16,244	-	16,244	13,804	-	2,440	800,000	\$ 61.00	0.0031
8252	Baxter Creek #1	19,707	-	19,707	15,706	-	4,001	1,785,960	\$ 85.12	0.0022
8251	Baxter Creek #2	36,886	-	36,886	29,482	-	7,404	2,140,000	\$ 69.20	0.0035
8253	Sweetgrass Hills	57,858	-	57,858	45,095	-	12,763	2,870,000	\$ 145.03	0.0048
8254	Buckskin Williams Park	4,784	-	4,784	1,834	-	2,950	1,260,000	\$ 42.00	0.0022
8255	Gardner Simmental	15,810	-	15,810	12,120	-	3,690	3,480,763	-	0.0011
8256	Springvale	19,025	-	19,025	15,157	-	3,868	1,260,000	\$ 61.40	0.0031

198 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

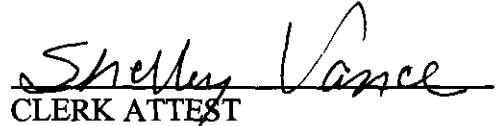
Fund No.	Description	Budget	Cash Reserved	Total Requirement	Cash Available	Non-Tax Revenues	Taxes Needed	Mill Value	FY 98 Mills	sq. ft Charge
8257	Hyalite Foothills	56,101	-	56,101	42,859	-	13,242	6,621,120	\$ 87.12	0.0020
8258	Sypes Canyon	64,343	-	64,343	46,602	-	17,741	7,720,000	\$ 46.44	0.0023
8259	Wildflower	7,829	-	7,829	5,536	-	2,293	1,306,800	\$ 76.45	0.0018
8260	Mystic Heights	30,164	-	30,164	23,264	-	6,900	3,179,880	\$ 93.25	0.0022
8261	Ranch	30,633	-	30,633	24,177	-	6,456	2,831,400	\$ 99.32	0.0023
8262	Arrowleaf	8,554	-	8,554	5,952	-	2,602	1,107,315	\$ 57.83	0.0024
8265	Cimmaron	4,226	-	4,226	2,619	-	1,607	1,350,360	\$ 51.84	0.0012
8266	Middle Creek 1 & 3	12,493	-	12,493	10,271	-	2,222	2,221,560	\$ 43.56	0.0010
8267	Royal / Thorpe Road	23,172	-	23,172	11,399	-	11,773	10,410,840	\$ 51.41	0.0012
8268	Godfrey Canyon	2,683	-	2,683	642	-	2,041	477,000	\$ 37.80	0.0042
	subtotal Maintenance	1,770,744	2,000	1,772,744	1,477,712	-	295,032			
	RID Bonds									
8608	Riverside Sewer & Water	11,974	-	11,974	11,974	-	-			
8614	Middle Creek Meadows	-	-	-	(92)	92	-			
8615	Hyalite Heights	10,775	-	10,775	954	-	9,821			
8616	Hebgen Lake Estates	73,200	-	73,200	21,151	-	52,049			
8617	Gardner Park Subdivision	10,825	-	10,825	(4,986)	-	15,811			
8621	El Dorado	33,900	-	33,900	17,857	-	16,043			
8622	Hebgen Lake S/W	14,980	-	14,980	6,554	-	8,426			
8626	Sourdough Creek	503	-	503	503	-	-			
8631	Middle Creek Meadows Indust.	681	-	681	681	-	-			
8632	Rae Subdivision	6,500	-	6,500	889	-	5,611			
8638	Mountain View 338	11,865	-	11,865	649	-	11,216			
8639	Mountain View 339	27,610	-	27,610	1,002	-	26,608			
8640	Sourdough Ridge	18,380	-	18,380	3,300	-	15,080			
8641	Rocky Creek Rd/Wheatland/Pir	55,050	-	55,050	4,177	-	50,873			
8644	Clover Meadows	13,150	-	13,150	4,153	-	8,997			
8646	Riverside Water Tower	34,740	-	34,740	2,379	-	32,361			
8649	RID 349-352	44,700	-	44,700	5,916	-	38,784			
8653	Sweetgrass Hills	112,800	-	112,800	96,007	-	16,793			
8654	Buckskin Hills	2,000	-	2,000	1,100	-	900			
8655	RID 355-357	61,900	-	61,900	7,361	-	54,539			
8656	Springvale	-	-	-	-	-	-			
8657	Hyalite Foothills	-	-	-	-	-	-			
8658	Sypes Canyon & Wildflower	54,400	-	54,400	8,570	690	45,140			
8660	Mystic Heights & Arrowleaf	44,300	-	44,300	3,478	1,356	39,466			
8661	Ranch	20,800	-	20,800	1,802	200	18,798			
8662	Arrowleaf	-	-	-	-	-	-			
8664	Meadowlark	-	-	-	-	-	-			
8665	Cimarron	4,800	-	4,800	(15,973)	-	20,773			
8666	Middle Creek 1 & 3	14,250	-	14,250	(15,990)	-	30,240			
8667	Royal/Thorpe	19,250	-	19,250	(21,155)	-	40,405			
8668	Godfrey	8,050	-	8,050	(11,018)	-	19,068			
	subtotal RID Bonds	711,383	-	711,383	131,243	2,338	577,802			
	TOTAL ALL FUNDS	39,435,136	4,331,867	43,767,003	12,548,823	21,450,396	9,767,944			

Fiscal Officer Ed Blackman submitted a resolution for the Commission to approve the borrowing of \$499,500 from the State of Montana INTERCAP Program for 911 Enhancement. This Resolution authorizes participation in the Board of Investments of the State of Montana annual adjustable rate tender, option municipal finance consolidation act bonds (INTERCAP revolving program), approving the form and terms of the loan agreement, and authorizing the execution and delivery of documents related thereto. There was no public comment. Jane Jelinski moved to adopt Resolution 1997-70 to approve the participation in the INTERCAP program by 911. Seconded by Commissioner Murdock. None voting nay. Motion carried.

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44 199

There being no further business the meeting adjourned at 3:50 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 21ST DAY OF October, 1997

The meeting was called to order by Chairman Phil Olson at 1:34 P.M. Also present were County Commissioners Jane Jelinski, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

OCTOBER 13, 1997

- All County offices were closed in observance of Columbus Day.

OCTOBER 14, 1997

- Commissioner Jelinski attended the Board of Health's regular monthly meeting. Topics of discussion included consideration of two variances, the search for a Health Officer, appointment of Stephanie Nelson as interim Health Officer, and wastewater treatment regulations. Next meeting is scheduled for November 18.
- Commissioner Murdock met with GIS Supervisor Allen Armstrong, Planning Director R. Dale Beland and Planner Lanette Windemaker to discuss the Open Space Task Force and parcel mapping needs of other County departments. Will discuss budget availability for C.O.S. parcel mapping with Commissioners Olson and Jelinski. Mr. Armstrong will prepare cost estimate. Other departments will be contacted to see if they will have available funds for C.O.S.'s.
- Commissioners met with all County Department Heads. Topics of discussion included work plans, performance evaluation procedures, and the need for more frequent administrative team meetings. Commissioners will rework evaluation standards and process; Dept. Heads will provide short- and long-term work plans.
- Commissioners conducted the regular public meeting.
- Commissioner Murdock attended a meeting of the Turner Youth Foundation to discuss which project(s) would best suit area youth needs for submission to the Turner Foundation for \$100,000 planning grant.

OCTOBER 15, 1997

- Commissioner Murdock will be on vacation from October 15 through October 30.
- Commissioners Olson and Jelinski met with Bozeman Fire Chief Aaron Holst. Discussion included the JAWS rescue unit, the Arson Task Force, and HazMat equipment. Mr. Holst stated that he will be getting his HazMat equipment by the end of the year. Commissioners will write memo to County Fire Marshall Brett Waters regarding his responsibilities to the Arson Task Force and JAWS.

OCTOBER 16, 1997

- Commissioner Jelinski met with Bozeman Fire Chief Aaron Holst to discuss the agenda for the 911 Administrative Board meeting scheduled for October 22.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss administrative matters.
- Commissioners Olson and Jelinski, Fiscal Officer Ed Blackman, and Executive Secretaries Pat Lewis and Stacy Johnston met with Software Trainer Ann Groshens to participate in Internet training.
- Commissioners conducted a performance evaluation for GIS Supervisor Allen Armstrong.

OCTOBER 17, 1997

200 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Olson traveled to West Yellowstone to observe the operation of the Refuse Transfer Site and inspect County Roads in the area that have been upgraded this fall.
- The following Board Appointments were made the week of October 6-10, 1997:

William Workman, Clarkston Fire Service Area
Michael Seholz, Big Sky Transportation District
Meg O'Leary, Big Sky Transportation District

The following items were on the consent agenda:

A request for an agricultural exemption for Stuart Duth. The property is described as Tract A of Certificate of Survey No. 1260 which is located in the SW $\frac{1}{4}$ of Section 1 T2S, R7E, Gallatin County, Montana. Tract B is being created to "make boundary lines conform to existing topography in order to maximize the benefits of a wheel-line irrigation system." According to the information submitted this appears to meet the criteria for the exemption under the Montana Subdivision and Platting Act.

A request for a relocation for a common boundary exemption for Stuart A. and Shirley A. Morton. The property is described as Certificate of Survey No. 1260 which is located in the SW $\frac{1}{4}$ of Section 1 T2S, R7E, Gallatin County, Montana. The purpose of the relocation is to make boundaries conform with topography to accommodate a wheel-line irrigation system. According to the information submitted this appears to meet the criteria for the exemption under the Montana Subdivision and Platting Act.

A request for a consideration of a resolution to adopt the competitive sealed proposal (RFP) for Junk Vehicle Services.

Commissioner Jelinski moved to adopt the consent agenda. Seconded by Chairman Olson. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp presented an application for preliminary plat approval on behalf of Jim Sitton. He is requesting plat approval for a 10 acre 2 lot minor subdivision. Both lots would consist of 5 acres which is the minimum lot size allowed by the Baker Creek Meadows Subdivision's covenants. The applicant has requested a waiver from fire and road impact fees for Lot 6A because the lot contains an existing residence and would not create any additional impact. The property is described as the amended plat of Lot 6, Block 1, Baker Creek Meadows located in the NW $\frac{1}{4}$, of Section 5, T1S, R4E, P.M.M. Gallatin County, Montana. The subdivision is located west of Belgrade in Baker Creek Meadows on Baker Creek Lane. Staff findings: 1. The subdivision is the 1st minor subdivision from a tract of record, therefore subdivision regulations waive the requirements for an environmental assessment and public hearing. 2. Lot 6A would be served by Curtis Lane, and Lot 6B would be served by Baker Creek Lane, both roads are existing private subdivision roads which are not maintained by Gallatin County. Covenants require the lot owners with the Sitton Minor Subdivision to participate with the homeowners of Baker Creek Meadows for the shared maintenance of Curtis Lane and Baker Creek Lane. 3. Subdivision regulations require that all areas disturbed during construction be seeded with vegetation types approved by the Gallatin County Weed Supervisor. Standard conditions require the control of noxious weeds, and that a memorandum of understanding be signed between the Weed District and the developer. 4. Subdivision regulations state that parkland is not required to be dedicated for minor subdivisions. 5. The subdivision is located within the Amsterdam Rural Fire District, however the subdivision is not located within one mile of an approved water supply to provide fire protection, therefore a condition is suggested which requires that the subdivider meet the provisions of Gallatin County Subdivision Regulations Section 6-E-5 to provide adequate fire protection. The County Commission needs to make the following determinations in considering this request: A determination as to whether or not a waiver of fire and road impact fees for Lot 6A should be granted because of the existing residence. Current impact fee policy allows a waiver of impact fees for lots with existing residences. The Belgrade City-County Planning Staff recommends the following conditions be met before final plat approval can be granted: 1. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the

Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district. 5. The developer shall record covenants on the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with state law. d. Building within the 100 year flood plain is prohibited. e. Lot owners in the Sitton Minor Subdivision shall participate with the lot owners of the Baker Creek Meadows Subdivision for the shared maintenance of Curtis Lane and Baker Creek Lane. f. Lot owners shall adhere to recorded covenants of Baker Creek Meadows Subdivision. g. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 6. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 7. Road and fire impact fees shall be submitted as per County impact fee policy. 8. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 9. A copy of the final plat shall be submitted to the Amsterdam Fire Department and the Gallatin County Road Department. 10. The developer shall provide one of the following standards to ensure a reasonable level of fire protection and life-safety to the public and firefighters. The following requirements must meet the specifications of Gallatin County Subdivision Regulations Section 6-E-5 and be reviewed and approved by the Amsterdam Rural Fire District. The subdivider shall obtain written verification from the Amsterdam Rural Fire District that one of the following requirements has been met. a. A single 10,000 gallon water supply for each home and associated structure meeting the requirements of Section 6-E-5(a). b. A single 20,000 gallon water supply meeting the requirements of Section 6-E-5(b). c. A rural fill site meeting the requirements of Section 6-E-5(c). d. R-3 occupancies as defined by the Uniform Fire Code may be protected by automatic fire sprinkler systems meeting the requirements of NFPA 13D. If the sprinkler options is used the covenants must include the following provisions. 1. Automatic fire sprinkler systems shall be installed in all structures which are used for living and home business which people normally occupy. The fire sprinkler system must meet the requirements of NFPA 13D. 2. A stamped set of engineered sprinkler system plans shall be submitted to the Belgrade Rural Fire District for review and be approved prior to construction, and the sprinkler system must be inspected by the Belgrade Rural Fire Department during construction and at completion as required by the Belgrade Fire Chief. e. A pressurized fire hydrant system meeting the requirements of Section 6-E-5(e). If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. Mark Chandler of C&H Engineering spoke on behalf of the applicant explaining the variance request. The request is made because it would be an undue hardship to pave the road for the creation of one lot. There was no public comment. Sam Gianfrancisco, County Road Superintendent recommended granting the variance because of the cost of paving the road for the creation of just one additional lot, but suggests getting the waiver of right to protest for an RID. Finding that the variance from the paving requirement is warranted since it would place an undue hardship on the subdivider to pave the whole road and that they will be contributing to the capital improvement of the roads with the payment of impact fees, Commissioner Jelinski moved to grant the variance. Seconded by Commissioner Olson. None voting nay. Motion carried. Finding that this subdivision is in compliance with the Montana Subdivision and Platting Act and the Belgrade City County Master Plan, Commissioner Jelinski moved to grant preliminary plat approval with amended condition no. 10 D. 2. to read, ***A stamped set of engineered sprinkler system plans shall be submitted to the Amsterdam Rural Fire Department for review and be approved prior to construction, and the sprinkler system must be inspected by the Amsterdam Rural Fire Department during construction and at completion as required by the Amsterdam Rural Fire District.*** Seconded by Commissioner Olson. None voting nay. Motion carried.

County Planner Jennifer Borquist presented a consideration of a request for a family transfer exemption for Jack A. Weidenaar for his daughter Teresa Kredit. The property is described as a tract of land in the NW ¼ of the SW¼ of Section 12, 1S, R3E containing 1.00 acre. This property was used for agricultural purposes. Susan Swimley, Deputy County Attorney brought this request to the attention of the Commission to inform them that prior to transfer this property was held in a Corporation name.

Corporations do not have children, and therefore, can not transfer property to children. The property was deeded to an individual to allow for the exemption application. The determination needs to be made if this was an evasion of subdivision regulations. Teresa Kredit, daughter, spoke on behalf of her father's transfer to her. They did not intend to evade subdivision regulations, have no intention of selling the property, and plan on keeping the use of the land as agricultural. Finding that this family transfer exemption meets the criteria for the exemption of the Montana Subdivision and Platting Act, Commissioner Jelinski moved to approve the request for the family transfer exemption. Seconded by Chairman Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported that the Commission passed a Resolution of Intention on September 23, 1997 to create rural improvement district 371 for Wheatland Hills II Subdivision. The notice of public hearing and the protest period was published in the High Country Independent Press on October 2 and October 9, 1997. All owners of record and contract purchasers were mailed notice on September 30, 1997 and had until October 17, 1997 to protest the creation of RID. She stated her office did not receive any protests for this proposed RID from October 2, the first day of the protest period until October 17, the last day of the protest period. Finding that this rural improvement district is in the public interest and there were no protests received Commissioner Jelinski moved to adopt Resolution No. RID-97-371B to create the rural improvement district 371. Seconded by Commissioner Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on September 2, 1997 the Commission received a petition to dissolve Middle Creek Rural Fire District and alter the boundary of Rae Fire Service Area. She posted notice of this public hearing on October 3, 1997 in three different places within the Middle Creek Meadows Rural Fire District as follows: the sign post at the North intersection of Big Chief Trail and Sundance Trail, at the signpost on the corner of Big Chief Trail and Chinook Trail, and the signpost on the south intersection of Big Chief Trail and Sun dance Trail. She mailed notice of this hearing to all freeholders on October 3, 1997. The hearing dates were published on October 2 and October 9, 1997 in the High Country Independent Press. She stated her office did not receive any written correspondence in support or against this consideration. The following people spoke on behalf of this petition. Ronald Page and Dave Lucas. Finding that this petition in the best interests of the public and being that there were no protests received against dissolving Middle Creek Rural Fire District and altering the boundary of Rae fire Service Area, Commissioner Jelinski moved to adopt Resolution 1997-71. Seconded by Commissioner Olson. None voting nay. Motion carried.

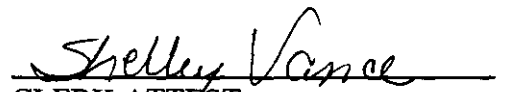
Jennifer Borquist, County Planner, reported on a request to modify a condition for the proposed Firelight Subdivision. This proposed subdivision is a 26 lot subdivision on approximately 118 acres located in the NW ¼ of Section 2, Township 7S, RE, P.M., Gallatin County, Montana. The original Condition No. 8 reads as follows: Primary access to the subdivision shall be provided by Ousel Falls Road. The primary access road shall connect to Highway 64 at a location to be approved by the Montana Department of Transportation. The primary access road shall have a minimum 60-foot public right-of-way and be constructed to county paving standards. Ousel Falls road shall be located as proposed by the developer. Condition No. 8 was modified on October 29, 1996 to read as follows: *Primary access to the subdivision shall be provided by a new road located over, through and across Section 1, which new road shall be located on a location agreeable to the owners of Section 1. The primary access road shall have a minimum 60-foot-wide public right-of-way easement and shall be constructed to county paving standards and shall connect to Highway 64 (the Spur Road) at a location to be approved by the Montana Department of Transportation. The developer shall provide adequate signage at the intersection of the primary access with Highway 64 (Spur Road) for Ousel Falls. Said road name and alignment shall be approved by the County Road and Bridge Superintendent.* The applicant has requested change condition No. 8 to be amended as follows: **Primary access to the subdivision shall be provided by locating the presently existing Ousel Falls road to a location over, through, across Section 1, as depicted on Exhibit "A," subject to any minor modification required by the Gallatin County Commission for reasonable engineering design specifications and /or requirements.** The subdividers have obtained all necessary easements to accommodate such access. As required, the subdividers have applied for a driveway approach permit from the Montana State Department of Transportation. A permit is issued upon completion of all necessary improvements. If this modification is approved the subdividers intend to apply for final plat approval. Staff recommends if the County Commission determines that a change in the conditions of final plat approval is in the public interest, Condition No. 8 shall be modified as follows: **8. Primary access to the subdivision shall be provided by locating the primary access road over, through and across Section 1, as depicted on Exhibit "A,"**

subject to any minor modifications required by the Gallatin County Commission for reasonable engineering design specifications and/or requirements. The developer shall provide adequate signage at the intersection of the primary access with Highway 64(Spur Road) for Ousel Falls. Said road name and alignment shall be approved by the County Road and Bridge Superintendent. Three letters were received in support of the amendment by Dee Rothschilder, Russell J. DeRemer, and Westland Enterprises. During public testimony the following people spoke: Paul Cronin, adjoining land developer, testified on his concerns regarding the roads and the proposed access. Bill Simkins spoke on behalf of Westland Enterprises. Dale Beland, Gallatin County Planner, clarified the access to Ousel Falls by pointing out the proposed realignment of Ousel Falls Road. In his opinion, as submitted by this applicant it is consistent with the same definition of that same alignment of the South Fork Master Plan. He also thinks the proposed road on Exhibit "A", will be a superior road physically and will be a better means of access to the property and should improve safety. Bill Madden, Attorney with Goetz, Madden, and Dunn representing Westland Inc. and TM Land Partners, LTD., owners of the property across which the road will run and provide primary access confirmed the parties have reached an agreement on where this road easement will be located and have recorded an easement in the Clerk and Recorder's Office. He addressed the status of the road and the history of the road explaining that the added condition to provide signage his clients agreed on that Ousel Falls Road is not a county road but an easement. The owner has the right and legal authority to relocate that easement so long as the use of it is not destroyed or diminished. Through the easement negotiated by the two parties, they agreed to relocate the easement. The road has been relocated, and now they are asking for the Commission to approve that this road will be the primary access road. Bill Simkins, Vice-President of Westland Enterprises, Inc., co-owners of the property where the road will pass through spoke on behalf of the relocated road and explained that County officials have been involved in the planning to fit the criteria of safety and every aspect of this proposed amendment. Paul Cronin disagreed with Mr. Madden that Ousel Falls Road is a public road. There was no more discussion. Sam Gianfrancisco, County Road Supervisor, stated the road met all of their criteria and were in compliance with what both parties wanted. They had worked with the Department of Transportation and Morrison & Maierle, Inc. on the road design. Commissioner Jenlinski stated she was happy to hear that the two parties reached an agreement on the relocation of the access, and to be able to put in a primary access that meets the safety requirements. However, she said that their action to approve the different access does not in any way effect the present prescriptive public Ousel Falls Road as it exists today. She feels Mr. Cronin's concerns have been met by the language relocating the access. Commissioner Jelinski read the proposed final amendment. Mr. Madden reviewed the changed proposed amendment to Condition 8 as submitted and discussed in the hearing and stated his clients were in agreement with these final changes in the language. Finding that this condition is in the public interest and safety to modify the requested amendment to Condition No. 8 of the preliminary plat approval of Firelight Subdivision, Commissioner Jelinski moved to approve the condition to read as follows: ***"8. Primary access to the subdivision shall be provided by locating the primary access road over, through and across Section 1, as depicted on Exhibit "A," subject to any minor modifications required by the Gallatin County Commission for reasonable engineering design specifications and/or requirements. The developer shall provide adequate signage at the intersection of the primary access with Highway 64(Spur Road) for Ousel Falls. Said road name and alignment shall be approved by the County Road and Bridge Superintendent.*** Commissioner Olson seconded the motion. None voting nay. Motion carried.

Susan Swimley presented the Commission with a resolution relating to \$198,500 Rural Improvement District No. 370 bonds, series 1997, fixing the form and details and provides for the execution and delivery of security for the creation of Rural Improvement District 370 for Wheatland Hills II Subdivision. Commissioner Jelinski moved to adopt Resolution No. RID-97-370-D. Seconded by Chairman Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:12 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

204 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were Commissioner Jane Jelinski, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

OCTOBER 20, 1997

- Commissioner Murdock is on vacation through October 30.
- Commissioner Olson met with Bridger Ridge Radio Association site manager Robert Leo to review the Use Agreement. Copy has been forwarded to Deputy County Attorney Chris Gray for his approval.
- Commissioners Olson and Jelinski met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss administrative matters.
- Commissioners Olson and Jelinski met with Facilities Director Bob Isdahl to discuss the need, or lack thereof, of an Owner's Representative for County construction projects. Commissioners will proceed with a plan to possibly set up a Project Management Team.
- Commissioner Olson attended a meeting of the Compost Committee. Reviewed cost proposal from Land & Water, grant and funding possibilities, and the need to firm up the involvement of all counties and cities involved to have a true regional operation. Grants Administrator Larry Watson will check on the new changes to grants and report back on those possibilities. Commissioner Olson will check with the other entities for possible commitments to the program on a continuing basis. Next meeting is scheduled for November 12 at 1:30 in Boulder.

OCTOBER 21, 1997

- Commissioners met with County Attorney Marty Lambert to discuss issues pertaining to Rae Fire Service area, Task Order deadlines for Phase I Courthouse Renovation, pending litigation and contracts. A meeting will also be scheduled with City Manager Clark Johnson, City Attorney Paul Luwe and Deputy County Attorney Susan Swimley to discuss Oak Street and West Babcock.
- Commissioners conducted the regular public meeting.
- Commissioner Olson attended a meeting of the Detention Center Task Force. They reviewed the final report and discussed ways to get the media and the outlying counties more involved. The final report was approved and Dave Pruitt will present same to the Commission on November 18 at the public meeting. Sheriff Slaughter will pursue media involvement. Agreed to invite the outlying counties to pre-presentation on November 18 at 10:00 a.m. and have lunch together before the public presentation at 1:30 p.m.

OCTOBER 22, 1997

- Commissioner Olson and Jelinski attended the 911 Administrative Board Meeting at the Law and Justice Center. Old business included a presentation of the final draft of the Operating Mill Levy Resolution by Commissioner Jelinski; County Attorney Marty Lambert and City Attorney Paul Luwe discussed amendments to Interlocal Agreement. Funding Initiatives were reviewed by Sheriff Slaughter and City-County Communication Services Director Mike Brown discussed issues pertaining to Bridger Ridge Radio Users Association. New business included Project Status and Radio Project updates by Mike Brown, as well as the creation of a Select Committee.

OCTOBER 23, 1997

- Commissioner Olson attended an all-day session of Leadership Bozeman.
- Commissioner Jelinski attended the "Lessons in Leadership" seminar sponsored by the University of Montana in Helena on October 23 and 24.
- Commissioner Olson attended a meeting of the Open Space Task Force. Majority of the meeting was spent attempting to define "open space." Committee formed for community outreach.

OCTOBER 24, 1997

- Commissioner Olson attended a meeting of the Mental Health Board. Discussion included the lack of performance on the part of the private company contracted by the State. The new company, Merit Behavioral Care Corporation, has given some hope that payments will get straightened out. Next meeting is scheduled for 11:00 a.m. on November 21 in Billings.

- Commissioner Olson attended the Conservation District meeting and reported on the circumstances surrounding the Highline Canal application.
- The County Commissioners received claims in the amount of \$355,058.41.

The following items were on the consent agenda:

A request for final plat approval for the Firelight Major subdivision which consists of 26 single-family lots and park land/open space on approximately 118 acres and future high-density development on 42 acres located in the southwest quarter of Section 2, T7S, R3E, Gallatin County, Montana. It is more commonly described as being in Big Sky, south of Meadow Village along Ousel Falls Road. The conditions for final plat approval have been completed, and reviewed. Based on the staff findings, it appears that the conditions for final plat approval have been met.

A request for final plat approval for Providence Acres Minor Subdivision for applicants Jim and Della Rogers. the proposed subdivision consists of five lots on approximately 55 acres, located in the SE ¼ of Section 35, T2N, R1E, Gallatin County, Montana; and generally described as being southwest of the intersection of Bench and Yellowstone Trail Roads. The conditions for final plat approval have been completed, and reviewed. Based on the staff findings, it appears that the conditions for final plat approval have been met.

A relocation of common boundary exemption for Thomas Elkington to relocate the boundary between 2 tracts of land and increase the acreage for Tract 1-A. The transferred property can only be used for agricultural purposes. The parcels were created by Certificate of Survey No. 512H, located in T 1N, R4E Section 33. Mr. Elkington owns both parcels, no additional tracts are being created, and the required information has been submitted. Based on the information submitted, this appears to be a proper use of the exemption procedure.

Commissioner Jelinski moved to adopt the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

Roger Curtis, Executive Director of Alcohol and Drug Services, join the Bozeman Public Schools to announce the proclamation declaring the week of October 23-31 as "National Red Ribbon Week." He welcomed and thanked Mike Clayton, Allison Counts, Belgrade, Bozeman, Monforton, and Sacajawea schools and their students attending the public meeting and participating in the weeks proclamation and their commitment to wearing and displaying Red Ribbons as symbols of this nation's intolerance of drugs. Students who spoke on behalf of "National Red Ribbon Week" are: Erik Stickland, Belgrade Senior High, Rachelle Wilson, Monforton School, Curtis Vanbrien and Christina Ann Hamilton of Bozeman Senior High. On behalf of the citizens of Gallatin County, Commissioner Jenlinski moved to adopt the proclamation to join the Bozeman Public Schools and Alcohol and Drug Services of Gallatin County in declaring this week, October 23-31 as "National Red Ribbon Week." Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp submitted a request for preliminary plat approval of the High K Ranch Minor Subdivision. MSE-HKM Engineering, on behalf of the applicants David M. Richards and Nadia Beiser have requested preliminary plat approval for a 31 acre 5 lot minor subdivision. Four lots would consist of 3 acres and 1 lot would contain nearly 20 acres. The preliminary plat indicates that the 20 acre lot may be further subdivided in the future. The property is located in C.O.S. No. 1583 in the SW1/4 and SE1/4 of Section 4 T1S, R4E, P.M.M. Gallatin County, Montana. The subdivision is located west of Belgrade off Amsterdam Road, approximately 1000 feet west of the Royal Road intersection with Amsterdam Road. The staff finds the subdivision is the 1st minor subdivision from a tract of record, therefore subdivision regulations waive the requirements for an environmental assessment and public hearing. 2. All lots are proposed to have access off of Amsterdam Road, an existing paved public road, located adjacent to the property. The applicant has indicated that the subdivision will need 3 points of access off of Amsterdam Road. Lot 1 will use an existing driveway, Lots 2,3, & 5 will use a common driveway at the center of the parcel, and Lot 4 will have a driveway at the southwest corner of the parcel. 3. Subdivision regulations require that all areas disturbed during construction be seeded with vegetation types approved by the Gallatin County Weed Supervisor. Standard conditions require the control of noxious weeds, and that a memorandum of understanding be signed between the Weed District and the developer. 4. Subdivision regulations state that parkland is not required to be dedicated for minor

subdivisions. 5. The subdivision is located within the Belgrade Rural Fire District, however the subdivision is not located within one mile of an approved water supply for provide fire protection. The preliminary plat shows that Lot 5 is planned to be further subdivided, and surrounding Certificates of Survey may also be subdivided into residential or commercial lots, therefore the Belgrade Rural Fire District recommends a condition that a fill site be constructed to provide water for fire protection. Belgrade Assistant Fire Chief/Deputy Fire Marshall, Bryan Connelley, stated that it was agreed (between the Fire Dept. and developer) to have a fill site installed in order to provide for this minor subdivision and future developments at this location. Mr. Connelley stated the following requirements, and each of the requirements is recommended as a condition of approval. 1. A final subdivision plat must be provided to the Belgrade Fire Department. 2. A \$496 per lot fee shall be paid as per Gallatin County Fire Protection Impact Fee regulation. 3. A Fire Department Fill Site, of 180,000 gallons of useable water, shall be in place and operable prior to construction of any buildings. The fill site will be of the standards that the Belgrade Rural Fire District has accepted as the minimum requirements as well as the Gallatin County Subdivision Regulations require. A copy of these standards can be obtained at the Belgrade City-County Planning office. 4. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. 5. Site plans of all lots must be submitted for review and approval by the Belgrade Rural Fire District. 6. All commercial structures must submit plans to the Montana State Building Codes Bureau and the Belgrade Rural Fire District for review and approval. 6. Section 7-G-3 of the Gallatin County Subdivision Regulations requires any lot access which intersects a paved major collector or arterial shall be paved seventy-five (75) feet from the existing edge of pavement, or to a depth approved by the County Road Office. Encroachment permits are also required by the subdivision regulations. 7. The applicant has requested a variance from Gallatin County Subdivision Regulations to allow Lot 5 to have access to Amsterdam Road via a 12 foot wide gravel driveway that will be located within a proposed 60' access and utility easement between Lots 2 & 3. The above request would be a variance from Section 7-A-2 (a) which requires roads to be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, in which case a variance must be approved by the County Commission. The applicant has indicated that the reason for the request is that a 12 foot access driveway should be adequate to handle traffic generated by one individual lot and that a county standard access road would be constructed if Lot 5 were further subdivided. A 60 foot access will be provided on the plat to accommodate this potential road widening to County Standard. 8. Gallatin County Road Superintendent, Sam Gianfrancisco, indicated that a variance was required for the proposed access to Lot 5, and that there would be adequate separation of the three proposed driveways. The standard condition requiring encroachment permits would apply to this subdivision. 9. A road name sign and stop sign would be required if the requested variance is not granted. The Belgrade City-County Planning Board reviewed the preliminary plat for the High K Ranch Minor Subdivision. The Planning Board voted at their October 15, 1997 public meeting to grant the requested variance because adequate easements will be provided on the plat to guarantee access to Lot 5 and the easement will be of adequate width to accommodate a future County Standard public road if Lot 5 is further subdivided. The Planning Board voted to recommend that the minor subdivision be granted preliminary plat approval. If the County Commission finds that the proposed subdivision meets the requirements of Section 76-3-608 MCA, the following conditions should be considered before granting preliminary plat approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district. 5. A Homeowner's Association shall be formed for the enforcement of the required covenants. 6. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with state law. d. Individual lot access from County public roads shall be built to the standards of Section 7-G of the Gallatin County Subdivision Regulations. e. The homeowner's association shall be

responsible for maintenance of interior subdivision roads. (Covenants f-h are recommended by the Belgrade Fire Department). f. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. g. Site plans of all lots must be submitted for review and approval by the Belgrade Rural Fire District. h. All commercial structures must submit plans to the Montana State Building Codes Bureau and the Belgrade Rural Fire District for review and approval. i. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 7. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 8. Road and fire impact fees shall be submitted as per County impact fee policy. 9. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 10. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 11. A rural fill site (180,000 gallons) meeting the requirements of the Belgrade Rural Fire District shall be constructed and approved by the Belgrade Rural Fire District. Said fill-site shall be operable prior to final plat approval. 12. The final plat shall show maintenance easement along the irrigation ditch as shown on the preliminary plat, and the final plat shall contain a statement warning lot owners that the irrigation ditch is hazardous to children. 13a. To provide access to Lot 5, a road with a sixty foot wide right-of-way, dedicated to the public, shall be constructed to Gallatin County standards from Amsterdam Road to the southern boundary of Lot 5 with the first 75 feet paved, and a temporary cul-de-sac constructed to County standards or a bond or other security in the form of an improvements agreement shall be submitted to Gallatin County in accordance with Section 8-B-1(g) If a variance is granted and condition No. 13a is deleted, then staff recommends that condition 13b be added. 13b. To accommodate a future county standard road, if Lot 5 is further divided, the access easement to Lot 5 shall be shown on the final plat as a 60 foot wide right-of-way, dedicated to the public. 14. Road name sign and Stop sign are required at the access road's intersection with Amsterdam Road or bond must be posted with the Gallatin County Road Office to cover the cost of the signs. 15. Encroachment permits must be obtained from the Gallatin County Road Office for the new driveway/road approaches to Amsterdam Road. 16. All required road construction shall be inspected and certified by a licensed engineer. Inspection and certification shall be provided to the County Road Department in writing prior to final plat approval. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. Mr. Karp stated the applicant requested a variance written as Condition No. 7, but the variance is no longer needed and it can be deleted. He recommends adding "T-type turnaround" to Condition 13a. to read, "To provide access to Lot 5, a road with a sixty foot wide right-of-way, dedicated to the public, shall be constructed to Gallatin County standards from Amsterdam Road to the southern boundary of lot 5 with the first 75 feet paved, and a temporary cul-de-sac or **T-type** turnaround constructed to County standards or a bond or other security in the form of an improvements agreement shall be submitted to Gallatin County in accordance with Section B-B-1 (g). 13B is not required because the variance is not needed. He also recommends adding a condition, Condition No. 17 to read, "There should be no access strip for vehicles to be shown on the final plat for lots 2 and 3 along Amsterdam Road. Clint Litle, of MSE-HKM Engineering, spoke on behalf of the applicants and stated his clients agree with the recommendations of the Belgrade City-County Planning Office. In Board discussion, Jason Karp suggested adding another covenant to the conditions of approval requiring the maintenance of the fill sight by the home owner's association. There was no public comment. Finding this application has no public comment, Commissioner Jelinski moved to deny the variance. Seconded by Commissioner Olson. None voting nay. Motion carried. Finding the High K Ranch Minor Subdivision is in compliance with the Montana Subdivision and Platting Act, Commissioner Jelinski moved to approve the preliminary plat approval for the High K ranch Minor Subdivision with the following changes and additions: **1-6 a-i as drafted by staff, adding 6.j. The home owner's association will be responsible for the fill site, 7-12 as drafted, adding language to Condition 13 a. to read, "To provide access to Lot 5, a road with a sixty foot wide right-of-way, dedicated to the public, shall be constructed to Gallatin County standards from Amsterdam Road to the southern boundary of lot 5 with the first 75 feet paved, and a temporary cul-de-sac or T-type turnaround constructed to County standards or a bond or other security in the form of an improvements agreement shall be submitted to Gallatin County in accordance with Section B-B-1 (g). Delete 13 b., 14-16 as drafted, adding Condition No. 17 to read, "There should be no access strip for vehicles to be shown on the final plat for lots 2 and 3 along Amsterdam Road.** Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Jelinski made a motion to remove the continuation of the public hearing for the Valley West Master Plan Amendment by the Bozeman City-County Planning Office from the agenda decision

208 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

until a full Commission is present and the County Road Supervisor Sam Gianfrancisco is present to advise on the Planning Boards recommendations. She asked to add it to the public hearing agenda scheduled for November 4, 1997. Seconded by Commissioner Olson. None voting nay. Motion carried.

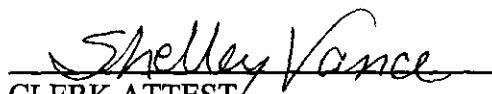
Clerk and Recorder Shelley Vance reported the Commission received a petition on October 8, 1997 to annex property in the Belgrade Rural Fire District. The legal description of the property requesting the annexation is all of Section 2, T2N, R4E. She certifies the petition contains 50% or more of the area of privately owned lands of the adjacent area proposed to be annexed who constitute a majority of the taxpaying freeholders within such proposed area to be annexed that appear on the last completed assessment role. The Board of Trustees of the Belgrade Rural Fire District have accepted the property for annexation and the proposed property to be annexed is adjacent to the Belgrade Rural Fire District. She recommends setting the public hearing date for November 25, 1997. Commissioner Jelinski moved to accept the petition for annexation to the Belgrade Rural Fire District and to set the public hearing date for November 25, 1997. Seconded by Chairman Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported the Commission received a petition on October 10, 1997 to abandon a portion of Gallatin Street in the Milwaukee Addition of Logan located between Second Street and First Street along with the alley located in Block D of the Milwaukee Addition to Logan. She certifies that it contains signatures of all the owners of record of the lots on the street and alley to be closed. Commissioner Jelinski moved to accept the petition and directed Chairman Olson to appoint a viewing committee to make a report on the feasibility of the abandonment. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Olson appointed Shelley Vance, Sam Gianfrancisco, and Commissioner Bill Murdock to make up the viewing committee.

Grants Administrator Larry Watson submitted a resolution to approve a contract between Gallatin County and The District IX Human Resource Development Council (HRDC), Inc. for project management activities related to the community block grant (CDBG) for the construction of a Headstart Family Support Center. The Montana Department of Commerce has awarded Gallatin County a Community Development Block grant. Gallatin County, in its capacity as a CDBG recipient, has determined that the district IX Human Resource Development Council, Inc., as the local Headstart program administrator, should implement the family support center project. Commissioner Jelinski moved to adopt Resolution No. 1997-25A finding it is in the public interest. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:20 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING TUESDAY THE 4th DAY OF NOVEMBER 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jane Jelinski, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

OCTOBER 27, 1997

- Commissioner Murdock is on vacation through October 29 and will return to the office on October 30.

- Commissioners Olson and Jelinski met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss pending and upcoming administrative matters. It was also discussed and agreed to re-appoint Joe Skinner to the County Planning Board.
- Commissioners Olson and Jelinski attended a meeting of the Capital Facilities Committee on October 27, at which Captain Jim Cashell of the Detention Center presented a report to the committee regarding the malfunctioning control panel at the Detention Center. The committee unanimously approved replacement of the control panel to proceed as a Capital Facilities project. Capital Facilities Coordinator Larry Watson will discuss the availability of funding with Fiscal Officer Ed Blackman, and discuss the RFP with Commissioners and staff from the County Attorney's office. Jim Cashell will be the project manager. Other topics of discussion included a status report on the Courthouse Annex, including the timeline for renovation of the building, as well as the revised time frame for moving the Health Dept. and Dept. of Public Health and Human Services into the facility. The move will occur approximately eight weeks later than previously planned. The group was advised that Prugh & Lenon Architects can start work under Task Order 8-C without "Exhibit B" being finalized on the building lease. Facilities and Operations Director Bob Isdahl will try to shorten the timeline by discussing that possibility with architects from Prugh & Lenon. A report on the Facilities Master Plan Committee was made by Planning Director Dale Beland. He reported that the committee is working on the following items: Consideration of potential new sites for the Detention Center, including consideration of the current Fairgrounds site as an alternative location. The committee has asked the Fair Board to initiate a study of alternative sites for the Fairgrounds, including possibly leasing private land, and give the Committee their input by December 1, 1997. Task Orders have been drawn up for appraisal of Rest Home property, and to do market value updates for Law & Justice Center and Fairgrounds sites. An upcoming meeting is planned to provide a cost analysis for possible new Law and Justice facilities; and to help assess feasibility of use of that site. The Committee has received and reviewed site criteria for Detention Center location from elected officials at the L & J; and will recommend a consultant to look at possible sites for future location. Committee will define criteria from a physical stand-point to identify potential sites to give to the second Detention Center Task Force to help make a site decision. Detention Center Task Force Coordinator Larry Watson gave an update on the Task Force. A Report will be given to the Commissioners at their November 18 public meeting; the Commissioners will meet with representatives in the region to discuss the report before the public meeting. 400 pages of information have been compiled; which "Task Force II," the second group to be formed, will need in order to come up with their own recommendation as to site criteria. City-County Communications Services Director Mike Brown gave an update on the new equipment and software being installed in the 911/Dispatch Center at the L & J. Mike reported that the project is going well, and that the mapping improvements will be significant upon completion of the installation. It was reported that the Fairgrounds Office building project is under way and proceeding smoothly; the scheduled completion date is December 1, 1997. Bid negotiations are being finalized for water and sewer and work to be completed at the site. Facilities Director Bob Isdahl gave a status report on Phase One of the Courthouse renovation Project and work to be done under a CTEP grant. The scope of work will include renovating the Courthouse basement, and mechanical and electrical upgrades to be installed throughout the courthouse. The impact on office functions was discussed with department heads. Other topics discussed included the Rest Home flooring project and asbestos removal, and the capital facilities organizational process.
- Commissioner Jelinski met with the Health Officer Search Committee and interviewed an applicant via conference call.

OCTOBER 28, 1997

- Commissioners conducted the regular public meeting. A Proclamation was adopted recognizing the week of October 23-31, 1997 as NATIONAL RED RIBBON WEEK in Bozeman, Gallatin County, Montana; whereas setting this week aside offers advocates of alcoholism and drug abuse prevention an opportunity to educate the public and policy makers about the effectiveness of community prevention and education.
- Commissioners Olson and Jelinski attended the groundbreaking ceremony for Adam Bronken Park and also toured the new Fairgrounds building and shooting range.
- Commissioner Jelinski was appointed Vice Chairman of NACo Labor and Employee Benefits Steering Committee by NACo President, Randy Johnson.

OCTOBER 29, 1997

- Commissioner Olson met with Deputy County Attorney Gerry Higgins to reword the Recycling Interlocal Agreement as directed by the Recycle Board. Changes to the language were requested by the Town of Manhattan and pertain to the financial commitment of the entities involved. Attorney Higgins will check with Manhattan, Recycle Board Chairperson Sherrel Siegmund, and Superintendent of

210 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Streets Roger Sicz before forwarding the edited document to the Recycle Board for approval. If needed, changes or modifications can be discussed at the next meeting on November 12 at 10:00 a.m. in Boulder.

- Commissioner Olson met with Deputy County Attorney Gerry Higgins to work on a draft of the Interlocal Agreement for the regional composting effort that is in progress. Attorney Higgins will have draft ready for the next Compost Meeting on November 12 at 1:30 p.m. in Boulder.

OCTOBER 30, 1997

- Commissioners met with Deputy County Attorneys Chris Gray and Susan Swimley, City Manager Clark Johnson and City Attorney Paul Luwe. Items of discussion included West Babcock and Oak streets, building permits/inspections for the Donut, garbage, 911, and library status updates. Attorneys will prepare petition to declare 65 ft. as County right-of-way on Babcock. All parties in agreement in principle on Oak Street acquisition.
- Commissioners met as the Welfare Board with Department of Public Health and Human Services Director Joan Davies. General program activities were discussed and the Welfare Board minutes were approved.
- Commissioners Olson and Jelinski attended the MSU President's Roundtable at Riverside Country Club. Topics of discussion included athletic facilities, staffing changes, current budget status, pay issues for staff and faculty, the new classroom building, completion of tunnel system, MSU issues, and the impact of MSU on Gallatin County's economy.

OCTOBER 31, 1997

- Commissioners met with Planning Director R. Dale Beland, Facilities and Operations Director Bob Isdahl, Data Processing Supervisor Bill Baldus, and Personnel Director Kathy Nowierski as the Administrative Team. The direction of the team and who should be involved was discussed and will be clarified subsequent to the "Performance Management" workshop scheduled for November 24 with Kathy Nowierski. Mr. Beland will draft a "Responsibilities and Duties" description for the Project Manager.
- Commissioners attended the groundbreaking ceremony for the Belgrade Interchange with Senator Baucus. A reception immediately followed at Valley Bank.

The following items were on the consent agenda:

- Request for Family Transfer Exemption for Alec J. Nisbet for his father, Gerald D. Nisbet described as Tract 1-A-2 of Certificate of Survey No. 690A, containing 1.0048 acres. According to the information submitted, County Planner Jennifer Borquist reported that this request appears to meet the criteria for the exemption allowed under the Montana Subdivision and Platting Act.
- Request for Family Transfer Exemption for Joel A. Price for his wife, Joanne M. Price described as Tract 1 being 1.000 acres. According to the information submitted, County Planner Jennifer Borquist reported that this request appears to meet the criteria for the exemption allowed under the Montana Subdivision and Platting Act.
- Request for final plat approval for the Christy Minor Subdivision located in the NE $\frac{1}{4}$ of Section 1, T1N, R4E. The County Commission granted preliminary plat approval on April 8, 1997. County Planner Jennifer Borgquist reported that the conditions for final plat approval have been met.
- Request for final plat approval for the Kirkland Minor Subdivision located in the NE $\frac{1}{4}$ of Section 35, T1S, R4E. The County Commission granted preliminary plat approval on April 1, 1997. County Planner Jennifer Borgquist reported that the conditions for final plat approval have been met.
- Request for final plat approval for the Jorgenson Minor Subdivision located in the SW $\frac{1}{4}$ of Section 15, T1S, R2E. County Planner Jennifer Borgquist reported that the conditions for final plat approval have been met.
- Request for Realignment of Common Boundary Exemption for Harold J. Haynes and Reta K. Haynes to aggregate lots 2 and 3, Block 1, of Triple Tree Subdivision. The applicants' purpose is "to reduce taxes and build a guest home closer to the lot line." The covenants provide for the combining of lots with the approval of the Design Review Committee. Bozeman City-County Assistant Planning Director Debbie Arkell reported receiving a letter from the Design Review

Committee approving the aggregation of lots. Based on staff's review it appears that this is a proper use of the exemption allowed under the Montana Subdivision and Platting Act.

- Request for Realignment of Common Boundary Exemption for Bruce and Deidre Combs located in the Hyalite Foothills #2. Bozeman City-County Assistant Planning Director Debbie Arkell reported the realignment will basically "switch" the acreage of the two lots. Lot 11, which contains the owners home, contains 3.658 acres and after realignment will contain 6.5 acres. Lot 12 is vacant and is 6.5 acres and will then contain 3.58 acres. Based on staff's review appears that this is a proper use of the exemption allowed under the Montana Subdivision and Platting Act.
- Request for a Realignment of Common Boundary Exemption for Richard E. Saunders in the Saunders Riverside Acres Subdivision. Bozeman City-County Assistant Planning Director Debbie Arkell reported the exemption will realign the north-south common property line between lots 2A and 3 of the subdivision. The realignment will eliminate an "L" shaped lot, and will provide better configuration of the two lots the applicant owns. Based on staff's review it appears that this is a proper use of the exemption.

Commissioner Jelinski requested moving the consideration of final plat approval for the Kirland Minor Subdivision from the consent agenda to the regular agenda to discuss a concern raised by a letter they received from Minda Honea. Commissioner Murdock moved to adopt the consent agenda with the exception of the consideration final plat approval for the Kirkland Minor Subdivision. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

County Planner Jennifer Borquist explained a letter written by Minda Honea as it related to the consideration of final plat approval for the Kirkland Minor Subdivision. Her concerns were that the final plat be submitted to the Fire Department, the fire impact fees are received, and the septic system would be upgraded and approved by the State. Planner Borquist reported that the plat is required to be submitted to the fire department, the check for the impact fees were received, and the Department of Environmental Quality has reviewed the septic system and made recommendations. The applicant has met all conditions for preliminary plat approval. Finding that the applicant has met all the required conditions for preliminary plat approval, Commissioner Jelinski moved to grant final plat approval of the Kirkland Minor Subdivision. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Bozeman City-County Assistant Planner Debbie Arkell presented the Valley West Master Plan Amendment that was continued at the October 28, 1997 public hearing. The Master Plan was submitted concurrently with a Zone Map Amendment and an annexation application. The land use element amendment will apply appropriate Master Plan land use designations on the property to correspond with the Zone Map Amendments approved by the City Commission. The proposed Master Plan Amendment to change the Land Use Element of the 1990 Bozeman Area Master Plan Update by changing the land use designations on portions of approximately 411 acres of property located west of Ferguson Avenue, south of Durston Road, and north of U.S. 191 from Suburban Residential and Urban Residential to Urban Residential Infill with some Commercial, and to expand the Urban Growth Area and the Sewer Service Area Boundaries to correspond with the proposed annexation of said property. After public testimony on July 8th, 1997, the meeting was continued until the City Commission took action on the application, and the County Commission concerns regarding improvements of road infrastructures were addressed. The City Commission voted to amend the Master Plan land use designations as recommended by the Planning Board, and to not approve the request to expand the Urban Growth and Sewer Service boundaries. This approval was contingent on approval of the annexation application. The City Commission voted and approved the annexation application subject to numerous conditions. The County Commissioners raised concerns regarding necessary improvements of Durston Road. The City can't annex roads unless either a portion of the street/road is owned by the applicant or the street/road has previously been dedicated to the public. In the case of Durston Road, the applicant will dedicate 45-feet for Durston Road adjacent to their property with the annexation, but because Durston Road is not a fully dedicated road, the City cannot annex the entire length of the road from North 19th to the subject property. The applicant does not own the entire road. To address the health, safety, and welfare concerns expressed in the Commission's letter, the City Commission has required improvements to be done and completed within two years of the date of final annexation, which has not occurred, regardless of whether the property develops by financially guaranteeing these improvements. These improvements are maintenance patching from North 19th Avenue to a point approximately one-half mile west of North 19th Avenue, evaluation of the status of the existing right of way, evaluation of existing and potential waiver of rights to protest an RID/SID, preparation of a petition to create an RID/SID for

road improvements to Durston Road, including lists of owners, property valuations, etc., completion of the preliminary engineering to determine improvement budget for the creation of an RID/SID for Durston Road improvements including the Pre-Design Investigation Phase and Preliminary Design Phase as defined by City's standard Engineering Services Contract. In addition to these improvements, the landowners are also required to improve Durston Road, from the edge of the existing pavement to the western-most access of the proposed Bronken Park, to a county paved standard prior to use of the park unless an SID/RID has been created and the contract awarded for the improvements to Durston Road, and the landowners in the annexation agreement acknowledge that prior to final plat approval for any subdivision within the annexed property that utilizes Durston Road for any access, street improvements to Durston Road must be completed unless an RID/SID has been created and the contract awarded for the improvements. Other infrastructures concerns were also identified and are required to be completed within two years, regardless again if the property is developed by a financial guarantee. These improvements are: three miles of sewer trunk extension, 1-3/4 miles of water trunk extension, Ferguson Avenue, from Durston Road to West Babcock Street, constructed to a 40-foot city standard with curb and gutter on both sides, West Babcock Street, from Ferguson Road to Cottonwood Road, constructed to a 40-foot city standard with curb and gutter on both sides, and Cottonwood Road, from Durston Road south to the existing pavement, to a 32-foot city standard for the west lanes of the proposed four land boulevard street, including curb and gutter on both sides. In conclusion, as this property has been annexed and rezoned, it would be appropriate that the Master Plan Land Use Designations be amended to reflect the fact that the property has Urban zoning designations and the City-County Planning Board is recommending that the designations be amended as explained and that the boundaries as requested to be amended, not be approved. Chairman Olson inquired that this amendment says that Durston Road will be improved but does not specifically state where it will be improved. Planner Arkell stated that the annexation agreement specifically states the road will be improved from N. 19th St. on out. Commissioner Murdock asked Ms. Arkell to prepare a motion on the specifics of the designations that are requested to be amended since this project has been underway for a great length of time, and the information received by the Planning Board has been revised so many times. She said she would prepare one. Commissioner Jelinski asked Ms. Arkell the staff report states that the Planning Staff does not support a B-2, Community Business District, zoning designation or a Commercial Land Use Element designation on the 10.2 acres proposed as such, due to the effect that strip commercial development along US 191 can have on the community. Commissioner Jelinski wanted clarification on the vote by the Planning Board. Ms. Arkell explained with all property east of Cottonwood Road to Fowler Avenue along US 191, A Business Park zoning designation with the potential of a Planned Unit Development to allow commercial uses could be perceived as being appropriate. Glenn Wood of Morrison & Maierle, Inc. spoke on behalf of the applicant. He explained the project saying that the annexation and the agreement will enhance the community with the street improvements, water and sewer improvements and all the extra amenities that will be done. It will also improve the County's network of roads. It includes affordable housing and Bronken Park. He reported on the willingness of the applicant to participate in the RID/SID from N. 19th to the west edge of their property and to do the 5 items listed in the staff report. They have done an evaluation on the road right-of-ways. He presented a report along with drawings. An evaluation has been done of the existing potential for "Waivers of Rights to Protest" for the proposed RID/SID. The applicant is willing to do preliminary engineering to determine the budgets to get the project completed, and the applicant is willing to participate, but to expect him to gain the rest of the right way when he has no control over it would be a monumental task and slow the project down. Commissioner Jelinski asked that if the applicant was not held responsible for acquiring the right of way then who is going to do it. Mr. Woods felt it should be a City County effort and through the government process to complete the project. To put it solely on the developer would be an unfair burden. Commissioner Murdock pointed out that the annexation agreement requires prior to final plat approval street improvements must be made, so whoever subdivides this property will be responsible for it, which puts the burden on the applicant. Planner Arkell suggested the improvements to Durston Road could be made similar to what was required on previous subdivisions such as Triple Tree Ranch on Sourdough Road. Within the prescribed used road they can require the developer to make the improvements up to City or County standards. What they can't require is for the developer to get the additional right a way beyond the prescribed 60 feet. They just wouldn't get the full 90 feet they eventually would like to have. There was no public comment. In Board discussion, Commissioner Jelinski asked Sam Gianfrancisco for his recommendation. County Road and Bridge Superintendent Sam Gianfrancisco stated his main concern is over the road by use. Even though they can require the developer to improve the roads, they still will not have the right a way. It has not been determined what they can and can't do, and he feels they will have to get a court order to get it done. By law, we can't get a RID/SID on a road by use. There are lots of questions on the roads that can't be answered at this time, but maybe they can be resolved at subdivision review. He feels they need to work with the right a way issues, but is satisfied with what the developer is doing and what he is willing to do. During the next Legislative session he hopes some of these issues will be resolved. Debbie Arkell stated the roads are still a major concern for the City-County Planning Office. With the annexation the roads will be dedicated as easements, then when it is

subdivided, it will be dedicated to the public. Finding that the Valley West Master Plan Amendment is consistent with the criteria for amending the Bozeman Area Master Plan, and that approval was recommended by the City-County Planning Board and approved by the City Commission, Commissioner Murdock moved to amend the 1990 Bozeman Area Master Plan update Land use designation within the Valley West Annexation from Suburban Residential Rural Residential and Urban Residential to Urban Residential Infill, except for the 40 acres located at the northwest corner of the intersection of Cottonwood Road and US 191 from Public Lands/Open Space and Rural Residential to Business Park-Industrial subject to completion of the annexation, as described by the staff report from Assistant Planning Director Arkell. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported that the Belgrade Rural Fire District Trustees approved annexation of property described in a petition as the NW ¼ and the West ½ of the NE ¼ of Section 12, T1S, R5E. Notice of this public hearing was published in the High Country Independent Press on October 23 and October 30, 1997. She has received no protests in her office. There was no public comment. Finding that the Belgrade Rural Fire District Trustees have approved the annexation, and there are no protests, Commissioner Jelinski moved to adopt Resolution 1997-72. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported that the Bridger Canyon Rural Fire District Trustees approved annexation of property described in a petition as Tract A of Certificate of Survey 1822 located in Section 17, T1N, R7E. Notice of this public hearing was published in the High Country Independent Press on October 23 and October 30, 1997. She has received no protests in her office. There was no public comment. Finding that the Bridger Rural District Trustees have approved the annexation, and there are no protests, Commissioner Jelinski moved to adopt Resolution 1997-73. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:20 P.M.


 CHAIRMAN APPROVAL


 CLERK ATTEST

PUBLIC MEETING TUESDAY THE 18th DAY OF NOVEMBER 1997

The meeting was called to order by Chairman Phil Olson at 1:35 P.M. Also present were County Commissioners Bill Murdock, Jane Jelinski, County Attorney Marty Lambert and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

NOVEMBER 3, 1997

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss pending and upcoming administrative matters. It was also discussed and agreed to re-appoint Ralph Wilcox to the Board of the Three Forks Ambulance Service.
- Commissioner Murdock met with Ken Hash of Bozeman Sand & Gravel to discuss the progress of the sewer and water line installation at the Fairgrounds.
- Commissioners attended a luncheon meeting requested by John Nordwick, President and CEO of Bozeman Deaconess Hospital. He was interested in hearing their thoughts, ideas and concerns about healthcare in the Gallatin Valley. Also in attendance were Personnel Director Kathy Nowierski, Personnel Specialist Cynde Hertzog, Personnel Assistant/Payroll Technician Anne Groshens, Interim

214 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Health Officer Stephanie Nelson, Rest Home Director of Nursing Pat Larmer and Rest Home Director Connie Wagner.

- Commissioners met with Facilities and Operations Director Bob Isdahl to discuss storage concerns, Phase I issues, Courthouse Master Plan, Courthouse Annex and furniture vendor. It was agreed that the Emergency Operations Center will temporarily move to the vacated Health Department area during Phase I construction.
- Commissioners met with GIS Supervisor Allen Armstrong to discuss the Four Corners Growth meeting on November 4th, progress on the GIS needs assessment, E911 project, and training classes being offered by GIS on ArcExplorer. Current activities and a work plan were approved for next month.

NOVEMBER 4, 1997

- Commissioners met with County Attorney Marty Lambert. It was noted that there are currently 58 items to be addressed involving the Commission and the County Attorney. It was agreed to prioritize the list due to the demanding workloads of all involved.
- Commissioners held a meeting with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley and Planning Director R. Dale Beland to discuss legal/political options for the County assuming authority of the donut area. The discussion included extraterritorial zoning, jurisdictional authority, and development of a timeline and its components. Commissioners will reply to City-County Planning Board proposal. Mr. Beland and Susan Swimley will prepare options and advise as to what is legally possible.
- Commissioners attended an open house entitled "Growth and Four Corners" sponsored by the Gallatin County Planning Board. Residents were encouraged to examine Four Corners area assessment, discuss concerns about growth impacts and express their vision of the future.

NOVEMBER 5, 1997

- Commissioners met with Planning Director R. Dale Beland to review the Planning Department's work plan and discuss turnout of and comments on the "Growth and Four Corners" open house held on November 4th.
- Commissioner Jelinski met with 911 Subcommittee members County Attorney Marty Lambert, City Attorney Paul Luwe, and City Manager Clark Johnson to work on proposed revisions to the 911 Interlocal Agreement. Paul Luwe will prepare the draft revisions for the next 911 Admin. Board meeting currently scheduled for December 24, 1997.
- Commissioners Olson and Murdock met with Road & Bridge Supervisor Sam Gianfrancisco, employees Roy Steiner, Doug Ford, Dave Fowler and Anita Monroe to discuss the Fairgrounds Sewer Project and pending paving projects still to be addressed. Valley Center Road will get temporary gravel repairs and possibly dust control; will pave in the spring, as well as a portion of Willow Creek. Rainbow Point Road will not be finished until next year; Sam to respond to concerned parties regarding timeline. Doug Ford wants to do rip rap work on the West Gallatin around Cameron Bridge area and along Central Park Road. Also discussed the need for an emergency speed limit to be posted on Valley Center Drive due to increased traffic in relation to the Belgrade Interchange construction. A meeting will be scheduled with Road Department, County Attorney's office and Commissioners regarding Three Forks Jefferson Dyke agreement.
- Commissioners met with Facilities and Operations Director Bob Isdahl, Personnel Director Kathy Nowierski, Jamie Lenon & Rob Pertzborn of Prugh & Lenon Architects to discuss and review the Courthouse Master Plan for the courthouse renovation as drafted in 1994. Commissioners requested that Prugh & Lenon draft Task Orders for Phases II-IV including scope of work, implementation schedule & estimated budgets and develop a document defining all necessary department relocations for all four phases.
- Commissioner Murdock met with the Facilities Master Plan Committee members Facilities and Operations Director Bob Isdahl, Personnel Director Kathy Nowierski, Grants Administrator Larry Watson, Planning Director R. Dale Beland, and Fairgrounds Supervisor Sue Shockley. Committee asked Fair Board to come up with criteria for fairgrounds relocation, so if the need arises, Fair Board will be prepared. Fair Board will meet to determine what criteria is needed to determine a fairgrounds location.

NOVEMBER 6, 1997

- Commissioners Olson and Murdock attended a meeting of the Child Interdisciplinary Team
- Commissioners Olson and Murdock and Superintendent of Schools Jill Richards canvassed votes from the November 4 election.

- Commissioner Murdock, Road Superintendent Sam Gianfrancisco, and Clerk & Recorder Shelley Vance met as a viewing committee to review abandonment of portions of roads. The committee will prepare report of their findings to the Commissioners at a later date.
- Commissioner Murdock attended the Open Space Task Force meeting at Emerson School. Task Force agenda items were discussed. Barbara Beck of Beck Consulting was hired as a meeting facilitator. Nick Salmon was appointed Chairman/Coordinator by consensus.

NOVEMBER 7, 1997

- Commissioner Olson piloted a plane to take Disaster & Emergency Services Director Mike Hoey and Dave Lageson to view a mountain at the head of Hell Roaring Creek to see if the November 6 earthquake caused any slippage. No new visible slippage.
- Commissioners Jelinski and Murdock met with Personnel Director Kathy Nowierski to discuss performance reviews, status of Detention Center mediation, e-mail, Internet policy, and other personnel matters. Kathy McNeill will present performance review options to Commissioners on December 12. Department heads will be invited to attend if they are interested.
- Commissioners Jelinski and Murdock met with Data Processing Supervisor Bill Baldus to review and discuss current work plans, various data processing projects, the Planalp building, and request for proposals (RFPs) on finance package purchase. Mr. Baldus will provide a date for a finished work plan at his December monthly meeting.
- Commissioners Jelinski and Murdock met with Grants Administrator Larry Watson to review the grants' projects currently in progress.
- Commissioners attended the monthly staff meeting at the Rest Home. Floor repairing process and timelines were discussed. Rest Home Director Connie Wagner reviewed the new healthcare reimbursements, along with the Physician's Assistant (PA) score.
- Commissioner Jelinski met with Art Morrow to discuss the Junk Vehicle Program.

NOVEMBER 10, 1997

- Commissioner Jelinski conducted an exit interview with former Health Officer Jackie Stonnell and Board of Health member Seth Pincus. Discussed the transition for the Health Department with Jackie's retirement, and the need to fill the position as soon as possible.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss pending and upcoming administrative matters.
- Commissioners held an off site working session at the City Center Motor Inn to discuss the progress of the Commission's 1997 goals. Agreed to look into a time-management workshop and to dedicate more time to administrative procedures.
- Commissioner Murdock attended a meeting of the Fair Board. Discussion included the upcoming Rocky Mountain Association of Fairs conference in Couer d'Alene on November 12, updates on the progress of the new office building & the sewer and water line installation.

NOVEMBER 11, 1997

- All County offices were closed in observance of Veterans' Day.

NOVEMBER 12, 1997

- Commissioner Murdock attended the Rocky Mountain Association of Fairs (RMAF) Annual Conference held in Coeur d'Alene, Idaho from November 12-14, 1997. Fairgrounds Supervisor Sue Shockley and select staff will also be attending.
- Commissioners Olson and Jelinski attended the MACo District Fall Meeting at Silo's Inn in Townsend. Agenda items included Risk Management update, insurance marketing, nominations and election of JTPA BOS Council of Commissioners District Representatives, and consideration of resolution regarding change in Weed Funding for Madison County.

NOVEMBER 13, 1997

- Commissioners Olson and Jelinski attended a regular Zoning Hearing.
- Commissioners Olson and Jelinski, Fiscal Officer Ed Blackman and Deputy County Attorney Susan Swimley attended a meeting of the Hebgen Lake Refuse District via conference call. The Board voted to send a letter to EcoWest advising them of their authority to raise their rates by \$4.10, but no more.
- Commissioner Olson attended a "Shelter Care" meeting held at First Security Bank. Concern was expressed that the new configuration of S. 3rd has created a safety problem for the home; Bozeman High School shop class is making window well protectors. Population is down at the Shelter and there

216 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

is grave concern for the budget. There has been a change so that youngsters are allowed starting from age 6. Grasstands Trust has donated \$5,430.

NOVEMBER 14, 1997

- Commissioner Jelinski met with Interim Health Officer Stephanie Nelson to review the agenda for the Board of Health Retreat on November 15. Discussed schedule for the Health Officer interview on November 21, and the Sheriff's request for space in the West Yellowstone Community Clinic.
- The Commissioners Received A101's in the amount of \$100.67; Payroll in the Amount of \$907,904.29
- The List of New Employees for October 1997 are as follows: 9/20/97 Mary Jane Falconer, Detention Center; 9/29/97 Michelle O'Neil Detention Center; 9/22/97 Cindy Francis Rest Home/Hskeeper - \$6.66/hr.; 9/15/97 Shawn Anderson Rest Home/CNA - \$7.55/hr.; 9/22/97 Sara Reagor Rest Home/CNA-\$7.55/hr.; 9/9/97 Jana Looby Rest Home/RN-\$13.15/hr.; 9/29/97 Debbie Jackson Health/Admin Crk I-\$7.55/hr.; 10/1/97 Annette Manno Planning/Admin Sec I-\$7.55/hr.; 10/8/97 Anna Sparr Treasurer/Acct I-\$11.99/hr.; 10/3/97 Kaycee Anderson Rest Home/KitchAidI-\$6.66/hr.
- The List of Terminated Employees for October 1997 are as follows: Joy Gambrel Rest Home 9/24/97; Diana Sobrepena Rest Home 9/30/97; Janice Whitehorse Rest Home 10/6/97; Marie Heberling Rest Home 9/30/97; Jan Emerson Commission 9/18/97; Don Meyer Weed - 9/15/97; Denise Young Rest Home 10/24/97; Grace Goss Rest Home 10/15/97.

NOVEMBER 15, 1997

- Commissioner Jelinski attended the Board of Health Retreat at the Holiday Inn.

The following items were on the consent agenda:

- Request for final plat approval for the Davis Minor Subdivision. The County Commission granted preliminary plat approval on July 29, 1997..
- Request for final plat approval for Phase II of the Aspen Groves Subdivision. The County Commission granted preliminary plat approval on May 18, 1993. Phase I was granted final plat approval in March 1997. The Commission granted an extension of the preliminary plat for Phase II until November 18, 1997.
- Request for final plat approval for the Radick Minor Subdivision. The Commission granted preliminary plat approval on August 19, 1997.
- Request for final plat approval for Kirsha Subdivision. The Commission granted preliminary plat approval on January 2, 1996.
- Request for final plat approval for Boast subdivision. The Commission granted preliminary plat approval on August 13, 1996.

These requests have been reviewed and according to the information submitted all conditions for final plat approval have been met.

- A request for a relocation of a common boundary by Jerre LaPalm and Richard and Sylvia Rozon. According to the information submitted, this appears to be a proper use of the exemption procedure.

Commissioner Jane Jelinski moved to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried

Grants Administrator Larry Watson acting as Coordinator of the Gallatin County Detention Center Citizens' Task Force presented members of the committee with a certificate of appreciation and pen. Members are Lorraine VanAusdol, Chairperson, Judge Michael Salvagni, County Attorney Marty Lambert, Carl Bear, Bill Brewster, Jack Buettner, Dennis Carlson, Tom Cook, Bernie Driscoll, Cal Dunbar, Everett Egbert, Jim Goetz, Dave Pruitt, Gregg Raths, Don Regli, Carole Sisson, Bob Taylor, Mark Pierce, and Steve Johnson. Staff members: Captain Jim Cashell, Senior Shift Supervisor Anita Shaw Tymrak, Facilities Director Bob Isdahl, and Chief Probation Officer Dave Gates. The Consultant for the project was Dick Prugh of Prugh & Lenon Architects. Also thanked for their work were secretaries Pat Lewis, Jamie Lenon, Rob Pertzborn, Jan Emerson, and Darlene Ritchey. Chairman Lorraine VanAusdol presented the task force's report on their study of the Detention Center building and building a new facility to the Commission. The recommendation is to construct a new building. Dave Pruitt, presented the final report of their findings. Juvenile correction concerns were addressed as well

as transportation issues to other facilities, bed space, getting the building up to fire code by February of 1998 as requested by the Bozeman Fire Marshal, and the cost of renovating verses building a new building. There was no public comment. Commissioner Jelinski moved to accept the Detention Center Citizens' Task Force report. Seconded by Bill Murdock. None voting nay. Motion carried. Commissioner Jelinski asked that anyone on the task force committee that would like to continue on this project to let her know for further recommendations, negotiations, and proceedings on the project.

County Attorney Marty Lambert reported the water and sewer main improvement bid for the Gallatin County Fairgrounds was awarded to Bozeman Sand and Gravel on October 16, 1997 and a notice of award was delivered. The notice of award required Bozeman Sand and Gravel to execute certain documents and deliver bonds and insurance certificates to the County within 15 days so the parties could come to a contractual agreement. Bozeman Sand and Gravel didn't meet the requirements of the notice of award and changed their bid after the bid was awarded to them. Sue Shockley, Gallatin County Fairgrounds reported that the original bid was for \$145,904.94 and the new bid is for \$154,604.94. The Commissioners have a decision to make regarding the change in bid. They can take the bid bond enclosed with the bid and award to the next lowest responsible bidder, accept their new bid, or make them stick with their original bid. Commissioner Jelinski moved to award the bid to the second lowest responsible bidder which was JTL Inc. in the amount of \$179,876.55. Seconded by Commissioner Murdock. None voting nay. Motion carried. She requested the notice of bid award to JTL, Inc. be sent by the County Attorneys' Office.

The appointment of the Airport Hazard Board was removed from the agenda and has been continued until November 25, 1997.

Tom Moore, Gallatin County Environmental Health Department, read the bids received for proposals for Junk Vehicle Services: Arts Towing-\$35 per vehicle, draining \$20 per vehicle, \$1.50 per loaded mile; Recyclers-2 bids- flat \$65 per unit pickup, \$50 per unit disposal of fluids; AF&T Salvage-\$130 per vehicle including removal of fluids; Cero Bros.Towing-within 15 mile radius \$63.00, \$82.00 draining of fluids. \$195 per vehicle if out of 15 mile radius. Mr. Moore took the bids for review and will report back with a recommendation. Commissioner Jelinski asked Mr. Moore to prepare a cost analysis of current use.

Clerk and Recorder Shelley Vance reported receiving a petition in her office of a request to alter the kinds, types and levels of service for the Clarkston Fire Service Area. Notice of this public hearing was published in the High Country Independent Press on October 30th and November 6th, 1997, and mailed to all free holders of the Clarkston Fire Service Area on October 30, 1997. She stated that no comments have been received in her office regarding this consideration. May Metcalf received notice and inquired as to the intent. Chairman Olson read the resolution. Commissioner Jelinski stated the reason of the change in services is to comply to legislative ruling. Mr. Drake, Trustee of Clarkston Fire Service Area voiced his concerns regarding the mutual aid agreement. The Commission explained that it would be up to the fire chief to determine if the service area would fight any fire. Tom Greason of Fish & Wildlife wrote a letter in favor of the changes. Finding there was no protest, Commissioner Murdock moved to adopt Resolution 1997-74. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported receiving a petition in her office to create a Rural Fire District in the Hebgen Lake Area. She certified the signatures and 50% of privately owned lands, but it does not represent a majority of the freeholders they need. They need 29 more signatures to create the district. She received a fax stating that Rick Keller and Jim Mickelwright had more petitions circulating and indicated they had more signatures in the office. She stated that you submit a petition in full, not add names later in the process. Commissioner Jelinski moved not receive the petition at this time and directed the Clerk and Recorder to return the petition and they can resubmit it to the Commission. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Treasurer Jeff Krauss reported on a proposal to consider a resolution to refinance an RID. Gene Huntington stated refinancing rural improvement bonds, will pay off old debt with new debt,

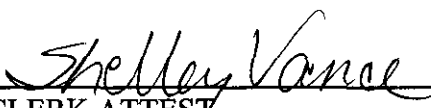
218 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

and save homeowners expenses. Commissioner Jelinski moved to adopt Resolution 1997-75 as presented. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Paul Shea, West Yellowstone Historic Society, reported on a consideration of a joint resolution to establish the West Yellowstone/Hebgen Lake Basin Historic Preservation Commission. He worked with Deputy County Attorney Susan Swimley on the original issues when they started a year ago. The West Yellowstone Town Council has signed the consideration and are waiting for the approval of the Gallatin County Commission. Finding that the West Yellowstone Town Council has approved this resolution, and it is in the public interest, Commissioner Murdock moved to adopt Resolution 1997-76. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:40 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 25th DAY OF NOVEMBER 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley, Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

NOVEMBER 17, 1997

- Commissioners met with County Treasurer Jeff Krauss and Fiscal Officer Ed Blackman to review an RID refinancing proposal. It was recommended that the Commission approve the refunding schedule. Commissioners will consider a Resolution regarding same at November 18 public meeting.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss pending and administrative matters.
- Commissioners met with Deputy County Attorney Susan Swimley, City Attorney Paul Luwe, City Engineers James Nicholson and Craig Brawner, and Director of Public Service Phil Forbes regarding the northwest expansion water line Sewer Improvement District (SID) encompassing 470 acres on North 19th. It was agreed by all present to move forward with the process.
- Commissioners conducted a performance evaluation of Fiscal Officer Ed Blackman. Reviewed current work plan and the target level need for further instruction to departments. Commissioner Jelinski and Fiscal Officer will work on narrative of the budget. Mr. Blackman will outline day-to-day tasks as well as new goals.
- Commissioners attended a meeting of the Capital Facilities Committee. Topics of discussion included a report by Planning Director R. Dale Beland on the status of projects being addressed by the Facilities Master Plan Committee; a status report on the Courthouse Phase I renovation and CTEP projects by Facilities Director Bob Isdahl and Grants Administrator Larry Watson; an update on the planned move of offices to the Gallatin County Health and Human Services Complex; a discussion of the Capital Facilities Committee process, and discussion of the future planning process.

NOVEMBER 18, 1997

- A special meeting was called to order by Chairman Phil Olson to consider a resolution requesting prosecution assistance for the County Attorney's Office in the case of State v. James Johnstone. Also attending were Commissioners Jane Jelinski and Bill Murdock, and County Attorney Marty

Lambert. Motion by Commissioner Jelinski to adopt the resolution. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- Commissioner Jelinski attended a meeting of the Board of Health.
- Commissioners met with County Attorney Marty Lambert and Sheriff Bill Slaughter to discuss the need for more budgeted money for the investigative fund and evidence storage needs. Commissioners agreed to address future budget needs for investigations. The contract for the Fairgrounds Water and Sewer Project and proceedings in the pursuit of payments owed to the Logan Landfill were discussed with Attorney Lambert.
- Commissioners met with Building Codes Bureau Chief James Brown, Building Codes Agency Council Eric Fehlig, County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, and Planning Director R. Dale Beland to discuss how Gallatin County could impose building permits in the County. Mr. Brown outlined how the County could adopt one, several or all different codes adopted by State. However, whichever code(s) it chooses to adopt, it cannot enforce a partial code; it has to be all of that particular code or nothing. The County cannot pick and choose areas in the County; it must be County-wide, except for extra-territorial jurisdictions already in place.
- Commissioner Olson met with Deputy County Attorneys Chris Gray and Susan Swimley, and West Yellowstone Refuse District Board Member Clyde Seeley to discuss the options and possibilities of the contract renegotiating with EcoWest. All present agreed to try to re-negotiate a contract that will best serve the needs and interests of the people in the refuse district, as well as EcoWest. The Committee will convene again soon to formulate a presentation for the Board to consider.
- Commissioners Jelinski and Murdock attended a luncheon with the Detention Center Task Force and Commissioners from Jefferson, Park, Broadwater, Madison, Stillwater and Sweetgrass counties to discuss the final report and recommendations of the Task Force. The Task Force report concludes that the County should build a new jail instead of revamping the old facility.

NOVEMBER 19, 1997

- Commissioners held a staff meeting of all Department Heads and elected officials. Also in attendance were State legislators Dorothy Eck, Emily Swanson, Don Hargrove, Jack Wells and Beverly Barnhart. Topics discussed included the requirements of Montana law as it relates to DNA testing and indexing of sexual and violent crime offenders, problems associated with public notice requirements, and the MACO Road Bill.
- Commissioner Murdock attended a meeting of the Victim/Witness Board, along with Judges Salvagni, Olson, and Wyckman. The Board discussed the pros and cons of legislation to reimburse victims by convicted felons. The Board agreed to draft legislation regarding same.
- Commissioners Olson and Jelinski attended the Logan Landfill Advisory Board meeting. Topics of discussion included the status of accounts receivable, seeding, and gas monitoring results. A motion was made and approved to direct Montana Rail Link to clean up their dump near Logan. The Environmental Health Department will draft a letter to Montana Rail Link.
- Commissioner Murdock attended a meeting of the Springvale Homeowners' Association. Discussion focused on their dissatisfaction with the County's disbursement of park funds to Springvale, and the information of a citizen-petitioned zoning district in their area.

NOVEMBER 20, 1997

- Commissioner Olson attended an all-day session of Leadership Bozeman.
- Commissioners Jelinski and Murdock met with Brian Crandall of the Rural Fire Council to discuss the progress on mutual aid agreements and the Council's concern regarding County building permits. The Commissioners also expressed concern with Rae Fire District's public notice policy and how these problems might be resolved.
- Commissioners Jelinski and Murdock met with Engineer Dave Crawford of Thomas, Dean & Hoskins, and Rob Pertzborn of Prugh & Lenon Architects, to discuss the County's decision to reject the award of the Fairgrounds water and sewer project to Bozeman Sand & Gravel.
- Commissioner Jelinski attended a roundtable discussion chaired by Senator Max Baucus entitled "Food Safety: Farm to Table." Due to the recent outbreaks of *E.coli*, Congress has introduced a variety of legislative proposals which are aimed at the many facets of food safety including production, inspection, handling, processing, labeling of imported meat and produce, consumer education, irradiation, and USDA recall authority.
- Commissioner Murdock met with Terry Threlkeld to discuss Fairgrounds and County engineering projects.

220 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Murdock met with Will Brooke to discuss Big Sky Public Utility Districts (PUD) and the language inconsistencies in the Gallatin Canyon/Big Sky zoning regulations. Commissioner Murdock agreed to refer this zoning matter to the County Planning Department.
- Commissioners Jelinski and Murdock attended the Open Space Task Force meeting. Commissioner Nancy Stahoviak from Routt County, Colorado, presented preservation of agriculture and implementation of their county's Open Lands Protection Plan.
- Commissioner Murdock attended a meeting of the Fair Board to discuss the Summer Fair agenda and expanding utilization of the Fairgrounds.

NOVEMBER 21, 1997

- Commissioner Jelinski and the Health Officer Search Committee interviewed candidate Clayton Pape for the position of Health Officer. The Committee will interview another candidate on December 9, 1997.
- Commissioner Olson attended the Mental Health Board Meeting in Billings.
- Commissioners Murdock and Olson attended an Open Space Task Force meeting. Commissioner Nancy Stahoviak from Routt County, Colorado, spoke on the preservation of agriculture and implementation of their county's Open Lands Protection Plan.
- Commission received claims in the amount of \$454,137.37
- The Commission appointed William Fairhurst to the Three Forks Airport Board and Gayle Ford and Vernetta Steele to the West Yellowstone/Hebgen Basin Refuse District Advisory Board

The following items were on the consent agenda:

- Request for realigning a common boundary exemption for Quincy and Rae O'Haire. Staff report indicates this request appears to meet the criteria under the Montana Subdivision and Platting Act.
- Request for final plat approval of Wylie Creek Estates Subdivision. The Commission granted preliminary plat approval on February 20, 1996. Staff report indicates all of the conditions have been met.
- Request for final plat approval of North Fork Creek Subdivision. The commission granted preliminary plat approval on February 20, 1996. Staff report indicates all of the conditions have been met.
- A request to amend the text of the Gallatin Canyon/Big Sky Zoning Regulations.

Commissioner Murdock moved to adopt the consent agenda. Seconded by Phil Olson. None voting nay. Motion carried.

Valerie Jhaner, Five Rivers Chapter of the American Red Cross, read a proclamation declaring December 1, 1997 as World AIDS day in Gallatin County. Motion by Commissioner Murdock to adopt the proclamation. Seconded by Commissioner Olson. None voting nay. Motion carried.

Ron Farmer, Chairman of the Board of Trustees of the Bozeman City Public Library introduced members of the County Library Board. They are: Jean Nielsen, Chair of the West Yellowstone Public Library, Alice Miester, Director of the Bozeman City Public Library, Mark Lakey, Trustee for the Belgrade City Library, and Eileen Casey, Director of the Belgrade City Library. They each gave a report on their library's current services and activities and long range goals. Commissioner Murdock moved to accept the annual reports. Seconded by Phil Olson. None voting nay. Motion carried.

The Commission considered appointing the following people to the Airport Hazard Board: Dale Beland, Sam Gianfranco, Ed Blackman, Joe Menicucci, and John Youngberg. Commissioner Murdock stated the statutes require the County to appoint a board to address decisions for land uses at the airport. Finding these people have expertise in this field and represent certain areas of interest, Bill Murdock moved to accept the appointments as stated. Seconded by Phil Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on Resolution 1997-62, which is a resolution passed by the Gallatin County Commission on November 24, 1997 to alter the types kinds and service for the Fort Ellis Fire Service Area. The resolution directs that unless more that 50% of the property owners of the Fort Ellis Fire Service Area submit protests on or before November 24, 1997 at 5:00 p.m. to the Gallatin County Clerk and Recorder's Office then the kinds, types and levels of service provided by the Fort Ellis Fire Service Area will be changed to include: Emergency medical services and equipment, and related personnel, facilities, and maintenance; community services through education and fire suppression for structures and wild land fires. She reported receiving no protests in her office. Commissioner Murdock moved to certify Resolution 1997-62 to change the levels of service provided by the Fort Ellis Fire Service Area. Seconded by Phil Olson. None voting nay. Motion carried.

Clerk and Recorder Shelly Vance stated notice of this public hearing to abandon a portion of Gallatin Street and Alley in Block D of the Milwaukee Addition in Logan was published in the High Country Independent Press on November 20, 1997 and that public hearing notice and the viewing committee report were mailed to all signers of the petition; landowners named on the petition; and individuals named in the petition who could be affected; the postmaster of the area; and the Public Lands Access Association. She read the road viewers' report which stated that if the petition were granted there would not be access to Lot 12 of Block B or to Lots 13, 14,15,and 16 of Block D. These lots are presently owned by one owner. The viewing committee also discovered that when the plat was recorded in 1911, lot 14 of block D did not have access. Lawrence West requested the opening of an alley so his property won't be landlocked if the proposed street and alley is abandoned. Sam Gianfrancisco, County Road Superintendent stated that he had no problem with the abandonment and opening of the alley, but could not open the alley until next spring. Commissioner Murdock moved to abandon a portion of Gallatin Street and the alley in Block D in the Milwaukee Addition in Logan subject to further research by the County Attorney's Office of where the abandoned property will revert to and proper easements are provided on the west side. Seconded by Chairman Olson. None voting nay. Motion carried.

Clerk and Recorder Shelly Vance stated notice of this public hearing to abandon a cul-de-sac located at the end of Cape Avenue in Springhill Park Subdivision was published in the High Country Independent Press and the notice and viewing committee report was mailed to all signers of the petition; landowners named on the petition; individuals named in the petition who could be affected; the postmaster of the area; and the Public Lands Access Association on November 19, 1997. She read the Viewing Committee report. The cul-de-sac had not be constructed. They observed that a sewer treatment plant and pump house have been constructed on the location of the cul-de-sac and possibly a portion of Lot 23 of Block 1. According to the map submitted with the petition, if this cul-de-sac abandonment was granted, 2 lots, and possibly 4, would be land locked dependent upon how the property is divided. It also states that if the petition were granted 76-3-305 MCA requires the owner of the private utility to have an easement over the vacated land to continue the operation and maintenance of the utility. There was concern over how to divide the cul-de-sac four ways. Steve Cape, applicant presented two maps to the Commission showing the cul-de-sac and explained the history of the lots. He stated the lots will never be built upon. He would like to make 4 lots into 1 lot and it would be for access for the utility. Commissioner Murdock stated that he would like to see aggregation of the four lots with an amended plat because legally there are 4 lots. That would solve the concerns raised in regards to dividing the cul-de-sac back to the 4 lots and the request appearing to land lock the lots shown on the plat, even though Mr. Cape stated the lots would never be sold or built upon. Commissioner Murdock moved to continue the petition for the abandonment until applicant can research and find the best way to accomplish his goal regarding abandoning the cul-de-sac. Seconded by Chairman Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a resolution adopting the competitive sealed proposal procedure for payroll, human resource, integrated governmental fund accounting and accounts payable software purchases for Gallatin County. The procurement committee is comprised of the Clerk and Recorder, Personnel Manager, Treasurer, Auditor, Data Processing Manager and the Fiscal Officer. They will review the proposals and make a recommendation to the County Commission. Commissioner Murdock moved to adopt Resolution 1997-77. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:20 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 2nd DAY OF DECEMBER 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jane Jelinski, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

NOVEMBER 24, 1997

- Commissioners interviewed two applicants being considered for appointment to the Board of Trustees for the Rae Fire Service Area. A motion was made and approved to appoint Howard Ross to the Board.
- Commissioners Jelinski and Murdock met with Road and Bridge Superintendent Sam Gianfrancisco to discuss a personnel issue. Personnel Director Kathy Nowierski also attended.
- Commissioners met with Personnel Director Kathy Nowierski to discuss what constitutes a work plan and how future performance evaluations should be based on that work plan. Ms. Nowierski will contact Kathy McNeill of the Professional Development Center to ensure the meeting scheduled for December 12 will focus on this issue.

NOVEMBER 25, 1997

- Commissioners met as the Welfare Board with Department of Public Health and Human Services Director Joan Davies. General program activities were discussed and the Welfare Board minutes were approved.
- Commissioners met with Fiscal Officer Ed Blackman. They reviewed the graph(s) and information to be published in the Bozeman Daily Chronicle explaining the distribution of tax revenues. Also discussed were receivables to the Logan Landfill account and the County Attorney's role in procuring payment. Mr. Blackman will send weekly fiscal reports to the County Attorney, keeping him updated of the Landfill situation.
- Commissioner Jelinski met with members of the 911 Administrative Board. The next meeting is scheduled for December 22, 1997 at 1:00 p.m.
- Commissioners Olson and Murdock met with Dennis Hardin to address his questions concerning various County policies regarding extra-territorial boundary as they relate to his property south of Bozeman.

NOVEMBER 26, 1997

- Commissioners met with Bozeman City Manager Clark Johnson to review items of mutual interest which included 911 mill levy progress, the "Donut," and the vacancy on the City-County Health Board.
- Commissioners Olson and Murdock met with Ed Mantos to discuss the status of the fire district petition in Hebgen Lake area and the sewer and water district at Yellowstone Holiday, as they both affect a condition of subdivision approval. Commissioners encouraged Mr. Mantos to continue pursuing fire district petitions and suggested he speak with the Planning Department regarding water district conditions.
- Commissioner Murdock was interviewed by Steve Kirchhoff of the New Perspective to get impressions of his first year as a County Commissioner.
- Commissioners met with Planning Director R. Dale Beland and members of the Bozeman City-County Planning Board, including President James Devitt, members Ray White, Lonnie Walker and Michael Vincent, and Bozeman City-County Planning Director Andy Epple. The meeting focused on extra-territorial zoning jurisdiction of the "Donut" area around Bozeman. All present concurred that the

County should take over zoning in the "Donut" area. It was also noted that this year marks the 40th anniversary of the Bozeman City-County Planning Program.

NOVEMBER 27, 1997

- All County offices were closed in observance of Thanksgiving Day.

NOVEMBER 28, 1997

- Commissioners took a vacation day.
- Commissioners appointed Howard Ross to the Board of Trustees Rae Fire Service Area and Ed Blackman, R. Dale Beland, Sam Gianfrancisco, Joe Menicucci, and John Youngberg to the Airport Hazard Board.

The following items were on the consent agenda:

- Request for exemption to relocate a common boundary for Bryson and Michael Boylan.
- Request for exemption for security purposes for Michael Boylan.
- Request for family transfer exemption for Lance and Virginia Barnes.
- Request for exemption to relocate a common boundary for Catherine Wrather.
- Request for family transfer exemption for Daniel Carr.
- Request for exemption to relocate a common boundary for Bridger Bowl, Inc., and 360 Ranch Corporation.

Staff reports indicate these requests appear to meet the criteria for the exemptions allowed under the Montana Subdivision and Platting Act. Commissioner Murdock moved to adopt the consent agenda. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Francie McLean read a proclamation declaring December as Drunk Driving Prevention Month. She stated organizations from every state and community are joining together to take a stand against impaired driving this December by supporting anti-impaired driving programs and policies to make our streets safer. Commissioner Jelinski moved to adopt the proclamation adopting December in Gallatin County as Drunk Driving Prevention Month. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported that on October 28, 1997 the Commissioner's received a petition to consider a resolution to annex property into the Belgrade Rural Fire District. She stated notice of this public hearing was published in the High Country Independent Press on November 20th and 26th 1997. She received no protests of this annexation in her office. Finding that there were no protests received Commissioner Jelinski moved to adopt Resolution 1997-78. Seconded by Commissioner Murdock. None voting nay. Motion carried.

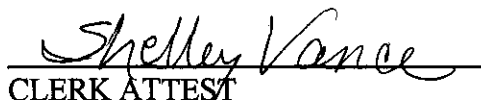
Grants Administrator Larry Watson reported on the availability of CDBG (Community Development Block Grant) revolving loan funds. The Commission adopted Resolution 1997-28 establishing the revolving Loan Board on May 20, 1997. The Board members include: Joe Bateson, SPA, Chair; Mitzi Bowen, Legal; Bob De Witt, Banking; Dale Nerlin, Business; Carolyn Maples, General Public. He stated that there is \$100,000.00 worth of funds available for economic development loans of \$50,000.00 on up. Their focus is to create or retain employment for Gallatin Counties citizens that are low to middle income individuals providing jobs which allow these citizens to better their situation and income levels. They would like to find applications from outside of Bozeman and Belgrade Master Plan areas as those areas already have revolving loan funds available. They are looking for businesses that want to expand or relocate rather than new business startups. Their preference is for businesses that will provide tax benefit to Gallatin County. Loan rates are negotiable but, will not be less than 5% and they must be secured with fixed assets. The payments and interest from these loans may be deferred up to 3 years but preference is to limited requests. The Board is soliciting a list of interested applicants by 12/31/97. They will solicit requests for a period of 60 days ending on February 2, 1998. The applications will be due in the Clerk and Records Office by 5:00 p.m. on that day. A \$100.00 non-refundable application fee will be required to cover administrative costs. The Revolving Loan Board will review the

applications in February. The Board will make recommendations to the Commission at a public meeting in March. Commissioner Jelinski moved to approve the management plan by the Revolving Loan Board and authorized the announcement of the availability of the CDBG revolving funds to the public. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Treasurer Jeff Krauss reported to the Commission that Gene Huntington of Dain Bosworth will be submitting the County with the Bond Purchase Agreement from Dain Bosworth Incorporated for signatures. It is the \$1,667,000. Pooled Rural Special Improvement District refunding of bonds, Series 1997 for Rural Special Improvement districts Nos. 339, 340, 342, 342, 343, 344, 346, 349, 350, 351, 352, 355, 356, and 357.

There being no further business, the meeting adjourned at 1:50 p.m.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 9th DAY OF DECEMBER 1997

The meeting was called to order by Commissioner Jelinski at 1:30 P.M. Also present were County Commissioners Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

DECEMBER 1, 1997

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss pending and administrative matters.
- Commissioners met with Facilities and Operations Director Bob Isdahl to discuss the new Health & Human Services Center, Historical Society MOU, and general maintenance concerns. It was also discussed and agreed that RFPs are no longer needed for furniture standards. Bob Isdahl will send a letter to all departments requesting notice of their remodeling plans for next fiscal year. Due to increasing time constraints, Commissioners will pursue the possibility of hiring a full-time project manager for all future projects. However, Bob will remain as Project Manager for the Health & Human Services Center until completion.
- Commissioners met with GIS Coordinator Allen Armstrong to discuss the GIS Needs Assessment which is near completion, but still needs addresses for Three Rivers telephone users (Big Sky). Allen continues to work on transportation plan for the Road Department, and layer mapping of subdivisions in Gallatin County; Four Corners' students may locate wells. Allen will also contact State DEQ to determine what information they need to analyze cumulative effects when reviewing subdivision septic approvals. Current activities and work plan for next month were approved.
- Commissioners had a work session in preparation for an upcoming performance evaluation of a Department Head.

DECEMBER 2, 1997

- Commissioners conducted the regular public meeting.

DECEMBER 3, 1997

- Commissioners met with Sheriff Bill Slaughter to discuss target level budgeting, schedule of vehicle purchases, the downfalls of mid-year changes to the budget by County Auditor, approval of the Sheriff Trust Fund by outside auditor, and the need to upgrade computer equipment and offer training. Sheriff's office will submit goals and budget needs to be considered by the Commissioners at their goals and planning retreat in January.

- Commissioners met with Sheriff Bill Slaughter, Deputy County Attorney Chris Gray, and Animal Control Officer Vickie Johnson to negotiate details of the Humane Society contract. Commissioners are proposing a flat-fee contract with a fixed maximum cost. Chris Gray will draft a proposed contract based on these recommendations and present it to the Humane Society for their review.
- Commissioner Murdock was interviewed by Susan Gallagher of the Associated Press. The interview focused on affordable housing in, and the future of, Big Sky.
- Commissioners Jelinski and Murdock attended a meeting of the Rural Fire Council held at the Reese Creek School. Discussion included burn permits, dispatch fees and standardizing protocol, 6-mill levy, DES planning, DNRC grant money, training, addressing needs, impact fees, building permits, legislation regarding unprotected areas, and the new enhanced 911 plan.

DECEMBER 4, 1997

- Commissioner Olson and County Auditor Joyce Schmidt met with Gay Hovey of Cellular One to outline details for a master contract, with addendum's for new phone add-ons. Cellular One may present a plan for all employees to have a phone at the County's rate, if desired. Ms. Hovey will attempt to get the documentation to accomplish the master contract as discussed.
- Commissioners met with Planning Director R. Dale Beland to discuss issues regarding the Planning Board, the Planning Department and related County Commission work plan items. Commissioners informed Mr. Beland that the Fairgrounds should no longer be considered as a future site for the Detention Center until further notice.
- Commissioners met with County Auditor Joyce Schmidt to discuss the current work plan, Big Sky Resort Tax issues, and the Sheriff's Trust Fund. Ms. Schmidt admitted that current procedures are falling short and is working to correct it -- commissary working well. The Auditor feels there is room to improve internal controls. Commissioners will decide how to handle Big Sky Resort Tax regarding businesses in areas. The Auditor will provide recommendations to the Commission pertaining to needed changes and/or additions to internal policies, and control of any and all departments in the County.
- Commissioner Murdock attended a meeting of the Danforth Foundation. The Foundation is going to ask MSU, local organizations, local governments and the Chamber of Commerce to set aside or designate every Wednesday evening for "family time." No meetings will be scheduled and employees will not be asked to work during that time.
- Commissioners met with Acting Environmental Health Director Tim Roark, Interim Health Officer Stephanie Nelson, Fiscal Officer Ed Blackman, Local Water Quality Specialist Dave Whiten, and Environmental Health Specialist Tom Moore to discuss the pros and cons of how to accomplish the junk vehicle program. Environmental Health will get more information before further decisions are made.

DECEMBER 5, 1997

- Commissioners met with Personnel Director Kathy Nowierski to discuss her recent Society of Human Resource Management (SHRM) seminar in San Francisco, Personnel Department programs and issues, health contract changes, and the transferability of sick leave. Kathy will follow up on the status of the health contract.
- Commissioners met with Data Processing Supervisor Bill Baldus to discuss the "to do" list for the Data Processing Department, including the need for a one-day retreat to outline goals for 1998. Per their request, Bill went to Park County to assist them with their computer needs. A decision was also made to purchase tell-video equipment at a cost of \$5,000 up front and \$5,000 by July 1998. Commissioners will require regular updates on the efficacy of this system, and their position will be reviewed again in July 1998. The updated phone list was given to Data Processing on a diskette, and they will take responsibility for distributing to all departments. Commissioners approved a one-day retreat for the Data Processing Department.
- Commissioners met with Grants Administrator Larry Watson to discuss the status of various grants in progress, Detention Center Task Force, and the future focus of the Capital Facilities Committee.
- Commissioners met with the following Congressional staff members to discuss the Gallatin II Land Exchange: Alicia Bradshaw and Brian Kuehl of Senator Baucus' office, Susan Brooke of Senator Burns' office, Peggy Trenk and Roger Halver of Congressman Hill's office. Robert Dennee, Lands Program Manager for the U.S. Forest Service, also attended. The staff members expressed the support of all three Congressmen and their commitment to work together and come out with one bill when Congress reconvenes. The Commissioners also expressed their support of the Exchange.

- Commissioners received cancellation of taxes in the amount of \$6,132.75.
- Commissioners received claims in the amount of \$691,118.51
- The following is a list of new employees for November 1997: 11/3/97 Matt Sander, Rest Home \$7.55/hr.; 10/31/97 Amanda Larson, Rest Home \$7.55/hr.; 10/28/97 Faith Harvel, Rest Home \$7.55/hr.; 10/23/97 Betty Drummond, Rest Home, \$7.55/hr.; 11/3/97 Janet Brownell, \$9.32/hr.; 11/5/97 M. Daren Miller, Road Dept. \$9.75/hr.; 11/5/97 Mary Miller, Motor Vehicle \$7.55/hr.; 10/25/97 Greg Muller, Rest Home \$7.55/hr.; 11/12/97 Michael Hausler, Data Processing \$11.99/hr.; 11/6/97 Hope Ruff, Rest Home \$7.55/hr.; 11/17/97 Monika Biener, 911 records \$8.44/hr.; 11/17/97 Jennifer Denning, Rest Home \$7.55/hr.; 11/5/97 Wesley Burroughs, Rest Home \$7.55/hr.
- The following is a list of terminated employees for November 1997: Leisa Holland, Motor Vehicle 10/28/97; AnaMaria Malave, Communications 10/31/97; Barbara Jensen, Clerk and Recorder 10/31/97; Kevin Jones, Sheriff 10/31/97; Jackie Stonnell, Health 10/31/97; Diana Dusek, Rest Home 10/30/97; Greg Muller, Rest Home 10/28/97; Toni Frost, Motor Vehicle 11/17/97; Amanda Larson, Rest Home 11/18/97; LeAnn Heitz, Fair 11/14/97.

The following items were on the consent agenda:

- Request for final plat approval for Mission Park Subdivision Phase II from Steve And Susie Cavanaugh. The Commissioners granted preliminary plat approval May 21, 1996. The Belgrade planning staff has reviewed the application and all conditions for final plat approval have been met.
- Request for exemption to relocate a common boundary for Stuart Duth. Gallatin County Planning reports this appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Motion by Commissioner Murdock to adopt the consent agenda. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp received a request for preliminary plat approval for the High K Corner Minor Subdivision from MSE-HKM Engineering, on behalf of David M. Richards and Nadia Beiser. It is a 34 acre 5 lot minor subdivision located in the SE1/4 and SW1/4 of Section 4 T1S, R4E, P.M.M. Gallatin County, Montana. The applicant requested at the Planning Board meeting that a condition which requires the fill-site to be operable prior to final plat approval be amended to allow an improvements agreement, acceptable to the Planning Department and Fire Department. The developer has stated that the reason for the request is the weather may not allow the fill-site to be completed before final plat approval is requested. The Belgrade City-County Planning Board has recommended granting the variance, approving preliminary plat approval and would recommend the amended condition subject to the Fire Department's approval, Deputy Fire Chief/Fire Marshall Bryan Connelley has indicated that current policy is not to allow final plat approval until the fill-site is operable. The lack of a County building permit system would make it difficult to enforce any construction restrictions in an improvements agreement if lots were sold before the fill-site was operable. The Gallatin County Subdivision Regulations require any lot access which intersects a paved major collector or arterial shall be paved seventy-five (75) feet from the existing edge of pavement, or to a depth approved by the County Road Office. Encroachment permits are also required by the subdivision regulations. The applicant has requested one variance from Gallatin County Subdivision Regulations indicating that Lot 2, which is a double front lot, is intended to accommodate a convenience store or similar type business and therefore it would be advantageous to have access points from Royal Road and Amsterdam Road. Therefore the County Commission will need to determine if the developers proposed uses of Lot 1 and Lot 2 would warrant the proposed lot layout. The staff report included comments regarding the following criteria: wildlife and wildlife habitat, public health and safety, local services, natural environment, agriculture, and agriculture water user facilities. The following conditions should be considered for preliminary plat approval, to be completed prior to final plat approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. The applicant shall make a concurrent submittal to the Department of

Environmental Quality and the Gallatin City-County Environmental Health Department. The applicant shall obtain the Gallatin County Health Officer's approval. 4. The applicant shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district and a waiver of right to protest annexation into the City of Belgrade. 5. A homeowner's association shall be formed for the enforcement of the required covenants. 6. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with state law. d. Individual lot access from County public roads shall be built to the standards of Section 7-G of the Gallatin County Subdivision Regulations. e. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. f. Site plans of all lots must be submitted to the Belgrade Rural Fire District for review for compliance with the Uniform Fire Code. g. All commercial structures must submit plans to the Montana State Building Codes Bureau and the Belgrade Rural Fire District for review and approval. h. The property owners shall participate with the owners of the High K Ranch Minor Subdivision for the maintenance of the fill-site. i. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 7. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 8. Road and fire impact fees shall be submitted as per County impact fee policy. 9. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between the Weed District and developer prior to final plat approval. 10. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 11. The High K Ranch Minor Subdivision fill site (180,000 gallons) meeting the requirements of the Belgrade Rural Fire District shall be constructed and approved by the Belgrade Rural Fire District. Said fill-site shall be operable prior to final plat approval of the High K Corner Minor Subdivision. 12. The final plat shall show maintenance easement along the irrigation ditches shown on the preliminary plat, and the final plat shall contain a statement warning lot owners that the irrigation ditch is hazardous to children. 13. Encroachment permits must be obtained from the Gallatin County Road Office for the new driveway approaches to Amsterdam Road and Royal Road. 14. Stop signs are required for commercial lot access to Royal and Amsterdam Roads. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat. A letter was received by the County Commission dated December 8, 1997 by Sime Construction stating what was done on the construction of the fire pond and access road and what needs to be completed. The subzero temperatures made it impossible to finish the fill site. The applicant Nadia Beiser reported on the development of the subdivision. She stated her concerns if she has to wait for the fire ponds to be finished before final plat approval. She would like to see the subdivision get approval before the ponds are finished and would put up a bond. The money for the project is in escrow. She stated the concerns of the fire department could be satisfied by requiring that before any structures go up, an improvement agreement could be required and approved by the planning department and the fire department. She commented on the variance and spoke to Sam Gianfrancisco and he felt it was the safest and most convenient way to allow the double front on lot 2. Deputy Fire Chief/Fire Marshall Bryan Connelley reported the Uniform Fire Code does require water supply before during and after construction and is concerned that once final plat approval is granted they do not have any way to enforce the agreements between the actual land owners of property. He recommends the Commission maintain consistency as they have done in the past and require the pond to be completed before granting final plat approval. There was no public comment. The applicant stated that it would be acceptable to her to add a covenant for any future buyers that must comply to not occupy the buildings until the fire fill site is operational. County Road Superintendent Sam Gianfranciso stated that the variance for the double front may be hard to get adequate approaches to work and that the corner lot may want to make a U turn. An additional traffic engineer study would have to be done before an access off of Amsterdam Road would be approved. Finding that this variance request would be an undue hardship, and it is not essential to the health, safety, and welfare, Commissioner Murdock moved to grant the variance request. Seconded by Commissioner Jelinski. None voting nay. Motion carried. Mr. Karp recommended adding a covenant amending condition 11 to read at the end of the drafted sentence, "an improvements agreement to be approved by the Belgrade Fire Department and the Gallatin County Attorneys Office shall be submitted prior to final plat approval." He suggested to add another covenant so that lots 1, 2, and 3 will be used

primarily for commercial use. Finding that the High K Corner Minor Subdivision is consistent with the Gallatin County Subdivision regulations and the Belgrade City-County Planning Board reviewed and recommended approval, Commissioner Murdock moved to grant preliminary plat approval subject to all the conditions drafted by staff with the following amendments: add to condition number 6 of staff suggestions for granting final plat approval: j. Lots 1,2, and 3 shall be used primarily for commercial purposes. k. No buildings shall be occupied prior to the fillsite being fully operable. Add to condition number 11 after the existing language: an improvements agreement shall be entered into, then reviewed and approved by the Belgrade Fire Department and the Gallatin County Attorneys Office and shall be submitted prior to final plat approval. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

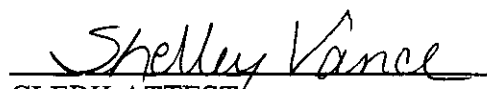
Clerk and Recorder Shelley Vance received a petition to create a resort area district for the Big Sky Resort Area on August 1, 1997. The petition was reviewed on August 11, 1997, and Mrs. Vance certifies it contains the signatures of 72 registered voters within the proposed Resort Area district which makes up 13% of the registered voters. The Gallatin County Commission shall conduct a public hearing on January 6, 1998, to accept comments supporting and/or opposing the petition. In addition, any person wishing to comment on the creation of the proposed resort area district may file comments with the Gallatin County Clerk and Recorder. Mrs. Vance will give notice of the public hearing and a recommended date of the election to the Commission. Mike Richards Chairman of the Resort Committee spoke in favor of the establishing the district. Commissioner Murdock moved to accept the petition to create a resort area district. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance received a petition to create Northside Rural Fire District. She certifies that on December 9, 1997, she examined the petition and it contains sufficient signatures representing 50% or more of the area of privately owned lands who constitute a majority of the taxpayers who are freeholders within the proposed district. The County Commissioners will hold a public hearing on December 23, 1997. There was no public comment. Commissioner Murdock moved to accept the petition to create the Northside Rural Fire District and to hold the public hearing on December 23, 1997. Seconded by Jane Jelinski. None voting nay. Motion carried.

Gallatin County Treasurer Jeff Krauss presented the RID refinancing bond purchase agreement between Gallatin County and underwriter Dain Bosworth Incorporated, for \$1,667,000 pooled rural special improvement district refunding bonds of Rural Special Improvement Districts Nos. 339, 340, 341, 342, 343, 344, 346, 349, 350, 351, 352, 355, 356, and 357. Commissioner Murdock moved to adopt Resolution 1997-80 to refinance the RID bonds as presented. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

There being no further business, the meeting adjourned at 2:35 p.m.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 16th DAY OF DECEMBER 1997

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioner Bill Murdock and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

DECEMBER 8, 1997

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss pending and administrative matters.

- Commissioner Jelinski attended a meeting of the NACo Rural Renaissance Task Force via conference call.
- Commissioner Murdock spoke to the League of Women Voters about the Open Space Task Force and its activities.
- Commissioner Olson, Clyde Seeley and Jim Micklewright met as the West Yellowstone/Hebgen Basin Refuse District Contract Committee to discuss the contract negotiations between the West Yellowstone Refuse District and EcoWest.
- Commissioners Jelinski and Murdock met with Road & Bridge Superintendent Sam Gianfrancisco, Road staff Ken Helwinkle, Doug Ford and Dave Fowler to discuss the State secondary funding situation, speed limits for gravel roads, North 19th Rest Area/Visitor Center project, weed cutting on shoulders, Roy Steiner's Project Manager duties, and the Thiesen Road situation. In addition, it was noted that the Big Sky CTEP project is \$50,000 short. The Commissioners directed Mr. Gianfrancisco to prepare a resolution for posting an emergency 35 MPH speed limit on the gravel portion of East Valley Center Road for the duration of Belgrade Interchange construction.
- Commissioners conducted a performance evaluation of a department head.
- Commissioners attended the Big Brothers and Sisters holiday party at the Elks. As special guests, they helped serve dinner along with the Gallatin County Judges.

DECEMBER 9, 1997

- Commissioner Jelinski met with the Board of Health. Detailed minutes are available in the Commissioners' office.
- Commissioner Murdock met with Sheriff Bill Slaughter, Captain Jim Cashell, Deputy County Attorney Chris Gray, Grants Administrator Larry Watson and Fiscal Officer Ed Blackman to discuss the need to form a Jail Control Board. Discussion also included the extent of Detention Center control panel problems, strategies and sources of funding for interim fixes, and how to legally select vendors. Ed Blackman reported that there is \$30,000 available in present budget (\$20,000 Detention Center & \$10,000 in Facilities emergency budget). Use of these funds is pending upon further review and approval by the Commission.
- Commissioner Jelinski and the Health Officer Search Committee interviewed candidates for the Health Officer position.
- Commissioners Jelinski and Murdock met with Dick Prugh and Rob Pertzborn of Prugh and Lenon Architects, and Grants Administrator Larry Watson to discuss the next steps for the Detention Center. Commissioners requested that a resolution to appoint a 6-member Project Team be considered for formal adoption at the December 16 public meeting. It was agreed to appoint Larry Watson as the Project Team Coordinator and he will pool previous task force members to solicit their participation.

DECEMBER 10, 1997

- Commissioners Jelinski and Murdock met with Bozeman Fire Marshal Chuck Winn and Facilities and Operations Director Bob Isdahl to discuss the results of the Detention Center's Fire Inspection Report. It was agreed that the Commission will seek a cost-effective sprinkler system during the planning phase for the Detention Center.
- Commissioners Jelinski and Murdock met with Gallatin County Public Health and Human Services Director Joan Davies, HRDC Director Jeff Rupp and HRDC employee Mary Martin. Joan requested that the Commission send a letter of support to DPHHS Director Laurie Ekanger advising that the Commissioners have reviewed and approved HRDC's CSBG Work Program for 1998 and are recommending their Medicaid waiver contract be renewed. The Commissioners reviewed and approved the Work Program; they will send a letter of support as requested.
- Commissioner Jelinski and the Health Officer Search Committee interviewed candidates for the Health Officer position.
- Commissioners Jelinski and Murdock met with Grants Administrator Larry Watson to discuss the appointment of a Citizens Planning Committee and a Detention Center Project Team. Discussion also included capital facilities issues, including the process for considering capital facilities projects, a job description for the project representative, and review of the Capital Facilities agenda for December 15.
- Commissioners Jelinski, Olson, Deputy County Attorney Susan Swimley and Fiscal Officer Ed Blackman attended a meeting of the West Yellowstone/Hebgen Basin Refuse District Advisory Board via conference call. Detailed minutes are available in the Commissioner's office.

DECEMBER 11, 1997

- Commissioner Murdock gave a presentation at Leadership Bozeman on the organizational structure of Gallatin County and the cooperative efforts between Gallatin County and the City of Bozeman.

DECEMBER 12, 1997

- Commissioners Jelinski and Murdock met with Assistant DES Coordinator Mike Hoey, Local Water Quality Specialist Dave Whitson, Acting Environmental Health Director Tim Roark, Interim Health Officer Stephanie Nelson, and Fiscal Officer Ed Blackman to discuss planning for protocols to retrieve and dispose of orphaned hazardous materials.
- Commissioner Murdock met with Bob Taylor to solicit his participation as a member of the Detention Center Project Team. Mr. Taylor suggested that two additional private citizens be approached to serve on the Project Team and County personnel be made available as staff only - not Team members. Commissioner Murdock will take under advisement with other Commissioners before appointment of Project Team.
- Commissioners Jelinski and Murdock met with Bill Breedlove and Gene Gibson of the U.S. Forest Service, and a representative of the DNRC to discuss Big Sky's Fire Management Plan. Commissioners were informed that the Forest Service may discontinue fire suppression in developed, private wildlands such as Big Sky in the next 7-8 years. They would like the County to participate in a cooperative effort in preparation for this possibility. A meeting of interested parties will be forthcoming in March 1998.
- Commissioners Jelinski, Murdock and all Department Heads attended the Performance Management Systems Workshop. Kathleen McNeill of the Professional Development Center presented ideas on strategic planning and performance reviews as they relate to a comprehensive management system.

The following items were on the consent agenda:

- Request for a realignment of a common boundary for Joan Stanley and Theodore Thompson.
- Request for a realignment of a common boundary for Paul and Janet Cronin.

Staff reports indicate the exemptions requested meet the criteria allowed under the Montana Subdivision and Platting Act. Motion by Bill Murdock to pass the consent agenda. Seconded by Phil Olson. None voting nay. Motion carried.

Chairman Olson read the report by the Clerk and Recorder that states, Resolution 1997-67, a resolution to alter the kinds, types, and levels of service for the Rae Fire Service Area, that unless more than 50% of the property owners of the Rae Fire Service Area submit written protests on or before December 15, 1997, to the Gallatin County Clerk and Recorder, then the Board of Gallatin County Commissioners, hereby certify that the kinds, types, and levels of service for the Rae Fire Service Area are changed. Commissioner Murdock moved to accept the Clerk and Recorder's report and moved to certify that the kinds, types, and levels of service for the Rae Fire Service Area are changed. Seconded by Chairman Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported that Westlake Building Partnership applied for a tax abatement for a new building. Notice of this public hearing was published in the High Country Independent Press on December 4th and 11th 1997, with required mailings to taxing jurisdictions affected by this tax incentive. Chuck Westlake, representing Midwest Industries, highlighted the history of the business and the benefits his company has received by this type of tax incentive program. Finding that the County has adopted a tax incentive program for qualified applicants of new or expanding industry, and that Westlake Building Partnership qualifies for the tax abatement and the application is consistent with that policy, Commissioner Murdock moved to award the tax abatement as presented by the Fiscal Officer. Seconded by Chairman Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported that Midwest Industries applied for a tax abatement for machines and equipment. Notice of this public hearing was published in the High Country Independent Press on

December 4th and the 11th 1997, and required mailing to taxing jurisdictions affected by this tax incentive. There was no public comment. Finding that Midwest Industries qualifies for the tax abatement, Commissioner Murdock moved to award the request as presented by the Fiscal Officer. Seconded by Commissioner Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson brought a consideration of a resolution to accept a contract between Gallatin County and the U.S. Department of Justice for the FY 1998 local law enforcement block grant. On July 8, 1997 the Commission approved Resolution 1997-42 approving the application. This grant is for \$31,348.00 It requires a 10% match from the County of \$3,483.00 which would affect the County budget. This brings the total of the grant to \$34,449.00. The Sheriff would use this grant money to buy a new patrol car. Fiscal Officer Ed Blackman explained the resolution and identified the specific areas affected in the budget and the use of the grant money. Motion by Commissioner Murdock to adopt Resolution 1997- 42A to approve a contract between Gallatin County and the U.S. Department Of Justice for the 1997 Local Law Enforcement Block Grant. Seconded by Chairman Olson. None voting nay. Motion carried. Commissioner Murdock moved to adopt Resolution 1997-42B, appropriating the state and federal revenue funds received for the 1997 Local Law Enforcement Block Grant awarded to the Sheriff's Department and resolves that the budget is amended, effective January 1, 1998, to create Fund No. 2992 called the Law Enforcement Block Grant from the U.S. Department of Justice, with the budget for FY 98 being \$34,831.00, and that the following line items are changed as follows:

Fund: 2992
Department: 209

REVENUE		Original		Adjusted
Account No.	Description	Budget	Adjustment	Budget
33-40-10	Grant	\$ -0-	\$ 31,348	\$31,348
38-30-00	Transfer from General Fund	-0-	3,438	3,438

EXPENSE:

Activity: 4201-00-		Original		Adjusted
OBJ.	Description	Budget	Adjustment	Budget
235	Equipment (not outlay)	\$ -0-	\$ 287	\$ 287
940	Capital Outlay	-0-	34,499	34,499

BE IT FINALLY RESOLVED, by the Board of County Commissioners of Gallatin County that the County General Fund shall be reduced as follows:

Fund: 1000
Department: 209

REVENUE		Original		Adjusted
Account No.	Description	Budget	Adjustment	Budget
33-40-10	Grant	\$92,950	(30,950)	\$62,000

EXPENSE:

Activity: 4201-00-		Original		Adjusted
OBJ.	Description	Budget	Adjustment	Budget
235	Equipment (not outlay)	\$ 483	(287)	\$ 196
750	Transfer to Other Fund	39,166	3,438	42,604
940	Capital Outlay	87,328	34,499	52,829

Seconded by Chairman Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson brought a consideration of a resolution to accept a contract between Gallatin County and the Montana Department of Commerce for the Community Development Block Grant for technical assistance to the Willow Creek Sewer District. On August 12, 1997 the County passed Resolution 1997-49 sponsoring the application. The resolution for consideration is to administer these funds and to facilitate a preliminary engineering study of the sewer system and to address problems associated with the Willow Creek sewer system. Motion by Commissioner Murdock to

232 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

adopt Resolution No. 1997 -49A based on the Grant Administrator Larry Watson's recommendation and the process Deputy Attorney Chris Gray and Mr. Watson have established to pursue this contract. Seconded by Phil Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson brought a consideration of a resolution to accept a contract between Gallatin County and the Montana Department of Commerce for the Community Development Block Grant for Human Resource Development Council's (HRDC) Headstart program to build a childcare facility. On May 6, 1997 the Commission passed Resolution 1997-25 to sponsor this application. On October 28, 1997 the Commission passed Resolution 1997-25A to endorse the contract. Resolution 1997-25B, the resolution to consider today is to accept this contract and to administer the funds. Motion by Commissioner Murdock to adopt Resolution No. 1997- 25B. Seconded by Chairman Olson. None voting nay. Motion carried.


The consideration of a resolution to appoint the Detention Center Project Team was continued until the public hearing on January 6, 1998.

Commissioner Murdock moved to adopt Resolution 1997-82 to approve tax benefits for Westlake Building Partnership . Seconded by Chairman Olson. None voting nay. Motion carried.

Commissioner Murdock moved to adopt Resolution 1997-83 to approve tax benefits for Midwest Industries, Inc. Seconded by Chairman Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:00 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING TUESDAY THE 23rd DAY OF DECEMBER 1997

The meeting was called to order by Commissioner Jelinski at 1:35 P.M. Also present were County Commissioners Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

DECEMBER 15, 1997

- Commissioner Jelinski attended the NACo Joint Center for Sustainable Communities Advisory Committee meeting held in Washington, D.C. from December 15-18, 1997.
- Commissioners Olson and Murdock met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss administrative matters.
- Commissioner Olson called a special meeting to order at 10:00 a.m. to discuss the selection of a Project Architect for the HRDC Head Start Family Center. Also in attendance was Commissioner Murdock. Commissioner Olson moved to approve \$32,000 in payment to James Snyder, P.C. for architectural services. Commissioner Murdock seconded the motion. None voting nay. Motion carried.
- Commissioners Olson and Murdock met with Data Processing Supervisor Bill Baldus to discuss the video conferencing contract with Video Link of St. Peters in Helena. Commissioners agreed to the terms of the contract as outlined, but will not sign until it has been reviewed and approved by County Attorney's office.

- Commissioners Olson and Murdock met with Extension Agents Ron Carlstrom and Todd Kessner to review the activities of the Extension office.
- Commissioners Olson and Murdock met with Planning Director R. Dale Beland to follow up on the progress of earlier directives and to further express their desire to have the Planning Office open to the public on Fridays.
- Commissioners Olson and Murdock attended the Capital Facilities meeting. Planning Director R. Dale Beland presented and discussed the Facilities Master Plan Report. Grants Administrator Larry Watson discussed changes to the Committee's review and decision-making process, and distributed copies of Project Representatives/Project Managers' job descriptions. Fiscal Officer Ed Blackman will review the Project Cost Form at the next meeting scheduled for January 26, 1998.
- Commissioner Olson attended an Extension Advisory Board meeting in Belgrade with members Judy Brenner, Julie Wagner, Robert Hoffman, Ron Carlstrom, Gary Leibrand, Randy Craig, Dick Flikkema, and Woody Ekegren. Item discussed included what should be included in an agricultural program for producers this spring, Extension articles in the newspapers, and the MSU position in the extension fiscal area (62 people at the State level, 88 County extension agents in the state). Extension Agent Todd Kessner did not attend the meeting, but supplied a very detailed written report.

DECEMBER 16, 1997

- Commissioners Olson and Murdock met with County Attorney Marty Lambert to discuss items that the County Attorney's office is currently working on, the need for quicker turnaround regarding civil matters, and the possibility of hiring an additional Deputy Attorney. Mr. Lambert feels this should be put on the back-burner for now.
- Commissioner Olson met with Grants Administrator Larry Watson regarding the Noxious Weed Control Grant. Larry reports there are three types of grants: (1) \$5,000 County, already submitted; (2) co-op land owner grant, no dollar limit, complete Environmental Impact Statement required; and (3) research education grant, \$100,000 limit. Weed Supervisor Dennis Hengel is putting together an application for \$10,000 to be used for advertising.
- Commissioner Olson met with Sheriff Bill Slaughter and Captain Houghton to discuss vehicle needs and budget procedures. Sheriff requested \$5,000 to replace wrecked vehicle. Sheriff Slaughter will provide a proposal to the Commission for consideration. Commissioner Olson will work with the Fiscal Officer Ed Blackman to see if the budget allows for replacement of the wrecked vehicle.

DECEMBER 17, 1997

- Commissioner Murdock met with Pat Collins to discuss amendments made to the Gallatin Canyon/Big Sky zoning regulations. Mr. Collins reviewed these changes with Commissioner Murdock and stated his position regarding same.
- Commissioners Olson and Murdock met with Bozeman Fire Chief Aaron Holst to discuss HazMat and building permits in relation to fires. Chief Holst reported that HazMat does not clean up hazardous materials.
- Commissioners Olson and Murdock met with Department of Public Health & Human Services Director Joan Davies to discuss a personnel matter.
- Commissioner Olson met with Harry Ellis of Customized Services to discuss the refuse situation and his concerns regarding same.

DECEMBER 18, 1997

- Commissioner Olson attended a software training session at the Law & Justice Center given by GIS Coordinator Allen Armstrong.
- Commissioner Murdock attended a meeting of the Open Space Task Force. Topics of discussion included an upcoming all-day work session on Saturday, January 17, 1998, and the subdivision review process.

DECEMBER 19, 1997

- Commissioner Olson attended the Mental Health Advisory Board meeting in Billings.
- Commissioner Murdock and Attorney Jennifer Bordy led a discussion on KMMS Radio regarding land use and the law(s) pertaining to same.

- Commissioners Jelinski and Murdock met with Deputy County Attorney Chris Gray, Ganay Johnson and Julie Schweitzer of the Humane Society to discuss proposed changes to the contract. The County offered \$5,000 minimum, plus \$25/day per animal for the period of July 1, 1998 through June 30, 1999. The Humane Society will accept these terms for one year, though an agreement could not be reached on terms for a multi-year contract. The Humane Society and Animal Control Officer Vickie Johnson will review existing ordinance to consider kennel licenses, increased fines, etc.
- Commissioners Jelinski and Murdock met with Mitch Urdahl, Tim Huntsinger, Robyn Erlenbusch and Rob Golembiewski to discuss the feasibility of improving the Little League fields at the Law & Justice Center. Little League wants to invest in improvements at the ball fields. Bozeman Baseball will submit a request to the County Commission for a permanent commitment for the use of two of the three current baseball fields at the L&J. In addition, they will submit their plans to the Bozeman Parks and Recreation Advisory Board.

The following items were on the consent agenda:

- Request for a one year extension of preliminary plat approval for the 28 North Minor Subdivision. The Commission granted preliminary plat approval on January 10, 1995 with the expected expiration date of January 10, 1998.
- Request to relocate a common boundary exemption for Paul F. Cronin in Ousel Falls Subdivision.-- Staff reports this request appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Request for final plat approval of the Wildhorse Trail Properties Subdivision. The Commission granted preliminary plat approval on September 9, 1997. Staff reports all conditions have been met to grant final plat approval.

Motion by Commissioner Murdock to adopt the consent agenda. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance explained the certification of Resolution 1997-71 which directs that unless on or before December 22, 1997, more than 50% of the property owners of the Rae Fire Service Area submit written protests to the Gallatin County Commission then the Middle Creek Meadows Subdivision No. 3 South Fire District will be dissolved and the boundary of the Rae Fire Service Area will be changed. Finding that there were no protests received, Commissioner Murdock moved to accept the certification of Resolution 1997-71 as reported by the Clerk and Recorder and here does dissolve Middle Creek Meadows Subdivision No. 3 South Rural Fire District and the Boundary of the Rae Fire Service Area is changed to include all of the dissolved Fire District area. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

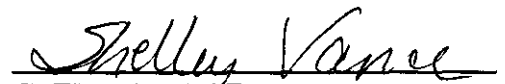
Clerk and Recorder Shelley Vance reported notice of the public hearing to consider creating Northside Rural Fire District was published in the High Country Independent Press on December 11 and the 18, 1997, the Yellowstone News during the week of December 15, 1997. Notice was mailed to all potential freeholders within the proposed district on December 10, 1997 and copies of the notice were posted December 10, 1997 in 3 places in the proposed district. She received a letter of support from Elisabeth King, letter protesting from Jean and Ellert Koski, letter requesting withdrawal of signature on petition from John P. Stocksdale representing D & R Vending Inc., letter protesting the date of the hearing from Garth Tanner, and two letters requesting subtraction of their parcel from the proposed fire district from Ralph Bond and James McLean representing Mary Katharine Dye and Harriet Irene Skeie. She stated that when the one signature is removed from the petition they still have enough signatures on the petition to create the district. During public testimony the following people spoke: Carol Helead, freeholder in the proposed district asked the Commission to answer questions regarding assessed value, budget for the district, taxing of the district, and handed in a letter asking to remove her property from the proposed district. Commissioner Jelinski explained the process of forming a district, who would approve and pass the final budget for the district, and the trustees' roll. David Spady, representing the Spady and Fisher families requested that the trustees consist of Gallatin County residents that live in district all year, rather than out of state people who reside in the district only part of the year. Mr. Murdock explained that the trustees are elected. Jim Mickelwright explained their objective is to provide fire protection. They had the first meeting in April 1997 and followed up with consecutive meetings and tried to inform the people it affected. Commissioner Murdock moved to accept the petition and create the Northside Rural Fire District with the boundaries as originally proposed finding it in the best interest of public, health, and safety. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported notice of the public hearing to consideration annexing land into the Bridger Canyon Rural Fire District was published in the High Country Independent Press on December 4 and 11, 1997. She received no protests. There was no public comment. Finding no protests for the property to be annexed and that the Bridger Rural Fire District did accept the petition, Commissioner Murdock moved to adopt Resolution 1997-84. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Bozeman City-County Planner Debbie Arkell reported that Nadia Beiser, Planned Development Inc., is requesting a one year extension for the preliminary plat approval of Ft. Ellis Subdivision, Phase 1B. There was no public comment. Commissioner Murdock moved to granted an extension of one year until December 23, 1998. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:37 P.M.


CHAIRMAN APPROVAL


CLERK ATTEST

PUBLIC MEETING TUESDAY THE 30th DAY OF DECEMBER 1997

The meeting was called to order by Commissioner Jane Jelinski at 1:30 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

DECEMBER 22, 1997

- Commissioner Olson is on vacation from December 22 through January 2, 1998.
- Commissioners Jelinski and Murdock met with Local Water Quality Specialist Dave Whitson, Acting Environmental Health Director Tim Roark, Environmental Health Specialist Tom Moore, DEQ Solid Hazardous Waste Specialist Ken Platt, DEQ Motor Vehicle Removal & Disposal Program Specialist Darryl Stankey, Interim Health Officer Stephanie Nelson, Assistant DES Coordinator Mike Hoey, and Fiscal Officer Ed Blackman to discuss recycling options for the junk vehicle program and the initiation of a hazardous waste management program. The Environmental Health Department will work with the Road Department to come up with cost effective option(s) that will assume County responsibility for junk vehicle fluids.
- Commissioner Jelinski met with members of the 911 Admin. Board. Discussion of old business included the operating mill levy resolution, amendments to the Interlocal Agreement, and policies and procedures for the 911 Center. New business discussed included training issues, CAD system, vacation policy, repeater sites, alpha/numeric paging, transmitters and CJIN issues. The next meeting is scheduled for January 22, 1998 at 9:00 a.m.
- Commissioner Murdock met with the Road Department to discuss the Junk Vehicle Program.

DECEMBER 23, 1997

- Commissioners Jelinski and Murdock met with Deputy County Attorney Susan Swimley and Grants Administrator Larry Watson to discuss the deadline for expenditures and commitment of CTEP funds. The West Babcock project needs to proceed quickly in order to use CTEP funds. City Attorney Paul Luwe will file jointly with the County for road right-of-way by February 1998. Commissioners directed Mr. Watson to work with James Goehring, Community Coordinator/Grants person for Bozeman, to keep the city apprised of CTEP deadlines. Susan Swimley will work with Paul Luwe to file for right-of-way in the courts.
- Commissioner Murdock was interviewed by Michele Corriel of the High Country Independent Press regarding his observations of Commission duties and impressions of his first year as County Commissioner.

DECEMBER 24, 1997

- Commissioners Jelinski and Murdock took a vacation day in observance of Christmas Eve. Office staff conducted regular business.

DECEMBER 25 & 26, 1997

- Commissioners' office was closed in observance of the Christmas holiday.

The following items were on the consent agenda:

- Request for realignment of a common boundary and aggregation of lots for Ben and Delores McFrederick. Staff reports this meets the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.
- Request for final plat approval for the Johnson Minor Subdivision. Preliminary plat approval was granted on December 8, 1993. The Planning staff has reviewed the conditions of approval, and based on that review, have determined that final plat approval should be granted.

Motion by Commissioner Murdock to adopt the consent agenda. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp received a request from developer Russ Estes to amend condition No. 28 for preliminary plat approval of the Belgrade Commercial Park Subdivision. He is requesting to allow Sunfield Drive to not be constructed prior to final plat approval from Bullrush Avenue to the east boundary of lot 1, block 4. The road will be shown on the final plat and be dedicated to the public. The road is planned to be extended as part of the adjacent Belgrade Gardens Subdivision, and the road must be constructed prior to final plat approval of the Belgrade Gardens Subdivision, which is proposed by the same developer. A condition of final plat approval for the Belgrade Gardens Subdivision requires roads which tie into the Belgrade Commercial Park road system to be constructed. The Commission granted preliminary plat approval on December 3, 1996. The amended condition No. 28 would read: All Phase I roads shall have 60 foot right-of-ways, be dedicated to the public, and be constructed to County gravel standards prior to final plat approval of Phase I with temporary cul-de-sacs constructed to County standards at the north end of Woodbury Avenue and at the northwest end of Lot 4, Block 3, on Red Oak Drive. Sunfield Drive from Bullrush Avenue to the east boundary of Lot 1, Block 4 shall be shown on the final plat as a sixty foot public right-of-way, but is not required to be constructed prior to final plat approval. There was no public comment. Sam Gianfrancisco, County Road Supervisor spoke in favor of the amendment after reviewing the request. Finding that there were no objections to this request and that the County Road Superintendent approved the request, motion by Commissioner Murdock to grant the amendment to condition 28 as stated. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

County Planner Randy Johnson received a request for preliminary plat approval for the Morton one-lot minor subdivision consisting of approximately 77.46 acres in the W ½ of Section 3, Township 2 South, Range 7 East. The property is zoned Agricultural Exclusive (AE), PUD 20. The subdivider has requested a variance from Section 7.F.1 Design and Improvement Standards, Roads: Primary access road standards regarding width of right-of-way. The road leading to this subdivision is across land owned by adjacent property owners and is still only a 40-foot County road. As this is a one-lot minor and only one additional tract will be created they are requesting a variance from the standard 60-foot-wide right-of-way leading to the property. The road to the property is approximately one mile in length and getting the additional right-of-way for one mile, for one site would be a hardship. The adjacent

property owner is in support of this variance. If the Commission decides to approve the subdivision, and the requested variance, the following conditions for final plat approval are suggested: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. The subdivider shall obtain approval from the Gallatin City-County Environmental Health Department. 3. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, road easement documents, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, easement documents, and certificate prior to final plat approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, fire district or fire service area and/or the creation of a sewer and/or water district. 5. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever. 6. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 7. The subdivider shall establish a property owners' association for enforcement of the required covenants. a) The property owners association shall be responsible for the control of County-declared noxious weeds. b) The property owners' association shall be responsible for the maintenance of the subdivision roads. c) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48-hour notice, during construction and after completion. d) Roofing materials shall only be Class A or B fire-rated. Wood shakes or shingles shall not be permitted. e) All roofs shall have a minimum pitch of 4 to 12. f) Spark arrestor screens shall be placed on all fireplace and/or wood stove chimneys. g) Smoke detectors shall be installed on each level of dwelling units. h) Defensible space shall be created around habitable structures. The defensible space shall be of the minimum size as determined by the Wildland Residential Interface Development guidelines. i) All garbage shall be kept in bear-proof containers, or otherwise by made unavailable to bears. j) Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. k) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. l) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall make payment of road impact fees in the amount of \$1,596 per lot (\$1,596 total) prior to final plat approval. 9. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot (\$496.00 total) prior to final plat approval. 10. The subdivider shall provide 60 feet of right-of-way for the length of Stublar Road from Jackson Creek Road to the proposed subdivision or the Commission shall grant a variance from this requirement. 11. The subdivider shall obtain encroachment permits from the County Road Office for access onto Stublar Road. 12. The subdivider shall cause the subdivision to be annexed into the adjacent fire district prior to final plat approval. 13. The subdivider shall provide a water supply for fire protection in accordance with the Gallatin County Subdivision Regulations. The subdivider shall have the fire district review and approve the water supply prior to final plat approval. The subdivider shall obtain written verification from the fire district that the required water supply has been provided. 14. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. 15. The subdivider shall obtain a land use permit from the Gallatin County Planning Office prior to any construction. Randy Johnson suggested the following changes to some of the conditions submitted for preliminary plat approval: Condition No. 2 can be deleted because approval from the Gallatin City-County Environmental Health Department is not required on tracts over 20 acres; Condition No. 3 regarding the submittal of road easement documents to the County Attorney's Office prior to final plat approval can be deleted as there are no interior roads to the subdivision; Condition 7b can be deleted because there are no interior roads and the access is an existing county road; Condition No. 10 can be deleted if the variance is granted. Condition 11 can be deleted if the variance is granted. Commissioner Jelinski proposed that additional language be added to Condition 11 if the variance is not granted as follows: "the last 680 feet of Stublar Road will need to be constructed to county road standards and be approved by the County Road office prior to final plat approval." Ron Allen of Allen & Associates spoke on behalf of applicant

explaining the variance request that it be left at a 40 foot right-a-way. He stated the dedication of the 60 foot easement by the applicant on the applicants property is acceptable to the applicant. Applicant Jim Morton spoke and agreed to the road easement and the fire requirements stated in the conditions. There was no public comment. Finding that by not granting the road variance it would cause undue hardship to the developer and by granting the variance it is not essential to the public health, safety, and welfare and that the County Road Department supports the variance, motion by Commissioner Murdock to grant the variance from Section 7.F.1 Design and Improvement Standards. Seconded by Commissioner Jelinski. None voting nay. Motion carried. Finding that the Morton Minor subdivision is consistent with the Gallatin County Subdivision Regulations and the Bridger Canyon Zoning Ordinance and is not detrimental to the public health safety and welfare, Commissioner Murdock moved to grant preliminary plat approval subject to the conditions as presented and amended by planning staff with the following changes: Delete condition number 2 requiring approval from the Gallatin City-County Environmental Health Department. In condition number 3, eliminate the reference to requiring road easement documents. In condition number 7 of the covenants remove part b requiring the property owners' association to be responsible for the maintenance of subdivision roads. The variance request was granted so condition number 10 can be deleted. The rest of the conditions would stay in place. An additional condition shall be added stating on the the final plat the condition of Stublar road. Change condition 11 to read, "The subdivider shall obtain encroachment permits from the County Road Office for access onto Stublar Road and the last 680 feet of Stublar road will be constructed to county road standards and be approved by the County Road Office. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented Resolution 1997-85 establishing the Northside Rural Fire District. On December 9, 1997, the Commission accepted a petition to create the Northside Rural Fire District, and held a public hearing on the establishment of the district on December 23, 1997. Motion by Commissioner Murdock to adopt Resolution 1997-85 establishing the Northside Rural Fire District. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution appointing special prosecution assistance in the case of State v. Gary Welsand. Commissioner Murdock moved to adopt Resolution 1997-86. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:18 P.M.

Unavailable for signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING TUESDAY THE 6th DAY OF JANUARY 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioner Phil Olson and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

DECEMBER 29, 1997

- Commissioners Jelinski and Murdock met as the Welfare Board with Department of Public Health & Human Services Director Joan Davies. The Commissioners were asked to attend the upcoming MACo/DPHHS meeting on welfare reform scheduled for January 14th in Helena; Commissioner Murdock will attend. General program activities were also discussed and the Welfare Board minutes were approved.

- Commissioners Jelinski and Murdock met with Shop Foreman Dave Fowler to discuss options for changing the junk vehicle program. Darryl Stankey, DEQ Motor Vehicle Removal & Disposal Program Specialist, also attended via conference call.
- Commissioners Jelinski and Murdock met with Fiscal Officer Ed Blackman to discuss the Sheriff's request for a new county vehicle, summary of the monthly budget, and time management. Mr. Blackman updated the status of the following issues: payments to the landfill, Capital Facilities' budgets, target level communication, financial software and the need for RFP for liability insurance.

DECEMBER 30, 1997

- Commissioners Jelinski and Murdock conducted regular business.

DECEMBER 31, 1997

- Commissioners Jelinski and Murdock met with Planning Director R. Dale Beland to discuss growth issues, the "donut," and the development of hard data regarding the cost of growth. The Commissioners directed Mr. Beland to draft a scope of work contract for Ron Allen to survey boundaries of the City-County jurisdiction for Bozeman. It was agreed that the focus for now should be on the Bozeman "donut," for implementation by July 1, 1998. Pending advice from the County Attorney, will proceed with Manhattan and Belgrade "donuts" next fiscal year.

JANUARY 1, 1998

- All County offices were closed in observance of New Year's Day.

JANUARY 2, 1998

- Commissioners Jelinski and Murdock took a vacation day. The office was open to the public and regular business was conducted by administrative staff.

The following items were had to wit:

Clerk and Recorder Shelley Vance reported that on December 9, 1997 the Commission received a petition to create the resort area district for the Big Sky Resort Area. She certified that it contained 13% of the registered voters within the Gallatin County portion of the resort area qualifying the petition. She published notice of the public hearing in the High Country Independent Press on December 18 and 23, 1997, and in the Lone Peak Lookout on December 18 and 24, 1997. The Clerk and Recorder stated that the attached map and description included in the petition to create the resort area district are the same as the legal description and boundary map of the existing resort area. She stated this public hearing is to hear comments supporting or opposing the petition. There was no public comment. Finding that the text of the petition was published pursuant to 7-6-1534; and the petition contains signatures of at least 10% of the registered voters within the Gallatin County portion of the resort area and the petition is accompanied by a map and legal description which are the same as the existing resort area boundaries, and that the Gallatin County Commission has determined that the petition complies with the requirements of Section 7-6-1531 through 7-6-1550 M.C.A., Commissioner Olson moved to adopt the petition to create the resort area district in the Big Sky Resort Area. Seconded by Commissioner Jelinski. None voting nay. Motion carried. Chairman Jelinski made a request to Election Administrator Shelley Vance to conduct the election on April 7, 1998.

Grants Administrator Larry Watson submitted a resolution to sponsor an application on behalf of Alcohol and Drug Services of Gallatin County and the Montana Board of Crime Control. Mr. Watson introduced Executive Director Roger Curtis and Joe Driskell, representing Alcohol and Drug Services of Gallatin County. Mr. Driskell spoke on behalf of their request to create an initial plan to establish a model rural frontier treatment based drug court in Gallatin County. They are requesting \$22,998.00 under the Byrne Memorial Anti-Drug Abuse Act Funds. Due to eligibility requirements, private non-profit agencies are not directly eligible to receive Byrne Memorial Anti-Drug Act Funds. Alcohol and Drug Services of Gallatin County is requesting that Gallatin County be the contractor for the grant. Grants Administrator Larry Watson, as coordinator of the Detention Task Force, supports this application and asked the Commissioners for their support. It is an example of the type of correction alternatives Gallatin County needs in order to handle overcrowding and related drug crimes. Commissioner Olson moved to adopt Resolution 1998-01 sponsoring the application on behalf of Alcohol and Drug Services of Gallatin County to the Montana Board of Crime Control. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 1:48 P.M.

Unavailable
For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 13th DAY OF JANUARY, 1998

The meeting was called to order by Chairman Bill Murdock at 1:34 P.M. Also present were County Commissioners Phil Olson, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

JANUARY 5, 1998

- Commissioner Olson met with a County Commission candidate.
- The Commissioners conducted their annual organizational meeting. Phil Olson moved to nominate Jane Jelinski as Chairman for 1998; Bill Murdock seconded the motion; and the motion was carried unanimously.
- They then decided Commissioner' board appointments for 1998, which are as follows:

Commissioner Jelinski

911 Administrative Board
911 Advisory Council
Bozeman City-County Board of Health
Bozeman Shelter Care
Logan Landfill Advisory Board (Board of Health Representative)
Missouri River Recreation Plan
NACo Joint Center for Sustainable Communities Advisory Board
NACo Labor and Employee Benefits Steering Committee
NACo Rural Renaissance Task Force
West Yellowstone/Hebgen Basin Refuse District #2 (Board of Health Representative)

Commissioner Olson

Bridger Ridge Radio Users Association
Compost Committee
Eaglehead Radio Users Association
Extension Advisory Board
Gallatin County Weed Board
Headwaters Recycling
High Flat Communications Users Association
Logan Landfill Advisory Board
MACo Board of Directors
Mental Health Board
Southwest Regional Juvenile Detention Committee
West Yellowstone/Hebgen Basin Refuse District #2 Board

Commissioner Murdock

Danforth Foundation
Detention Center Project Team
Facilities Master Plan Committee

Gallatin County Fair Board
MACo Department of Environmental Quality Task Force
Transportation Coordination Committee
Turner Youth Initiative
Victim/Witness Program Advisory Board

They also agreed that the following Commissioner' board appointments be on a rotating schedule only:

Detention Center Task Force
Open Space Task Force
Planning Board
Rural Fire Council

The following board appointments were made unanimously by the Commissioners:

Gary France reappointed to the Belgrade City-County Planning Board
Marvin Bratten appointed to the Clarkston Fire Service Area
W. Douglas Fairhurst reappointed to the Fairview Cemetery Board
Francie McLean reappointed to the Historic Preservation Board
Jodi Rasker reappointed to the Historic Preservation Board
Cathy Ligtenberg reappointed to the Manhattan City-County Planning Board
DeeAnn Langel reappointed to the Manhattan City-County Planning Board
Leo Lane reappointed to the Mosquito Control District Board
George Reich reappointed to the Mt. Green Cemetery Board
Connie Mangas reappointed to the Springhill Fire Service Area Board
Morris Jaffe reappointed to the Tax Appeal Board
Robert Hofman reappointed to the Weed Board

- Commissioners held a work session in preparation for an upcoming performance evaluation of a Department Head.
- Commissioners met with Dick Morgan to ask him to serve on the Detention Center Project Team. Mr. Morgan will inform Commissioners of his decision by Friday, January 9th.
- Commissioners met with Facilities and Operations Director Robert Isdahl. They discussed the storage needs proposal (i.e., records management) and the sprinkler system for the jail. Commissioner Olson will visit with Bozeman Fire Marshal Chuck Winn regarding the sprinkler issue. A proposal will be made at the Staff Meeting on January 21st that a Storage/Records Management Committee be formed. All departments with storage/records concerns will be invited to serve on the Committee. The decision as to support staff will be left up to the Committee.
- Commissioner Jelinski attended a meeting of the City Commission, wherein she and Bozeman Fire Chief & DES Coordinator Aaron Holst presented a proposed resolution to place a 6-mill levy on the June 1998 ballot to provide a stable and equitable funding source for the 911 Center.
- Commissioners Olson and Murdock met with GIS Coordinator Allen Armstrong. The Commissioners commended Allen for a "job well done" on the Needs Assessment Study -- it was very well received. Regarding the COS parcel mapping project, Allen informed the Commissioners that it will cost more than the initial \$10,000 allocated. Discussion also included a review of monthly activities and the setting of priorities. Allen will provide a draft of his priorities at next monthly meeting on February 1, 1998.
- Commissioner Jelinski attended a meeting of the Open Space Task Force. For detailed minutes, please contact the Planning Office at 582-3130.

JANUARY 6, 1998

- Commissioner Olson met with County Attorney Marty Lambert to discuss recycling Interlocal agreement. The Board of Directors asked that the language be modified regarding debt servicing. The composting Interlocal was also discussed and the need to put before the Composting Committee.
- Commissioner Murdock was a Guest Speaker at the annual Gallatin Beef Producers' luncheon, along with Senator Conrad Burns. Commissioner Murdock addressed the association on matters facing Gallatin County. Other items on the agenda included an update by the Montana Stock Growers Association, ranch safety workers' compensation program, and an update on tax law changes affecting Ag. Producers.
- Commissioners Jelinski and Olson conducted the regular public meeting.

JANUARY 7, 1998

- Commissioners met with Planning Director R. Dale Beland. Topics of discussion included "donut" jurisdiction, regional planning concept, work program, future policy development, Open Space Task Force, and opportunities for grants from NACo's Joint Center for Sustainable Communities. The Commissioners directed Dale to draft a list of clear questions for legal requirements in the "donut." Mr. Beland to contact NACo for GIS assistance and will postpone Facilities Master Plan Committee meeting until needed information is received.
- Commissioners met with Bill Wright to discuss the procedure for appointing a Fire District Trustee. The Commissioners explained that elected company directors serve as a Nominating Committee for Trustees and also clarified role of the Committee in recommending Trustee appointments to the Commissioners.
- Commissioners met with Data Processing Supervisor Bill Baldus. Discussion included E-mail, Internet training issues, department retreat, 911 configuration in progress, and the Telepsychiatry Network.
- Commissioners met with Grants Administrator Larry Watson. Road Department Engineer Roy Steiner also attended briefly to discuss Phase I of the Courthouse Renovation. Mr. Watson updated Commissioners on projects such as Courthouse CTEP, renovations to Planalp (Health & Human Services Center) building, and the Big Sky pedestrian/bike path. Decision was made to sign a Task Order for Phase I design in 12 weeks, and separate the CTEP project from Phase I.

JANUARY 8, 1998

- Commissioners attended a regular Zoning Hearing.
- Commissioner Jelinski and Executive Secretaries Pat Lewis and Stacy Johnston attended a working lunch to discuss administrative matters and goals for 1998.
- Commissioners met with Deputy County Attorney Susan Swimley, Board of Health Chairman Warren Jones, Acting Environmental Health Director Tim Roark, Interim Health Officer Stephanie Nelson, Planning Director R. Dale Beland, and Long-Range Planning Manager Lanette Windemaker. Joan Haines, Staff Writer for the Bozeman Chronicle, also attended. The purpose of the meeting was to review sanitary regulations in subdivisions and discuss the options for approval as a result of the Skinner decision.

JANUARY 9, 1998

- Commissioner Olson traveled to Helena to attend the MACo Public Lands/Ag/PILT Committee meeting.
- Commissioners Jelinski and Murdock met with Personnel Director Kathy Nowierski to discuss personnel matters.
- Commissioner Jelinski met with Belgrade City Manager Joe Menicucci to discuss a 6-mill levy for the 911 Center.
- Commissioner Murdock met with Dwight Severen, Chairman of the Board for Arm & Hammer Corporation. Mr. Severen informed Commissioner Murdock that he is now Chairman of the Greater Yellowstone Coalition and is looking forward to working with the Commission on areas of mutual concern.
- Commissioner Murdock met with Century 21 representative Pat Champeny. Her clients, the Thiesen's, wanted to know if the County would be willing to share in the costs of paving 2.8 miles of Thiesen Road. Commissioner Murdock agreed to discuss with other two Commissioners and will get back to Ms. Champeny.
- Commissioners Jelinski and Murdock met with Grants Administrator Larry Watson to define the scope of work for the Detention Center Project Team which will be appointed on January 13, 1998. Mr. Watson will create a flow chart outlining the duties and timelines for the Project Team.
- Commissioners received claims in the amount of \$195,182.42; cancellation of taxes for \$171.68; and payroll in the amount of \$911,011.18.
- New employees for December 1997 are: Judy Powell 1/17/97 Rest Home \$7.55 hr.; Lucy Curtis 12/1/97 Rest Home \$7.55 hr.; Cherry Brown 12/1/97 Sheriff/Prison Coordinator \$9.12 hr.; Lily Qinghin Li 11/25/97 Rest Home LPN \$11.10 hr.; Jenifer Ginestar 12/9/97 Rest Home CNA \$7.55 hr.; Coleen Virts 12/8/97 911 Communications Off. \$7.50 hr.; Loni Irwin 12/12/97 Rest Home \$6.66 hr.; Berniece Stulc 12/1/97 Rest Home LPN \$11.10 hr.
- Terminated employees for December 1997 are: Troy Cronyer 12/1/97 Detention Center; Chad Wright 11/28/97 District Court 1; Sam Clark 12/10/97 Detention Center; Carol Dufrane 11/26/97 Rest Home;

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44 243

Stacy Jepson 12/14/97 Rest Home; Amy Hunter 12/15/97 Rest Home; Rheba Eutice 12/15/97 Detention Center; Lucy Curtis 12/19/97 Rest Home; Rosalie Petroff 12/26/97 Clerk and Recorder.

The following items were on the consent agenda:

The Bozeman City-County Planning received a request for a 12-month extension of preliminary plat approval for Hyalite Canyon Estates. Preliminary plat approval was granted on January 24, 1995. The effective period was for three years. The developer, Myles R. Dresslove, requested an extension as allowed under Montana statute and the Bozeman Area Subdivision regulations. The Planning staff supports the request.

Consideration of a resolution amending the Gallatin Canyon/Big Sky Zoning Regulation regarding the adoption of a process allowing a Master Planned Unit Development under Section 24 of the Gallatin Canyon/Big Sky Zoning Regulation. It was considered and recommended for approval by the Gallatin County Big Sky Planning and Zoning Commission on September 11, 1997 as Gallatin County Big Sky Resolution No. 1997-07.

Commissioner Olson moved to adopt the consent agenda. Seconded by Bill Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on the receipt of a petition to alter the types of services provided by Reese Creek Fire Service Area. She examined the petition and certified that it contains thirty qualified signatures. The public hearing was set for February 24, 1997 to hear testimony regarding the petition. Commissioner Olson moved to accept the petition. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Grants Administrator Larry Watson reported on the consideration of a resolution to appoint the Detention Center Project Team. On November 18, 1997 the final report from the Detention Center Task Force was submitted and accepted by the Commission. The Gallatin County Commission decided to pursue the findings and recommendations defined in the Detention Task Force Final Report; to construct a new facility. The creation of the Project Team will facilitate the planning process for the construction of new adult and juvenile detention facilities for Gallatin County. The Board of County Commissioners appointed the following people to the Detention Center Project Team: Dave Pruitt, Bob Taylor, Richard Morgan, Captain Jim Cashell of the Detention Center, Dick Prugh & Lenon Architects, Consultant, and Larry Watson, Grants Administrator and Coordinator of the project. Commissioner Olson moved to adopt Resolution 1998-03 appointing the Detention Center Project Team. Seconded by Bill Murdock. None voting nay. Motion carried.

Grants Administrator Larry Watson reported on the consideration of a resolution to support an application by the Missouri River Drug Task Force for funding from the Montana Board of Crime Control under the Byrne Formula Grant program. This funding will provide critical operational funds for the Missouri River Task Force. The Task Force had the approved financial ability to provide the necessary matching funds and with this grant will conduct specific activities identified in the proposal. Fiscal Officer Ed Blackman reported there was a major change in the budget. Park County was not able to donate as much as was first recommended. Mr. Blackman had been working with Captain Bill Provonost of the Missouri River Drug Task Force and the Sheriff's Department will absorb the total change in the budget. He recommends the final amendments to the application. Gallatin County Auditor Joyce Schmidt spoke in regards to her findings and designing of the financial arbitration to go with the funding. Her changes will give the Commission more authority to keep track of the grant. Sheriff Bill Slaughter spoke concerning the Missouri River Task Force's record in Gallatin County as a model task force and its success in getting drugs out of Gallatin County and the other eight counties participating in the task force. Commissioner Olson moved to adopt 1998-04, with the \$2540 for auditing and administrative funds to not be cut if there is a cut in the funding and to amend A-12 of the Interlocal agreement regarding the distribution of funds being approved by the task force. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Treasurer Jeff Krauss asked that the report on the amendment to the pooled RID refinancing bond Resolution 1997-80 be deferred till next week. Commissioner Olson moved to defer the Treasurer's

244 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

report until the next public hearing scheduled for January 20, 1998. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:35 P.M.

Unavailable
For signature

CHAIRMAN APPROVAL

Jelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 20th DAY OF JANUARY 1998

The meeting was called to order by Chairman Jane Jelinski at 1:35 P.M. Also present were County Commissioners Bill Murdock, Phil Olson and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JANUARY 12, 1998

- Commissioners held their weekly meeting with Executive Secretary Stacy Johnston to discuss pending and upcoming administrative matters.
- Commissioners held a work session in preparation for an upcoming performance evaluation of a member of their staff.
- Commissioners met with Rural Fire Chief Brett Waters and DNRC representatives Jim Kalitowski and Diana Martin. They reviewed the most recent changes to the DNRC/County Cooperative Agreement for Fire Protection and were updated on the County Wildlands Fire Program. Fiscal Officer Ed Blackman was brought into the meeting and was directed to work with Mr. Waters to assure volunteers are covered by Workman's Compensation. Brett also requested a budget transfer of \$5,600 from Contracted Services to Truck Repair; the Commissioners unanimously approved.
- Commissioner Murdock attended a Fair Board meeting held at the Fairgrounds. Items of discussion included what to do with the old Fairgrounds office after they move into their new offices. The Fair Board made a motion not to lease old office to any permanent renters; motion was seconded and unanimously carried.

JANUARY 13, 1998

- Commissioner Jelinski attended an all-day meeting of the State 911 Advisory Council in Helena.
- Commissioner Murdock attended a meeting of the Turner Youth Development Initiative Community Coordinating Council. Members conducted a review of the job description for "Coordinator," Subcommittee assignments, and discussed how to proceed with the \$100,000 grant from the Turner Foundation once received. Next meetings are currently scheduled for February 10 and March 10 at 7:15 a.m. at the Baxter.
- Commissioners Olson and Murdock toured both the old and new 911 Centers at the Law & Justice Center. The tour was given by City-County Communications Services Director Mike Brown.
- Commissioners Olson and Murdock conducted the regular public meeting.

JANUARY 14, 1998

- Commissioner Jelinski attended the meeting of the Board of Health. For detailed minutes, contact the Health Department at 582-3100.
- Commissioner Murdock attended a meeting in Helena regarding Welfare Reform hosted by MACo.
- Commissioner Olson attended a Composting Committee meeting. Topics of discussion included grant possibilities, Interlocal agreement, pros and cons of composting, and status of contacts made with other solid waste representatives in other counties.

- Commissioner Olson met briefly with Bob Ross, Executive Director of the Mental Health Center in Billings, and Rodger Curtiss, Director of Alcohol & Drug Services of Gallatin County (ASDGC) to discuss crisis stabilization and the possibility of combining facilities. It seems the logical thing to do and other service providers could possibly be included. Bob and Rodger will submit a possible course of action to proceed to the Gallatin County Commission for response, including a list of other possible participants. If the Commission responds favorably, Bob & Rodger will set up a meeting for sometime in March.
- Commissioner Olson attended the Regional Headwaters Recycling Board meeting.
- Commissioner Murdock met with Gallatin County Council on Aging (GCCA) President Lloyd Bender, State Legislator Beverly Barnhart, Senior Center Director Judy Morrill and Retired Senior Volunteer Program (RSVP) representative Bea Horswill. The purpose of the meeting was to discuss whether the County would be interested in local control of aging issues and administration, and if so, how to proceed (either with single, or groups of, counties). Next meeting on this topic is scheduled for January 27, 1998 in Helena.
- Commissioners Jelinski, Olson and Deputy County Attorney Susan Swimley attended the West Yellowstone/Hebgen Basin Refuse District Board meeting via conference call. For detailed minutes, contact Board Secretary Jo Miller at 646-7795.
- Commissioner Murdock met as the Gallatin County representative with Greater Yellowstone Coalition (GYC) Director Mike Clark, GYC Program Director Michael Scott, and former Teton County, Wyoming commissioner Bob Thomas regarding the Yellowstone National Park (YNP) Winter Use EIS. It was agreed that the role of Cooperator needs to be determined by YNP, the Lead Agency. The Lead Agency needs to clarify what duties and obligations will be expected from participating counties, especially concerning monetary contributions, if any. Otherwise, the County may be responsible for an open-ended financial commitment.

JANUARY 15, 1998

- Commissioner Olson traveled to Helena to attend the MACo Board of Directors meeting.
- Commissioners Jelinski and Murdock met with Road & Bridge Superintendent Sam Gianfrancisco. Topics of discussion included ownership status of Bear Canyon Road and the Fort Ellis road easement. Mr. Gianfrancisco will draft a letter regarding acquiring an easement on Fort Ellis Road. In addition, based on an earlier meeting Commissioner Murdock had with Century 21 representative Pat Shampeny regarding the County possibly sharing the costs of improving 2.8 miles of Thiesen Road, Sam will work with the Thiesens to come up with a cost share and specific amounts for those improvements. Road Department will negotiate with JTL, Inc. regarding the possibility of extending the Willow Creek Road to the post office at Willow Creek this spring.
- Commissioner Murdock attended a meeting of the Danforth Foundation. Items of discussion included the adoption of a Proclamation declaring Wednesday evenings "Family Night" to dedicate time to spend with children and family.
- Commissioners Jelinski and Murdock met with Amsterdam Fireman Dave Hoekema and Willow Creek Fire Chief George Reich. Discussion included building permits, centralized training facility for fire and law enforcement personnel, burn permits, and mutual aid agreements. Commissioner Jelinski will set up a meeting with County Attorney Marty Lambert and Sheriff Slaughter to discuss the burn permit policy.
- Commissioner Jelinski met with Local Water Quality Specialist Dave Whitson to discuss his views on complaints received by residents of Ross Creek regarding sludge.

JANUARY 16, 1998

- Commissioners held a meeting with Communications Services Director Mike Brown, County Attorney Marty Lambert, Data Processing Supervisor Bill Baldus, and Fiscal Officer Ed Blackman to discuss funding options for the future of the 911 Emergency Dispatch Center. Mr. Blackman will prepare more detailed tax and fiscal analysis for consideration. Bozeman Chronicle Staff Writer Tim Neville also attended the meeting.
- Commissioners met with Department Heads and Elected Officials to review their 1998 Work Plans.
- Commissioners conducted a performance evaluation on a member of their staff.
- Commissioners received warrants list in the amount of \$1,541.47.

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The following items were on the consent agenda:

Bozeman-City County Planning received a request for a realignment of a common boundary exemption for Evalene Kellie and Dean and Debbie Jensen. The planning department has reviewed this request, and according to the information submitted this meets the criteria for the exemption to the Bozeman Area Subdivision Regulations.

Commissioner Olson made a motion to approve the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Grants Administrator Larry Watson reported on the consideration of a resolution endorsing a cost reimbursement agreement with Montana State University and the Museum of the Rockies for the Fort Ellis Community Transportation Enhancement Funding Project (CTEP). The Montana Department of Transportation has reviewed and approved the proposed project. Montana State University and the Museum of the Rockies have agreed to provide the matching funds. The proposal will be used to conduct an archaeological survey at the historic site of Fort Ellis in Gallatin County and will be done in two phases beginning when the weather permits. Commissioner Murdock made a motion to adopt Resolution No. 1998-05. Seconded by Commissioner Olson. None voting nay. Motion carried.

A consideration of a resolution of intent to alter the types of services provided by Reese Creek Fire Service was presented to the Commission. The public hearing will be held on February 24, 1998 to accept written protests from the property owners and receive general protests and comments relating to the alteration of service levels. The Clerk and Recorder will publish notice and mail notice of the hearing and this resolution of intention to the property owners within the Reese Creek Fire Service Area. Commissioner Murdock made a motion to adopt Resolution of intent 1998-06. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Treasurer Jeff Krauss reported on the amendment to the Pooled RID refinancing bond Resolution 1997-80. The resolution will amend Section 9 (b)(3) concerning "(3) In a timely manner, notice of the occurrence of any of the following events which is a Material Fact (the "Material Events")": a. Principal and interest payment delinquencies; b. Non-payment related defaults; c. Unscheduled draws on debt service reserves reflecting financial difficulties; d. Unscheduled draws on credit enhancements reflecting financial difficulties; e. Substitution of credit or liquidity providers, or their failure to perform; f. Adverse tax opinions or events affecting the tax-exempt status of the security; g. Modifications to rights of security holders; h. Bond calls; I. Defeasances; J. Release, substitution, or sale of property securing repayment of the securities; and k. Rating changes." Commissioner Murdock made a motion to amend Resolution 1997-80. The amendment is Resolution 1998-80A. Seconded by Commissioner Olson. None voting nay. Motion carried.

Environmental Health Specialist Tim Roark reported on the consideration of an approval to award the junk vehicle proposal. He presented the department's staff report outlining four possible options of changing the current program. Option 1: Completely privatize the junk vehicle program by contracting all services to the private sector. Fluid draining would take place at a private facility and the operator would be responsible for the proper disposal and use of fluids. Option 2: Contract with a private party to haul cars and drain fluids. The county would construct improved fluid draining and storage facilities at the JV yard. The County would be responsible for the use or disposal of fluids. Option 3: Contract with a private party to haul the vehicles to the designated area and have county employees drain the vehicles. This option would use a County constructed facility located at the Road Department or the current JV yard. The county would be responsible for the use or disposal of the fluids. Option 4: County employees would haul vehicles and drain fluids at a facility constructed at the Road Department or improved facilities at the existing JV yard. The County would be responsible for the use or disposal of the fluids. Bid proposals were opened on November 15, 1997 and were from: The Recyclers - \$115 per car; AF&T Salvage - \$130 per car; and Cero Brothers - \$195 per car. Art Morrow submitted a bid using the county yard and it is not directly comparable to the other bids. Board discussion included the County's liability to the improper handling and storage of fluids and the need to get the program online. Tom Moore of the Environmental Health Department stated that it would be a joint liability between the County and the State. Construction costs were discussed on the improvements needed to bring the junk vehicle yard up to safety standards. Commissioner Murdock moved to reject all bids at this time to allow more time to research and discuss the options presented. Seconded by Phil Olson. None voting nay. Motion carried. Chairman Jelinski directed Tim Roark to notify the companies who submitted a bid and

inform them of the Commission's decision. Commissioner Jelinski asked the Environmental Health Department staff to continue researching the options. Mr. Roark agreed.

There being no further business the meeting adjourned at 2:33 P.M.

Unavailable
For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 27th DAY OF JANUARY 1998**

The meeting was called to order by Chairman Jane Jelinski at 1:35 P.M. Also present were County Commissioners Phil Olson, Bill Murdock, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Jane Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JANUARY 19, 1998

- All County offices were closed in observance of Martin Luther King, Jr. Day.

JANUARY 20, 1998

- Commissioners met with County Attorney Marty Lambert to review and discuss items of high priority on his agenda.
- Commissioners Jelinski and Murdock attended the Bozeman Area Chamber of Commerce 1998 Annual Meeting, featuring guest speaker Tamara Hall on "Burnout is Not a Way to Keep Warm."
- Commissioners conducted the regular public meeting.
- Commissioners conducted a performance evaluation of a Department Head.

JANUARY 21, 1998

- Commissioners held their monthly staff meeting of all Department Heads and Elected Officials.
- Commissioner Murdock attended a meeting of the Transportation Coordinating Committee (TCC). Meeting focused on the status of transportation projects in the City of Bozeman and Gallatin County. Motion was made by Road & Bridge Superintendent Sam Gianfrancisco to appoint William A. Murdock as Chairman of the Committee; Rob Bukvich seconded the motion, and the motion was passed unanimously. Also, the Committee motioned to ask the City of Bozeman and Gallatin County to reactivate the Pedestrian Traffic Safety Committee.
- Commissioner Murdock attended the meeting of the Victim/Witness Board. Topics of discussion included the need for an additional full-time employee and a child interview room. Several grants are available to help fund this position.
- Commissioner Jelinski traveled to Helena to attend the Missouri-Madison River Fund Board of Directors meeting. This was an organizational meeting formally electing officers, amending the Memorandum of Understanding (MOU), establishing 501 (c) (3) status, and an EIS report. A comment period followed allowing members to express their opinions on projects.

JANUARY 22, 1998

- Commissioner Olson attended a meeting hosted by Superintendent of Schools Jill Richards to discuss a proposed Day Treatment Program for students. Information will be gathered on the number and levels of children in need in the entire county. Will look at Anaconda's program as a model. Next meeting is scheduled for February 13th in Belgrade.
- Commissioners Jelinski and Murdock met with Developer Gene Cook, Kevin Cook, Lou Burton, and Planning Director R. Dale Beland to discuss Cook's plans for a central sewer system for a subdivision in the Four Corners area. Mr. Cook wanted to know if the County would support the creation of a

248 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Maintenance District. Commissioners agreed to research some Sewage Treatment District maintenance options.

- Commissioners Olson and Murdock met with Youth Probation Officer Dave Gates to discuss future needs for juvenile detention and probation. Discussed the possibility of their being included in the new detention facility. Will also look at future roles of Shelter Care.
- Commissioners held an internal meeting to discuss whether or not a multi-jurisdictional district for 911 would come under I-105. If so, what are the procedures for creating this district and who should be include in the Interlocal Agreement? Commissioners agreed to research legality of such a district.
- Commissioner Jelinski met with the Health Officer Search Committee and interviewed a candidate for the Health Officer position.
- Commissioners Olson and Murdock met with City Commissioner Marcia Youngman to discuss TIIAP grant possibilities, 911, Food Bank's need for warehouse space, and cable TV franchise issue. The Critical Lands Study was also revisited. The Commissioners informed Ms. Youngman that the Fairgrounds is currently not an option for Food Bank warehousing.

JANUARY 23, 1998

- Commissioners met with County Attorney Marty Lambert and Clerk & Recorder Shelley Vance to discuss procedures and legal requirements regarding election/appointment of Board of Trustees for fire service areas and districts. The County Attorney will prepare an advisory packet for fire districts by March 1st and the Commission will convene a meeting with the Trustees.
- Commissioners attended a meeting of the MOU Group held at Fish, Wildlife & Parks. Items of discussion included fire management plans and the analysis process, composting, and GIS work. A report was also presented on the Gallatin Land & Timber Exchange.

Commissioner Murdock represented the Open Space Task Force at a booth at the 52nd Annual Montana Winter Fair.

JANUARY 24, 1998

- Commissioner Olson represented the Open Space Task Force at a booth at the 52nd Annual Montana Winter Fair.
- Commissioners received cancellation of taxes in the amount of \$209.44.

The following items were on the consent agenda:

- A request by Gallatin County Planning for a resolution amending the Gallatin Canyon/Big Sky Zoning Map for Homelands Development Corporation, being Resolution No. 1998- 07.
- A request for a relocation of a common boundary exemption for Jean Francis by Belgrade City-County Planning. According to the information submitted, this appears to meet the criteria for the exemption to the Montana Subdivision and Platting Act.

Motion by Commissioner Olson to adopt the consent agenda. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

The following proceedings were had to wit:

Deputy County Attorney Susan Swimley presented the consideration of a joint resolution with the City of Bozeman and the Gallatin County Commission relating to the creation of an extended special improvement district for the NW water line expansion. Jerry Gaston, Gaston Engineering, presented a boundary map showing the alignment of the proposed water expansion line with the City limit boundary and the Gallatin County portion of the property. There are approximately 36 county parcels with 46 total parcels included in the project. Gene Graf spoke in favor of the water trunk extension and explained that in the planning stage of this project that 30% of open space was required by the developer. This water line would benefit the public. Larry Bowman representing Accola Ranches spoke in favor of the water line. Finding that the water line is in the public interest and there were no public protests heard, Commissioner Murdock moved to adopt Resolution No. 1998-08. Seconded by Commissioner Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported that Resolution 1997-74 directs that unless more than 50% of the property owners of the Clarkston Fire Service Area submit written protests on or before January 20, 1998 to the Clerk and Recorder's Office, then the kinds, types and levels of service provided by the Clarkston Fire Service Area will be changed. She certified that there were not sufficient protests to prevent this change. After receiving the report and finding there were not sufficient protests, Commissioner Olson moved to certify that the kinds, types and levels of service for the Clarkston Fire Service Area are altered as described in Resolution 1997-74. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 1:53 P.M.

unavailable
For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 3rd DAY OF FEBRUARY 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioners Phil Olson and Bill Murdock, Deputy County Attorney Susan Swimley and Clerk & Recorder Shelley Vance, Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

JANUARY 26, 1998

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- A meeting of the Capital Facilities Committee was held on January 26, 1998. In attendance were members of the Committee: Commissioners Jane Jelinski, Phil Olson and Bill Murdock; Larry Watson, Capital Facilities Coordinator; Ed Blackman, Fiscal Officer; Kathy Nowierski, Personnel Officer; Dale Beland, Planning Director; Bill Baldus, Data Processing Supervisor; and Bob Isdahl, Facilities and Operations Director. Also in attendance were County Auditor Joyce Schmidt; Roy Steiner, Engineer, Road Department; Sue Shockley, Fairgrounds Supervisor; and Stephanie Nelson, Interim Health Officer. Topics discussed included the following: Design and implementation of the Capital Facilities Project Form; the job description of "Project Representative"; planning for a Capital Improvement Fund; and the Capital Facilities decision-making and planning process. The committee unanimously passed a motion to research what steps would need to be taken to establish a capital improvements fund. A discussion took place regarding restructuring the Capital Facilities process. The process would provide for oversight of all Capital Facilities activities. Once a project is approved and in process, the same type of management structure would be followed as with current Task Orders with Prugh & Lenon Architects. The Capital Facilities Coordinator would oversee Task Orders; all pertinent documents would be reviewed by Fiscal Officer and County Attorney. The Capital Facilities Coordinator would then report to the Commission. The rest of the project team would focus on planning (i.e., how projects fit into County's long-term plan and capital improvements fund), rather than management. The group unanimously voted in favor of adopting the management committee approach, and the County Attorney and Fiscal Office agreed to serve on this committee on an "interim basis."

JANUARY 27, 1998

- Commissioners held a meeting in preparation for an upcoming meeting with Mark Schaefer and Paul Dresler of the Department of the Interior on February 2nd. Attendees included GIS Coordinator Allen Armstrong, Planning Director R. Dale Beland, Data Processing Supervisor Bill Baldus, Interim Health Officer Stephanie Nelson, Local Water Quality Specialist Dave Whitson, Clerk & Recorder Shelley Vance, Chief Deputy Clerk & Recorder Eric Semerad, and GIS Technician for Clerk & Recorder Brian Oevermann.

250 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioners met as the Welfare Board with Department of Public Health & Human Services Director Joan Davies. General program activities were discussed and the Welfare Board minutes were approved as presented.
- Commissioners conducted the regular public meeting.
- Commissioners met internally to discuss alternatives for the Junk Vehicle Program.
- Commissioners met with Grants Administrator Larry Watson, Fairgrounds Director Sue Shockley, Road Department Engineer Roy Steiner, and representatives of Prugh & Lenon Architects, Inc. The meeting was held to discuss Prugh & Lenon's request of January 9th for additional payments to Thomas Dean & Hoskins (TDH) for Task Orders 1G & 1H relating to the Fairgrounds Sewer Project. Commission sent a letter denying this request on January 12th. Subsequently, Prugh & Lenon revisited the issue of additional payments to TDH; however, the Commission stood firm on their decision of January 12th denying payment. Pending task orders for Courthouse Renovation Phase I and Courthouse CTEP projects were also discussed. Prugh & Lenon will prioritize CTEP project and submit amended timelines for the Health & Human Services Center to the Commission for approval. Discussion regarding civil engineering services provided through contract with Prugh & Lenon led to decision that Prugh & Lenon is no longer interested in providing said services to the County unless it is an integral part of an architecturally-based project. Meeting is scheduled for February 11th to discuss development of civil engineering RFP. The decision was also made not to include the fire service water line in the Courthouse Renovation Phase I project and to assign this project to Roy Steiner.

JANUARY 28, 1998

- Commissioners held an all-day, off-site work session to review and discuss departmental work plans, as well as the Commission's goals and priorities for 1998. As all items on agenda were not thoroughly discussed, meeting will be continued on February 2nd from 8:30 – 12:00 p.m.
- Commissioner Olson attended a meeting of the Landfill Advisory Board. Topics of discussion included status of overdue accounts and payments to date, water sampling results, liner timelines, spring cleanout, and BFI tire program.
- Commissioner Murdock attended a public forum entitled "Services You Need to Know About" sponsored by the Gallatin County Council on Aging. Agenda topics included social security, health care options, and Montana Aging Services Network.

JANUARY 29, 1998

- Commissioners met with Louise Forrest and Carson Taylor of The Settlement Center to discuss the possibility of providing training for people serving on the County volunteer boards, primarily in the area of Board Chairpersons and increasing their ability to run effective meetings. Louise and Carson will put together a proposal for the Commission to consider.
- Commissioners met with Bozeman City Manager Clark Johnson to review items of mutual interest which included Oak and Babcock Streets, the "Donut," public access TV, Critical Lands Survey, and the City's Master Plan update. Decision was made to conduct joint meetings of the City and County Commissions on the fifth Mondays of March, June, August and November. Agenda items to be determined.
- Commissioners held their regular monthly meeting with Fiscal Officer Ed Blackman. They reviewed the mid-year budget, additional funding (if needed) for the sewer & water line installation at the Fairgrounds, a request for additional funding from the Sheriff's office, the 911 budget, and the need for Three Forks Ambulance District to submit their budget and by-laws per the Interlocal Agreement. Commissioners approved source of additional funding for Fairgrounds, if needed. Commissioner Jelinski will send letter notifying Three Forks Ambulance District of need for by-laws and budget. Mr. Blackman will draft a response to the Sheriff's office and will set up a meeting with Communication Services Director Mike Brown and DES Coordinator Aaron Holst to discuss 911 budget. Mr. Blackman will also research the procedure to produce a short list of various consultants. Due to time constraints, meeting was adjourned early and will be continued on February 3rd at 2:00 p.m.
- A special meeting was called to order by Chairman Jane Jelinski at 3:30 p.m. Also present were Commissioners Phil Olson and William Murdock, Deputy County Attorney Susan Swimley, and Clerk and Recorder Shelley Vance. Mrs. Vance submitted a petition to abandon a portion of road easement located at the junction of Bridger Canyon Road and Brackett Creek Road within Section 5, Township 1 North, Range 7 East. She reported that the petition contains the signatures of at least 10 qualified freeholders within Gallatin County. Motion by William Murdock to accept the petition; seconded by Phil Olson; none voting nay. Motion was carried unanimously. Chairman Jelinski

appointed Road Superintendent Sam Gianfrancisco, Commissioner Phil Olson, and Clerk and Recorder Shelley Vance as the Viewing Committee. There being no further business, the meeting was adjourned at 3:35 p.m.

- Commissioner Murdock met with Fairgrounds Director Sue Shockley to discuss issues relating to the Fair Board.

JANUARY 30, 1998

- Commissioners attended an all-day, off-site work session with the County Planning Board.
- Commissioners received A101's in the amount of \$1,399.68
- The following Board Appointments were made the week of January 26, 1998:

Connie Mangas, Springhill Fire District
Joe Townsend, Springhill Fire District

The following items were on the consent agenda:

- A request for preliminary plat approval for Wylie Creek Ranch Subdivision by Belgrade Planning.
- A request for realignment of a common boundary for Paul Boylan and Marshall Bennett by the Bozeman City-County Planning.
- A request for relocation of common boundary exemption for Anita A. Dagostino by Gallatin County Planning.
- A request for relocation of common boundary exemption for Marvin F. Mardock by Gallatin County Planning.
- A request for relocation of common boundary exemption for Norman and Melvin McDougal by Gallatin County Planning.
- A request for final plat approval for Irby Minor Subdivision by Gallatin County Planning. Preliminary plat approval was granted on August 22, 1995. The conditions for final plat approval have been reviewed, and according to that review, staff recommends final plat approval.

Motion by Commissioner Murdock to remove the request for preliminary plat approval for Wylie Creek Ranch Subdivision and the relocation of common boundary exemption request for Anita A. Dagostino from the consent agenda and move them to the regular agenda and in addition, approve the remaining items listed on the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

The following proceedings were had to wit:

Superintendent of School District #7 Paula Butterfield presented and read a proclamation for the Board's consideration to proclaim Wednesday nights as "Family Night" in households in Gallatin County. There was no public comment. Motion by Commissioner Murdock to adopt the proclamation. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Murdock asked County Planner Jennifer Borquist if any addition lots were being created in the application from Anita A. Dagostino requesting a relocation of common boundary exemption. Ms Borquist responded that no additional lots were being created. The boundary line between the two lots was being changed from running east/west to a direction of north/south. Finding that this is a proper use of the exemption motion by Commissioner Olson to approve the exemption. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Jon Engen, Engineer from Resource Technologies, Inc., has been contracted by the Rest Home for asbestos removal. Mr Engen opened the following bids for the removal and disposal of asbestos containing flooring in the Gallatin County Rest Home: Brickley Environmental Inc., Butte, MT - included a bid bond security, #1 addenda noted, and has valid contractors license with a base bid of \$45,900; Environmental Contractors, LLC, Billings, MT - included a bid bond security, no addenda noted, and has valid contractors license with a base bid of \$46,984; Western States Abatement, Inc., Missoula, MT - included a bid bond security, no addenda noted, and has a valid contractors license with

a base bid of \$54,875. Once Mr. Engen has had an opportunity to review the bids he will schedule a meeting with the Commissioners to award the bid.

Belgrade City-County Planner Jason Karp presented a request by Fluidyne, Inc., on behalf of Richard Thomson for preliminary plat approval for Wylie Creek Ranch Subdivision. The property is described as a tract of land located in the NW1/4, NW1/4 of Section 29 T1S, R5E, P.M.M. Gallatin County, Montana. The subdivision is located southeast of Belgrade on the east side of Love Lane. It contains 129 acres and will contain 34 lots. The County Commission will need to make the following determination: A determination as to whether or not the proposed subdivision meets the requirements of Section 76-3-608 MCA. If the County Commission finds that the proposed subdivision meets the requirements of Section 76-3-608 MCA, the following conditions should be considered for preliminary plat approval, to be completed prior to final plat approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'utility easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water districts. 5. A homeowner's association shall be formed for the enforcement of the required covenants. 6. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with State Law. d. Individual lot access from County maintained public roads shall be built to the standards of Section 7-G of the Gallatin County Subdivision Regulations. e. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. f. Site plans of all lots must be submitted to the Belgrade Rural Fire District for review for compliance with the Uniform Fire Code. g. All commercial structures must submit plans to the Montana State Building Codes Bureau and the Belgrade Rural Fire District for review and approval. h. The homeowner's association shall participate with the owners of the Wylie Creek Estates Subdivision for the maintenance of the fill-site and hydrant system. i. The homeowner's association shall be responsible for the maintenance of all interior subdivision roads. j. The homeowner's association shall participate with the Wylie Creek Estates Homeowner's Association for the shared maintenance of Candlelight Drive, Fireside Drive, and Creekside Drive. k. The homeowner's association shall be responsible for the maintenance of all parks in the subdivision. l. Further subdivision of lots is prohibited. m. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 7. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 8. Road and fire impact fees shall be submitted as per County impact fee policy. 9. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between weed district and developer prior to final plat approval. 10. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 11. A construction setback of 30 feet, including a 30 foot greenbelt buffer zone and a 30 foot maintenance easement, shall be shown on the final plat along both sides of the "old" and "new" channels of McDonald Creek. 13. Encroachment permits must be obtained from the Gallatin County Road Office for the new road and driveway approaches to Love Lane. 14. Stop signs are required at all intersections with Love Lane prior to final plat approval, or a bond covering the cost of the signs shall be deposited with the County Road Office. 15. Road names shall be approved by the Road Office, and road name signs at all intersections as required by the Road Office shall be installed prior to final plat approval, or a bond covering the cost of the

signs shall be deposited with the Road Office. 16. All interior subdivision roads shall be sixty foot right-of-ways, dedicated to the public, and be constructed to Gallatin County paved standards. Sierra Drive shall end in a temporary cul-de-sac, constructed to County standards, at the south boundary of the subdivision. 17. Thirty (30) feet of Love Lane east of the centerline must be dedicated to the public and shown on the final plat along entire length of the subdivision. 18. The developer shall participate with Gallatin County and other developers to upgrade (pave) Valley Center Road from Love Lane to Jackrabbit Lane. Valley Center Road must be upgraded prior to final plat approval. 19. All culverts and/or bridges shall be approved by the Gallatin County Road Department. 20. All road construction shall be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Department that all conditions pertaining to roads have been met prior to final plat approval. 21. The final plat shall contain a warning that ponds, creeks, and canals are hazardous to small children. 22. A paved "T" type turnaround shall be constructed to County Standards on Sierra Drive approximately 670 feet south of Candlelight Drive. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval.

Jason reported that the Belgrade Planning Board recommended adding an additional covenant - item N that will state: No lot owner may remove water from ditches or creeks without deeded water rights. He also reported the Planning Board recommended condition #22 be amended to read: The driveways for lots 7 & 8 shall be paved prior to final plat approval to provide a "T" type turnaround as approved by the Belgrade Fire Department. Additional conditions recommended by the planning board include condition #23 to read: Lots abutting irrigation ditches or creeks may have water rights as described in deeds. No lot owner may remove water or cause to be removed water without deeded water rights. This shall be noted on the face of the plat as well as in the covenants. Condition #24 to read: The diversion from McDonald Creek will not be referred to as McDonald Creek nor have any reference to the name McDonald. The final plat shall show the original channel as McDonald Creek. The diversion shall be renamed with no reference to the name McDonald. The Commission had many questions regarding the following items: variance request from design standards because on the proposed cul-de-sac length of Sierra Drive and proposed "T" turnarounds, the condition of Valley Center road and proposed conditions #18 and 20, the proposed linear park trail, creeks and ditches within the proposed subdivision, and central sewer considerations.

Trina Kallenbach, President of Fluidyne, representing the applicant, told the Commission that the recommended conditions were acceptable to her client and that they were willing to participate in upgrading Valley Center Road as proposed in condition #18. Mrs. Kallenbach explained that they were looking for options regarding the construction of the park trails and stated that paving was one of the options they were considering. They would not be opposed to a condition requiring the construction of park trails. Commissioner Olson asked if the applicant would be opposed to adding to condition #3 that the developer has the option to install central sewer facilities. Mrs. Kallenbach stated that they would not oppose that addition.

Jim Paugh, a landowner to the west, provided the Commission with information regarding the location of ditches within and around the proposed subdivision, specifically McDonald Creek and it's point of diversion. Mr. Paugh stated his concern for potential flooding in the area. He explained that during the winter and spring the area where lots 25 - 27 are located will flood and it is possible that lot 24 will flood. Karen Paugh, a land and water right owner to the west, stated that she has witnessed flooding through the area of land proposed to become lots 23-27. She is concerned what will happened if that area floods and there are septic systems located on them. In addition, she stated concern that she will get phone calls regarding the maintenance of McDonald Creek when flooding occurs. Ms Paugh also stated her concern of the condition of Valley Center Road and Love Lane.

Justin Buchanan, co-owner of Fluidyne, Inc., responded to the questions about flooding. He explained that this area was not noted on current floodplain maps. He proposed the possibility of building a small levy that would route potential floodwaters back to McDonald Creek and suggested that a maintenance easement be required for the Beck-Border Ditch.

During board discussion the Commission identified the following items that needed further consideration prior to preliminary plat approval: some type of mitigation plan regarding potential flooding, consideration of the requirement of maintenance easements on all streams, creeks, and ditches identified on plat, a requirement of a condition to assure that trails are constructed, an option added to condition #3 for the installation of a central sewer system, and re-write condition #18. The Commission requested that Jason draft a proposed condition that would address flooding, and asked Jason to meet with Sam regarding the re-write of condition #18. Commissioner Murdock requested that a representative from the Belgrade Rural Fire District be available to discuss condition #22 and the proposed "T" turnarounds. Mr. Murdock also suggested that Fluidyne spend some time with County Planning Director Dale Beland regarding floodplain mitigation. The Commission suggested continuing

254 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

this item until March 10, 1998. Mr. Karp stated that if the consideration was continued for that long it would extend over the 60 day review period. The board took a recess in order for Fluidyne, Inc. to contact their client for approval of the requested extension. Mrs. Kallenback, on behalf of her client, gave approval for the consideration of preliminary plat approval until March 10, 1998. Chairman Jelinski announced that the public hearing portion was closed. The Commission will discuss and consider conditions and reports from staff on March 10th.

There being no further business the meeting adjourned at 3:55 p.m.

Unavailable

For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 17th DAY OF February 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioner's Bill Murdock, Phil Olson, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

FEBRUARY 2, 1998

- Commissioners continued their off-site work session to determine goals and priorities for 1998.
- Commissioners met with Extension Agents Ron Carlstrom and Todd Kesner and discussed the Extension Services' 1998 Work Plan.
- Commissioners met with Facilities & Operations Director Bob Isdahl. Discussion included Facilities' 1998 Work Plan. Commissioners directed Bob to install alarm system as proposed at the Law & Justice Center, and to also work with Communication Services Director Mike Brown to wrap up facilities needs for the 911 Center.
- Commissioners met with GIS Coordinator Allen Armstrong to discuss the ongoing work of GIS. The equipment for Enhanced 911 has been installed and tested. Allen is hiring a temporary employee to help with the road addressing GIS layer.
- A meeting was held with Mark Schaefer and Paul Dresler of the Department of the Interior in Washington, D.C. Attendees included Commissioner Jane Jelinski, Commissioner Phil Olson, Commissioner Bill Murdock, GIS Coordinator Allen Armstrong, Planning Director R. Dale Beland, Data Processing Supervisor Bill Baldus, Interim Health Officer Stephanie Nelson, Local Water Quality Specialist Dave Whitson, Acting Environmental Health Director Tim Roark, Clerk & Recorder Shelley Vance, Chief Deputy Clerk & Recorder Eric Semerad, and GIS Technician for Clerk & Recorder Brian Oevermann. The Department of the Interior is interested in using Gallatin County as a demonstration project to show how GIS technology can provide decision support systems for public policy. Commissioners Jelinski and Murdock will meet again with the Department of the Interior for a demonstration of their technology while attending the NACo Legislative Conference in late February.
- Commissioner Murdock attended a meeting of the Open Space Task Force. Topics of discussion included outreach, GIS, and the Gallatin II Land Exchange. The Task Force is currently stalled out on whether or not they should focus on specific lands vs. specific tools. This issue will be debated at their all-day retreat on February 14th. By consensus, the Task Force wants Commissioners to recruit a replacement for Laurita Vellinga - someone in the real estate business, outside of Bozeman, with an interest in trails. They also want a map of all conservation easements in the County and wants the County to fund it on a cost share with Gallatin Valley Land Trust.

FEBRUARY 3, 1998

- Commissioners met with County Attorney Marty Lambert. Deputy County Attorneys Susan Swimley and Chris Gray were also present. They reviewed the current project list and noted the completion of items 5, 15, 19 and 33. The Commission will continue to determine direction to take for 911 funding.
- Commissioners met to discuss issues concerning burn permits. Attendees included County Attorney Marty Lambert, Sheriff Bill Slaughter, Rural Fire Chief Brett Waters, USFS representatives Bill Breedlove and Dave Hart, DNRC representative Diana Martin, Bridger Fire District member Arnold Jacobs, and Willow Creek Fire District member George Reich. It was agreed that the County Attorney, Brett Waters and Sheriff Slaughter will rewrite the burn permit ordinance. Sheriff Slaughter will also research feasibility of directing calls to Dispatch Center. USFS will draft continued agreement to issue permits with the County. An interim plan is needed with answering service.
- Commissioners conducted the regular public meeting.
- Commissioners met with Data Processing Supervisor Bill Baldus. Topics of discussion included Data Processing's 1998 Work Plan, recruiting issues and payroll concerns. It was agreed to disconnect dedicated phone line for Internet access from Pat's computer; costs of Internet E-Mail will be billed to each department.

FEBRUARY 4, 1998

- A meeting was held between the Commissioners and the following department heads and elected officials on February 4 to discuss the County Commission goals for calendar year 1998, and the status of the Capital Facilities process: Joyce Schmidt, Auditor; Kathy Nowierski, Personnel Officer; Bob Isdahl, Facilities and Operations Director; Dale Beland, Planning Director; Connie Wagner, Rest Home Supervisor; Larry Watson, Grants Administrator; Ed Blackman, Fiscal Officer; Marty Lambert, County Attorney; Allen Armstrong, GIS Coordinator; Bill Baldus, Data Processing Supervisor; Sue Shockley, Fairgrounds Supervisor; Todd Kesner, County Extension Agent; Shelley Vance, Clerk & Recorder; and Stephanie Nelson, Interim Health Officer. The Commissioners discussed the need to streamline the Capital Facilities process, and the importance of implementing a Capital Improvements Program. The Commissioners announced that, effective immediately, the Capital Facilities Committee would be eliminated, and that smaller committees and project teams would be created. The Capital Facilities goals and project teams were identified as follows:
 1. Decide where to locate the Detention Center, Law & Justice Center, Road Office, EOC, and 911 -- Master Plan Committee (Commissioner Bill Murdock; Grants Administrator Larry Watson; Planning Director R. Dale Beland; and Fiscal Officer Ed Blackman).
 2. Develop check list for capital projects process -- Fiscal Officer Ed Blackman and Deputy County Attorney Chris Gray.
 3. Complete move to the Health and Human Services Complex -- Interim Health Officer Stephanie Nelson; Facilities and Operations Director Bob Isdahl; and County Director of Public Health and Human Services Joan Davies.
 4. Planning, designing, and cooperation with other counties regarding the Detention Center -- Detention Center Project Team (Commissioner Bill Murdock; Grants Administrator Larry Watson; Captain Jim Cashell; former commissioner Dave Pruitt; architect Dick Prugh; and citizens Bob Taylor and Dick Morgan).
 5. Complete the Courthouse CTEP Project -- Grants Administrator Larry Watson; Owner's Representative Roy Steiner; ADA Coordinator Kathy Nowierski; and Facilities and Operations Supervisor Bob Isdahl.
 6. Complete Phase One of the Courthouse Renovation Project -- Owner's Representative Roy Steiner, Facilities and Operations Supervisor Bob Isdahl; and Commissioner Phil Olson.
 7. Complete the 911 Interim Facility -- City/County 911 Communications Director Mike Brown; Data Processing Supervisor Bill Baldus; and GIS Coordinator Allen Armstrong.
 8. Develop a Capital Improvements Program -- Fiscal Officer Ed Blackman; Commissioner Jane Jelinski; and Planning Director Dale Beland.
 9. Resolve the Interim Fire Safety Needs at the Detention Center -- Commissioners Jelinski, Olson and Murdock; Grants Administrator Larry Watson; and Captain Jim Cashell of the Detention Center.
 10. Address the need for a Records Storage Program. To be addressed by Facilities and Operations Supervisor Bob Isdahl and Records Management Committee members.

Project team members were reminded that all committees operate within budget limits, and that the Commissioners will not dictate to individual project teams as to how they should approach solutions. A special meeting of the County Commissioners was called to order at 10:30 a.m. on February 4 to discuss the recommendations of Resource Technologies, Inc. regarding bids received for the

Asbestos Removal Project at the Gallatin Rest Home. Resource Technologies recommended in a letter from Jon R. Engen that the bid be awarded to Brickley Environmental, Inc. of Butte Montana. The amount of that company's bid was \$45,900.00. Commissioner Murdock moved that the Commissioners accept Resource Technologies' recommendation and award the bid to Brickley Environmental. Commissioner Jelinski voted aye. Motion was passed unanimously. The meeting was adjourned at 10:35 a.m.

- Commissioner Olson and Deputy County Attorney Susan Swimley traveled to West Yellowstone to attend a meeting of the West Yellowstone/Hebgen Basin Refuse District II Advisory Board. For detailed minutes, contact Board Secretary Jo Miller at 646-7795.
- Commissioner Murdock met with property owner Bernard Cole and Don Vaniman to discuss whether or not a dedicated easement to be vacated needs to go through the Relocation of Common Boundary Exemption process. Commissioner Murdock will contact them with a decision once the matter has been researched.

FEBRUARY 5, 1998

- Commissioner Jelinski will be out of town February 5-6, 1998.
- Commissioner Olson attended Leadership Bozeman.
- Commissioner Murdock and Sheriff Bill Slaughter led a discussion on KMMS Radio regarding pedestrian traffic safety.
- Commissioner Olson attended a meeting of the Weed Board. Discussion included the DNRC supplemental lease agreement for lease holders. Fred Tubb addressed issues that the Farm Bureau is involved in relating to weeds. Linda Ellison, a Weed Trust Fund board member, reported on the trust fund - \$1,700,000 available, over \$2,000,000 applied for in grants. The State is going to change the regulations regarding gravel pit and fill dirt management. Ron Carlstrom reported on the status of the new Fairgrounds/Extension/Weed building. Weed Supervisor Dennis Hengel spoke to the "top guy" at the Chronicle; he stated "he would not run weed news because agriculture doesn't matter to him." Commissioner Olson will check into the possibility of requiring weed plans as a condition of Preliminary Plat approval.
- Commissioner Olson will check into the possibility of requiring weed plans as a condition of Preliminary Plat approval.
- Commissioner Murdock met with Acting Environmental Health Director Tim Roark to discuss timetable and program elements for the revised Junk Vehicle Program. A meeting of all interested parties will be scheduled to review and agree on these conditions. Pending Commission approval, the revised Junk Vehicle Program will be up and running by April 1, 1998.
- Commissioners Olson and Murdock attended the Sheriff Department's Annual Staff Meeting.

FEBRUARY 6, 1998

- Commissioners Olson and Murdock met with Personnel Director Kathy Nowierski. Items of discussion included Personnel's 1998 Work Plan and general operations of the department. Kathy will pursue replacement of the Labor Relations Specialist to possibly provide an overlap of time. Target date of July 1, 1998 to have the revised evaluation process defined. The Commissioners heard updates on the Drug & Alcohol program. At the request of the Commissioners, Kathy will conduct a market salary survey of all positions in the Data Processing Department and report findings to the Commission at next meeting on March 6, 1998.
- Commissioners Olson and Murdock met with Clerk and Recorder Shelley Vance, Auditor Joyce Schmidt, and Accountant Susan Lang to review a DRAFT of the Fixed Asset/Inventory Policy. Reviewed definition of fixed assets, controlled assets and threshold \$ amount discussed. Clarified that each department is responsible for filling out their own Inventory Control Form, but the Commissioners will determine who will be designated as keeper of inventory for all County departments.
- Commissioners Olson and Murdock met with Grants Administrator Larry Watson; Deputy County Attorney Chris Gray also attended. Larry reported on the status of various grants and projects, his involvement in the preparation of the Fiscal Management Plan, and also relayed he and Chris' recommendations regarding the fire sprinkler at the Detention Center. Larry and Chris will draft a letter to Bozeman Fire Marshal Chuck Winn outlining their recommendations for the sprinkler system; must be approved and signed by Commission no later than February 27th. Although the

Capital Facilities Committee was eliminated, the Commissioners agreed to keep Larry as Capital Facilities Coordinator for purposes of contract language on existing Prugh & Lenon projects and task orders; Larry will clarify all outstanding task orders.

- Commissioner Murdock attended the first meeting of the Detention Center Project Planning Team. Team members attending included Bill Murdock, Jim Cashell, Larry Watson, Dick Prugh, and Bob Taylor; members Dave Pruitt and Dick Morgan were unable to attend. Purpose of this initial meeting was to outline the organizational structure of the team and determine architect selection criteria. The team agreed to work by consensus; Larry Watson will chair. Team asked for secretarial support for taking minutes; Bill will research. Members will provide Dick Prugh with draft architect qualifications and finalize RFP at next meeting; a draft Mission Statement will also be prepared for review.

FEBRUARY 7, 1998

- Commissioner Murdock attended an all-day Fair Board retreat.
- Commissioners received A101's in the Amount of \$63.97.
- Commissioners received Claims in the Amount of \$347,247.82.
- The following Board Appointments were made the week of February 2, 1998:
Spencer Smith, Fair Board
Parley Marshall, Fair Board
Greg Rates, Fair Board
- The following is a list of new employees for January 1998: Jaime Derlerth 12/22/97 Motor Vehicle \$7.55/hr.; Richard Smith 12/28/97 Detention Center \$9.12/hr.; Vanessa Sanddal 12/21/97 Detention Center \$9.12/hr.; Bryan Kirkland 12/17/97 Detention Center \$9.12/hr.; Bradley Snyder 1/1/98 Detention Center \$9.12/hr.; Sheila Wooldridge 12/11/97 Rest Home \$7.55/hr.
- The following is a list of terminated employees for January 1998: Gary Welsand, Sheriff 1/5/98; Jose Cifuentes, Rest Home 12/26/97; Scott Heitz, Fairgrounds 12/28/97; Bonnie Recktenwald, Clerk of Court 12/31/97; Hope Ruff, Rest Home 12/23/97; Rose Santos, Rest Home 12/23/97; Cliff Parker, Detention Center 12/28/97; Rosalie Petroff, Clerk and Recorder 12/26/97; Jan Emerson, Weed 12/3/97; Troy Trimmer, Sheriff 1/23/98.

FEBRUARY 9 & 10, 1998

- Commissioner Olson attended the Region 3 Mental Health Board of Directors' meeting in Billings.
- Commissioners attended the MACo Mid-Winter Meeting in Billings, Montana.

FEBRUARY 11, 1998

- Commissioner Olson attended the MACo Mid-Winter Meeting in Billings, Montana.
- Commissioner Jelinski attended a meeting of the Board of Health. For detailed minutes, contact the Health Department at 582-3100.
- Commissioner Murdock spoke about local government to a group of 2nd graders at Irving School.
- Commissioners Jelinski and Murdock held their regular weekly meeting with Executive Assistants Pat Lewis and Stacy Johnston to discuss pending and upcoming administrative matters.
- Commissioners Jelinski and Murdock met with Deputy County Attorney Chris Gray, Grants Administrator Larry Watson, and Road Department Engineer Roy Steiner to discuss the task order process for the Courthouse Renovation Phase I and Courthouse CTEP projects, and professional services contracting. Chris, Larry and Roy will draft an RFP process to create a short list of qualified architects, engineers and surveyors. Task orders will continue to be coordinated through Capital Facilities Coordinator Larry Watson. Larry was directed to prepare a Task Order for Prugh & Lenon documenting their pre-designs for Master Plans and all phases of Courthouse Renovation and CTEP projects. Roy Steiner was directed to contract with Morrison-Maierle to design the fire sprinkler system for the Courthouse.

FEBRUARY 12, 1998

- Commissioners Jelinski and Murdock met with Planning Director R. Dale Beland. Topics of discussion included the following: the donut; transportation plan; Open Space Task Force; Four Corners' area; Master Plan and subdivision consistency; impact fee status; contract for canyon land use permit; and the Planning Board retreat. Dale agreed to assist in finding a location for the Detention Center, but was not interested in chairing the Facilities Master Plan Committee.

Commissioner Jelinski will contact County Attorney Marty Lambert regarding land use permit contract; Commissioner Murdock will contact realtor regarding availability of acreage for the Detention Center.

- Commissioners Jelinski and Murdock met with Interim Health Officer Stephanie Nelson. She reported on the general operations of the Health Department.
- Commissioners Jelinski and Murdock conducted an exit interview of a County employee.
- Commissioners Jelinski and Olson met with Gene Gibson of the US Forest Service regarding Buffalo Horn Road.
- Commissioner Murdock met with County representatives of Teton County and Park County, WY; Fremont County, ID and Park County, MT in preparation for a meeting being held on February 13th with Governor Racicot's office regarding Yellowstone National Park Winter Use EIS. As all of the above named counties have been given Cooperating Agency Status by the National Park Service, they met to review (as a caucus) their Mission Statement and determine their strategies moving forward.

FEBRUARY 13, 1998

- Commissioner Murdock attended an off-site meeting regarding Yellowstone National Park Winter Use EIS hosted by Governor Racicot. The meeting was held at the Department of Fish, Wildlife and Parks.
- Commissioner Olson met with Dallas Erickson. Dallas is a representative of "Decency under Law," a group formed to promote regulations pertaining to porn shops and other forms of obscenity.
- Commissioner Olson attended a meeting of the Composting Committee. Items of discussion included the approval of a DRAFT Interlocal Agreement between the counties involved and Yellowstone National Park. Tim Hudson also reported on the status of the grant application.
- Commissioners met with Fiscal Officer Ed Blackman. Subsequent to their meeting of January 29, they continued discussion of the following items: elements of target levels for budgets, landfill contractor fees, capital facilities budgets, and potential property purchase. It was agreed to grant the VanDyken's a 3% increase of the hard-to-handle and light construction fee, retroactive to January 1, 1998. Ed was directed to work with Dale to finance property purchase options.
- Commissioner Murdock attended a meeting of the Detention Center Project Team.
- Payroll in the Amount of \$920,185.96

The following items were on the consent agenda:

- Gallatin County Planning received a request for final plat approval for the Weirda Minor Subdivision. The Gallatin County Commissioners granted preliminary plat approval on July 1, 1997. The Planning Department reviewed the request and conditions for final plat approval. According to the information submitted, the planning board recommends the Commission grant final plat approval.
- Gallatin County Planning received a request for a realignment of a common boundary exemption for Kenneth Vidar, Thomas Langel, and Giovanni and Rosaria Sansone.
- Gallatin County Planning received a request for a relocation of a common boundary exemption for Bernard and Pearl Cole and James Miller.

According to the information submitted, these requests appears to meet the criteria for the exemptions to the Montana Subdivision and Platting Act.

Motion by Commissioner Phil Olson to adopt the consent agenda. Seconded by Commissioner Bill Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported her office received a petition to annex property into the Willow Creek Rural Fire District. She examined the petition and certified it contained signatures of 50% or more of the area of privately owned lands; who constitute a majority of the taxpaying freeholders; and whose names appear on the last completed assessment roll. The tracts of land are adjacent to the Willow Creek Fire District. She recommends holding the public hearing March 17, 1998. Chairman Jelinski accepted the petition and set the public hearing date for March 17, 1998.

Clerk and Recorder Shelley Vance presented a resolution for boundary changes to Precincts 1, 2, 5, 13, 15, 16, 19, 20, 21, 24, 25, 26, 34, 37, and 49 in Gallatin County. The boundary between Precincts 15 and 16 divides Triple Tree Ranch Subdivision. By changing the boundary, all of Triple Tree Ranch Subdivision would vote within the same precinct. The changes to the descriptions of Precincts 13, 15, 19, 20, 25, 26, and 49 reflect the annexation of properties into the City of Bozeman. These boundary changes are done to avert having split ballots in these precincts when there are City of Bozeman issues on the ballot. Commissioner Murdock made a motion to adopt Resolution 1998-10 to change the boundaries of the precincts as presented by the Clerk and Recorder and reviewed by the County Attorney's Office and described in the Resolution. Seconded by Commissioner Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson presented an consideration of a resolution to support an application for continued funding between Gallatin County, the City of Bozeman, and the Victim/Witness Assistance Program by the Montana Board Of Crime Control. Gloria Edwards, the Victim Witness Coordinator spoke regarding the program and the needed service it provides to our community. The program's needs are growing because of the rise in violent crime in our County. The City/County match has paid 60% of the cost of the program and the Montana Board of Crime Control has funded 40% of the cost in the past. The proposed budget for continuing the program will be 25% (City-County) and 75% match by the Montana Board of Crime Control because the program has proved to be a model program in the state. The City/County paid \$12,618.00 to fund the program last year and the County would pay \$12,678.00 in the proposed budget, which is only \$60.00 more for a program twice the size. Commissioner Murdock raised his concerns over the memorandum by Fiscal Officer Ed Blackman that outlined problems with the grant submitted for review. Ms. Edwards said that she has met with County Attorney Marty Lambert and they have been working out the areas of concern. Finding that this is only an application and that the concerns outlined by the Fiscal Officer are being worked out, Commissioner Murdock moved to adopt Resolution 1998-11 to support the continued funding of the Victim/Witness program. Seconded by Commissioner Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson presented a resolution for the Gallatin County Commission to support an application by the Gallatin County Sheriff's Department to the Montana Board of Crime Control for continued funding of "Operation Freedom from Fear." Detective Don Hanson of the Gallatin County Sheriff's Office spoke in behalf of the request for continued funding of this program. The funding of this project by the Montana Board of Crime Control enabled the Sheriff's Department to add an additional Detective, his position, to the division specifically for the investigation of violent crimes against women. The proposal request would continue funding, which will keep his detective position in place to investigate violent crimes against women and to continue the development and implementation of educational awareness programming throughout Gallatin County. Detective Wade wrote the grant and the activities associated with this project have brought together the cooperative efforts and partnership between County law enforcement and other agencies involved in helping to reduce violent crimes against women, increase enforcement, educate and involve the public with regards to women and violent crime. Commissioner Murdock stated concerns with the budget. The Detective will work with Fiscal Officer Ed Blackman to work out the budget to support the grant. Commissioner Olson made a motion to adopt Resolution 1998- 12 to continue supporting the grant for "Operation Freedom from Fear." Seconded by Commissioner Murdock. None voting nay. Motion carried.

County Planner Jennifer Borquist reported the Gallatin County Planning Department was in receipt of a cash-in lieu check from Big Sky Lumber Co., Blixseth Group, Inc., and C.E. Holliman & Associates, Inc. regarding their proposed Twenty-Eight North Minor Subdivision in the amount of \$7,775.00. This amount is based on a 1995 land valuation provided by the applicant equivalent to the value of 3.11 acres, or \$2,500.00 per acre. Their final plat application was deemed complete on February 2, 1998. Condition No. 17 addresses cash-in-lieu as follows: The developer shall submit cash-in-lieu of parkland dedication equal to the unimproved, fair market land value of one-twelfth of the area of those lots greater than five and less than 10 acres in size, exclusive of all other dedications. The subdivision regulations specify that a cash-in-lieu donation be equal to the "Fair market value of the amount of land that would have been dedicated," charging the subdivider with providing evidence of this value. Staff has assumed that the fair market value represents a current land value as determined by a licensed real estate appraiser at the time of final plat submittal and has required a current appraisal when cash-in-lieu donations are made. If the Commission accepts the cash-in-lieu proposal, all of the conditions of approval required for

the minor subdivision will have been met. The applicant's representative Tom Henesh, of Morrison-Maierle, Inc., stated that the delay between completion of conditions for final plat approval and the cash-in-lieu submittal was due to issues with the state. He reported that when preliminary plat approval was granted, a lot of major changes were being made in the subdivision regulations and the state health department. Mr. Henesh wanted clarification from the Commission on the cash-in-lieu expected by the subdivider in order for the applicant to receive final plat approval for the subdivision. Deputy County Attorney Susan Swimley stated that legislatively any governing board had been directed to follow the regulation that was in place at the time preliminary plat approval was granted. Finding that the Commission has determined that the cash-in-lieu requirement at the time of preliminary plat approval applies, Commissioner Murdock made motion to accept the figures supplied by the subdivider for the cash-in-lieu payment and that the Commission determines that condition for final plat approval has been met. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Borquist reported on a request for final plat approval for Twenty-Eight North Minor Subdivision. The subdivision was granted preliminary plat approval by the County Commission on January 10, 1997. The subdivision consists of five lots, located in the NW¼ of Section 28, Township 6 South, Range 3 East, P.M.M. in Gallatin County, Montana. A one-year extension was granted on December 13, 1997. The subdivider has requested that the subdivision now be given final plat approval. The conditions for final plat approval have been reviewed. The conditions for final plat approval have been completed as follows: 1. The final plat conforms to the Uniform Standards for Final Subdivision Plats and is accompanied by the required certificates. 2. The final plat contains a statement requiring individual lot accesses to be built to the standards of Section 6.E.18(a) of the Subdivision Regulations. 3. All required utility easements are shown on the final plat. In addition, the following statement appears on the final plat: *The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, to the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as 'Utility Easement' to have and to hold forever.* 4. The developer agrees that areas disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding has been signed between the weed district and the applicant as required. 5. The developer has recorded a waiver of right to protest creation of rural improvement districts on the final plat as required. 6. A \$100.00 per lot fee (\$500.00) has been submitted as required to the Big Sky Rural Fire Department. 7. A homeowners' association has been formed as required for enforcement of the covenants. 8. The developer intends to record the following covenants with the final plat: a. The control of county-declared noxious weeds shall be the responsibility of the Homeowners' Association. b. Ciel Drive, from the intersection with Highway 64, to the cul-de-sac west of the subdivision, shall be maintained by the homeowner's association. c. The spur road leading to the eastern end of Lot 5 shall be maintained by the homeowner's association. d. Fire retardant shingles shall be used. e. Spark arrestor screens shall be placed on fireplace and woodstove chimneys. f. Smoke detectors shall be installed on each level of dwelling units. g. The artificial feeding of big game wildlife shall be prohibited. h. All garbage facilities shall be bear roof. i. Students attending the Bozeman School System will be required to travel to the central bus stop at the Big Sky Conoco Station. j. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. k. The area within 30 feet of dwelling units shall be cleared of all logs, flammable materials and dead vegetation. l. Trees and shrubs shall not touch any buildings. Trees shall not overhang roofs near chimneys and flues. 9. Covenants and a copy of the preliminary approval have been submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The County Attorney's Office has reviewed and approved the covenants as required. 10. Approval of the subdivision has been obtained from the Department of Environmental Quality as required. 11. Ciel Drive, from the eastern end of Lot 3 to the western end of Lot 2, has been dedicated to the public with a 60-foot right-of-way, and has been constructed to County standards to be maintained by the homeowners' association. Construction plans have been certified by a registered engineer and have been approved by the County Road Office. The easement has been written and recorded in accordance with Section 7.F.i and ii of the Gallatin County Subdivision Regulations. 12. Ciel Drive, from the western end of Lot 5 to the cul-de-sac, and from the intersection with Highway 64 to the eastern end of Lot 3, has been shown on the final plat as a 60-foot-wide public road easement, and has been constructed to County standards to be maintained by the homeowners' association. Construction plans, certified by a registered engineer, have been approved by the County Road Office as required and the completed work has been inspected and approved by the County Road Office. The easement has been written and recorded in accordance with Section 7.F.i and ii of the Subdivision Regulations. 13.

The spur road leading to Lot 5 has been shown on the final plat as a 60-foot-wide public road easement, and has been constructed to County standards to be maintained by the Homeowners' Association. Construction plans have been approved by the Homeowners' Association and certified by a registered engineer. The road has been approved by the County Road Office. The easement has been written and recorded in accordance with Section 7.F.i and ii of the Gallatin County Subdivision Regulations. 14. An encroachment permit for access onto Hwy. 64 has been obtained from the Montana Department of Transportation. 15. A stop sign has been installed at the intersection with Highway 64 and has been inspected by the County Road Office. 16. Road name signs have been installed for Ciel Drive and the spur road to Lot 5 and have been inspected by the County Road Office. 17. The developer has submitted cash in-lieu of parkland dedication equal to the unimproved, fair market land value (as appraised April 1995) of one-twelfth of the area of the lots (3.11 acres for a total of \$7,775.00). 18. The Big Sky Fire Department has submitted a verification letter regarding provision of a water source as required. 19. The subdivider is applying for final plat approval within the required timeframe. After reviewing the information submitted, the planning staff have determined that all conditions have been met to be granted final plat approval. Finding that all the conditions have been met, Commissioner Olson moved to grant final plat approval for the Twenty-Eight North Minor Subdivision. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Chris Gray presented an ordinance regulating the import and planting of mint and mint rootstock in Gallatin County. Ron Carlstrom with the Gallatin County Extension Office explained that the Mint crop is a new crop to Gallatin County. It will grow in the County quite well. The mint is raised by root-stock. This crop is in the agricultural producing stage and it is the time for the County to control and stop diseases carried by this crop before they are transported into our agricultural community. The ordinance would require that only certified root stalk from a greenhouse, that is free of disease, can be brought into the county for producing. Chris Gray stated that this ordinance was modeled after the seed potato ordinance. Copies of the first reading of the ordinance will be available in the Clerk and Recorder's Office. A second reading of the ordinance will be read in two weeks. The ordinance will take effect after the second reading. Commissioner Murdock read the ordinance into the record. Commissioner Murdock made a motion to adopt ordinance No. 1998-02 as read into the record. Seconded by Commissioner Olson. None voting nay. Motion carried. The second reading will be at the public hearing on March 3, 1998.

Deputy County Attorney Susan Swimley reported on the petition to abandon a portion of Gallatin Street and an alley in Block D of Milwaukee Addition in Logan that was continued at the public meeting on November 25, 1997. The item was continued so that the Gallatin County Attorney's office could research and determine the road easements, right-of-ways granted, and any agreements recorded by adjoining land owners. The area was platted as the Milwaukee addition to Logan, Montana filed on July 21, 1911. Highway 10 crosses the configuration of the 1911 plat. The recorded plat grants the streets and alleys (which have never been constructed) to the public. The title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to the vacated portions. The agreements between adjacent property owners regarding the use of the vacated area is as per Iris West, "The property owners fronting the abandoned road will split the area 50-50." The alley is 16' wide. Therefore, beginning at the southern edge of Gallatin Street and proceeding south, the alley would revert 8' to the Roadarmels along Lots 1,3,and 5; and 8' to the Wests along Lot 15 and Lot 16. The remainder of the alley would revert to the Wests, as they are the owners of Lots 7, 9, 11 and 16. The only owners not identified are Barbara and Mel Weigum who own lots 4 and 6 of Block D. The Wests have prepared an easement which purports to grant an access from First Street to Lot 14 of Block D along the southern lot line of Lot 12 of Block D. Iris West reviewed the map Deputy County Attorney Swimley prepared and agreed it was correct. Sam Gianfrancisco, County Road and Bridge Superintendent, clarified that the two alleys have not been constructed and there is no problem vacating them in the spring when the frost is out of the ground. There was no public comment. Finding that the County Commissioners and the Viewing Committee have taken into consideration the previous platting of these roads; the manner in which the right of way was originally dedicated, granted, or conveyed; the reason stated in the petition and further review of any agreements between adjacent property owners regarding the use of the vacated area and negotiations with the applicants, Commissioner Murdock moved to abandon that portion of Gallatin Street and alley in Block D of Milwaukee Addition in Logan, and that the abandoned property would revert back 50/50 to the property owners on each side of the abandonment. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Manager, Subdivision Review, W. Randall Johnson presented the Commission with the amendments to the Gallatin County Subdivision Regulations. On January 13, 1998 the Gallatin County Planning Board unanimously recommended approval. The majority of these changes have been arranged according to section. Changes considered less substantive have been included at the end of this report. A ~~strikeout~~ indicates eliminated words or phrases. New text is identified with **bold and underline**.

I. *The following includes changes proposed for Section 1, Definitions. A definition for "structure" has been added. A definition for "watercourse" and "ordinary high water mark" have been added to general definitions to support provisions for watercourse mitigation included under Section 6:*

SECTION 1: GENERAL PROVISIONS

G. Definitions.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, or below the surface of land or water.

Watercourse: Any natural stream, river, creek, drainage, waterway, gully, ravine or wash in which water flows either continuously or intermittently and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. The term watercourse shall not be construed to mean any facility created exclusively for the conveyance of irrigation water.

Ordinary High Water Mark:

The line that water impresses on land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A floodplain adjacent to surface waters is not considered to lie within the surface waters' high-water marks (MCA 23-2-301).

II. *The following has been changed to be more user-friendly:*

SECTION 4: SUMMARY REVIEW PROCEDURES FOR MINOR SUBDIVISIONS

B. First Minor Subdivision.

2. ~~Pre-Submittal Meeting: It is recommended that the subdivider meet with the planning department prior to submitting a plan or plat. The purpose of this meeting is to discuss these regulations and standards, to familiarize the subdivider with the goals and objectives of applicable plans, regulations and ordinances, and to discuss the proposed subdivision as it relates to these matters.~~

2. **Pre-Submittal Meeting: To provide assistance in the minor subdivision review process, the Planning Staff is available to meet with the subdivider prior to submitting a subdivision application. The purpose of this meeting is to: discuss the regulations and design standards; familiarize the subdivider with the subdivision review process; identify goals and objectives of applicable plans, regulations, and ordinances; and, discuss the proposed subdivision as it relates to these matters. If necessary, the planning department will assist the subdivider in obtaining copies of available surveys and/or plats from the Gallatin County Clerk & Recorder's Office.**

III. *The following standards pertaining to watercourse mitigation have been proposed to support the following goals of the Gallatin County Master Plan: Protect surface and groundwater quality (Goal I, Page 14); Limit soil erosion caused by development (Goal I, Page 14); Limit land uses that could be negatively impacted by flooding of streams and rivers (Goal I, Page 16); Prevent degradation of soil, water, air and plant life from point and non-point sources (Goal II, Page 19); Encourage the conservation of important wildlife habitat (Goal I, page 22); Minimize residential development impacts in areas of important wildlife habitat (Goal IV, Page 31). The buffer established with these standards is consistent with the following: a) The Montana Streamside Management Act (MCA 77-5-301, 50-foot buffer); Lewis and Clark Co., Hauser Lake buffer (100-foot buffer, depending on slope); Big Sky Zoning Regulation (100-foot buffer from Gallatin River, 50 feet from all other streams); U.S. Forest Service (100-foot buffer "special management zone" 39 CRF 219.27(e)); City of Bozeman (35-foot buffer from mean high water mark, minor streams); Recommendation of Montana Department of Fish, Wildlife and Parks (100-foot buffer for streams more than 100 cfs, 35-foot buffer for streams with 5-30 cfs); Recommendation of DNRC Floodplain Manager (100 to 250 feet); Teton Master Plan, Wyoming (150 feet).*

SECTION 6: DESIGN AND IMPROVEMENT STANDARDS, GENERAL

A. General Standards.

5. Watercourse Mitigation: Where a subdivision is crossed by or adjacent to a watercourse, the subdivider shall mitigate the impacts of the subdivision on the watercourse. This mitigation may not be less restrictive than the requirements of the Gallatin County Floodplain Regulations or any applicable zoning regulations.
 1. Setback: The subdivider shall provide the following setbacks, which parallel the ordinary high water mark of the watercourse. A 100-foot setback shall be provided between the ordinary high water mark and any residential or commercial structure, excluding structures used for agricultural purposes or for the maintenance of livestock, along the following rivers: the East and West Gallatin, Madison, Jefferson and Missouri rivers. A 35-foot setback shall be provided from the ordinary high water mark of all other watercourses or the subdivider shall submit a watercourse mitigation plan.
 2. Watercourse mitigation plan: The subdivider shall submit a plan, and propose measures to mitigate the impacts of the subdivision on the watercourse. The plan shall evaluate the potential effects of the proposed subdivision on the watercourse; to include consideration of wildlife and fish habitat, water quality, vegetation, and watercourse health. The mitigation measures might include: setbacks, building envelopes, landscaping, type and/or location of septic systems, streambank stabilization, etc.

IV. *The following has been added to the road standard section to help alleviate unnecessary variances and to support the following goals of the Gallatin County Plan: Development road standards that are sensitive to low densities and special terrain requirements (Goal IV, page 39). Through the subdivision review process, provide future access to unsubdivided lands and public lands where appropriate (Goal V, page 39). The new language would allow staff to make a determination regarding requirements which may be superseded by certain conditions. In addition, new road profiles will be provided by the County Road and Bridge Department.*

SECTION 7: DESIGN AND IMPROVEMENT STANDARDS, ROADS

A. General Design.

2. Relation to Unsubdivided Areas: When a new subdivision adjoins unsubdivided land and access ~~thereto~~ **to the unsubdivided land** must pass through the new subdivision, the subdivider shall provide rights-of-way and construct roads so as to allow suitable access to the un-subdivided land.

~~a. Proposed roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, in which case a variance must be approved by the County Commission.~~

This requirement may be waived by the Gallatin County Road and Bridge Department if one of the following criteria is met:

- a. Topography or other physical condition would make it impracticable to provide access to adjacent un-subdivided properties.**
- b. Adequate public access is otherwise available to the adjacent un-subdivided properties.**
- c. When the adjoining un-subdivided property is under a conservation easement, public ownership, or other legally restrictive covenants.**

The Gallatin County Road and Bridge Department must review and approve all proposed waivers.

F. **Primary Access Road Standards.** All off-site roads providing primary access to the proposed subdivision shall meet the following standards:

~~Off site primary access roads shall be constructed to the standards in tables 1 and 2 of these regulations. The subdivider shall be responsible for bringing up to current county standards and paving~~ **improve all off-site the primary access roads to the standards in tables 1 and 2 of these regulations based on the cumulative number of trips per day generated by the subdivision and existing traffic. For major subdivisions, if the primary access road is at or over one hundred (100) trips per day, or if the subdivision will add trips that causes traffic on the primary access roads to exceed one hundred (100) trips per day, the subdivider shall be required to improve the primary access road as determined by the County Road and Bridge Department to current county standards and pave the road.** Trips per day shall be calculated on an average of eight (8) trips per day per household. Paving shall be done in accordance with the standards in these regulations.

I. **Road Impact Fees.** A subdivider who submits a complete application for preliminary plat approval after May 1, 1997 shall pay a road impact fee in accordance with the Road Impact Fee regulation as specified under Appendix E of this regulation.

V. *The percentage of security required for improvement agreements has been increased from 125 percent to 150 percent and surety bonds as a form of security have been eliminated.*

SECTION 8: IMPROVEMENTS PROCEDURES.

B. Improvements Procedures. All improvements agreements shall meet the following standards: 2. Security in the amount equal to one hundred ~~twenty-five (125)~~ **fifty (150)** percent of the cost of the improvement shall be included. Gallatin County has the discretion to require a second estimate of the cost of improvements. The cost of obtaining the second estimate shall be borne by the subdivider. Such security shall be in the form of a ~~surety bond~~, certificate of deposit, letter of credit, or cash. (4) Security for improvements other than internal subdivision roads shall be reduced only upon recommendation of the County Road Supervisor and approval by the County Commission, upon request by the subdivider. Requests for partial release of security shall only be in amounts such that the security will always equal one hundred ~~twenty-five~~ **Fifty (150)** percent of the value of the uncompleted work, as determined by the County Road Supervisor and such that not more than ninety (90) percent of the security is released prior to completion of improvements.

VI. *Section 10 has been changed to comply with Department of Natural Resources and Conservation (DNRC) standards. Changes have been approved by Karl Christians, Floodplain Management Section Supervisor. The section supports the following goals and policies of the Gallatin County Plan: Protect the environment; Protect public health; Limit land uses that could be negatively impacted by flooding of streams and rivers.*

SECTION 10: FLOOD HAZARD EVALUATION

A. **General.** Land ~~located in the floodway of~~ **subject to being flooded by** a flood of one hundred (100) year frequency as defined by Title 76, Chapter 5, M.C.A., or land deemed to be subject to flooding by the County Commission, shall not be subdivided for building or residential purposes, or other uses that may increase or aggravate flood hazards to life, health or welfare, or that may be prohibited by state or local floodplain or floodway regulation.

B. **Procedure.** If any portion of a proposed subdivision is within two thousand (2,000) horizontal feet and less than twenty (20) vertical feet of a ~~live stream~~ **watercourse** draining in an area of twenty five (25) square miles or more, and no official floodway or floodway delineation or ~~floodway studies (study)~~ of the stream **has** ~~have~~ been made, the subdivider shall ~~submit survey data to the Water Resources Division, Department of Natural Resources and Conservation, to delineate the 100 year floodway frequency~~ **provide in detail the calculated 100-year frequency water surface elevations and/or 100-year floodplain boundaries. This detailed information shall be performed by a licensed professional engineer experienced in this field of work.**

1. ~~Submission of Report: After the report delineating the floodway has been received from the Water Resources Division, Department of Natural Resources and Conservation it shall be submitted to the planning office with the Environmental Assessment required for the preliminary plat. This information shall be submitted at the time of preliminary plat application. This information may be submitted, upon the request of the County Commission, to the Floodplain Management Section, Water Resources Division, Department of Natural Resources and Conservation for review and concurrence.~~

C. ~~Survey Data. The survey data to be submitted to the Water Resources Division, Department of Natural Resources and Conservation, shall include:~~

1. ~~Contours: A copy of the plat showing contour intervals.~~
2. ~~Benchmarks: The location and elevation of a temporary benchmark established within the subdivision and referenced to mean sea level with appropriate elevation adjustments.~~
3. ~~Cross Sections: A minimum of four (4) surveyed valley cross sections of the stream according to the following requirements:~~
 - a. ~~Cross sections shall include the stream channel and floodplain on both banks.~~
 - b. ~~One cross section shall be taken at a point on the stream from which it could be extended through the subdivision.~~
 - c. ~~Three (3) cross sections shall be taken downstream from the subdivision, each approximately 1,000 feet apart, but in no case may the vertical drop between cross sections exceed five (5) feet. The cross section farthest downstream should be located at a natural construction or bridge crossing. Cross sections shall be taken at any bridge location between the subdivision and lowest cross section.~~
 - d. ~~Distances between cross sections are to be determined by stadia, and these distances and location of cross sections shall be shown on the location map.~~
 - e. ~~The overbank cross sections are to be extended to obtain a vertical rise of fifteen (15) feet above the water surface.~~

~~**NOTE: Photogrammetric methods may be used in lieu of cross sections whenever appropriate and when reviewed and approved by the County.~~

4. ~~Foot Mark: If a U.S. Geological Survey gauging station is within the reach of the stream under study, the elevation of any convenient foot mark surveyed and clearly indicated on the location map.~~

- ~~5. **Bridges:** Descriptions and sketches of all bridges within the reach, showing unobstructed waterway openings and elevations.~~
- ~~6. **Water Surface:** Elevations of the water surface determined by survey as part of each valley cross section.~~
- ~~7. **Profiles:** A profile sheet prepared on cross section paper of ten (10) divisions to the inch, showing the observed water surface profile, location of cross section, subdivision boundaries, riverbank profile, and thalweg (lowest point of the channel bottom along the reach of stream.)~~
- ~~8. **Location:** A location map, such as U.S. Geological Survey 7 1/2 minute quad or similar map, showing the proposed subdivision, the locations of the valley cross section, and any gauging station.~~

C. Detailed Information. The detailed information to be submitted, shall include the following:

1. Certification: Certification by a registered professional engineer.
2. Overall Plan View: An overall scaled plan view (project map) with identified scale for vertical and horizontal distance showing the following:
 - a. Watercourse.
 - b. Floodplain boundaries.
 - c. Location of property.
 - d. Contours.
 - e. Cross sections.
 - f. Bridges or other contractions in the floodplain.
 - g. USGS gauging stations (if any).
3. Benchmark(s): The location and elevation of a temporary benchmark(s) established within the subdivision and referenced to mean sea level with appropriate elevation adjustment.
4. Cross Sectional Information:
 - a. Cross section elevations and stations should be determined at points representing significant breaks in ground slope and at changes in the hydraulic characteristics of the floodplain (e.g., points where ground cover, soil, or rock conditions changes). Elevations must be reported in NAVD 88 or NGVD 29 datum.
 - b. Each cross section shall cross the entire floodplain. The cross section alignment should be perpendicular to the general flow of the watercourse, the slope of the channel, and the hydraulic characteristics of the reach. A minimum of four cross sections are required over the entire reach with at least two cross sections at the property where the elevations are desired. Additional cross sections must be taken at bridges, control structures, or natural constrictions in topography.

****NOTE:** Photogrammetric methods may be used in lieu of cross sections whenever appropriate, and when the use has been reviewed and approved in advance by the County Floodplain Administrator.

5. Bridges: Descriptions and sketches of all bridges within the reach, showing unobstructed waterway openings and elevations.
6. Water Surface: Elevation of the water surface is to be determined by survey as part of each valley cross section.
7. Supporting Documentation: Engineering report of computer computations, calculations, and assumptions that may include:
 - a. Hydrology (Research of published hydrology or calculations showing how hydrology was derived).
 - b. Input Files (hardcopy and on diskette).
 - c. Output Files (diskette only).

~~D. **Cross Section Scale.** Cross sections shall be plotted on cross section paper of ten (10) divisions to the inch using any convenient, identified scale for vertical and horizontal distance.~~

D. **Waiver of Requirement.** The County Commission shall waive this requirement where the subdivider contacts the Water Resources Division, Department of Natural Resources and Conservation, and that agency states in writing that the available data indicates that the proposed subdivision is not in the flood hazard area **as defined in this Section.**

I. *The following change represents a clarification:*

SECTION 13: ADMINISTRATIVE PROVISIONS

A. **Variances.**

1. **Hardship:** The County Commission may grant reasonable variances from ~~the design and improvement standards~~ of these regulations where it is found that strict compliance would result in undue hardship and **such strict compliance** is not essential to the public health, safety, and general welfare.
2. **VIII.** *The following certificates have been added to provide a general format for surveyors to use on exemption surveys. These examples have been approved by the Clerk and Recorder.*

APPENDIX A: CERTIFICATE (GUIDELINES)

K. Exemption Certificates. The following represents examples of certificates to be used on certificate of surveys for the following types of exemptions: relocation of common boundaries, land gift or sale to family member, agricultural exemption, and security for construction:

CERTIFICATE OF EXEMPTION
(RELOCATION OF COMMON BOUNDARY)

We certify that the purpose of this survey is to relocate common boundaries between adjoining properties. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1) (a), MCA.

Property Owner(s):

(Signature(s))

(Notary)

CERTIFICATE OF EXEMPTION
(FAMILY GIFT OR SALE)

I certify that the purpose of this survey is to create Tract ___ for transfer of ownership as a family gift or sale and that no prior family sale has been conveyed to _____, and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1) (b), MCA, and the Gallatin County Subdivision Regulations.

Property Owner(s):

(Signature(s))

(Notary)

CERTIFICATE OF EXEMPTION
(FOR AGRICULTURAL PURPOSES)

I certify that the purpose of this survey is to create Tract _____ for gift or sale, which is to be used for agricultural purposes only, and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1) (c), MCA and the Gallatin County Subdivision Regulations.

I also hereby enter a covenant, to run with the land, that Tract _____ as shown hereon, will be used exclusively for agricultural purposes only. No building or structure requiring water or sewer facilities shall be utilized on Tract _____. This covenant is revocable only by the mutual consent of the governing body and the property owner.

Property Owner:

(Signature)

(Notary)

EXEMPTION CERTIFICATE
(SECURITY FOR CONSTRUCTION)

I certify that the purpose of this survey is to create a parcel of land to provide security for construction or mortgage loan purposes and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-201(2) MCA of the Subdivision and Platting Act and from review by the Montana Department of Environmental Quality (16.16.605(1)(b)).

Property Owner:
<i>(Signature)</i>
(Notary)

IX. *Appendix E addresses the road impact fees adopted in April 1997 by the County Commission:*

**APPENDIX E: GALLATIN COUNTY, MONTANA
ROAD IMPACT FEE REGULATION**

Adopted April 1, 1997

Effective May 1, 1997 TABLE OF CONTENTS

1. LEGISLATIVE FINDINGS
2. AUTHORITY AND APPLICABILITY

3. INTENT
4. IMPOSITION OF ROAD IMPACT FEES
5. COMPUTATION OF AMOUNT OF ROAD IMPACT FEE
6. PAYMENT OF ROAD IMPACT FEES
7. ROAD IMPACT FEE FUND
8. USE OF FUNDS
9. WAIVERS OF ROAD IMPACT FEES
10. REFUNDS OF ROAD IMPACT FEES PAID
11. CREDITS AGAINST ROAD IMPACT FEES
12. MISCELLANEOUS PROVISIONS

1. LEGISLATIVE FINDINGS

The Commissioners of Gallatin County, Montana, find that:

- 1.1 The protection of the health, safety, and general welfare of the citizens of the County requires that the road system of the County be expanded and improved to accommodate continuing growth within the County.
- 1.2 All types of new development for which specific waivers have not been defined in this regulation will generate traffic that will require expansions and improvements to the County Major Road System.
- 1.3 The creation of an equitable Road Impact Fee system would enable the County to impose a proportionate share of the costs of required road expansions and improvements on those developments that create the need for them.
- 1.4 That County Road and Fire Impact Fee Study prepared by James Duncan and Associates dated September 1995 sets forth a reasonable methodology and analysis for determining the impacts of new development on the County's Major Road System and for determining the cost of acquiring or constructing those road expansions and improvements required to serve new development.
- 1.5 The County hereby adopts the assumptions, levels of service, and capital improvement plans related to roads and referenced in the County Road and Fire Impact Fee Study as part of its current plans for the County's Major Road System.
- 1.6 The Road Impact Fee described in this regulation is based on that County Road and Fire Impact Fee Study, and does not exceed the costs of acquiring additional rights-of-way and acquiring or constructing those road expansions and improvements required to serve the new developments that will pay the Road Impact Fee.
- 1.7 All of the road expansions and improvements listed in the County Road and Fire Impact Fee Study will benefit all new development in the County, and it is therefore appropriate to treat all of the unincorporated areas of the County as a single benefit area for purposes of calculating, collecting, and spending the Road Impact Fees.
- 1.8 There is both a rational nexus and a rough proportionality between the traffic impacts created by new development covered by this regulation and the Road Impact Fee that such development will be required to pay.
- 1.9 This regulation creates a system by which the Road Impact Fees paid by different developments will be used to provide Road Improvements benefiting the development that paid the Fee within a reasonable period of time after the Fee is paid.
- 1.10 Section 76-3-501, MCA, authorizes the County to require a subdivider to pay or guarantee payment for part or all of the costs of extending capital facilities related to public health and safety, including but not limited to public roads, sewer lines, water supply lines, and storm drains to a subdivision.

2. AUTHORITY AND APPLICABILITY

- 2.1 Authority for the adoption of this regulation is found in the Montana Subdivision and Platting Act, sections 76-3-101 et. seq., MCA.
- 2.2 The provisions of this regulation shall apply to all of the land within Gallatin County, but shall not apply to any land located within the corporate limits of any city or town in Gallatin County.
3. **INTENT**
 - 3.1 This regulation is adopted to help implement the Gallatin County Plan and any future updates to or replacement of that Plan.
 - 3.2 The intent of this regulation is to ensure that new development bears a proportionate share of the cost of Road Improvements, to ensure that such proportionate share does not exceed the cost of Road Improvements required to serve such new developments, and to ensure that funds collected from such new developments are actually used to construct Road Improvements that benefit such new developments.
 - 3.3 It is not the intent of this regulation to collect any money from any new development in excess of the actual amount necessary to offset new demands for Road Improvements created by that new development.
 - 3.4 It is not the intent of this regulation that any monies deposited in the Impact Fee Fund created by this regulation ever be commingled with monies from a different Impact Fee Fund or ever be used for a type of facility or equipment different from that for which the Fee was paid.
 - 3.5 As used in this regulation, the term "Road Improvements" means the planning, land acquisition, engineering design, construction, construction inspection, equipment purchases, and financing costs associated with new or expanded facilities or equipment, that expand the capacity of the County's Major Road System and that have an average useful life of at least ten (10) years, but not including maintenance, operations, or improvements that do not expand capacity.
4. **IMPOSITION OF ROAD IMPACT FEES**
 - 4.1 A subdivider who submits a complete application for preliminary plat approval after the effective date of this regulation shall pay a Road Impact Fee in the amount specified in this regulation prior to final plat approval. The effective date of this regulation is May 1, 1997.
 - 4.2 The duty to pay such Road Impact Fee shall be attached as a condition to any preliminary plat approval of a subdivision.
5. **COMPUTATION OF AMOUNT OF ROAD IMPACT FEE**
 - 5.1 A subdivider required to pay a Road Impact Fee may choose to have the County determine the amount of such fee pursuant to either section 5.2 or 5.3 below.
 - 5.2 Unless the subdivider requests that the County determine the amount of such fee pursuant to Section 5.3, the County shall determine the amount of the Road Impact Fee by applying a fixed fee of one thousand five hundred and ninety-six dollars (\$1,596) per lot or parcel shown on the final map of the subdivision or on the zoning permit application. Such fee amount includes credits for expected future receipts of federal highway funds and expected future receipts of gas tax revenues applied to the Road Improvements required to serve new development.
 - 5.3 A subdivider may prepare and submit to the County an independent fee calculation study for the proposed development prepared by qualified professional traffic engineers and/or economists. Any such study must: (a) use the service units and unit construction costs stated in the County Road and Fire Impact Fee Study; (b) be performed in compliance with any criteria for such studies previously established by this regulation or by the County; (c) show the traffic engineering and economic methodologies and assumptions used, including but not limited to those forms of documentation listed in sections 5.3.1 and 5.3.2 below; and (d) be acceptable to the County pursuant to Section 5.3.3 below.
 - 5.3.1 Traffic engineering studies must include documentation of trip generation rates, trip lengths, any percentage of trips from the site that represent net additions to current trips from the site, the percentage of trips that are new trips as opposed to pass-by or divert-link trips, and any other trip data for the proposed land use.
 - 5.3.2 Economic studies must include documentation of any special factors that the subdivider believes will reduce the traffic volumes otherwise attributable to the development.
 - 5.3.3 The County shall consider all such documentation and any independent fee calculations submitted by the subdivider, but shall not be required to accept any such study or documentation reasonably deemed to be inaccurate or unreliable, and may request that the subdivider submit additional or different documentation for consideration. Any independent fee calculation study submitted by a

subdivider may be accepted, rejected, or accepted with modifications by the County as the basis for calculating Road Impact Fees.

5.3.4 Upon acceptance or acceptance with modifications of an independent fee calculation study and documentation, the County shall use the following formula to determine the fee:

New Lane Miles = $[(\text{One Way Average Daily Trips} \times \text{Primary Trip Factor} \times \text{Average Trip Length}) / (390 \text{ Vehicles per Day per Lane.})]$
 (390 is the weighted average of current use rates per lane for paved and gravel roads from County Road and Fire Impact Fee Study)

Cost = New Lane Miles x \$ 55,300
 (\$55,300 is the weighted average of cost per lane mile of paved and gravel roads from County Road and Fire Impact Fee Study)

Street Impact Fee = Cost x .617 (representing the same 38.3% credit for expected state and federal highway funding and gas tax revenues used to calculate the Fee in Section 6.2)

where: "One Way Average Daily Trips" means one-half of the average daily trip ends on a weekday; and
 "Primary Trip Factor" means that percentage of average daily trips to or from the development that are primary trips, as opposed to pass-by or divert-link trips; and
 "Average Trip Length" means the average distance per trip traveled on public roads in the County

5.4 If the subdivider is applying for a re-subdivision of an approved subdivision or an amendment to a final subdivision plat for which a Road Impact Fee has previously been paid, then the fee shall be the net positive difference between the fee applicable at the time of the current application for subdivision approval or amendment and any amount previously paid as an impact fee for road facilities.

6. PAYMENT OF ROAD IMPACT FEES

6.1A subdivider required to pay a road impact shall pay such fee to the County prior to the final approval of any subdivision of land or enter into an Improvements Agreement and provide security for said agreement pursuant to Gallatin County Subdivision Regulation Section 8.B.1.g. Improvements Agreements.

6.2 All monies paid by a subdivider pursuant to this regulation shall be identified as Road Impact Fees and shall be promptly deposited in the Road Impact Fee Fund described in Section 7.

7. ROAD IMPACT FEE FUND

7.1 A Road Impact Fee Fund is hereby created for the County.

7.2 The Road Impact Fee Fund shall contain only those Road Impact Fees collected pursuant to this regulation and any interest which may accrue from time to time on such amounts.

7.3 Interest earned on monies in the Road Impact Fee Fund shall be considered part of such fund, and shall be subject to the same restrictions on use applicable to the Road Impact Fees deposited in such fund.

7.4 The County's reasonable costs to calculate and document Road Impact Fees, credits against those fees, and refunds of those fees pursuant to this regulation shall be considered as expenses of reviewing subdivision plats, and shall be included in the County's fees for the review of such plats pursuant to authority granted in Section 76-3-602, MCA.

8. USE OF FUNDS

8.1 The monies in the Road Impact Fee Fund shall be used only (a) to acquire land for and/or acquire or construct any Road Improvements including planning, land acquisition, engineering design, construction, construction inspection, equipment purchases and financing costs associated with new or expanded facilities or equipment within the County; or (b) to pay debt

service on any portion of any future bond issue used to finance Road Improvements to the extent that such Improvements expand the capacity of the County's Major Road System; or (c) as described in sections 10 or 11.8 of this regulation.

8.2 Monies in the Road Impact Fee Fund shall be considered to be spent or encumbered in the order collected, on a first-in/first-out basis.

8.3 No monies from the Road Impact Fee Fund shall be spent for periodic or routine maintenance of any facility of any type or to cure deficiencies in facilities existing on the effective date of this regulation.

9. WAIVERS OF ROAD IMPACT FEES

9.1 The County shall waive the Road Impact Fee for any lot meeting the existing use or the agriculture covenant criteria.

1. Existing use:

- a) The lot is developed with at least one dwelling unit/structure.
- b) The use of the lot will produce no greater demand on road impacts that would have been produced if such land had not been subdivided.

2. Agriculture covenant:

- a) A covenant has been placed on the lot that the lot will be used exclusively for agricultural purposes, no building or structure requiring water or sewer facilities shall be utilized on the lot.
- b) The covenant runs with the land and is revocable only by mutual consent of the County Commission and the property owner through the subdivision process.
- c) The impact fee in place at the time of the revocation shall be paid.

Such waiver shall be granted prior to final approval of the subdivision. A request for a waiver made after the approval shall be invalid.

9.2 Subdividers otherwise required by this regulation to pay a Road Impact Fee may request a full or partial waiver of that requirement if one of the following can be demonstrated:

- 1. A full waiver may be received if the subdivider has provided a contribution towards the cost of acquiring or constructing the capital facilities and/or equipment required to serve the lot(s) in an amount that equals or exceeds the Road Impact Fee otherwise required by this regulation.
- 2. A partial waiver may be received if the subdivider has provided a contribution towards the cost of acquiring or constructing the capital facilities.

Any such claim for waiver must be made no later than the time when the subdivider applies for final approval of the subdivision, and any request for a waiver not made at or before such time shall be invalid.

9.3 The County Planning Director, after consulting with the County Road and Bridge Department, shall determine validity, subject to an application for subdivision review, or any waiver or claim for a waiver pursuant to the criteria set forth in section 9.1 or 9.2. Final determination of validity shall be made at final approval of subdivision.

10. REFUNDS OF ROAD IMPACT FEES PAID

10.1 Any monies in the Road Impact Fee Fund that have not been spent or encumbered within ten (10) years after the date on which such fee was paid shall, upon application of the then current owner of the land for which the Fee was paid, be returned to such owner with interest at the rate of ten (10%) percent per annum since the date of payment. In order to be eligible to receive such refund, the then owner of the land shall be required to submit an application for such refund within six (6) months after the expiration of such ten (10) year period, or such claim shall be waived. When the right to a refund exists due to a failure to encumber or spend fees within such ten (10) year period, the County shall provide written notice of entitlement to a refund to current owner of the land for which the Fee was paid. The County shall also publish such notice within thirty (30) days after the expiration of the ten (10) year period from the date the Road Impact Fee was paid. The published notice shall contain the heading 'Notice of Entitlement to an Impact Fee Refund'.

11. CREDITS AGAINST ROAD IMPACT FEES

11.1 After the effective date of this regulation, all mandatory or voluntary right-of-way dedications for Road Improvements by a subdivider, and all mandatory or voluntary acquisition or construction of Road Improvements by a subdivider, and all payments to any approved Rural Improvement Area for Road Improvements, shall result in a pro rata credit against the Road Impact Fees otherwise due for such development, except that no such credit shall be awarded for: (a) land dedications for or construction of, site-related improvements as defined in Section 11.2 of this regulation; or (b) any voluntary right-of-way dedications not accepted by the County; (c) any voluntary acquisition or construction of Road Improvements not approved in writing by the County prior to commencement of the acquisition or construction; or (d) any mandatory or voluntary dedication, construction, or acquisition of a type of Road Improvement not included in the calculation of the Road Impact Fee in the County Road and Fire Impact Fee Study.

11.2 For purposes of this regulation, site related improvements include all (a) access roads leading to the proposed development; (b) driveways and roads within the development; (c) acceleration, deceleration, right, or left turn lanes leading to any road and driveway

within the development; and (d) traffic control devices for roads and driveways within the development.

- 11.3 In order to obtain a credit against Road Impact Fees otherwise due, a subdivider must (a) submit a written agreement or offer to dedicate to the County specific parcels of land, or to construct specific Road Improvements in accordance with all applicable state or County design and construction standards; or (b) submit written evidence of the payment of fees for Road Improvements to an approved Rural Improvement District; and (c) must specifically request a credit against such Road Impact Fees. Such written agreement, offer, or evidence must be made on a form provided by the County, must contain a statement under oath of the facts that qualify the subdivider to receive a credit, must be accompanied by documents evidencing those facts, and must be filed not later than the time when a subdivider applies for final approval of the first subdivision required for the development, or the claim for the credit shall be invalid.
- 11.4 The credit due to a subdivider who submits such a request shall be calculated by the County and documented by the County as follows:
 - 11.4.1 Credit for qualifying right-of-way dedications shall, at the subdivider's option, be valued at (a) one hundred (100) percent of the most recent assessed value for such land as shown in the records of the County Assessor; or (b) that fair market value established by a private appraiser acceptable to the County in an appraisal paid for by the subdivider.
 - 11.4.2 In order to receive credit for acquisition or construction of Road Improvements, the subdivider shall submit acceptable engineering drawings, specifications, and construction cost estimates to the County. The County shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County.
 - 11.4.3 Credit for payments to an approved Rural Improvement Area for Road Improvements shall be valued at the full amount of such payments.
- 11.5 Approved credits shall become effective at the following times:
 - 11.5.1 Approved credits for dedications of rights-of-way shall become effective when the right-of-way has been conveyed to the County in a form acceptable to the County and at no cost to the County and has been accepted by the County Commissioners. When such conditions have been met, the County shall note that fact in its records. Upon request of the subdivider, the County shall send the subdivider a letter stating the number of credits available to the subdivider.
 - 11.5.2 Approved credits for the construction of Road Improvements shall generally become effective when (a) all required construction has been completed and has been accepted by the County; and (b) a suitable maintenance and warranty bond has been received and approved by the County; and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County and state procedures. However, approved credits for the construction of Road Improvements may become effective at an earlier date if the subdivider posts security in the form of a performance bond, irrevocable letter of credit, or escrow agreement and the amount and terms of such security are accepted by the County. At a minimum, such security must be in the amount of the approved credit or an amount determined to be adequate to allow the County to construct the improvements for which the credit was given, whichever is higher. When such conditions have been met, the County shall note that fact in its records. Upon request of the subdivider, the County shall send the subdivider a letter stating the number of credits available to the subdivider.
 - 11.5.3 Credits for payments to an approved Rural Improvement Area for Road Improvements shall be effective immediately upon review and approval of the evidence of such payment submitted by the subdivider. When such conditions have been met, the County shall note that fact in its records. Upon request of the subdivider, the County shall send the subdivider a letter stating the number of credits available to the subdivider.
- 11.6 Approved credits may be used to reduce the amount of Road Impact Fees otherwise, until the amount of the credit is exhausted. Each time a request to use credits from a mandatory or voluntary dedication, acquisition, or construction is presented to the County, the County shall reduce the amount of the Road Impact Fee otherwise due from the subdivider, and shall note in the County records the amount of credit remaining, if any. Upon request of the subdivider, the County shall send the subdivider a letter stating the number of credits available to the subdivider.

- 11.7 Approved credits shall only be used to reduce the amount of Road Impact Fees otherwise due under this regulation, and shall not be paid to the subdivider in cash or in credits against any other impact fees for a different type of facility or service or against any other monies due to the County, except as described in Section 11.8 of this regulation.
- 11.8 If the amount of approved credits exceeds the amount of Road Impact Fees otherwise due under this regulation, the subdivider may request in writing that the County provide for reimbursement of any excess credits to the subdivider in cash instead of transferable credits. Such written request must be filed not later than the time when an application is made for final approval of the first subdivision required for the development, or the claim for the credit shall be invalid. Upon receipt of such written request, those credits described in Section 11.4 shall not be issued, and the County may, at its discretion: (a) arrange for the reimbursement of such excess credits from the Road Impact Fee Fund from Fees paid by others; or (b) arrange for reimbursement of such excess credits through the issuance of a promissory note payable in not more than ten (10) years and bearing interest equal to the interest rate paid by the County for its long-term debt.
- 11.9 Credits may be transferred from one owner to another by any written instrument clearly identifying the credits issued under section 11.4 of this regulation that are to be transferred, provided that such instrument is signed by both the transferor and transferee and that the document is delivered to the County for registration of the change in ownership.
- 12. MISCELLANEOUS PROVISIONS**
- 12.1 Nothing in this regulation shall restrict the County from requiring a subdivider to construct reasonable project improvements required to serve the subdivider's project, whether or not such improvements are of a type for which credits are available under Section 11.
- 12.2 At least once during each fiscal year of the County, the County Planning Director shall present to the County Commissioners a proposed capital improvement program for the County Major Road System, and such capital improvement program shall assign monies from the Road Impact Fee Fund to specific projects for the expansion or improvement of the County Major Road System and related expenses. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program or not expended pursuant to section 10 or 11.8 of this regulation shall be retained in the Road Impact Fee Fund until the next fiscal year.
- 12.3 The Road Impact Fee stated in Section 5.2 of this regulation shall be adjusted annually to reflect the effects of inflation on those costs for Road Improvements set forth in the County Road and Fire Impact Fee Study. Beginning on January 1, 1999, and on January 1 of each following year unless and until the fee in Section 5.2 is revised or replaced by action of the County Commissioners, the fee amount in section 5.2 shall be adjusted by multiplying such amount by a fraction, the numerator of which is the U.S. Consumer Price Index for all Urban Consumers for All Items published by the U.S. Department of Labor, Bureau of Labor Statistics, for the area for the most recent period for which figures are available, and the denominator of which is the Consumer Price Index for All Items for the same area for the period one year prior to the period reflected in the numerator. Such adjustments in the amount of such fee shall become effective immediately upon calculation by the County, and shall not require additional action by the County Commissioners to be effective.
- 12.4 The Road Impact Fees described in this regulation and the administrative procedures of this regulation shall be reviewed at least once every three fiscal years to ensure that: (a) the traffic and cost assumptions underlying such fees are still valid; (b) the resulting Fees do not exceed the actual cost of acquiring land for Road Improvements and/or acquiring or constructing Road Improvements required to serve new development; (c) the monies collected or to be collected in the Road Impact Fee Fund have been and/or are expected to be spent for Road Improvements; and (d) such Road Improvements will benefit those developments for which the fees were paid.
- 12.5 If a Road Impact Fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated. Any amounts overpaid by a subdivider shall be refunded by the County to the subdivider within thirty (30) days after the County's acceptance of the recalculated amount, with interest at the rate of ten (10%) percent per annum since the date of such overpayment. Any amounts underpaid by the subdivider shall be paid to the County within thirty (30) days after the County's acceptance of the recalculated amount, with interest at the rate of ten (10%) percent per annum since the date of such underpayment. In the case of an underpayment, the County shall not issue any additional permits or approvals for the project for which the Road Impact Fee was previously paid until such underpayment is corrected, and if amounts owed to the County

are not paid within such thirty (30) day period, the County may also repeal any permits or approvals issued in reliance on the previous payment of such Road Impact Fees and refund such Fees to the then current owner of the land.

- 12.6 In order to promote the economic development of the County and the provision of affordable housing in the County, the County Commissioners may agree to pay some or all of the Road Impact Fees imposed on one or more subdivided lots or parcels from other funds of the County that are not restricted to other uses. Any such decision to pay Road Impact Fees on behalf of a subdivider shall be at the discretion of the County Commissioners and shall be made pursuant to goals and objectives previously adopted by the County Commissioners to promote economic development and/or affordable housing.
- 12.7 Knowingly furnishing false information to any official of the County charged with the administration of this regulation on any matter relating to the administration of this regulation, including without limitation the furnishing of false information regarding the expected size of a proposed subdivision or expected traffic impacts from a proposed subdivision, shall be a violation of this regulation.
- 12.8 If any portion of this regulation is determined to be invalid, unenforceable, or unconstitutional for any reason by any court of competent jurisdiction, that portion shall be treated as an independent provision of this regulation, and such determination shall not affect the validity, enforceability, or constitutionality of any other portion of this regulation.
- 12.9 The section titles used in this regulation are for convenience only, and shall not affect the interpretation of any portion of the text of this regulation.
- 12.10 The County shall keep a copy of the County Road and Fire Impact Fee Study prepared by James Duncan and Associates dated September 1995 on file in the offices of the County Planning Department, and shall maintain accurate records of the Road Impact Fees paid, including the name of the person paying such fees, the project for which the fees were paid, the date of payment of each fee, the amounts received for each fee, and any other matters that the County deems appropriate or necessary to the accurate accounting of such fees, and such records shall be available for review by the public during County business hours.
- 12.11 This regulation shall become effective on May 1, 1997.

X. The following general corrections have been made:

Section 5: Plan and Plat Information Requirements, page 33:

E. Final Plat.

- 1. **A final subdivision plat may not be approved by the County Commission nor filed with the County Clerk and Recorder unless all conditions of preliminary plat approval and all subdivision regulations as required by the County Commission have been met.**
- 3. q. The signature and seal of the registered land surveyor responsible for the survey. The affixing of his seal constitutes a certification by the surveyor that the final plat has been prepared in conformance with the Montana Subdivision and Platting Act (sections 76-3-101 through 76-3-614 ~~76-3-625~~ MCA) and the regulations adopted pursuant thereto.

Section 7: Design and Improvement Standards, Roads, Table 1, page 58. Change table heading to include:

MAJOR/MINOR COLLECTORS	MINOR ROADS
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Section 9: Environmental Assessment, page 73:

D. Environmental Description Contents.

- d. Wetlands. When the soil survey maps indicates hydric soils are present, the subdivider shall provide a wetlands delineation completed by a certified consultant, using the U.S. Army Corps of Engineers Wetlands Manual. **If the investigation indicates the presence of wetlands, the wetlands delineation shall be shown on the final plat.** ~~When any construction or changes are proposed in or around the wetlands, a 404 permit shall be obtained from the U.S. Army Corps of Engineers.~~ **If any construction or changes are proposed which require a 404 Permit, the subdivider shall provide evidence of such permit to the County Planning Department.**

Section 11, Planned Unit Development, page 94:

C. Plans and Data.

- f. Certificate of Approval by the State Department of Health and Environmental Sciences **Environmental Quality** (with plan for final approval only).

C. D. Standards for Mobile Home Parks and Recreational Vehicle Parks.

Page 97:

D. E. Standards for Condominiums.

1. Condominium developments shall meet the minimum standards of the Montana Department of Environmental Quality Health and Environmental Sciences, adopted pursuant to sections 76-4-101 through 76-4-128 MCA.

Section 13: Administrative Provisions, page 101:

H. Additional Conditions After Approval. After the preliminary plat is approved, unless inaccurate or incomplete information has been found or a change to a condition has been requested, the County Commission may not impose any additional conditions as a prerequisite to final plat approval, providing said approval is obtained within the original or extended approval period as provided in these regulations.

Section 14: Subdivision Exemptions, page 107:

F. Aggregation of Lots and/or Relocation of Common Boundaries within a Platted Subdivision.

3. The County Commission makes a rebuttable presumption that a proposed aggregation of lots and/or relocation of common boundaries within a platted subdivision is adopted for the purpose of evading the act if it determines that six or more lot are ~~effected~~ **affected** by the proposal.

Page 110:

J. Uniform Standards for Certificate of Survey.

- n. The signature and seal of the registered land surveyor responsible for the survey. The affixing of his seal constitutes a certification by the surveyor that the certificate of survey has been prepared in conformance with the Montana Subdivision and Platting Act (sections 76-3-101 through ~~76-3-614~~ **76-3-625** MCA) and the regulations adopted pursuant thereto.

Appendix D: Fire Protection Impact Fee Regulation, page 124:

5. Imposition of Fire Protection Impact Fees

- 5.3 No final subdivision plat shall be approved until the Fire Protection Impact Fee described in this regulation has been paid, unless such fee has been explicitly waived by Section 9 ~~10~~ of this regulation.

Page 128:

- 12.2 In order to obtain a credit against Fire Protection Impact Fees otherwise due, a subdivider must: (a) submit a written agreement or offer to dedicate specific parcels of land to the Rural Fire District or Fire Service Area in which the subdivider's project is located, or to construct Specific Fire Protection Improvements in accordance with all applicable state or County design and construction standards; and (b) obtain the written approval of the Rural Fire District or Fire Service Area ~~service~~ **servicing** the fire protection benefit area or areas in which the land is located; and (c) specifically request a credit against such Fire Protection Impact Fees. Such written agreement, offer, or evidence must be made on a form provided by the County, must contain a statement under oath of the facts that qualify the subdivider to receive a credit, must be accompanied by documents evidencing those facts, and must be filed not later than the time when an application is made for final approval of the first subdivision required for the development, or the claim for the credit shall be invalid.

Page 129:

- 12.5 Approved credits may be used to reduce the amount of Fire Protection Impact Fees otherwise due from any subdivider within the same fire protection benefit area for which the credit was approved, until the amount of the credit is exhausted. Each time a request to use credits from a mandatory or voluntary dedication, acquisition, or construction is presented to the **County**, the County shall reduce the amount of the Fire Protection Impact Fee otherwise due from the subdivider, and shall note in the County records the amount of credit remaining, if any. Upon request of the subdivider, the County shall send the subdivider a letter stating the number of credits available to the subdivider.

Discussion: Commissioner Murdock asked about the watercourse and the setbacks required. Mr. Johnson explained that water easements are required. Commissioner Murdock inquired about the waiving of the road impact fees and Mr. Johnson said that they are not amending any text in the road impact fee policy, but the County is in the process of developing a transportation plan and they may need to see how this will affect the road impact fee policy. Commissioner Olson stated that the state may change their flood plain policies and asked how those changes might be reflected at the county level. Mr. Johnson stated that this issue was brought up by the state and the Planning Board will reflect any changes the state makes. Commissioner Murdock asked if the Planning Board agreed on these amendments, and Mr. Johnson stated that they voted unanimously to approve the amendments. Commissioner Olson asked Randy to clarify the proposed requirements for the primary access road that do not need to meet county standards. Mr. Johnson explained that the additional language added to the text is in bold and underlined in the report. Sam Gianfrancisco, County Road and Bridge Superintendent, explained that the changes were only made to make it more clear to developers, that if a road has over 100 trips per day the developer will be required to improve the road to county road standards. Commissioner Murdock stated that subdivision regulations are always in a constant state of

change, and the County needed to develop more user-friendly regulations. Tom Henesh of Morrison-Maierle, Inc. commented on the amendments regarding appraisals for cash in lieu, and asked if a subdivider could use the appraisals office's appraisals for cash-in-lieu. He noted that he didn't think the mitigation plan for water-courses was needed because there are already a lot of regulations required by the Army Corp of Engineers. Commissioner Jelinski explained that the Environmental Health issues and the Environmental Engineers would handle water mitigation issues in the plan. Mr. Henesh expressed that the increase in the security required for improvement agreements from 125 percent to 150 percent is a substantial increase, and that he thinks the delineation of wetlands again shouldn't be a condition as it is already required by the Army Corp of Engineers. Mr. Johnson responded that the wetland delineation is a health and safety element, and the wetlands need to be defined in order inform potential buyers of the property. Mr. Johnson also explained that the increase in security is because of the time it takes to get final plat approval, which can be up to 4 years, and this will help protect the County in case they have to complete the improvements themselves. Commissioner Murdock made a motion to approve the amendments submitted by the Gallatin County Planning Department. Seconded by Commissioner Olson. None voting nay. Motion carried. Chairman Jelinski directed Deputy County Attorney Susan Swimley to prepare a resolution.

There being no further business the meeting adjourned at 3:05 P.M.

unavailable
For signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 24th DAY OF February 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioner's Bill Murdock, Phil Olson, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

FEBRUARY 16, 1998

- All County offices were closed in observance of President's Day.

FEBRUARY 17, 1998

- Commissioners met with the County Attorney's office. Deputy County Attorneys Susan Swimley and Chris Gray were present. Topics of discussion included the County Attorney's priority list and items on the Commissioners' Public Meeting agenda. The Mutual Aid Agreements for Fire Districts were also presented for signature. A work session has been scheduled with Deputy Swimley to discuss the donut on February 24th.
- A special meeting of the County Commissioners was called to order at 9:30 a.m. on February 17 to consider a resolution appointing a special Deputy County Attorney in the case of State vs. Wolny. Commissioner Olson moved to approve the Resolution; Commissioner Murdock voted aye. All voted in favor and Resolution 1998-09 was passed unanimously. The meeting was adjourned at 9:45 a.m.
- Commissioners Olson and Murdock attended a luncheon at the Morning Star School. All attendees made a pledge to declare Wednesday night "Family Night" in Gallatin County.

FEBRUARY 18, 1998

- Commissioner Murdock attended the meeting of the Victim/Witness Board. Topics of discussion included the increase of Montana Board of Crime Control's grant application from 60/40 to 75/25, Victims of Crimes Act (VOCA), office space, and children advocacy center space needs. Board member Joan Rudberg and Commissioner Murdock will meet with John Nordwick, President and CEO of Bozeman Deaconess Hospital, on February 23rd to discuss child advocacy/examination room.
- Commissioners conducted the Staff Meeting of all Department Heads and Elected Officials. Topics of discussion included the starting of the new budget year, explanation of target levels by Fiscal Officer Ed Blackman, status of work plans and department updates.
- Commissioners met with Sheriff Bill Slaughter, Undersheriff Red Wilson, Captain Jim Cashell, and Assistant DES Coordinator Mike Hoey. Items of discussion included the Sheriff Department's 1998 Work Plan, the Wellness Program, the draft Dog Control Ordinance, and possible new locations for the Emergency Operations Center (EOC). EOC could possible share space with Search & Rescue once their new building is constructed. Mike Hoey will get Search & Rescue on board.
- Commissioners met with Road & Bridge Superintendent Sam Gianfrancisco. Also in attendance were Dave Fowler, Doug Ford, and Ken Helwinkle. Discussion focused on road and bridge priorities, gravel pit needs and the Junk Vehicle Program. The Road Department will take jurisdiction of the Junk Vehicle Program as of July 1, 1998. Dave Fowler will work on the transition with Art Morrow and Acting Environmental Health Director Tim Roark.
- Commissioner Olson met with members of the West Yellowstone Contract Committee to discuss and review initial changes to the contract with West Yellowstone and EcoWest. Members include Phil Olson, Jim Micklewright, Clyde Seeley and Deputy County Attorney Chris Gray. EcoWest will be asked to submit a ballpark figure of contract tipping fee, not to include lease cost. Lease cost will be added separately.

FEBRUARY 19, 1998

- Commissioner Olson met with Mental Health Center Director Bob Ross to discuss plans for reopening a Mental Health facility in Bozeman.
- Commissioners Jelinski and Murdock attended a regular Zoning Hearing.
- Commissioner Olson traveled to Helena to attend a meeting of the MACo Subdivision/Lands Planning Committee.
- Commissioner Murdock attended a meeting of the Danforth Foundation. Topic of discussion focused on future events for the "Success for all Children" grant.
- Commissioners Jelinski and Murdock met with Grants Administrator Larry Watson and Realtor Mike McKenna regarding site selection for the Detention Center. Items of discussion included time and cost to provide an inventory of available sites for the Detention Center, their zoning, and how it meets the criteria for a jail site. The Commissioners requested that Mr. McKenna look for available property to site the Detention Center based on site criteria. Mike will provide a proposal for consideration.
- Dave Fowler, Road Department Shop Foreman, requested a meeting with Commissioners Jelinski and Murdock to discuss options for reinstating the Junk Vehicle Program. Dave will continue to work on program modifications with Environmental Health Department. All agreements will be reviewed and approved by the County Attorney's office.

FEBRUARY 20, 1998

- Commissioner Olson met with Road Department Shop Foreman Dave Fowler regarding the most recent developments regarding the Junk Vehicle Program. A memo will be sent to Road & Bridge Superintendent Sam Gianfrancisco requesting the Road Department take over operations of the Junk Vehicle Program immediately.
- Commissioners Jelinski and Olson met with GIS Coordinator Allen Armstrong, Data Processing Supervisor Bill Baldus, Planning Director R. Dale Beland, and GIS Technician for Clerk & Recorder Brian Oevermann. The meeting was held to determine next steps since their meeting with Department of the Interior (DOI) representatives Mark Schaefer and Paul Dresler. A letter will be sent to the DOI requesting their assistance in expediting our request for GIS mapping data from Ann Rodman of the Yellowstone National Park Center for Resources.
- Commissioner Murdock and Acting Environmental Health Director Tim Roark traveled to Helena to attend the MACo DEQ quarterly meeting. Agenda items included ground water rules, funding sources,

livestock farm odor issues, financial assurance and possible amendment of burn permits at landfills, demolition activities at Warm Springs, and update on the Junk Vehicle Program.

- Members of the Viewing Committee comprised of Commissioner Phil Olson, Clerk and Recorder Shelley Vance and Road & Bridge Superintendent Sam Gianfrancisco, inspected an area of Brackett Creek Road to determine if Road Petition #784, requesting abandonment of an easement, should be granted.
- Commissioners received A101's in the Amount of \$2,971.66.

The following items were on the consent agenda:

- Bozeman City-County Planning received a request for a family transfer exemption for Bonnie Hougen. The tract will be Tract A located in Sections 17 and 16 in T 2S R 5E of Dependent Survey No. 17. According to the information submitted, the planning board recommends the Commission grant final plat approval.
- Belgrade Planning received a request for a family transfer exemption for David and Jill Stevens.

According to the information submitted, these requests appears to meet the criteria for the exemptions to the Montana Subdivision and Platting Act.

Motion by Commissioner Olson to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Jamie Lenon of Prugh & Lenon Architects, read the bids submitted for the Health and Human Services building remodel project. The first bid was from Taylor Construction. It had a 10% bid bond enclosed, Montana contractor's license, and receipt of addendum #1. The base bid was \$159,840.00. The second bid was from Edsall Construction with a 10% bid bond enclosed, Montana contractor license, and a receipt of addendum #1. The base bid was for \$159,100.00. The third bid was from Walker Construction with a 10% bid bond enclosed, Montana contractor license, and receipt of addendum #1. The base bid was \$170,500. Mr. Lenon took the bids under advisement and will make a recommendation before the end of the public hearing.

Fiscal Officer Ed Blackman reported on a resolution to appropriate operating reserves in the Sourdough Rural Fire District. The Sourdough Rural Fire District Board of Trustees have requested that their \$4,785.00 operating reserve be appropriated; and the approved county budget included appropriations of \$115,000 to the Sourdough Rural Fire District; and state law (7-33-2105, (3) MCA) states "The trustees shall prepare annual budgets and request special levies. The budget laws relating to county budgets shall, as far as applicable, apply to fire districts." Notice of the public hearing was published on February 12 and 19, 1998. Commissioner Murdock made a motion adopt Resolution 1998-13, amending the budget for the Sourdough Rural Fire District to \$119,785.00. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a resolution to increase the FY 97 final operating budget pursuant to state law, contractual agreement and for State and Federal Revenues received during 1997. The FY 97 final operating budget shows that the accounts listed on the FY 97 budget increase adjustments spread sheet attached hereto and made a part of this resolution by reference, have negative budget balances; and the approved county budget did not anticipate the costs associated with these accounts; and state law (7-6-2218, MCA) allows counties to appropriate monies received from the state or federal government after the adoption of the final operating budget; and the funds, department and accounts listed have extended the funds pursuant to state law, contractual agreement or bond agreements. Commissioner Olson made a motion to adopt Resolution 1998-14. Seconded by Commissioner Murdock. None voting nay. Motion carried. The following is the increases:

FY 97 Budget Increase Adjustments based on 6/30/97

Account Number	Description	Deficit	Budget	Increase (Decrease) in Budget	Adjusted Budget
Law Library					
2225-000-4103-30-323	Publications receipts from Bar Association	(12,512)	-	12,600	12,600
Drug Forfeitures					
2310-209-4201-40-220	Chemicals	(3,272)	-	3,275	3,275
2310-209-4201-40-825	Transfer to Other Govt.	(6,095)	-	6,100	6,100
2310-209-4201-40-513	Insurance per Grant award from Board of Crime Control	(104)	-	104	104
Yellowstone Prop					
2384-000-5102-00-750	Transfers Payment in full by contract	(67,416)	147,000	67,420	67,420
Crime Control					
2410-210-4201-40-513	Liability Ins. Grant Close out.	(8)	-	8	8
Compost Grant					
2991-000-4801-10-397	Contracts New Grant	(29,133)	-	29,133	29,133
Rest Home Bond					
3030-000-4901-00-630	Service Charge Increase costs per Bond Agreement	(575)	350	575	925
Big Sky Sewer Bond					
3563-000-4903-00-610	Principal	(157,212)	-	157,212	157,212
3563-000-4903-00-620	Interest New Bond for Water & Sewer, per Interlocal Agreement	(67,789)	-	67,789	67,789
Capital Projects					
4010-000-4904-00-620	Interest Payment of interest pending receipt of grant & loan \$	(2,745)	-	2,745	2,745
CTEP Projects					
4310-219-4704-50-930	Improvements Payment on Contract	(1,370)	-	1,370	1,370
Home Project					
4410-219-4705-00-220	Operating Supplies Per agreements county pays for supplies - will be reimbursed	(94)	-	94	94
Lighting Districts					
8120-000-4302-63-340	Utilities - Churchill	(406)	3,030	406	3,436
8121-000-4302-63-340	Utilities - Logan	(220)	930	220	1,150
8122-000-4302-63-340	Utilities - Riverside Charges from Montana Power Increased during the year.	(255)	7,191	255	7,446
Rural Improvement District Bond Funds					
8614-000-4904-00-620	Middle Creek	(3)	-	3	3
8639-000-4903-00-620	Mountainview	(4,390)	-	4,390	4,390
8641-000-4903-00-620	Rocky Creek	(14,409)	-	14,409	14,409
8649-000-4903-00-620	Thorpe/MV	(13,758)	-	13,758	13,758

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44 279

8653-000-4903-00-620	Sweetgrass	(6,767)	-	6,767	6,767
8655-000-4903-00-620	Gardner	(673)	-	673	673
8658-000-4903-00-620	Sypes Cnyn	(7,438)	-	7,438	7,438
8660-000-4903-00-620	Mystic	(7,043)	-	7,043	7,043
8660-000-5103-00-885	Performance Bond Rfnd	(23,598)	-	23,598	23,598
8661-000-4903-00-620	Ranch Subdivision	(4,475)	-	4,475	4,475
8665-000-4903-00-620	Cimmarron	(19,722)	-	19,722	19,722
8666-000-4903-00-620	Middle Creek # 1 &3	(28,963)	-	28,963	28,963
8667-000-4903-00-620	Royal Thorpe	(33,900)	-	33,900	33,900
8668-000-4903-00-620	Godfrey Canyon	(20,117)	-	20,117	20,117
	Payoffs from owners increased amount of payments for bonds.				

Fiscal Officer Ed Blackman reported on a resolution to amend the FY 97 budget, as of June 30, 1997, to adjust budget for individual line items with each department and each fund. Motion by Commissioner Murdock to adopt Resolution 1998-15. Seconded by Commissioner Olson. None voting nay. Motion carried. The following are the adjustments made:

FY 97 Budget Adjustments based on 6/30/97
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Account Number	Description	Deficit	Budget	Increase (Decrease) in Budget	Adjusted Budget
County					
Commission					
1000-201-4101-00-110	Personnel Services	-	162,917	(3,400)	159,517
1000-225-4118-00-110	Personnel Services	(675)	-	1,000	1,000
1000-225-4118-00-140	Employer Contributions	(62)	-	100	100
1000-225-4118-00-210	Office Supplies	(141)	-	200	200
1000-225-4118-00-320	Printing	(68)	-	100	100
1000-225-4118-00-345	Telephone	(596)	-	1,000	1,000
1000-225-4118-00-397	Contracted Services transfer for GIS	(975)	-	1,000	1,000
1000-201-4101-00-720	Transfer	-	39,975	(23,000)	16,975
1000-219-4118-40-110	Salaries	(15,300)	-	15,305	15,305
1000-219-4118-40-140	Employer Contributions	(1,387)	-	1,390	1,390
1000-219-4118-40-210	Office Supplies	(233)	-	240	240
1000-219-4118-40-312	Postage	(63)	-	65	65
1000-219-4118-40-323	Publications	(279)	-	280	280
1000-219-4118-40-345	Telephone	(342)	-	345	345
1000-219-4118-40-366	Building Maintenance	(1,269)	-	1,270	1,270
1000-219-4118-40-370	Travel	(47)	-	490	490
1000-219-4118-40-940	Capital Outlay transfer for Grant Admin.	3,085	-	3,615	3,615
Superintendent of Schools					
1000-232-411600-110	Salaries & Wages	(1)	59,318	2	59,320
1000-232-411600-210	Office Supplies	(355)	800	360	1,160
1000-232-411600-220	Operating Supplies	(173)	120	175	295
1000-232-411600-320	Printing	(121)	1,550	125	1,675
1000-232-411600-344	Cellular Phones	(61)	-	65	65
1000-232-411600-360	Repair and Maintenance	(33)	550	35	585
1000-232-411600-397	Contracted Services	(2,830)	6,600	2,830	9,430
1000-900-5102-00-870	Contingency per agreement on vehicle	-	108,000	(3,592)	104,408
Civil Defense					
1000-254-4206-00-220	Operating Supplies	(807)	1,000	850	1,850
1000-254-4206-00-345	Telephone	(907)	7,390	950	8,340
1000-900-5102-00-870	Contingency	-	104,408	(1,800)	102,608
1000-900-4112-00-350	Professional Services	-	50,000	-	50,000
1000-900-5101-00-101	Payroll Errors	-	25,000	-	25,000
1000-900-5102-00-870	Contingency	-	104,408	-	104,408

280 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

GENERAL	FUND	672,036	-	672,036
CHANGE	TO			
BUDGET				

Employer Contributions					
1050-201-4101-00-750	Commission	-	192,212	(2,205)	190,007
1050-204-4105-31-140	Auditor	(4)	7,832	10	7,842
1050-210-4111-00-140	County Attorney	(274)	39,942	275	40,217
1050-218-4105-55-140	Fiscal	(30)	4,599	30	4,629
1050-219-4201-00-140	Grant Administrator	(1,784)	-	1,790	1,790
1050-225-4118-00-140	GIS	(46)	-	50	50
1050-232-4116-00-140	Supt. Of Schools	(47)	7,980	50	8,030
				-	
P.I.L.T.					
2761-205-4105-80-235	Data Processing	(3,990)	-	3,990	3,990
2761-209-4201-41-350	Sheriff	(6,820)	10,000	6,820	16,820
2761-218-4105-55-947	Fiscal	-	138,000	(11,009)	126,991
2761-800-4101-00-210	FAX supplies	(199)	-	199	199
				-	
MRDTF					
2990-000-4904-00-620	Interest	(686)	-	700	700
2990-209-4201-42-397	Contracted Services		3,180	(700)	2,480

Chairman Jelinski opened the public hearing to hear public comments relating to Resolution of Intention No. 1998-06, to alter the kinds, types and levels of service for the Reese Creek Fire Service Area. Mike Walker, Fire Chief of the Reese Creek Fire Department stated that all but one family was in favor of the proposed changes of service. Commissioner Olson noted he received a call from a Susan Teall stating her opposition to the proposed changes. Commissioner Murdock approved the request to alter the kinds, types and levels of service for the Reese Creek Fire Service Area. Commissioner Jelinski asked Deputy County Attorney Susan Swimley to prepare the resolution to finalize this approval.

Mr. Lenon of Prugh & Lenon Architects reviewed the bids submitted for the Health & Human Services building remodel project and recommended awarding the bid to Edsall Construction. Commissioner Jelinski asked if it met all the specifications of the contract. He stated that it did. Finding the bid submitted by Edsall Construction met all specifications and was within budget, Commissioner Olson moved to award the contract to them with their base bid of \$159,000. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 1:50 P.M.

Unavailable For

 Signature
 CHAIRMAN APPROVAL

 Shelley Vance
 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 3rd DAY OF March 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioner Phil Olson, Deputy County Attorney Chris Gray, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

FEBRUARY 23, 1998

- Commissioner Murdock and City Commissioner Joan Rudberg met with Bozeman Deaconess Hospital President and CEO John Nordwick to discuss the possibility of available space in the hospital for a children's advocacy room. Commissioner Murdock will also look into the Crisis Stabilization Unit in Butte to handle cases involving mental health.
- Commissioners Jelinski and Olson met with the Welfare Board with Department of Public Health & Human Services Director Joan Davies. General program activities were discussed and the Welfare Board minutes were approved as presented.
- Commissioners met with Executive Secretary Stacy Johnston to discuss current and pending administrative matters. Pat Lewis was unable to attend.
- Commissioners met with Gallatin Valley Land Trust (GVLТ) representative Chris Boyd to discuss whether or not the County would be interested in accepting trail easements. GVLТ does not desire to hold property; maintenance and liability issues were also discussed. The County will investigate liability with the County Attorney's office and Mr. Boyd will look into long-term maintenance commitment from his board or other entity.
- Commissioners and Deputy County Attorney Susan Swimley met with members of the Three Forks Airport Board, Robert Green, Greg Schneider, Brian Sukut, William Fairhurst, Scott Bell, and Bob Taylor to determine the future needs of the airport, office building inclusion in the Historic Register, and remodeling. They discussed the implementation of airport zoning regarding height limits and the Board's desire to acquire more land for future expansion of the hanger area. The Commissioners suggested the Board visit with Grants Administrator Larry Watson, research zoning issues, and look into the availability of additional land to purchase for hanger area.
- Commissioners met with Fiscal Officer Ed Blackman to discuss the current budget status and new budget timetable.
- Commissioner Jelinski met with the Health Officer Search Committee and informed them of her decision to resign from the Committee.

FEBRUARY 24, 1998

- Commissioners met with Deputy County Attorney Susan Swimley, Planning Director R. Dale Beland and Planning Manager Lanette Windemaker regarding the donut. Topics of discussion included options for the Bozeman zoning jurisdiction and the development of a timeline for the Valley Plan Project. Commissioners will work with staff after the survey of the boundary is completed to initiate the 201 zoning process.
- Commissioners met with Judges Olson and Salvagni to discuss the efficiency of the Law Library and possible funding options.
- Commissioners met with County Auditor Joyce Schmidt to review her department's 1998 Work Plan and how it relates to the budget process.
- Commissioner Murdock attended a meeting of the Planning Board. For detailed minutes, contact Planning Department Secretary Judy Noreen at 582-3130.

FEBRUARY 25, 1998

- Commissioner Jelinski will be attending the NACo Legislative Conference in Washington, D.C. from February 25 – March 1, 1998.
- Commissioner Olson attended a meeting of the 911 Admin. Board on Commissioner Jelinski's behalf. For detailed minutes, contact Communication Services Secretary Jan Cross at 582-2092.
- Commissioner Murdock met with Grants Administrator Larry Watson, Captain Jim Cashell and Fiscal Officer Ed Blackman to discuss issues pertaining to the Jail Control Board. Cost estimates to rebuild Detention Center control panel are as follows: Phase I - \$28,581; Phase II - \$22,651. Timelines for the installation of the sprinkler system were also discussed. Ed Blackman suggested breaking repairs into next two fiscal years for budget purposes, with work to be completed by the Bozeman Fire Marshal's deadline. Captain Cashell will contact vendor and inform them that their estimate is over the \$50,000 bid limit. He will attempt to negotiate this bid within bidding regulations.
- Commissioner Olson had lunch with Commission candidate Patrice Mascolo.

FEBRUARY 26, 1998

- A special meeting of the County Commissioners was called to order at 8:35 a.m. by Commissioner Phil Olson. The purpose of the meeting was to consider A resolution setting a fire season and requiring burn permits. The resolution would establish the fire season for open fire for the period of March 1, 1998, until October 31, 1998. Commissioner Murdock moved to approve the resolution, and Commissioner Olson seconded the motion. The motion was approved unanimously. Meeting was adjourned at 8:38 a.m.
- Commissioner Olson met with Mental Health Center Director Bob Ross, Sheriff Bill Slaughter, Captain Jim Cashell and Deputy County Attorney Susan Swimley to discuss the process and procedure required by Law to handle people in need of mental health services who are ending up in the Detention Center (DC). The problem has developed since the advent of Managed Care and the loss of mental health services in Gallatin County. "The felons can be handled; it's the misdemeanors that we have no way of dealing with since Managed Care doesn't respond positively -- before Managed Care, the system worked." Bob Ross will schedule a meeting with employees of the Sheriff's Department to review procedures and possibly training to better facilitate these needs, and will also continue working hard on getting mental health facilities restored in Gallatin County.
- Commissioner Olson, Road Department Engineer Roy Steiner, and Facilities Director Bob Isdahl held their first meeting as the Courthouse Phase I Project Team. Items of discussion included timelines and items needing resolution. Phil Olson confirmed that the Emergency Operations Center (EOC) will not be in the basement or upstairs during construction; Project Team Leader Roy Steiner and Bob Isdahl will re-draft plans for basement usage taking that into account. Roy is also pursuing the new 4" fire sprinkler line. Phil to determine ownership of fax machine on the 1st floor and will provide information to address funding needs not previously allocated previously (i.e., fuel tank removal, new directory boards).
- Commissioner Olson met with members of the West Yellowstone Contract Committee to further discuss changes to the contract with EcoWest and to determine what the committee wants to achieve in the renegotiations. Based on their discussion, Deputy County Attorney Chris Gray will forward draft of rewritten agreement to the committee for consideration. Next meeting is scheduled for March 19th at 1:00 p.m. in West Yellowstone.

FEBRUARY 27, 1998

- Commissioner Murdock will be attending the NACo Legislative Conference in Washington, D.C. from February 27 – March 1, 1998.
- Commissioners received claims in the amount of \$255,676.02.
- Commissioners received A101's in the amount of \$22,181.33.

The following items were on the consent agenda:

- A request for final plat approval for Hawthorn Lane/Schwaller Minor Subdivision. The Commission granted preliminary plat approval on February 20, 1996 subject to seventeen (17) conditions. According to the information submitted, the planning board recommends the Commission grant final plat approval.
- A request for a relocation of a common boundary exemption for Erickson Breuner. The property is located in Certificate of Survey No. 1973 in NW¼, NW¼ of Section 21, T2S, RE.
- A request for a family transfer exemption for James Kack. The property is located in Certificate of Survey No. 1229 in the SE¼ of Section 20, SW ¼ of Section 21, NW ¼ of Section 28, NE ¼ of Section 29 in T1S, R7E.

According to the information submitted, these requests appear to meet the criteria for the exemptions to the Montana Subdivision and Platting Act.

The common boundary exemption for Erickson Breuner was pulled from the consent agenda and continued until the public hearing on March 10, 1998. Commissioner Olson made a motion to adopt the consent agenda as amended. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Chairman Jane Jelinski announced the second reading of the Ordinance 98-01 relating to the regulation of the import and planting of mint and mint rootstock. The Ordinance was posted in the main lobby of

the Gallatin County Courthouse on February 17, 1998 after the first reading. The Commission received a letter from Nick Schutter and he was present to address his fear of nematodes being transferred via soil attached to the rootstock and entering Gallatin County. He asked if the ordinance could be amended to clarify on page 3 of the document Section 3. (1) (a) that the rootstock must be shipped directly from the greenhouse program and under no conditions may the stock have been field grown or generated. It is imperative for his seed potato business that nematodes not be transferred to the soils. Dale Flikkema spoke in favor of the ordinance with the revision Mr. Schutter suggested. During board discussion Deputy County Attorney Chris Gray advised that an amendment can be done at a later date after the ordinance has been adopted. Commissioner Olson moved to approve the second reading of Ordinance 98-01 to regulate the import and planting of mint and mint rootstock in Gallatin County. Seconded by Commissioner Jelinski. None voting nay. Motion carried. The Ordinance goes into effect in thirty days. Chairman Jelinski directed Deputy County Attorney Chris Gray to draft an amendment to the ordinance as proposed.

Grants Administrator Larry Watson submitted a resolution to amend Resolution No. 1998-03 appointing the initial members to the Detention Center Project Team. Dave Pruitt resigned his position from the Board and Bozeman City Commissioner Joan Rudberg has been appointed to fill the position. Commissioner Olson moved to approve the amendment and appoint City Commissioner Joan Rudberg. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Commissioner Olson moved to adopt Resolution No. 1998-16 to alter the kinds, types, or levels of service for the Reese Creek Fire Service Area. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Commissioner Olson moved to adopt Resolution No. 1998-17 to abandon a portion of Gallatin Street and the alley in Block D of the Madison Addition to Logan. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 1:48 P.M.

Unavailable

For signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 10th DAY OF March 1998

The meeting was called to order by Commissioner Jelinski at 1:30 P.M. Also present were County Commissioners Bill Murdock, Phil Olson, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MARCH 2, 1998

- Commissioners Jelinski and Murdock attended the NACo Legislative Conference in Washington, D.C.
- Commissioner Olson attended a MetNet Stakeholders Conference on Juvenile Detention sponsored by the Montana Board of Crime Control.
- Commissioner Olson attended a meeting of the Regional Juvenile Detention Board to discuss and produce the board's version of a new and/or revised funding formula; the State will be notified of their suggestions.

284 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Olson attended a meeting of the Open Space Task Force. Topics of discussion included Outreach meeting and land identification procedures. For detailed minutes, contact Judy Noreen in the Planning Department at 582-3130.

MARCH 3, 1998

- Commissioner Murdock attended the NACo Legislative Conference in Washington, D.C.
- Commissioners Jelinski and Olson met with Deputy County Attorneys Susan Swimley and Chris Gray to discuss volume based contracts, contract progress with EcoWest, pending litigation, fire district meeting procedures, trail easements, and contracts in progress. Phil will contact John Guest at USA Waste regarding underpayment of EcoWest's bill at the Logan Landfill.
- Commissioner Olson met with Bob Isdahl and Roy Steiner as the Phase I Project Team to follow-up on last week's meeting focusing on the changes needed since the Emergency Operations Center (EOC) will no longer be in the basement of the courthouse.
- Commissioner Olson, Assistant DES Coordinator Mike Hoey and Bozeman Fire Marshal Chuck Winn attended a meeting of the Search and Rescue (SAR) Board to discuss SAR and DES/EOC sharing a new facility and the concern about where the building will be located; site selection will be pursued. Motion was made and approved to join together; need to finalize total cost of new construction to determine if it is feasible to build this year.

MARCH 4, 1998

- Commissioner Murdock is on vacation from March 4-6, 1998.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners Jelinski and Olson met with Facilities and Operations Director Bob Isdahl. Items of discussion included the building inspection program, the current budget, and the Records Management Committee. The Policies and Procedures Manual was approved and Bob will present it at the Staff Meeting on April 15th.
- Commissioners Jelinski and Olson met with GIS Coordinator Allen Armstrong and discussed ongoing GIS and E911 projects. Allen wants to continue COS mapping as he feels we have a great start; he will approach other departments to help fund continuation of this project. Fire service area maps were also submitted for approval prior to distribution.
- Commissioners Jelinski and Olson met with Road & Bridge Superintendent Sam Gianfrancisco to discuss costs of construction to pave Theisen Road. 1992-1997 traffic counts increased from 207 to 278 trips per day; also discussed cost of construction. The Commissioners agreed to provide \$72,326 of the prep work; will not provide cash.
- Commissioner Olson and Clerk and Recorder Shelley Vance met with Cellular One Account Manager Wally Long and discussed possible changes to the contract as well as procedures for adding new cell phones, and how and if the billing process would be affected. Wally will look further into the combined process.
- Commissioner Olson attended a meeting of the Sourdough Rural Fire Council. Topics of discussion included mutual aid agreements, 911, and the new paging system. Gallatin County has not yet signed the Mutual Aid Agreement; Brett Waters and Phil Olson will check into this as they thought it had already been signed. Chuck Winn reported that it will take approximately five years to phase in the new paging system. Sheriff Slaughter also pitched the need for donations from businesses, etc. to 911; mentioned Bozeman Deaconess' donation of \$50,000. The Forest Service and other locally will hold a meeting in Big Sky to contemplate fire interface concerns for that area.

MARCH 5, 1998

- Commissioner Olson attended an all-day session of Leadership Bozeman.
- Commissioner Jelinski and Planning Director R. Dale Beland conducted a work session in preparation for a meeting with Fiscal Officer Ed Blackman regarding Capital Improvements Projects.
- Commissioner Jelinski, Planning Director R. Dale Beland and Fiscal Officer Ed Blackman met to discuss Capital Improvements Projects. Ed Blackman will draft funding options for Commissioners' consideration including (1) utilization of yearly valuation increase to service debt for projects identified by the Citizens' Task Force; (2) grants and federal \$; (3) private-public partnerships; (4)

lease vs. build options; (5) private fundraising; and (6) asset liquidation opportunities. Capital Improvements Plan will be drafted by June 30, 1998.

MARCH 6, 1998

- Commissioners Jelinski and Olson met with Data Processing Supervisor Bill Baldus to discuss hiring a new software trainer; year 2000 issues; EOC relocation during construction; network management training; Internet access; Summit Net Connectivity Agreement; and financial software RFP's. The Commissioners directed Bill to work with Assistant DES Coordinator Mike Hoey and Bozeman Fire Marshal Chuck Winn re EOC/911 relocation during courthouse construction.
- Commissioners Jelinski and Olson met with Grants Administrator Larry Watson. Larry reported on the status of various CTEP projects, progress of the Detention Center Project Team, submittal of application for the Breast & Cervical Health Program, and applications submitted for the CDBG revolving loan fund. The Commissioners appointed the applicants to the Detention Center Citizens' Task Force. Formal letters of appointment will be forthcoming.
- Commissioners Jelinski and Olson met with Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Vance to review the draft budget packet. Timetable and budget packet format were approved and finalized.

MARCH 7, 1998

- Commissioner Jelinski attended the "Girls for a Change" Conference. Commissioner Jelinski, City Commissioner Marcia Youngman and Dorothy Bradley participated in a Mock Press Conference, and later spoke on the value of girls/women running for public office.
- Commissioners received payroll in the amount of \$892,954.83.
- Commissioners received A101's in the Amount of \$47,253.12.
- Commissioners received claims in the amount of \$877,801.37
- Commissioners received cancellation of taxes in the amount of \$3,774.75.
- The following is a list of the new employees for February 1998.
2/9/98 Mary Grunewald Rest Home/Activity Aide, 7.55/hr.; 1/26/98 Kimberly Fraser, Clerk of Court \$8.44/hr.; 1/26/98 Amanda Welch, Rest Home/CNA \$7.55/hr.; 1/26/98 Connie Bengtson Health/PHN1 \$13.14/hr.; 1/26/98 Vonnie McGaugh, Rest Home/CNA \$7.55/hr.; 2/18/98 Charlotte Moore, Rest Home/CNA \$7.55/hr.
- The following is a list of terminated employees for February 1998.
Joe Stuchlik, Road Department 2/9/98; Mike Hausler, Data Processing 2/13/98; Robin Lenneman, Health 2/19/98; Brenda Adams, Clerk of Court 2/18/98; Bill Troutwine, Sheriff 2/28/98.

The following Board Appointments were made the week of March 2, 1998:

Howard Micklewright, Northside Rural Fire District; Darwin Steffler, Northside Rural Fire District; Jack Carter, Northside Rural Fire District; Robert Altman, Northside Rural Fire District; Delbert Tureman, Northside Rural Fire District; Robert W. Harwood, Gallatin County Airport Board

The following items were on the consent agenda:

- Final approval of the minutes of September 23, October 7 and the 21st, 1997 as written.
- A request for an exemption to relocate a common boundary for Josephine and Bill Erickson and Richard and Janet Breuner located in Certificate of Survey No. 1973, in the NW¼, NW¼ of Section 21, T2S, R6E.
- A request for a family transfer exemption for Beth Ann Greger to create one tract located in Certificate of Survey 525B located in SE¼ of Section 9 T3S, R4E.
- A request for a 12-month extension of preliminary plat approval for Crail Creek Minor Subdivision for William T. Gerrard. The property is located in NW¼, NE¼, SW¼, SE¼ of Section 25, T6S, R3E. The preliminary plat was approved on March 25, 1995 with the expected expiration date of March 25, 1998.

According to the information submitted, these requests appear to meet the criteria for the exemptions and extensions allowed under the Montana Subdivision and Platting Act.

County Planner Jennifer Madgic requested to take the Bruener/Erickson from the consent agenda indefinitely. Motion by Commissioner Olson to adopt the consent agenda pulling the Bruener/Erickson request. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Rob Pertzborn of Prugh & Lenon read the following three bid proposals received for the Gallatin County Rest Home flooring replacement project: 1. Taylor Construction with Montana contractor's license, a 10% bid bond enclosed, and receipt of addendum # 1. Unit 1: \$1.70/sq.ft. \$1,700. Unit 2: \$1.10/sq.ft. \$5,500. Base bid: \$177,700. 2. Environmental Contractors LLC with Montana contractor's license, a 10% bid bond enclosed, and receipt of addendum #1. Unit 1: \$2.37/sq.ft. \$2,370. Unit 2: \$1.88/sq.ft. \$9,400. Base bid of \$228,245. 3. Rotherham Cooper, Inc. with a Montana contractor's license, a 10% bid bond enclosed, and receipt of addendum #1. Unit 1: \$1.816/sq.ft. \$1,816 Unit 2: \$3.07/sq.ft. \$15,350. Base bid of \$220,731. The bids will be reviewed and awarded at the public hearing on March 17, 1998.

Gallatin County Clerk and Recorder Shelley Vance reported that on January 29, 1998, the Commission held a special meeting to consider abandonment of a road easement. Ms. Vance certified the petition contained 10 qualified freeholder signatures within Gallatin County. She mailed a copy of the notice and the viewing committee report to all signers of the petition; landowners named on the petition; individuals named in the petition who could be affected; the postmaster of the area; and the Public Lands Association on March 4, 1998. The viewing committee viewed Road Petition #784, described in Film 95 Page 4557 in the records of Gallatin County and located in the S 1/2 of Section 5, T1N, R7E. The easement is located north of the intersection of Bridger Canyon Road (State Highway 86) and Brackett Creek Road. The committee observed the location of the easement from the west while on Bridger Canyon Road, (State Highway 86) and from the east while on Brackett Creek Road. The easement has not been constructed. According to the petition, this easement was granted to assist in completing projects planned by the Montana Department of Transportation and Gallatin County in 1987. Since that time both the state and county have replaced bridges and the original project has been abandoned. It does not appear that anyone would become land-locked nor access denied to public lands if the abandonment were granted. Gallatin County Road Superintendent Sam Gianfrancisco clarified that the abandonment will not affect anything that the Montana Department of Transportation has planned for the area in the future. He stated it would be a benefit to abandon the easement because of safety factors involving the public. There was no public comment. A letter was received from District Forest Ranger Gibson saying that the U.S. Forest service has no interest in maintaining the easement. Finding that the viewing committee reported that the abandonment of the road described in the petition would not be a detriment to the public, Commissioner Murdock moved to adopt Resolution #1998-19, to abandon a portion of a road easement located at the junction of Bridger Canyon Road and Brackett Creek Road. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman submitted a resolution appropriating State revenues contracted for the 1998 Shuttle Program Coordinator Services to the Gallatin County Sheriff's Department. Whereas, the Sheriff received a contract from the State of Montana, Department of Justice with a FY 98 budget of \$38,587; and, whereas, the approved County budget did not include this contract, with the required establishment of separate accounts within the General Fund; and, whereas state law (7-6-2218 MCA) allows counties to appropriate monies received from the state or federal government after the adoption of the final operating budget; and, whereas, the Sheriff Department needs to use the unanticipated funds for the operation of the Shuttle Program as required by the contract. Now therefore be it resolved, by the Gallatin County Commissioners that the budget is increased effective with passage of this resolution in the amount of \$38,587 within the County General Fund within the County Sheriff Department; and, be it further resolved, by the Gallatin County Commissioners that the following line items are changed as stated:

Fund: 1000 General Fund
 Department: 209 Sheriff Department

REVENUE		Original		Adjusted
Account NO	Description	Budget	Adjustment	Budget
33-40-40	State Prisoner Transport Contract	\$ -0-	\$ 38,587	\$38,587

EXPENSE:

Activity: 4202-40-

OBJ. CODE	Description	Original Budget	Adjustment	Adjusted Budget
110	Salaries & Wages	\$ -0-	\$13,114	\$13,114
140	Employer Contributions	-0-	3,917	3,917
210	Office Supplies	-0-	841	841
235	Equipment (not outlay)	-0-	1,000	1,000
345	Telephone	-0-	1,600	1,600
360	Repair & Maintenance	-0-	509	509
366	Building Maintenance	-0-	1,396	1,396
370	Travel	-0-	6,512	6,512
390	Contracted Services	-0-	1,142	1,142
940	Capital Outlay	-0-	<u>8,556</u>	<u>8,556</u>
TOTAL			38,587	38,587

Commissioner Olson moved to adopt Resolution #1998-20. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Bozeman City-County Planner Chris Saunders submitted a request by Thomas, Dean, & Hoskins, Inc., Bozeman Tablerock Ventures, and Fund of Funds for preliminary plat approval for the River Run Minor Subdivision, located in the NE ¼ and SE ¼ of Section 36, T1S, R5E. The applicant intends to divide 89.53 acres of land into 3 lots. The property lies within the Bozeman City-County Planning Board jurisdictional area and has been designated in the Master Plan for eventual annexation to the city and development on city services. The property has had two zoning designations; agricultural suburban and manufacturing and industrial. The property has recently been reviewed and approved for a rezoning to a combination of four zoning districts, though the zoning changes will not occur until after annexation to the City. The minor subdivision will facilitate future development based on the recently approved zoning changes. Normally, land being processed for annexation is reviewed by the Bozeman City Commission when being subdivided. However, in this case the plat for the minor subdivision will be filed prior to the annexation being completed, therefore it was felt that it would be appropriate for the County Commission to review the minor subdivision. The recommended conditions of approval are as follows: 1. No development of the property shall be permitted without further review. 2. The plat shall be modified to show a dedication of right-of-way for Manley Road rather than an easement. Tract boundaries and acreage shall be modified to reflect the change. 3. A copy of a filed waiver of right to protest creation of RIDs shall be submitted with the final plat application. 4. Before final plat approval a copy of the plat shall be provided to the Belgrade Rural Fire District. 5. If the developer opts to utilize an automated sprinkler system to meet the requirements of 16.14.060 the fire district shall receive a stamped set of engineered sprinkler system plans for review and approval. Inspections of the fire sprinkler system shall be scheduled, with a 48 hour notice, during construction and completion. 6. The final plat shall conform to all requirements of the Bozeman Area Subdivision Regulations and the uniform standards for final subdivision plats, and shall be accompanied by all required appropriately worded certificates and a platting certificate. 7. Two clothback, or equivalent, two mylar copies, and a digital copy of the final plat, acceptable to the Engineering Division of the City of Bozeman, must be submitted with the final plat application. Several requirements of the jointly adopted Bozeman Area Subdivision Regulations will also need to be complied with prior to, or in conjunction with, the filing of the final plat. Code requirements are mandatory items which may not be waived except through the subdivision variance process. Code requirements are : 1. County fire and road impact fees per county impact fee policy must be paid prior to final plat approval. Provision for fire protection as required by Section 16.14.060 of the subdivision regulations shall be made. 2. The covenants required by the Bozeman Area Subdivision Regulations for county subdivision shall be filed with the final plat. 3. The certificates shown on the final plat shall correspond to the required wording in the regulations. 4. The subdivision shall satisfy the requirement of Section 16.14.060 of the Bozeman Area Subdivision Regulations which relates to fire protection. The developer shall have three years from the date of preliminary plat approval to complete the above conditions. The Bozeman-City County Planning Board voted 9-0 in favor of granting this request, adding the condition that no further development of the property shall be permitted without further review. Concerns were raised regarding the property to be annexed and the consequences if it is not annexed. Mr. Saunders responded that the developer would have to submit a site plan or go through further review. The applicant's representative Steve Anderson from TD&H asked if a site plan would meet the requirement or if the site plan would be required to go through further review.

The review findings will be checked to make sure all conditions have been met before any future development takes place. County Road Superintendent Sam Gianfrancisco stated that if you give the developer preliminary plat approval before it is annexed the County would have no way to enforce the paving of Manley Road. He suggested placing conditions on Manley Road in case the annexation takes place. Brian Leland commented that the neighbors of the area tried to push an amendment to the zoning regulations on the subject property and Mr. Saunders responded that the application was denied. Brian Connelly, Assistant Chief/Assistant Fire Marshall, Belgrade Rural Fire Department addressed fire department policies within the two jurisdictions. During board discussion Commissioner Murdock stated that if they grant preliminary plat approval the property lines will run with the zoning designations and be more consistent with the zoning regulations. He also, noted that he does not think paving Manley Road should be required for a 3 lot minor subdivision. If the property is annexed into the City, then at that time it will be required. Mr. Gianfrancisco stated that they are requesting that the name River Run Road be changed and there is already a road with that name. The Road Department missed it on their first review. Commissioner Jelinski stated that they will have to grant a variance if Manley Road has more than 400 trips per day pursuant to regulation. Mr. Gianfrancisco stated they have agreed to do it in the Master Plan, but his concern is that if lot 1 is developed into a commercial site it would be too big of an impact on Manley Road. Mr. Saunders stated they can require the improvements be made prior to a development of a commercial site on lot 1 by an Improvements Agreement. Deputy County Attorney Susan Swimley was concerned if a variance is required there is no written request formally submitted by the developer. She suggested a condition be drafted that would state if the property is not annexed before final plat approval, then Manley Road will be required to be paved. Chairman Jelinski asked Mr. Anderson if the developer would agree to continue their request for one week and work with the planning staff to work out the developer's options. He agreed to continue the request for one week. It will be heard at the public hearing on March 17, 1998.

Gallatin County Grants Administrator Larry Watson submitted the Board's recommendation for the award of the loan for the Community Development Block Grant revolving fund sponsored by Gallatin County to Big Sky Carvers in Manhattan, Montana in the amount of \$100,000. Two applications were submitted and reviewed. Camelot Systems was ineligible because the business was located in the Bozeman Master Plan Area where they already have other programs in place and was a required condition of this grant that the applicants be located outside of the Bozeman Master Plan Area. Controller Deanna Field from Big Sky Carvers spoke regarding the companies intended use of the loan money for it's five year expansion project. The company has been in business in Gallatin County for 18 years and its continuing revenue has grown each year along with the number of employees, payroll, and manufacturing space. Commissioner Murdock moved to approve the \$100,000 loan to the Big Sky Carvers. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Grants Administrator Larry Watson announced the availability of Community Development Block Grant funding for Gallatin County. The CDBG is a federally funded grant program designed to help communities with their development needs. The principal purpose of the program is to develop viable communities by providing decent housing, healthful and safe living environments, and economic opportunities for persons of low to moderate income. The program is administered nationally by the Department of Housing and Urban Development (HUD) and locally by the Montana Department of Commerce. There are three funding categories under the program, economic development, public facilities, and housing. Each program has different deadlines and requirements and are evaluated according to the established criteria for each project category. The application deadline for the 1998 Public Facilities Program is May 1, 1998. The deadline for the housing program is October 6, 1998. The economic development category is treated separately from the other two CDBG programs. A designated amount of money is set aside in this category each year. Once that amount is identified, applications can be made at anytime throughout the year until all of the money has been committed. A CDBG application must be sponsored by a unit of local government. Gallatin County can sponsor one application each year from each CDBG category. In order to be eligible for CDGB assistance, the applicant must demonstrate 51% of the jobs to be directly created or retained by an Economic Development Project are held by or will be filled by low and moderate income persons. The required number of jobs to be created is in proportion to the amount of money borrowed. Currently, one job for a low to moderate income individual must be created for each \$20,000 of non-administrative money borrowed. Grant application workshops will be held in Lewistown on May 5th and 6th, Libby on May 19th, and 20th, and in Miles City on June 3rd, and 4th. Public comment: Deanna Field of Big Sky Carvers stated that the CDGB money helped provide employment to low to moderate income families in

Gallatin County that included health, medical, vacation, and a retirement plan. Mr. Watson stated that Gallatin County is currently soliciting applications and will have another public hearing at 10:30 a.m. on April 7, 1998.

County Planner W. Randall Johnson reported on three applications submitted to the County for the consideration of receiving park fund monies. Notice of the public hearing was published in the High Country Independent Press on January 15, 1998, and in the Bozeman Daily Chronicle on January 20, 1998. According to Ed Blackman, County Fiscal Officer, the park fund has a balance of \$55,322.00. County policy provides that the park fund should be kept at a minimum balance of \$20,000.00. This leaves \$35,322.00 available for disbursement. Park funds may be expended for development, acquisition, or maintenance of parks and recreational areas. In order to distribute the park funds, the County Commission must find: 1. The area where the funds will be utilized is in reasonably close proximity to the subdivision which dedicated the money. 2. That Gallatin County has a formally adopted park plan which establishes the needs and procedure for use of the dedicated money. 3. That no more than 50% of the dedicated money may be used for maintenance. The recreation plan establishes criteria for rating each application. Proposals must score 31 points or more to be eligible for County Park funds. The three applicants and scores were: Baxter Creek Homeowners' Association for park funds to complete 2 tennis courts for \$14,100.00. (59 points). Legion/Bozeman Baseball to complete a concession and restroom facility at the Legion Baseball field located at the Gallatin County Fairgrounds for \$10,000.00 (60 points). Breakfast Optimist Club to complete the Bozeman Pond Park for \$30,000.00 (56 points).

Public comment: Loretta Garcia, Rosalie Peluso, Jimmy Lohmeir, Carrie Kiesler, all members of the Baxter Creek Homeowners' Association. During board discussion the Commissioners discussed the applicants requests based on their matching funds and the points they were given. The requests were over the amount available so it was decided to award all three applicants a portion of their requests. Motion by Commissioner Murdock to award Baxter Creek II Homeowners' Association \$7,322.00, Legion/Bozeman Baseball \$8,000, and Breakfast Optimist \$20,000. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:28 pm

unavailable
For signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 17th DAY OF March 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioner's Bill Murdock, Phil Olson and Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MARCH 9, 1998

- Commissioners acknowledged receipt of Jane Jelinski's resignation from the City-County Board of Health. Motion was made by Phil Olson to appoint Bill Murdock; Bill Murdock seconded the motion; motion was carried unanimously.
- Commissioners took action on the purchase of 10 acres of property to be used for future development.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters and budget requests.

290 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioners met with County Auditor Joyce Schmidt, setting the Bozeman fixed asset limit of \$1,000 for audit of the HazMat Agreement.
- Commissioners met with Interim 911 Communication Services Director Chuck Winn to discuss the need for occasional repairs for the radio repeaters.
- Commissioners met with Personnel Director Kathy Nowierski to discuss personnel matters.
- Commissioner Olson met with Alice and Dave VanDyken to discuss their application for an increase in their payments. They want 25-33% of the increase over regular refuse or Class II, retroactive to June 24, 1997 per Resolution No. 1997-33. Commissioner Olson will discuss with Commissioners Jelinski and Murdock and advise VanDyken's of their decision.
- Commissioner Murdock attended the Fair Board's meeting.

MARCH 10, 1998

- Commissioner Jelinski attended a meeting of the 911 Admin. Board to discuss amendments to the 911 Interlocal Agreement. For detailed minutes, please contact Communication Services (911) Secretary Jan Cross at 582-2085.
- Commissioner Olson met with Bob Isdahl and Roy Steiner as the Phase I Project Team. Topics of discussion included the possibility of redesign due to the pending removal of the EOC and back-up 911. The tentative agreement was that the EOC would go to the 1st floor, the mail room and the break room would go to Phase I, the balance of the old EOC would become storage, and GIS would end up in one of the other phases.
- Commissioners Olson and Murdock attended the Gallatin Conservation District's Annual Banquet held in Three Forks.

MARCH 11, 1998

- Commissioner Murdock attended the Board of Health meeting as newly appointed member. Commissioner Jelinski also attended as a spectator only.
- Commissioner Olson attended a meeting of the Headwaters Cooperative Recycling Project. Topics of discussion included both the trucking and processing contracts. Motion was passed to put the hauling RFP out for bid, as well as the processing RFP. The Gallatin County Attorney's office will provide legal support for contract language and content. Election of officers were as follows: President, Sheryl Siegmund; Vice President, Will Selson; and Secretary, Tim Hudson. Next meeting is scheduled for April 8th in Boulder.
- Commissioners Jelinski and Olson traveled to West Yellowstone for a meeting of the West Yellowstone/Hebgen Basin Refuse District II Advisory Board. For detailed minutes, contact Board Secretary Jo Miller at 646-7795.

MARCH 12, 1998

- Commissioners attended a Zoning Hearing.
- Commissioner Olson met with Interim 911 Communications Services Director Chuck Winn, Assistant DES Coordinator Mike Hoey, Facilities and Operations Director Bob Isdahl and Data Processing Supervisor Bill Baldus to discuss budget needs for relocation of the EOC. It will cost approximately \$100,000 more than is available in the budget this year; INTERCAP loan is a possibility. It was recommended that EOC be moved to 1st floor during Phase I, and a new generator for the E911 be installed immediately. It was also recommended that the new facility for Search and Rescue be completed and ready to accommodate E911 by the beginning of Phase II.
- Commissioners met with Clerk and Recorder Shelley Vance, County Auditor Joyce Schmidt, Fiscal Officer Ed Blackman, and Accountant Susan Lang for the fixed and controlled assets policy. Controlled assets are set at \$500; inventory shall be maintained by the Accounting Department. Commissioners will present policy to Department Heads at Staff Meeting on March 18th.
- Commissioner Murdock attended a meeting of the Detention Center Project Planning Team. Will solicit interest from other counties in Detention Center effort. A meeting was scheduled with Park County. Also discussed contents of draft Request for Qualifications (RFQs) from qualified architectural firms and the criteria for evaluating RFQs.

MARCH 13, 1998

- Commissioner Olson was out of town on personal business.

- Commissioners Jelinski and Murdock met with Road & Bridge Superintendent Sam Gianfrancisco and Road Foreman Ken Hellwinkel. Items of discussion included changes in secondary road funding; putting a double-shot on Valley Center; drainage problems on Flanders Road; Theisen Road RID; McDonald pit gravel purchase; and junk vehicles. Posting of a 35-mph speed limit on Valley Center will be on agenda in two weeks. The County will purchase one acre right-of-way for \$1,500 on Theisen Road. Road Dept. will do weed mowing on County Roads.
- Commissioners received A101's in the amount of \$55,376.37

The following items were on the consent agenda:

A request for a security for construction exemption for Valley Ice Garden Management for the property described as lot 2 of Minor 190 located in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 11, T2S R4E.

Commissioner Murdock moved to adopt the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

Rob Pertzborn of Prugh & Lenon reviewed the three bids submitted and recommended awarding the Rest Home Flooring Replacement Project to Taylor Construction for \$177,700.00.

Commissioner Olson moved to award the bid to Taylor Construction. Seconded by Commissioner Murdock. None voting nay. Motion carried. A notice of award will be sent to Taylor Construction by Prugh & Lenon Architects.

Commissioner Olson read an addendum to Gallatin County/City of Bozeman Joint Communications Dispatch Services/Records interlocal agreement which states, whereas, the County and the City entered into an interlocal agreement dated December 19, 1995, herein referred to as "original agreement", and whereas, the original agreement establishes a 911 Communication Services Division which is governed by an Administrative Board. The original agreement directs the Administrative Board to hire a Communications Services Director for the operation of the 911 Communications Services Division, and whereas, the current 911 Communications Services Director, Mike Brown, has accepted a position in another community and his last day of employment with the division was February 28, 1998, and whereas, the City, County and Administrative Board need to provide for the administration of the division during the search for an Interim Director who will administer the 911 Communications Services Division during the search for, and subsequent hiring of, a Director to replace Mike Brown, and whereas, the Administrative Board passed a motion on February 26, 1998 moving that the Chairman of the Administrative Board, Aaron Holst, designate the services of Bozeman Fire Marshal Chuck Winn, Bozeman Police Sgt. Jim Lenard, or both, to oversee the operation of the 911 Communications Services division during the period of the search for an Interim Director and during this period, the current salary and benefits of the 911 Director's position shall be paid to the City of Bozeman, now, therefore, in consideration of the foregoing recitals and the mutual covenants described in the original agreement, the parties agree to amend the original agreement as follows: 1. The County shall pay to the City of Bozeman the salary and the cost of the benefits that would have been paid to the 911 Communications Services Director, Mike Brown had he remained in this position, for the period that the services of Bozeman Fire Marshal Chuck Winn, Bozeman Police Sgt. Jim Lenard, or both are utilized to oversee the 911 Communications Services Division. 2. The term of this Addendum commences March 1, 1998 and continues until the services of Fire Marshal Chuck Winn, Sgt. Jim Lenard, or both, are no longer required to oversee the operation of the 911 Communication Services Division. 3. Except as specifically amended herein, the original agreement shall remain in full force and effect and the parties shall be bound by all terms and conditions therein. Commissioner Murdock made a motion to accept the addendum to the original interlocal 911 agreement between the City of Bozeman and Gallatin County. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that on January 9, 1998 the Commission received a petition to annex property into the Willow Creek Rural Fire District described as all of Sections 3, 4, 5 and the W $\frac{1}{2}$ of Section 10, T1S, R1W; Sections 29, 31, 32, and 33 lying south of the Jefferson River, T1N, R1W; Section 36 lying south of the Jefferson River, T1N, R2W. She certified that she examined the petition and found it contained signatures of 50% or more of the area of privately owned lands; who constitute a majority of the taxpaying freeholders; and whose names appear on the last completed assessment roll. The tracts of land for which annexation is being requested, are adjacent to the Willow Creek Rural fire district. The Willow Creek Rural Fire District Trustees have accepted the petition. The hearing dates were published in the High Country Independent Press on February 26th and

March 5th, 1998. The Clerk and Recorder's Office did not receive any protests. Commissioner Jelinski stated they received a letter protesting the annexation from Luzenac America. There was no public comment. George Reich stated that Luzenac wouldn't constitute a major land owner and they have not had a contract with the Willow Creek Rural Fire District for the past three to four years. Finding that one protest was received and that it does not represent a majority of the landowners, Commissioner Olson moved to adopt Resolution #1998-21 to annex property into the Willow Creek Rural Fire District as reported and described in the petition. Seconded by Commissioner Murdock. Commissioners Jane Jelinski and Phil Olson voting aye. Commissioner Bill Murdock voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported receiving a petition on March 9, 1998 to abandon a portion of two road right-of- ways described as a 30 foot road right-of-way located between lots 466, 472 of Rainbow Subdivision. She examined the petition and certified it contains the signatures of at least 10 qualified freeholders in Gallatin County. The Commission accepted the petition and appointed Commissioner Bill Murdock, County Road Superintendent Sam Gianfranciso, and Clerk and Recorder Shelley Vance to the viewing committee.

Commissioner Olson reported on an application request for an InterCap loan with the State of Montana for \$300,000 for the land purchase and application fees for the proposed expansion or relocation of County facilities. The application includes the County's contribution of \$19,362 from PILT funds not used for the current courthouse loan repayment. Commissioner Murdock moved to approve the loan application. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution disclaiming interest in government land office road easements in Section 5, T1N, R7E, in Gallatin County. Three road easements are shown on the 1908 Government Land Office (GLO) map in Section 5, T1N, R7E, running in the general direction of the existing Bridger Canyon Road, also known as State Highway 86. A review of the Gallatin County records shows that the road easement appearing on the map is no longer being used. The road was not established under applicable Montana law prior to the withdrawal of said sections from the public domain. Attorney Allen Karrell from the Crowley Law Firm in Billings, Montana, representing the Hammersmark Ranch Properties, explained the desire of his client to have the County disclaim interest from these out of date maps to clear the records and not cause any further issues for the sale of the property. Gallatin County Road and Bridge Superintendent Sam Gianfranciso reported that those road easements do not show up on any map in the Road Office and serve no value to Gallatin County. Finding that the easements serve no public interest, the Gallatin County Commission disclaims interest in the three road easements shown on the 1908 GLO map, Commissioner Olson adopt Resolution #1998-22. Seconded by Commissioner Murdock. None voting nay. Motion carried.

The preliminary plat approval for River Run Minor Subdivision continued from the public hearing on March 9, 1998 was postponed until further notice.

Belgrade City-County Planner Jason Karp reported on a request by David M. Richards and Nadia Beiser for preliminary plat approval for High K Subdivision consisting of 78 lots on 135 acres described as Tracts 1, 2 3, & 4 of COS 1583 located in the SE ¼ and the SW¼ of Section 4, T1S, R4E in Gallatin County. The lots in the subdivision would range in size from 1 acre to 3.3 acres. The preliminary plat indicates that the subdivision is to be developed in 5 phases (A-E) and that it will permit residential, commercial, and a combination of residential commercial lots called a Tradesman's Park in various locations in the subdivision. On February 18, 1998, The Belgrade City-County Planning Board voted to recommend that the High K Subdivision be granted preliminary plat approval, subject to the conditions listed below. 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a

concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water districts, a waiver of right to protest annexation into the City of Belgrade, and a waiver of protest entrance into the maintenance of the Thorpe/Royal Road RID. 5. A homeowner property owner's association shall be formed for the enforcement of the required covenants. 6. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with state law. d. Individual lot access from County maintained public roads shall be built to the standards of Section 7-G of the Gallatin County Subdivision Regulations. e. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. f. Site plans of all lots must be submitted to the Belgrade Rural Fire District for review for compliance with the Uniform Fire Code. g. All commercial structures must submit plans to the Montana State Building Codes Bureau and the Belgrade Rural Fire District for review and approval. h. The High K Ranch Minor Subdivision fill site must be operable prior to construction of any buildings within the subdivision. *note* see attached copy of the applicable provision of the Uniform Fire Code which states that required water supplies must be installed and serviceable prior to and during construction. i. The homeowner's association shall participate with the owners of the High K Ranch Minor Subdivision for the maintenance of the fill-site. j. The homeowner's association shall be responsible for the maintenance of all interior subdivision roads. k. The homeowner's association shall be responsible for the maintenance of all parks in the subdivision. l. 1 acre parcels shall be limited to 2 large animal units. m. Residential and commercial structures shall be a minimum of 1000 square feet. n. No lot owner may remove water or cause to be removed water from irrigation ditches without deeded water rights. o. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 7. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 8. Road and fire impact fees shall be submitted as per County impact fee policy. 9. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 10. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 11. The final plat shall show a maintenance easement of 15 feet on one side, and 5 feet on the other side of the irrigation ditches, and before any maintenance or improvements are performed on any the ditches, the owner of the waterway must give written permission for the work to be done. 12. Encroachment permits must be obtained from the Gallatin County Road Office for the new road and driveway approaches to Amsterdam Road and Royal Road. 13. Stop signs as required by the Road Office shall be placed at the intersections with Amsterdam Road and Royal Road prior to final plat approval, or a bond covering the cost of the signs shall be deposited with the County Road Office. 14. Road names shall be approved by the Road Office, and road name signs at all intersections as required by the Road Office shall be installed prior to final plat approval, or a bond covering the cost of the signs shall be deposited with the Road Office. 15. Interior subdivision roads shall be sixty foot right-of-ways, be dedicated to the public, and be constructed to Gallatin County standards and be paved or the developer has the option of posting a bond or other form of security for the required paving, which shall be approved by the County Attorney's Office and the Road Office. The amount of the bond or other security shall be equal to 150% of the estimated cost of the road construction. Roads ending at unsubdivided land shall have temporary cul-de-sacs or "T" type turnarounds built to County Standards. 16. All road construction shall be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Department that all conditions pertaining to roads have been met prior to final plat approval. 17. The final plat shall show a no access strip for vehicles along all lots adjacent to Royal Road and Amsterdam Road, except at Road Office approved road encroachments. 18. The final plat shall contain a warning that irrigation canals are hazardous to small children. 19. The High K Ranch Minor Subdivision fill site (180,000 gallons) meeting the requirements of the Belgrade Rural Fire District shall be constructed and approved by the Belgrade Rural Fire District. Said fill-site shall be operable prior to final plat approval of the High K Subdivision or the subdivider shall enter into an improvements agreement, including a provision that the fill site must be operable prior to construction of any buildings, approved by the Gallatin County Attorney's Office and the Belgrade Rural Fire District, which will guarantee

construction of the fill site. A warning shall be placed on the final plat that the fill site can be dangerous to small children. 20. Road R5 must be constructed to county standards from Amsterdam Road to the fill-site prior to final plat approval of any phases of High K Subdivision. 21. Land located within the required irrigation ditch easements shall not be dedicated to the public for parkland. The linear park shall be dedicated to the homeowner's association and be shown on the final plat as an open space easement. The linear park (open space easement) shall be extended south to Amsterdam Road. 22. The developer shall submit a cash-in-lieu of parkland dedication to Gallatin County in accordance with the Gallatin County Subdivision Regulations equal to the value of 5.93 acres of the unsubdivided, unimproved land. 23. All irrigation ditch culverts within the subdivision shall be the same, or greater diameter as that ditch's culverts crossing Amsterdam Road. Culverts shall be approved by the Gallatin County Road Office. 24. The developer shall only install street lights along Road R1 & R2. *note this condition does not eliminate the property owners in the rest of this subdivision from installing their own street lights or creating a street lighting district in the future. 25. Section 4(g) of the draft covenants shall be eliminated from the final version of the covenants.(covenant referring to the construction of flow through ponds). 26. The final plat shall contain a statement which includes the following language: Lots abutting irrigation ditches may have water rights as described in deeds. No owner may remove water or cause to be removed water without deeded water rights. 27. Equestrian and bike paths will be delineated within the subdivision. 28. All commercial buildings must meet the most current State adopted edition of the Uniform Building Code. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. If the applicant elects to submit a final plat for each phase, only the conditions which apply to that phase must be completed before final plat approval. Subdivision regulations require that the subdivider dedicate to the county a cash or land donation equal to 5% of the area of the land proposed to be subdivided into parcels of one (1) acre but not larger than three (3) acres, and 2.5% of the area of the land proposed to be subdivided into parcels of three (3) acres but not larger than five (5) acres for parkland. Section 6-G-5 of the Gallatin County Subdivision Regulations states that all subdivisions shall be considered to be residential subdivisions and park dedication requirements shall be satisfied unless there are adopted zoning regulations which prohibit residential development or it can be shown that the subdivider has immediate plans for non-residential development. The draft covenants do not prohibit residences on any lots, therefore the following parkland calculation is based on the area of all the lots in the subdivisions. Based on the above criteria, the parkland dedication requirement for the High K Subdivision is 5.93 acres. The preliminary plat shows a 1.44 acre linear park being dedicated to the public, however it is not recommended that the Commission accept the linear park dedication as a public park, because the proposed linear park runs along both sides of an irrigation canal. The Gallatin County Recreation Plan states that man-made watercourses present safety and legal concerns not inherent in natural streams, therefore ditch and canal easements should not be included in subdivision parks. According to the Environmental Assessment, a portion of the park land required for the residential area will be paid with a cash-in-lieu of land donation to the County Park fund. Suggested covenants require parkland within the subdivision to be maintained by the homeowner's association. The State Department of Environmental Quality is required to review and approve the subdivision's water supply, storm water drainage, solid waste disposal, and waste water disposal facilities. The Planning Board urges the State Department of Environmental Quality to take into account the contamination of wells in Royal Arabian Subdivision and the accumulative effects to groundwater of all the subdivisions in the area before they consider approving the High K Subdivision. Commissioner Olson asked if the phases had a particular sequence of development in the plan. Mr. Karp deferred the question to the developer and pointed out that certain phases can be developed on their own because they require their own access roads. Phase E would have to be completed after A and B, and a condition might be added, that phases be completed in sequence. Commissioner Jelinski stated she did not understand the statements in the staff report that stating that phasing would be contingent on market demand. It implies the developer doesn't necessarily intend to develop the phases in sequence. She questioned the point of the phasing is, if they anticipate coming into phase A and completing it, and getting final plat approval for just that phase. She stated there is no inter-relationship between the phases and asked if the phasing was discussed at the planning board hearing. Mr. Karp said that it had been discussed and he deferred the question to the developer on their intended development of the phases. Commissioner Murdock asked how far it was from the zoning boundary of Belgrade. Mr. Karp stated a mile and that the area has no zoning. Commissioner Murdock asked if the Planning Board or the overall master plan had any plans for the area. Mr. Karp stated, it did not and that nothing specific was planned. He asked Mr. Karp to point out on the set of plans exactly where the commercial and residential lots would be located. Mr. Karp indicated that the northern part, referred to as the Tradesman's Park, would be primarily residential and permitted businesses with building envelopes on the back of the lots. The part closest to Amsterdam Road would be primarily commercial and covenants permitted residential. The idea was, depending on market demand with the mixed commercial/residential uses, they will meet in the middle in a type of quad. Commissioner Murdock asked if the Planning Board discussed the potential for conflicts arising from the mixed use. He stated that Royal Arabian Subdivision homeowners expressed concerns being located by a commercial subdivision. Commissioner Jelinski referred to the staff report's recommendation of rejecting the linear park but in condition 21 it refers to the linear park. Mr. Karp stated that the linear park would not be dedicated to the

public because of the public liability, but the developer can set it aside for the homeowners association as a private park. The Belgrade City-County Planning Board would like to see it dedicated as an open space easement shown on the plat to provide a buffer zone between the two halves of the subdivision. Commissioner Jelinski asked if the linear park was part of the park land dedication or an open space easement. Mr. Karp stated the recommendation was an open space easement and it wouldn't be considered part of the park land dedication. He stated the developer would speak on that issue. Commissioner Olson said the linear park follows the canal and asked if that was the easement required on the canal. Mr. Karp stated it is a little wider than a canal easement, but does follow the canal. The plan was to plant trees along it to create a visual buffer between the 2 halves of the subdivision. The easement varies, and is wider than the standard canal easements. Commissioner Murdock asked what rationale the Planning Board had in their suggested covenants in 1.L that states, one acre parcels shall be limited to 2 large animal units. Mr. Karp responded that it was discussed at the first planning board meeting. They had to put some sort of limit on the number of animals on the lots and it was a compromise reached between the developer and the adjoining land owners. Commissioner Jelinski asked if large animals were defined in the covenants. Mr. Karp stated when it says large animal or animal units, it refers to horses or cows. She wanted to know if potential buyers wanted to know the definition, where would they find that information. He deferred the question to the developer. Commissioner Jelinski then asked if her understanding of the proposal was, that on any one lot, one to 3 acres, that they can have a home, a factory, and two horses. Mr. Karp's answer was affirmative. The Commission received a letter from the applicant regarding zoning verses planning. They asked the Gallatin County Planning staff to prepare an analysis. Planning Director R. Dale Beland reported on the review by the County Planning Board as requested by the Gallatin County Commission. Staff reviewed letters of concern received from adjacent property owners about the subject proposal. They reviewed the revised preliminary plat, the application and environmental assessment/community impact statement, and an additional letter from Joseph and Debra Atwood dated 1/28/98, staff report dated 1/28/98, applicant's letter of modification dated 2/2/98, letter from Atwoods dated 2/17/98, applicant's letter dated 2/23/98 as sent to the Commission and the County Attorney, and the latest staff report dated 3/17/98. The report was additional information requested by the Commission and was supplemental to the Belgrade City-County Planning staff report. In staff's opinion, the application proposes some unique land use characteristics, which raise significant questions about potential impacts. The report is focused from a perspective of subdivision review not on zoning or the master plan or any of that context and what they believe is the current authority for that review by the County Commission. As part of that review, the Commission must make findings concerning project compliance with the criteria for local government review, which include "the effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety." In addition, the Commission must find that the proposal complies with the County's subdivision regulations which require that potential hazards concerning environmental degradation must be mitigated or eliminated. Based on a section of the draft covenants, staff concluded that there is little, if any, limitation as to land use and animals. Staff experience indicates that two large animals allowed per lot may create adverse impacts. Given the accommodation of a full range of residential and commercial uses, staff notes the potential for impact on water quality resulting from hazardous waste disposal into individual septic systems along with the impacts of the two large animals per one acre lot are a concern. Given the existing residential development of the Royal Arabian Subdivision directly north of the project, there are reasonable grounds for concern about potential cumulative impacts on the groundwater. There is a real potential for dumping hazardous materials into the septic systems and elevating nitrate levels. This situation suggests that the developer should be required to provide a community wastewater treatment system to assure positive mitigation of such potential impacts. In summary, these concerns about project impacts and proposed mitigation, staff suggests that more information and or clarification would be helpful prior to Commission action on findings. The application could be continued at the applicant's request and voluntary extension of time for adequate review. Another option is to deny the application on the basis of noncompliance with the County Subdivision Regulations: specifically, Section 3.H.2.a the effect on public health and safety, and Section 6.A.3 lands unsuitable for subdivision. Gallatin Local Water Quality District Specialist David Whitson reported on the preliminary review of the proposed High K Major Subdivision application Environmental Assessment materials. The proposed subdivision area contains an animal waste land application area used by the former Alberda Dairy. In March 1997, staff accompanied DEQ staff to the area to investigate complaints of improper animal waste management practices at the site, and water quality problems in residential wells down gradient of the waste application area. It resulted in a violation of waste management practices which impacted water quality in the irrigation ditch running through the waste application area, north through the Royal Arabian Subdivision and discharging to the waters of the State of Montana. Given that it is unlikely that any record of where waste, historically, have been applied within the boundary of the proposed subdivision or whether any loading calculations were made to properly distribute wastes in the area to prevent exceeding the soil capacity, and result in adverse groundwater impact. There was no information to address the historical location or soil conditions relating to the land application areas provided by the applicant, as was requested by district staff at the Belgrade City-County hearing of this application in February 1997. Non Degradation, phosphorous analysis was not performed by the applicant, "since these ditches (irrigation) do not re-enter the Gallatin River, they are not considered

water of the State of Montana. As a result of the DEQ's complaint investigation, the irrigation ditch was found to flow north to the Gallatin River. Staff disagrees with the applicant's conclusion and recommends that a phosphate analysis be done. The proposed High K Major Subdivision is located in an area identified as severe septic limitations due to poor soil filtration characteristics in Septic Survey-Gallatin County, NRS Soils Survey 1996. Staff disagrees with the groundwater tested at the Mazza Well. It is not a representative of nitrate background concentrations prevailing in the area. Direct comparison could not be done because the staff could not find a statement dating the sample from the Mazza Well collection. It is also uncertain as to whether the Mazza Well is representative of water quality in the upper aquifer because no well log for the well was provided. Since the uncertainty exists as to the applicants background nitrate concentration presented the applicant should provide a well log for the well and re-evaluate their determination of background nitrate concentrations. Staff finds there is reasonable basis to suspect that the development proposed in the High K Major Subdivision, when combined with observed data, will likely result in cumulative concentrations of nitrate in groundwater ranging from 5 to 9 mg/L below the western half of the existing Royal Arabian Subdivision. This would result in significant cumulative impact and degradation of groundwater of the State. Staff recommends that the applicant of the High K Major subdivision be given an opportunity to present site specific information pertaining to groundwater and soil conditions in the former Alberda Dairy animal waste land application areas so that the analysis presented above can be revised and conclusions modified as necessary, prior to final preliminary subdivision approval. Letters of opposition received by the Commission: Gretchen Carrels, Kevin and Bunny Brownlee, Lawrence and Mary Prince, Donald and Anita Kristensen, and Cindy Wilks-Gee. Nadia Beiser, the developer, stated she appreciated the comments from the local water quality district and emphasized their concerns are well advised, but the information which Mr. Whitson relied upon, and admits to, was not data from the site. The only data from the site he referred to, he questioned the source. That data was prepared by their engineer. Well data and logs have been put together in a package which is to be evaluated by the Montana State Department of Environmental Quality. She said it is unlikely that any useful conclusions can be reached from the very cursory information he relied on. The State approval can examine more detailed information with many well logs and with a lot more technical information. Even based on his data from a dairy quite a distance from their site. She was disappointed by Dale Beland's report because he did not respond to her letter. Much of the public, private, and official comments she heard relates to land use. The proposed plan was an unusual admission from a developer of a situation which exists in the subdivision regulations of this county that there is no zoning. It is outside the jurisdiction of any zoning provision, which means, that any land use that is permissible for environmental reasons is permissible. They are purposely planning to have a combination of land uses on one lot within a subdivision. The idea of combining land uses in a subdivision is not new. They plan to enhance the positive effects and minimize the negative ones. They have to plan carefully, and believe they have done so with the input of the planning staff and the other professionals they have worked with. They think mixed uses can, and should be, accommodated within a subdivision. Mr. Beland's other concern was the potential for hazardous waste generation by any commercial user. It is a legitimate concern with any commercial use in the County. To suggest the denial of the subdivision plan because of the potential for contamination of hazardous waste, and compare it to one of the worst environmental disasters the state has ever had, is a scare tactic, and was not appropriate. They would be in absolute compliance with every commercial requirement which requires all commercial buildings to be examined and constructed to meet the state building codes. Commercial uses have a greater potential for being safer than residential uses through the inspections and with the mixed use there will be a greater degree of environmental scrutiny. The proposed subdivision is not in a zoning area, and is not considered part of the master plan. The definition of large animals in the covenants was missing and should be added. That condition was suggested by the Planning Board and the public, not from the developers. Her understanding of the definition was that it included horses, cows and possibly llamas. All of those animals were okay with the developers. An issue was raised on the uneven distribution of easements along the ditches. It comes from the new county regulations. There is a double overlap of easements from the old requirement of 10 feet on either side to the new regulations of 15 and 5. The comments have centered around three issues: progressive land use planning, environmental fears, and not this type of development in my backyard. They have listened and responded to the suggestions and were receptive to the planning board's recommendations. Good planning requires that and it did improve their plan with two minor exceptions. There was a market for people trying to find larger lots without finding large acreage, reasonable prices, and small business owners and tradesmen that would like to expand their business from their garages. She explained the major components of the subdivision, explaining that the residential is primarily on the west side and the commercial use is along Amsterdam Road where commercial businesses are already located. To the west is the Tradesman's Park, described to have both homes and small businesses on the lots. It is separated by a visual buffer and the uses are graduated. The Linear Park's mature Cottonwoods divides the sight from north to the south and commercial to residential. The High K Commercial Park is located next to commercial business and gradation of natural uses abutting similar land uses was good planning. The appearance and location of different land uses was the focus, not the restriction of uses. It was designed by requiring consistent standards, clustering similar land uses, gradual transitions among land uses, and utilizing natural screening by different land uses. By requiring uniform standards, it assures an attractive

subdivision with a consistent appearance and maintenance rather than uniformity of use. The mixed use development has been recognized as a planning tool for encouraging vibrant neighborhoods. They believe, and it is critical to the whole concept of the High K subdivision, that regulating the appearance, maintenance, and location of the uses assures an attractive subdivision not prohibiting one use over another. She does not believe that the attempt to require a minimum area for all buildings in the subdivision as a condition for granting subdivision approval is appropriate, necessary, or even permitted under the subdivision regulations under the County or the State in which, High K was in full compliance. She asked to delete condition 6. m. that requires a minimum of square footage for all buildings. She described the streetscape and the landscaping requirements, maintenance standards on sites and parking lot areas. She explained that the phases will be developed according to market demand, gradation of uses from north to south. They anticipated the phases to go by letter A-E, but may vary from the plan. Each phase has looping roads that have their own access. No RID's will be assessed. The proposed subdivision is on one of the largest aquifers in the state, has gravely soils which indicated marginal suitability for agriculture. The unusually high hydraulic activity of the area is suited for on site septic units and has been submitted to the State for approval. She asked that the environmental issues be examined by the technical professionals at the Montana Department of Environmental Quality and for the Commission to concentrate on the land use issues. She noted that the Belgrade Planning Board had given their approval and the proposal was in compliance with the county subdivision regulations. The following people testified at the public hearing against the proposed subdivision: Bill Paton, Joseph Atwood, Gene Staples, Gretchen Carrels, Lidia Runkel, Mary Hahn, Glenda Angulo. They expressed concerns on water quality, problems with contamination of wells from animal waste and nitrate levels, allowing 2 large animals on a one acre lot, dumping of hazardous wastes from the commercial sites, disturbing existing residential subdivisions located next to commercial businesses with increased traffic, noise, lights, the enforcement of covenants, disturbing wildlife habitats, and an out of state developer that sells and makes their money by selling property and leaving it by no longer maintaining the subdivision and its covenants. Sandy Lee with the Belgrade City-County Planning Board stated she is not for or against the subdivision but has concerns over water quality and that it has been a major concern in the area. Ms. Beiser rebutted the testimony that they were out of state developers that had no commitment to the area. Her partner and her have been working for five years and have developed three subdivisions in the area. They have a huge financial commitment as well as an emotional one. She lives in the High K Subdivision. She spoke of the valid concerns regarding dumping hazardous waste. She stated it came down to three things: the law, the people enforcing the rules and regulations, and the homeowners being responsible citizens. The Montana Department of Environmental Quality has spent lots of time reviewing the subdivision and it will be adequately scrutinized by the professionals that have the data and experience to do so. She asked that the board concentrate on ultimately, whether the subdivision does or does not comply with the subdivision regulations. She asked the board to modify condition number 6. h. that concerns the operation of the fire pond, that it would state, "No buildings shall be occupied prior to the High K Ranch Minor Subdivision fill site being operable." She commented on the traffic studies done. One study was required on the corner, and was being done for the minor subdivision and would be addressed at a later time. She reiterated that the staff report finds that the High K Subdivision is in compliance with the Montana Subdivision and Platting Act, the Gallatin County Subdivision Regulations, and has been recommended by the Belgrade City-County Planning staff for approval with conditions that they are willing to comply and accept with two exceptions. The language regarding the fire pond in condition number 6. h. and the deletion of condition number 6. m. attempting to regulate and limit the minimum area of all buildings. During Board discussion Commissioner Murdock asked if the developers considered using a community water and septic system in their subdivision. She stated yes they had, but was advised by the professionals that it be done on single septic systems. He also asked about the phasing and how they determine the gradation of uses, the development of phases by the market, and those uses being implemented by the developer only. She responded that they didn't know where the line between the commercial and residential developments would be according to the market, so they separated them by phasing. Each phase had their own individual access roads. Commissioner Jelinski asked if they were going to ask for final plat approval on each phase and if Road R-5 if it needed to be constructed before any phases can be completed. The conditions as drafted, don't address phasing, just the entire subdivision. She asked Mr. Karp to explain the wording of the phases in his staff report. He responded that Road R-5, had to be completed prior to final plat approval of any phases. He referred to condition 15 that states, the interior roads shall be sixty foot right-of-ways, and the requirements for paving, and if the applicant elects to submit a final plat for each phase, only the conditions which apply to that phase must be completed before final plat approval. He reviews a plat submitted for final and makes sure the conditions are applicable to that phase before recommending final plat approval. The reasoning is the ambiguity on which phases are going to be completed and for simplicity in keeping the conditions down to a reasonable number. This same language has been used in the past and there have not been problems with it but it does leave a little open to interpretation. Board discussion took place regarding several conditions. Commissioner Jelinski asked which phases condition 17 pertained to, that states the final plat shall show a no access strip for vehicles along all lots adjacent to Royal Road and Amsterdam Road. Ms. Beiser responded, any lots that have access off of that road or about those roads. Commissioner Jelinski stated that is interpreting and not what the language states. The

language has to be made clear to which phases these conditions pertain to, so the Commission can understand what they are approving. Commissioner Murdock pointed out it is their job to look out for the public's health, welfare, and safety. If they are not clear on what nature of commercial uses the developers have in mind for future phases, they don't know how to decide on those issues. He has a problem with the multiple uses. Ms. Beiser clarified an easement that showed on the plat across the property from east to west that would be vacated and replaced with an easement by the developer that would provide a better standard of road. She stated the easement was not dedicated to the public. Commissioner Jelinski asked about condition number 4, that states the subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water districts, a waiver of right to protest annexation into the City of Belgrade, and a waiver of protest to enter into the maintenance of the Thorpe/Royal Road RID. However, the covenants state there are no RID's for this subdivision that the developer would pave the roads. She stated that would be the case for the interior roads but this covenant conflicts with condition number 4. Ms. Beiser said that the intent for the condition was that the roads for this subdivision wouldn't be subject to an RID because the developer would pay for them. She was willing to clarify the language. Commissioner Jelinski asked if they would be willing to limit commercial lighting in the subdivision. Ms. Beiser said she would not have a concern close to the northern lots that are mainly residential but would have a problem where the commercial developments already are located along Amsterdam Road. She stated that would be an unfair business limitation. Commissioner Jelinski asked if mobile housing was allowed in the subdivision. Ms. Beiser stated yes they were allowed. The applicant asked to delete condition 6. m. which requires a minimum of one-thousand square feet. David Richards, partner of High K Development commented that their intent was not to get into the minimum square footages, since it is not required by law. Discussion took place regarding controlled uses on the lots. Ms. Beiser commented that the uses are delineated by lot numbers in each area of the Tradesman's Park, commercial, and residential areas of the subdivision. Commissioner Jelinski asked the developers how they were going to define large animals. They responded they did not know. Commissioner Jelinski stated they better decide, if they were going to approve the preliminary plat. The developers responded horses, cows, and llamas. Commissioner Olson stated that having one large animal on one acre is probably too much with the combination of residential and commercial uses proposed. Even though there is no zoning they are concerned with the environmental effects. Commissioner Jelinski asked if the developer had any objections to continuing the request in order to clarify several issues such as phasing, requirements for each phase, the definition of large animals, deleting the condition of the thousand foot minimal square footage, more information on the water issues. The Commission requested the developer work with staff to answer those questions in a coherent way, so they can feel confident in what they are approving. She feels there is a lack of clarity in the staff report, the covenants, and the understanding of the reports between the developers, the planning board and the Commission. Ms. Beiser responded that they could address the issues and finalize them now, and that it would not serve anybody's purpose to drag their request on. She said she felt comfortable with the concerns regarding phasing, the language in the staff report, and the conditions that relate to that phase as written. The same has been implemented by previous subdivisions. They discussed the market, build out to the phasing and the park cash in lieu was explained and how it was calculated by their engineers according to phasing, and that it is provided for in the conditions of approval. Commissioner Olson asked about participating in the paving of Royal Road and Thorpe Road. She responded that legally they can not participate in the RID but would participate in the maintenance of the roads. Deputy County Attorney Susan Swimley stated it did contribute to the RID originally as one parcel so technically it did contribute, and is being assessed. There is just no mechanism to divide it out into seventy-eight parcels to assess it. It is in the RID and the maintenance district. Commissioner Murdock does not feel comfortable with the information presented from our local water quality professional on the perimeters of the water quality problem on the proposed site. He understands the state will review it, but he is not comfortable saying yes, subject to health approval. If he is asked to vote now he will have to vote no. He asked the developer to give them more time to get more information on the issues to answer their questions. Commissioner Olson stated he was concerned with the health, welfare and safety issues along with the two large animals and current ground water problems in the area. Commissioner Jelinski asked the developers to continue this hearing and provide the Commission with more information, otherwise, they have a responsibility to vote it down because the questions haven't been answered or given sufficient information for them to make a decision concerning the effects of the public's safety, health, and welfare. Commissioner Murdock would like the developers to address the potential of mixed uses and the mitigation of, and work with, both planning staffs, The Local Water Quality District, The Board of Health, DEQ, and any other departments concerning the water quality and multiple use issues. They asked to address the number of large animal that can be sustained on the small acreage, the conditions which apply to which phases written clearly, the graduation of uses needs to be incorporated into the public record, language in the covenants regarding the RID's needs clarified and not conflicting with the proposed draft conditions, lighting considerations needs to be spelled out. Ms. Beiser responded that they feel they had satisfied all the items addressed in the hearing. The developers asked the Commission to act on their request at this time, that they would not like to continue the Commission's decision. Commissioner Jelinski stated the developers denied the request of the Commission to continue the hearing. Commissioner Olson made his decision on the public's health

and safety. Commissioner Murdock stated that based on the overriding concerns as presented by staff, the water quality concerns, but also from his point of view the lack of mitigation for conflict potential with the mixed use aspect of the subdivision that they did not want to address today, that it is not in the public interest to approve the subdivision with the information they have on hand today. Commissioner Murdock moved to deny the High K Major Subdivision preliminary plat approval. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Jelinski finds it is contrary to the public's health safety and welfare with the information available at this time.

There being no further business the meeting adjourned at 5:12 P.M.

Unavailable
For Signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 24th DAY OF March 1998

The meeting was called to order by Chairman Jelinski at 1:30 P.M. Also present were County Commissioner Bill Murdock, Deputy County Attorney Susan Swimley and Clerk & Recorder Shelley Vance, Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MARCH 16, 1998

- Commissioner Olson attended the Extension Advisory Board meeting held at the Fairgrounds. For detailed minutes, contact the Extension office at 582-3280.
- Commissioner Murdock attended a meeting of the Open Space Task Force held in Three Forks. For detailed minutes, contact Judy Noreen at 582-3130.

MARCH 17, 1998

- Commissioners met with County Attorney Marty Lambert and Deputy County Attorneys Susan Swimley and Chris Gray. Topics of discussion included the 911 Dispatch Center, Oak Street, and pending litigation. Marty Lambert will send a letter to City Manager Clark Johnson requesting completion of the Oak Street land transfers. A meeting has also been scheduled to meet with Fire District Trustees regarding budget preparation and conducting public hearings.
- Commissioners met with Deputy County Attorney Susan Swimley, Planning Director R. Dale Beland, Belgrade Assistant Planner Jason Karp, Environmental Health Specialist Denise Moldroski, and Local Water Quality Specialist Dave Whitson to express their recommendations to the proposed High K Major Subdivision.
- Commissioner Murdock attended a meeting of the City-County Planning Board. For detailed minutes, contact the City-County Planning Office at 582-2360.

MARCH 18, 1998

- Commissioners met with Department Heads and Elected Officials. Commissioner Olson distributed and discussed the new Fixed Asset Policy, Fiscal Officer Ed Blackman reported on the status of the budget process, and departmental updates were also presented. Motion was made by Phil Olson to adopt the Gallatin County Fixed Asset Policy as written; Jane Jelinski seconded the motion. Motion was carried unanimously.
- Commissioners met with Planning Director R. Dale Beland. Bozeman Chronicle Staff Writer Tim Neville attended. Items of discussion included zoning for the donut, work plan items and staffing. The Commissioners directed Dale to prepare a draft zoning regulation for the donut for consideration at a public hearing; date yet to be determined.
- Commissioners attended the quarterly Interagency Luncheon at the Baxter Hotel. Other attendees included Bozeman Mayor Al Stiff, City Manager Clark Johnson, Gallatin Development Corp. representative Gene Graf, Craig Roloff of MSU, and Dave Smith of the Bozeman Area Chamber of

300 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Commerce. Items of discussion included impact fees, extension of Oak Street through NE corner of the Fairgrounds, improvements on West Babcock, and traffic concerns due to construction. Next meeting is scheduled for June 17, 1998.

- Commissioner Murdock met with Interim Health Officer Stephanie Nelson to discuss the grant for the Turning Point Alliance. A meeting is scheduled for March 31st from 11:00 – 1:00 p.m. at the Holiday Inn.
- Commissioners met with Interim Health Officer Stephanie Nelson to discuss the Health Department's relocation to the Health & Human Services Center.
- Commissioners met with Department of Public Health & Human Services Director Joan Davies as the Welfare Board. Board minutes were approved as written.
- Commissioner Olson and Roy Steiner met as the Phase I Project Team to revise draft floor plan for Phase I; team member Bob Isdahl was unable to attend. A meeting has been scheduled on March 19th with Rob Pertzborn of Prugh & Lenon Architects to attempt to finalize plans.

MARCH 19, 1998

- Commissioners met with Deputy County Attorney Chris Gray and Fairgrounds Director Sue Shockley to review and finalize lease agreements with the Rifle Range and Bozeman Baseball. Sue also discussed Oak Street construction issues and sewer construction. Advised Sue to walk through the building with City Building Inspector and discuss her concerns. Commissioners will send a letter to Bozeman Rifle Club advising them of our concerns regarding the doors, the caliber of guns, and all safety issues. Sue will obtain proof of insurance from Jack Greenway.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioner Olson and Roy Steiner met with Rob Pertzborn of Prugh & Lenon Architects to seek approval of the floor plan for Phase I.
- Commissioner Olson met with Bob Ross, Executive Director of the Mental Health Center in Billings in preparation for their meeting on March 20th.

MARCH 20, 1998

- Commissioners held a work session in preparation for an evaluation of a Department Head.
- Commissioners attended a meeting of interested parties to discuss problems and concerns with the current Mental Health Services system. Discussed the possibility of a \$250,000 block grant for a Crisis Stabilization Facility; also discussed service gaps in Gallatin and Park counties. Will meet again in two weeks to further discuss. Other attendees included Randy Poulsen, Chief of the Managed Care Bureau, DPHHS Addictive & Mental Disorders Division; Ann Gonzalez of Montana Community Partners and Executive Director Jani McCall; John Nordwick, President and CEO of Bozeman Deaconess Hospital; Bob Ross, Executive Director of the Mental Health Center in Billings; Interim Health Officer Stephanie Nelson; Sheriff Bill Slaughter; Fiscal Officer Ed Blackman; and Bozeman Chronicle Staff Writer Tim Neville.
- Commissioner Jelinski met with Fiscal Officer Ed Blackman and Planning Director R. Dale Beland to follow-up on Capital Improvements.
- Commissioners met with Bozeman City-County Planning Director Andy Epple and Assistant City-County Planning Director Deb Arkell. Items of discussion included surveying of the donut, zoning ordinance in the donut, transportation plan, and updating the Master Plan.
- Commissioners received A101's in the amount of \$3,196.94.

The following items were on the consent agenda:

- A resolution to adopt the amendments to the Gallatin Canyon/Big Sky Zoning regulations.
- A request for final plat approval for the Doornbos Second Minor Subdivision which consists of five lots of 20 acres located in the NW ¼ of Section 13, T1S, R3E. The Commission granted preliminary plat approval on June 24, 1997.
- A request for a common boundary exemption for Josephine and Bill Erickson and Richard and Janet Breuner. According to the information submitted, this request appears to meet the criteria for the exemption allowed under the Montana Subdivision and Platting Act.

Motion by Commissioner Murdock to adopt the consent agenda. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on two applications received requesting a tax abatement. PSI Properties requests a tax abatement for the expansion of a building in the amount of \$4,678; and a request for abatement in the amount of \$11,543 for building to be retroactive. The Pathway Systems' request is for personal property in the amount of \$43,956. Mr. Blackman recommended the Commission deny the request of abatement in the amount of \$11,543 because these dollars have been placed on the tax rolls for previous years. Based on Mr. Blackman's review of the application he is recommending approval of the request in the amount of \$4,678 for the new expansion and \$43,956 for the personal property. Mr. Blackman read the criteria used to determine granting tax abatements which include the following: 1) Does the project expand and diversify the tax base; 2) Does the project provide new employment; 3) Is the industry compatible with the natural environment; 4) Is the industry located within Gallatin County and outside any incorporated city or town. Witt Hampton, controller of Pathway Systems, Inc. explained that his company moved into their new building in 1997 with 12-13 employees. Currently they have 28 employees with compensation ranges as high as \$50,000 and as low as \$6.50/hour for one part-time employee. Ray Pierson of PSI Properties explained that his company owns the property and that Pathway Systems leases from them. There was no public comment. Finding that the applications met the criteria and based on the recommendations of Fiscal Officer Ed Blackman, motion by Commissioner Murdock to adopt Resolution #1998-23 approving a tax benefit for Pathway Systems, Inc., and Resolution #1998-24 approving a tax benefit for PSI Properties Partnership. Seconded by Commissioner Jelinski. None voting nay. Motion carried.

Gallatin County Environmental Health Director Tom Moore gave a report on the history of the Gallatin County Junk Vehicle Program which began in 1973. Mr. Moore reported that the Commission transferred this program to the Road Department for the following reasons: 1) Road Department can recycle and utilize some the drained materials; 2) The Road Department has the equipment, knowledge, and expertise in dealing with these materials; 3) The Road Department will be driving the roads and have better knowledge of where abandoned vehicles are located; 4) By transferring this program it will free up staff time in the Environmental Health Department. Mr. Moore reported that the Road Department will be referring the public to private companies first as it relates to junk vehicles.

Belgrade City-County Planner Jason Karp received a request to amend the preliminary plat approval of the High K Ranch Minor Subdivision by developer Nadia Beiser. The High K Ranch Minor Subdivision received preliminary plat approval from the Gallatin County Commission on October 28, 1997 subject to sixteen conditions. The applicant has requested that a condition which requires the fill-site in the High K Ranch Subdivision to be operable prior to final plat approval of the subdivision be amended to allow an improvements agreement to permit final platting of the High K Ranch Minor Subdivision. *The State Legislature, in their last session, amended the Montana Subdivision and Platting Act 76-3-507(2) MCA to read as follows: (2) (a) In lieu of the completion of the construction of any public improvements prior to the approval of a final plat, the governing body shall at the subdivider's option allow the subdivider to provide or cause to be provided a bond or other reasonable security, in an amount and with surety and conditions satisfactory to the governing body, providing for and securing the construction and installation of the improvements within a period specified by the governing body and expressed in the bonds or other security. The governing body shall reduce bond requirements commensurate with the completion of improvements. If the Commission finds that the applicant's request is in conformance with State Law, staff recommends that the following conditions be added or amended to the High K Ranch Minor Subdivision approval to insure that applicable provisions of the Uniform Fire Code are met, and to guarantee that the fill site will be constructed as required. They recommend adding condition 6. k. **No building shall be constructed prior to the High K Ranch Minor Subdivision fill-site being operable.** Condition number 11. would be amended to read: **A rural fill site (180,000 gallons) meeting the requirements of the Belgrade Rural Fire District shall be constructed and approved by the Belgrade Rural Fire District. Said fill-site shall be operable prior to final plat approval or the subdivider may enter into an improvements agreement with Gallatin County, including a provision that the fill site must be operable prior to construction of any buildings, approved by the Belgrade Rural Fire District and the Gallatin County Attorney's Office, which will guarantee construction of the fill site** The applicant had not arrived so Chairman Jelinski asked for public comment. Glenda Angulo, neighbor of the proposed subdivision reported to the Commission that Alberda Dairy is currently disposing of waste and manure on the proposed subdivision property. There was no further public comment. Ms. Beiser arrived and explained that she was requesting an amendment to the conditions for the High K Ranch Minor Subdivision so that they would be the same as the conditions for High K Corner Minor Subdivision as it

relates to the fill site. She stated that she had not seen the proposed amendment drafted by the Belgrade planning staff and could not respond to their draft at this time. Chairman Jelinski tabled further discussion until the end of the hearing to allow Ms. Beiser time to review the draft.

Gallatin County Planner Jennifer Madgic received a request for preliminary plat approval for Lone Moose Meadows Minor Subdivision, a one-lot minor subdivision for development of 16 condominiums on a 9.75-acre parcel of land. The property is legally described as being a portion of COS 1971 in the South ½ of Section 28, T6S, R3E, PMM, Gallatin County, Montana. Appropriate land use permits have already been approved and construction on the condominiums commenced last fall. The Gallatin County Subdivision Regulations specify standards for condominiums. Because this proposed subdivision is complying with the Montana Subdivision and Platting Act and the Gallatin Canyon/Big Sky Zoning Regulation, further review of the condominium project per standards is not required. The applicant is proposing to construct 16 condominiums in two structures on the property. This minor subdivision is Phase I of a proposed residential-condominium development intended for all of COS 1971. The developers plan to submit a master plan for the entire project at some future time. The property is located within the Gallatin Canyon/Big Sky Zoning District and is zoned Residential-Multi-Family 3,500 (R-MF-3,500). This proposal complies with zoning requirements. The proposed subdivision is located within the dam break floodplain boundary of the Big Sky Dam. The subdivider will be required to delineate the inundation boundary on the final plat and include a statement on the plat which prohibits the construction of any structure within the boundary. Construction which has commenced is located outside this flood-line boundary. Access to the subdivision will be provided off Highway 64 (the Big Sky Spur Road), a state highway. Lone Moose Drive is the interior access road. The preliminary plat shows that 80 feet of public right-of-way easement has been provided for Lone Moose Drive. If the Commission decides to approve the subdivision, the following conditions for final plat approval are suggested: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 3. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "utility easement" to have and to hold forever. 4. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, road easement documents, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, easement documents, and certificate prior to final plat approval. 5. A memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 6. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts. 7. The subdivider shall record the following covenants on or with the final plat: a) The property owners' association shall be responsible for the control of county declared noxious weeds. b) The property owners' association shall be responsible for maintenance of all subdivision roads. c) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48-hour notice, during construction and after completion. d) All structures shall be constructed in compliance with the Uniform Building codes, including codes for Seismic Zone 4, and the National Fire Protection Association (NFPA) codes. e) All structures shall be constructed in compliance with the National Fire Protection Association codes. f) Flame retardant roofing materials shall be used. g) Spark arrestor screens shall be placed on all fireplace and woodstove chimneys. h) Smoke detectors shall be installed on each level of dwelling units. i) Areas within 30 feet of habitable structures shall be cleared of all flammable materials. j) Open fires shall be prohibited. k) All garbage, refuse, and any other food of any type whatsoever edible by bears shall be kept in bear-proof containers or shall otherwise be made unavailable to bears. Containers shall be designed to be resistant to entry by bears. The suitability of such refuse and food containers to meet the requirements of this section shall be determined by the Zoning Enforcement Agent. The artificial feeding of big game wildlife shall be prohibited. m) Owners acknowledge that wildlife damage to landscaping will occur. Owners shall accept that risk and not file claims against the owners' association or any other governing body for such

damages. n) Fencing along the exterior boundaries of the lot shall be prohibited. o) The taking of any wildlife species within the property boundary is prohibited, except for catching fish. p) Pets shall be controlled by each homeowner and not allowed to roam within the subdivision q) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing a property owners' association, road easement documents, and the certified of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, easement documents, and certificate prior to final plat approval. 9. The interior lot road shall be dedicated to the public with 60 feet of public easement from the proposed lot to Highway 64. 10. The subdivider shall submit the documentation establishing the public road easements to the County Attorney's Office for approval of the easements in accordance with the Subdivision Regulations. 11. The subdivider shall improve the roads to County paved standards; to include a paved approach off of the paved County road, stop and street signs, and a temporary turn around at the end of the cul-de-sac, as appropriate, in accordance with the Subdivision Regulations. All road work will need to be inspected and certified by a licensed engineer. Such inspection and certification must be provided to the County Road and Bridge Department in writing. The subdivider shall obtain written verification from the Road and Bridge Department that the roads have been brought to County paved standards prior to final plat approval. 12. The subdivider shall provide a second public access built to county standards as required by the County Road and Bridge Department. 13. The subdivider shall submit the road names to the County Road and Bridge Department for review and approval prior to final plat approval. 14. The homeowners' association shall be responsible for maintenance of all interior roads. 15. The subdivider shall obtain an encroachment permit from the Montana Department of Transportation to accommodate Lone Moose Drive onto Highway 64. 16. The subdivider shall make payment of road impact fees in the amount of \$1,596 per lot (\$1,596 total) prior to final plat approval. 17. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot (\$496 total) prior to final plat approval. 18. The subdivider shall provide a water supply for fire protection. The subdivider shall have the fire district review and approve the water supply prior to final plat approval. 19. The dam break inundation boundary shall be delineated on the final plat. A statement shall be included on the final plat which prohibits the construction of any structure within the boundary. 20. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Robert Lee, Morrison-Maierle reported that the conditions are acceptable to the applicant. Mr. Lee also stated that staff conditions 4 and 8 are redundant. Keith Beldon, Morrison-Maierle explained that they are planning on constructing the second access this summer and hoped that they could work with the Road Department regarding this access. Mr. Beldon also explained that the second access will be very beneficial to the public. There was no public comment. Finding that the Lone Moose Meadows First Minor Subdivision meets the requirements of the Montana Subdivision and Platting Act and the Subdivision Regulations of Gallatin County, motion by Commissioner Murdock to grant preliminary plat approval with conditions 1 through 7 as drafted by staff, condition number 8 deleted, and conditions 9 through 20 as drafted by staff. Commissioner Murdock requested that staff re-number conditions 9 through 20 due to the deletion of condition number 8. Seconded by Chairman Jelinski. None voting nay. Motion carried.

Chairman Jelinski reconvened the public hearing to consider amending conditions of the High K Ranch minor subdivision. Nadia Beiser, the applicant, stated that after reading the proposed conditions and discussing them with Planner Jason Karp that the conditions are acceptable. Deputy County Attorney Susan Swimley explained that the proposed language would not be enforceable as it relates to the requirement that the improvements agreement include that the fill site must be operable prior to construction of any buildings. Ms. Beiser stated that the fill site is 60-70% complete. There was no additional public comment. Finding that this request is in the public interest motion by Commissioner Murdock to amend the covenants as follows: Add condition #6.k. to read: No building shall be constructed prior to the High K Ranch Minor Subdivision fill-site being operable; amend condition #11 to read: A rural fill site (180,000 gallons) meeting the requirements of the Belgrade Rural Fire District shall be constructed and approved by the Belgrade Rural Fire District. Said fill-site shall be operable prior to final plat approval or the subdivider may enter into an improvements agreement with Gallatin County, approved by the Belgrade Rural Fire District and the Gallatin County Attorney's Office, which will guarantee construction of the fill site. Seconded by Chairman Jelinski. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:40 P.M.

Unavailable

For signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 31st DAY OF March 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioner's Bill Murdock, Phil Olson, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MARCH 23, 1998

- Commissioner Olson was out of town on personal business from March 23-26, 1998.
- Commissioners Jelinski and Murdock met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners Jelinski and Murdock met with Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Vance to discuss FY '99 budget timetable, target levels and capital improvement needs. The pass-through of Facilities' budget increase to all departments will be determined by the amount of actual fixed cost increases. This will be separate from Facilities' other line items in their target levels; Ed will increase target level budget by 4%.

MARCH 24, 1998

- Commissioners Jelinski and Murdock met with Deputy County Attorney Susan Swimley to review requirements for subdivision review, specifically High K Major Subdivision. She informed us that the 60-day deadline for review of the High K Major Subdivision had expired prior to the County Commission's Public Meeting on March 17th without the written consent of the applicant. Therefore, the Commission will agree to allow another hearing for High K provided the applicant stipulates to waiver the 60-day deadline as drafted by Susan Swimley.
- Commissioner Murdock attended a meeting of the Planning Board. Detailed minutes are on file in the Planning Department.

MARCH 25, 1998

- Commissioner Jelinski attended a meeting of the 911 Admin. Board. Detailed minutes are on file in the Communication Services (911) Department.
- Commissioner Murdock attended a Victim/Witness Board meeting. Detailed minutes are on file in the County Attorney's office.
- Commissioner Murdock and Detention Center Project Team (DCPT) members Larry Watson and Jim Cashell met with the Park County Commissioners Terry Sarrazin, Jim Hunt and Dan Gutebier to discuss various ways in which Park County could participate in the jail planning and construction process, funding possibilities and operations options. All attendees voted in favor of Park County's participation in the Project Team, and they will attend all future meetings beginning April 2nd.
- Commissioner Jelinski attended a meeting of the Logan Landfill Advisory Board. Items of discussion included liner timelines, buffer land for gas monitoring, and BFI scrap tire proposal. MSE-HKM's Project Manager Greg Underhill reported the need for aerial photos to stake the liner. Also reported that the temporary wells show the methane gas is not migrating; therefore, no need to purchase adjacent property for monitoring purposes. Recommended 30-day trial period for BFI scrap tire program; Dave VanDyken will provide breakdowns on cost and revenues received at next meeting scheduled for May 27, 1998.

MARCH 26, 1998

- Commissioner Murdock traveled to Kent, Washington to tour the King County Detention Facility.

MARCH 27, 1998

- Commissioner Olson traveled to Billings to attend the Board of Director's meeting for the Mental Health Center. Minutes are typed by Region Secretary and, once received, will be on file in the Commissioners' office.
- Commissioners received A101's in the amount of \$394,545.24.
- Commissioners received cancellation of taxes in the amount of \$4,517.83.

The following items were on the consent agenda:

- A request for final plat approval of the Belgrade Commercial Park Subdivision. The Gallatin County Commissioners granted preliminary plat approval on December 3, 1996. The Planning Department reviewed the request and conditions for final plat approval. According to the information submitted, the planning board recommends the Commission grant final plat approval.
- A request for relocation of a common boundary exemption for James C. Taylor. According to the information submitted, this appears to meet the criteria for the exemptions to the Montana Subdivision and Platting Act.

Commissioner Olson moved to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Grants Administrator Larry Watson reported on increasing the Gallatin County Noxious Weed Department Budget by \$5,000 for a State of Montana Grant. The funds will be used to purchase equipment. The following line items in the Gallatin County Budget are changed as stated:

Fund: 2140 Noxious Weed Fund
 Department: 000

Revenue		Original		Adjusted
Account No.	Description	Budget	Adjustment	Budget
33-40-25	Grant Revenue	\$-0-	\$5,000.00	\$5,000.00

Expense:

Activity: 4311-00—

Expense:		Original		Adjusted
CODE	Description	Budget	Adjustment	Budget
940	Capital Equipment	\$6,500.00	\$5,000.00	\$11,500.

There was no public comment. Commissioner Olson moved to adopt Resolution #1998-26 to increase the Noxious Weed Budget by \$5,000. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Grants Administrator Larry Watson reported on a resolution supporting an application by Alcohol and Drug Services of Gallatin County to the U.S. Office of Justice Programs for funding of the Gallatin County Drug Court Planning Initiative. Executive Director of Alcohol and Drug Services Roger Curtis spoke on behalf of the program. Joe Driscoll was also present to answer questions. There was no public comment. Finding this is in the public interest to endorse and support this application, Commissioner Murdock moved to adopt Resolution #1998- 27, to fund the Gallatin County Drug Court Initiative to the U.S. Office of Justice. Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp received a request for preliminary plat approval for the Leaping Minor Subdivision by Rocky Mountain Engineers, on behalf of Leaping Lobster, LTD. It is a five lot minor subdivision on 20 acres located in Tract 4 of COS 668, in the NW1/4 of Section 13, T1S, R4E, Gallatin County, Montana. The site is zoned B-2 Highway Business District and M-1 Light Manufacturing District by the Belgrade Zoning Ordinance. Any proposed use of the site must conform to the provisions of the Belgrade Zoning Ordinance. The west approximately 250 feet of Lot 5 is located in the B-2 District and the east portion of the lot is located in the M-1 District. It is recommended that the developer request a zone map amendment from the City of Belgrade so all of Lot 5 is in one zoning district. The applicant has requested a variance from Section 7-A-2(a) of the Gallatin County Subdivision Regulations which states that proposed roads shall be extended to the boundary lines of the tract to be

subdivided, unless prevented by topography or other physical conditions, in which case a variance must be approved by the County Commission. Dental Floss Flats' 60 foot road easement will be shown on the final plat to the east property boundary, however the applicant is requesting that the road not be constructed along its full length. The preliminary plat indicates that the road is proposed to be constructed to the end of the east edge of the existing gravel apron surrounding the existing building on the site. The Planning Board recommended this variance because the unsubdivided land to the east has adequate access without the road. The applicant has requested a variance from Table 1 of the Gallatin County Subdivision Regulations which limits cul-de-sacs to a maximum of 1000 feet. The Planning Board recommended the variance because of the long narrow configuration of the original tract. The Planning Board recommended that the developer dedicate a 30 foot road right-of-way along the east property line to facilitate the construction of north-south road if the adjacent properties subdivide. The applicant has requested a variance from 6-B-6 of the Gallatin County Subdivision Regulations which requires that lots not exceed a maximum depth to width ratio of 3 to 1. The reason for the request is to provide business exposure from Jackrabbit Lane for Lot 1 & 2. The applicant also states that deeper narrower lots are more usable in commercial subdivisions. The Planning Board recommended the variance because the configuration of the lots appears to be appropriate for the contemplated uses of the subdivision (any use permitted by the Belgrade Zoning Ordinance's B-2 Highway Business District chapter). The Belgrade City-County Planning Board reviewed the proposed zone change and the minor subdivision and voted on their March 18, 1998 public hearing to recommend to the Belgrade City-Council to amend the city zoning map as requested and the County approve the preliminary plat. If the County Commission finds that the proposed subdivision meets the requirements of Section 76-3-608 MCA, the following conditions should be considered for preliminary plat approval, to be completed prior to final plat approval:

1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates.
2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'utility easement' to have and to hold forever."
3. Department of Environmental Quality approval shall be obtained for the subdivision.
4. A waiver of right to protest creation of rural improvement districts and water and sewer districts shall accompany the final plat.
5. A waiver of right to protest annexation into the City of Belgrade shall accompany the final plat.
6. A property owner's association shall be established.
7. The developer shall record covenants on the final plat including the following provisions.
 - a. Requiring control of county declared noxious weeds.
 - b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and tenants of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.
 - c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with state law.
 - d. That all applicable provisions of the Belgrade Zoning Ordinance are met.
 - e. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief.
 - f. Site plans of all lots must be submitted for review and approval by the Belgrade Rural Fire District.
 - g. All commercial structures must submit plans to the Montana State Building Codes Bureau (or City of Belgrade if property is annexed) and the Belgrade Rural Fire District for review and approval prior to construction.
 - h. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County.
8. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval.
9. Road and fire impact fees shall be submitted as per County impact fee policy.
10. Encroachment permits must be obtained from the Montana Department of Transportation for the intersection with Jackrabbit Lane.
11. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval.
12. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department.
13. The final plat will show all irrigation ditches with required easement necessary (5 feet on one side and 15 feet on the other side) for cleaning and maintenance.
14. Dental Floss Flats must be constructed to County gravel standards with a temporary cul-de-sac or "T" type turn around constructed to county standards at its east end, and the road shall be named with name approved by the Road Department.
15. The south 30 feet of Dental Floss Flats along the entire northern boundary of property shall be dedicated to the public and shown on the final plat, and the north 30 feet of

Dental Floss Flats shall be a public easement approved by the Gallatin County Attorney's Office and filed with the Gallatin County Clerk and Recorder as a separate document. 16. The access road to Lot 2 shall be named with road name approved by the County Road Department, be a sixty foot right-of-way, dedicated to the public, and be constructed to Gallatin County standards with a permanent cul-de-sac at its south end. 17. An NFPA compliant fire department fill site shall be in place and operable prior to construction of any buildings. The Fire Department shall approve the plans, specifications, and location of the fill site prior to construction. 18. Road name sign and stop sign are required at Dental Floss Flats intersection with Jackrabbit Lane and a road name sign is required for the access road to Lot 2 or bond must be posted with the Gallatin County Road Office to cover the cost of the signs. 19. All required road construction shall be inspected and certified by a licensed engineer. Inspection and certification shall be provided to the County Road Department in writing prior to final plat approval. 20. The developer must request and be granted a zone map amendment from the City of Belgrade to place all of Lot 5 in one zoning district. 21. A 30 foot road right-of-way shall be dedicated to the public along the eastern boundary of the subdivision and be shown on the final plat. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. Ray Center, Rocky Mountain Engineering spoke on behalf of the applicant Leaping Lobster LTD. He reported on the variances they are requesting. He stated the 4 to 1 width ratio with commercial property has a lot of variable use for the long configuration without creating any problems with neighbors. The road easement on north has an existing agreement with the property owners. The existing approach would be moved so there will be no additional approaches added to the highway and would better serve the property owners. The agreement also includes the fire fill site which benefits the north property owner and will be built on his property. He stated the applicant finds the conditions as written acceptable. County Road and Bridge Superintendent Sam Gianfrancisco supports the variances, the length of the cul-de-sac, and agrees with the easements as laid out. He didn't think that the 30 foot easement along the eastern boundary was necessary and would better serve the public to have access off of Jackrabbit Lane. He requested that if it is required, it should be a 60 foot easement for future development of a road that would be up to County road standards. Mr. Gianfrancisco told the developer that the large name for the road, Leaping Lobster was a concern because of the space it would take on the road sign. The cost would be more than an average road sign. There was no public comment. During Board discussion the developer and the Commission agreed to remove condition 21. Finding that the variances requested are not detrimental to the public and the Planning Board recommended approval, and strict compliance would result in undue hardship and it is not essential to the public's health, safety and welfare, Commissioner Murdock moved to grant the 3 variances. Seconded by Commissioner Olson. None voting nay. Motion carried. Finding that the Leaping Lobster Minor Subdivision conforms to the Montana Subdivision Regulations and the Belgrade City-County Board recommended approval, motion by Commissioner Olson to grant preliminary plat approval with the conditions as written with the deletion of condition number 21. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp received a request for preliminary plat approval for the Duvall Minor Subdivision by Gaston Engineering, on behalf of Timothy and Linda Duvall. It is a five lot minor subdivision on six acres. The subdivision is located in Tract F of COS 1443 situated in the NW1/4 of Section 2, T1S, R4E, P.M.M., Gallatin County, Montana. The applicant has requested that the City of Belgrade rezone the site to RS-M, Residential Suburban-Manufactured Home District. The Belgrade City-County Planning Board reviewed the proposed zone change and the minor subdivision and voted at their March 18, 1998 public hearing to recommend that the City-Council amend the city zoning map as requested and the County Commission approve the preliminary plat. If the County Commission finds that the proposed subdivision meets the requirements of Section 76-3-608 MCA, the following conditions are recommended for preliminary plat approval, to be completed prior to final plat approval: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'utility easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district. 5. A homeowner's association shall be formed for the enforcement of the required covenants. 6. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section

addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with state law. d. That all applicable provisions of the Belgrade Zoning Ordinance are met. e. The homeowner's association shall be responsible for maintenance of interior subdivision roads. f. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. g. Site plans of all lots must be submitted to the Belgrade Rural Fire District for compliance with Uniform Fire Code. h. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 7. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 8. Road and fire impact fees shall be submitted as per County impact fee policy. 9. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 10. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 11. Bailey's Way shall be a 60 foot right-of-way, dedicated to the public, and constructed to Gallatin County standards with a temporary cul-de-sac at its east end. 12. Road name sign and stop sign are required at Bailey's Way intersection with Thorpe Road or bond must be posted with the Gallatin County Road Office to cover the cost of the signs. 13. Encroachment permits must be obtained from the Gallatin County Road Office for the new road approach to Thorpe Road. 14. All required road construction shall be inspected and certified by a licensed engineer. Inspection and certification shall be provided to the County Road Department in writing prior to final plat approval. 15. The developer shall be responsible for paying a proportionate reimbursement for the cost of paving Thorpe Road from Amsterdam Road to Wildhorse Trail to the Belgrade City-County Planning Office which will reimburse the record lot owners of the Summit Subdivision. The amount shall be calculated using the prescribed formula in the Gallatin County Subdivision Regulations and be approved by the Gallatin County Road Department. 16. The developer shall be responsible for paying a proportionate reimbursement of the total construction cost of the Summit Subdivision fill site to the Belgrade City-County Planning Office which will reimburse the entity responsible for the maintenance of the Summit Subdivision fill site. The proportion shall be based on the ratio of the number of lots in the subdivision to the total number of lots served by the fill site. To verify total costs involved with construction, contractor estimates shall be submitted to the Planning Department, and signed by the original subdivider. 17. The developer's zone change request for the site must be approved by the Belgrade City Council and the zone change must take effect prior to final plat approval of the subdivision. 18. The final plat shall show a no access strip for vehicles along the western boundary of the subdivision except at County approved encroachments. 19. The first 75 feet of Bailey's Way shall be paved to County standards. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. Dennis Foreman of Gaston Engineering stated the applicant is in agreement with all the conditions as written. There was no public comment. In Board discussion, County Road and Bridge Superintendent Sam Gianfrancisco explained the cost reimbursement formula for paving the County Road Office is responsible for calculating. Mr. Karp stated that condition 15 has a mistake in it, and it should state the following: The developer shall be responsible for paying a proportionate reimbursement for the cost of paving Thorpe Road from Amsterdam Road to Bailey's Way, not Wildhorse Trail as written in the staff report. Finding that the Duvall Minor Subdivision meets the requirements of the Montana Subdivision and Platting Act and was recommended by the Belgrade City-County Planning Board for approval, Commissioner Murdock moved to grant the request with the conditions as written by staff with the exception of condition 15, correcting the name Wildhorse Trail to read Bailey's Way. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Jelinski read the first reading of an ordinance imposing a 35-MPH speed limit on Valley Center Road from Love Lane to Jackrabbit Lane. The Gallatin County Clerk and Recorder shall post a copy of the ordinance and make copies available to the public. The ordinance shall take effect 30 days after its second reading on April 14, 1998. There was no public comment. Commissioner Olson moved to adopt Ordinance #1998-02. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the public portion of the meeting adjourned at 2:23 P.M.

The County Commission reconvened to review the Quarterly Securities Reports submitted by the County Treasurer. The following reports were checked and approved for the quarters ending, June 30, 1997, September 30, 1997, and December 31, 1997.

REPORT OF THE COUNTY TREASURER

The following are quarterly securities submitted by the County Treasurer for the quarter ended June 30, 1997.

\$44,134,907.95 is on deposit in various banks in bonds and interest money.

FIRST BANK OF BOZEMAN

CREDIT BALANCE

4130018 \$1,000.00

NORWEST BANK

712386 \$4,549,669.49
 20491 \$0.00
 315503 \$1,116.32

<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
FNMA #338315	31375LYL3	3/1/26	\$4,100,000.00
FNMA #190048	31368HBR3	10/1/23	\$1,749,000.00

AMERICAN BANK

280102436 \$299,813.63

<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
Gallatin Co. Elem Sch Dist #7 GO	363694CP3	6/1/04	\$100,000.00
US TREASURY NOTE 8 ½	912827ZB1	7/15/97	\$100,000.00

VALLEY BANK OF BELGRADE

108103 \$145,711.55

MANHATTAN STATE BANK

4100013 \$48,690.00

SECURITY BANK OF THREE FORKS

5200116 \$15,569.62

FIRST SECURITY BANK OF WEST YELLOWSTONE

700351 \$127,298.70

BIG SKY WESTERN BANK

101710 \$29,305.00

FISCAL AGENT BANKS

Cash & Checks in Office \$ 1,406,769.71
 School Investments \$12,531,752.76
 County Investments \$24,978,111.17

TOTAL CASH ON HAND \$44,134,907.95

The following are quarterly securities submitted by the County Treasurer for the quarter ended September 30, 1997.

310 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

\$39,294,629.50 is on deposit in various banks in bonds and interest money.

<u>FIRST BANK OF BOZEMAN</u>		<u>CREDIT BALANCE</u>	
4130018		\$1,000.00	
<u>NORWEST BANK</u>			
712386		\$5,644,415.87	
20491		\$0.00	
315503		\$28,291.02	
<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
FNMA #338315	31375LYL3	3/1/26	\$4,100,000.00
FNMA #190048	31368HBR3	10/1/23	\$1,749,000.00
<u>AMERICAN BANK</u>			
280102436			\$23,735.80
<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
Gallatin Co. Elem Sch Dist #7 GO	363694C. 3	6/1/04	\$100,000.00
US TREASURY NOTE 6.375	9128272R2	4/30/99	\$100,000.00
<u>VALLEY BANK OF BELGRADE</u>			
108103			\$10,150.91
<u>MANHATTAN STATE BANK</u>			
4100013			\$19,403.29
<u>SECURITY BANK OF THREE FORKS</u>			
5200116			\$12,508.53
<u>FIRST SECURITY BANK OF WEST YELLOWSTONE</u>			
700351			\$9,380.75
<u>BIG SKY WESTERN BANK</u>			
101710			\$11,600.17
<u>FISCAL AGENT BANKS</u>			\$100.00
Cash & Checks in Office	\$ 1,115,305.77		
School Investments	\$11,871,997.92		
County Investments	<u>\$20,546,739.47</u>		
TOTAL CASH ON HAND	\$39,294,629.50		

The following are quarterly securities submitted by the County Treasurer for the quarter ending December 31, 1997.

\$48,662,513.55 is on deposit in various banks in bonds and interest money.

<u>FIRST BANK OF BOZEMAN</u>		<u>CREDIT BALANCE</u>	
4130018		\$1,000.00	
<u>NORWEST BANK</u>			
712386		\$2,890,291.11	
20491		\$0.00	
315503		\$2,610.83	
<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
FNMA #338315	31375LYL3	3/1/26	\$4,100,000.00
FNMA #190048	31368HBR3	10/1/23	\$1,749,000.00

AMERICAN BANK

280102436 \$113,647.65

<u>SECURITY</u>	<u>CUSIP #</u>	<u>EXPIRATION</u>	<u>AMOUNT</u>
Gallatin Co. Elem Sch Dist #7 GO	363694CP3	6/1/04	\$100,000.00
US TREASURY NOTE 6.375	9128272R2	4/30/99	\$100,000.00

VALLEY BANK OF BELGRADE

108103 \$37,659.74

MANHATTAN STATE BANK

4100013 \$14,106.48

SECURITY BANK OF THREE FORKS

5200116 \$9,811.78

FIRST SECURITY BANK OF WEST YELLOWSTONE

700351 (\$621.67)

BIG SKY WESTERN BANK

101710 \$9,269.23

FISCAL AGENT BANKS \$100.00

Cash & Checks in Office	\$332,260.19
School Investments	\$11,360,042.68
County Investments	<u>\$33,892,335.53</u>

TOTAL CASH ON HAND \$48,662,513.55

Unavailable
For signature
 CHAIRMAN APPROVAL

Shelley Vance
 CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 7th DAY OF April 1998**

The meeting was called to order by Chairman Jane Jelinski at 10:30 A.M. Also present were County Commissioners Bill Murdock, Phil Olson and Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MARCH 30, 1998

- Commissioner Jelinski and Murdock met with USFS representative Gene Gibson to discuss Recreation Fee Demonstration Program, PILT, and the twenty-five percent fund.
- A special meeting of the County Commissioners was called to order at 1:10 p.m. by Commissioner Jane Jelinski. The purpose of the meeting was to notify the Commission that Jane Jelinski is no longer available to serve on the 911 Admin. Board. Commissioner Murdock moved to assign the 911 Admin. Board vacancy to Phil Olson, Commissioner Jelinski seconded the motion. The motion was approved unanimously. Meeting was adjourned at 1:14 p.m.
- Commissioners Jelinski and Murdock met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- A joint public hearing of the County Commission, City Commission, and City-County Board of Health was held to consider a request by Commissioner Jelinski for a waiver of the six-month waiting period to apply for the Health Officer position. Commissioner Murdock and Olson voted to deny the waiver.

312 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioners held their joint meeting with the City Commission and discussed the following: Oak and Babcock Streets, Durston Road, the donut, GIS and the 911 Center. Next joint meeting of the County and City Commission will be June 29, 1998.

MARCH 31, 1998

- Commissioners and Grants Administrator Larry Watson attended the first assembly of the Detention Center Citizens' Advisory Committee. Members inquired as to their mission and the community corrections components. Alcohol & Drug Services' Director Rodger Curtiss suggested that the group form a 501 (c) (3), but he would need help to do so. Also discussed the Speakers' Bureau and how it will be formed by the Committee. The group will go countywide once they have decided on how to proceed. The Commissioners informed the group that they are on their own and their main focus should be to sell the jail to the public. Other sub-committees suggested were financing, transport, public education and corrections management. The group nominated Rodger Curtiss as Interim Chairman; next meeting is scheduled for April 9th at 6:30 p.m.
- Commissioner Murdock attended a meeting of the Turning Point Alliance at the Holiday Inn. The discussion focused on setting community health priorities.
- Commissioners Jelinski and Olson met with Welfare Supervisor to discuss specifics of a case file.

APRIL 1, 1998

- Commissioners met with Area IV Agency on aging representatives Joan Taylor and Bea Horswell. They discussed the Medicaid Waiver Program, and the Commission advised them to vote in favor of same. Agreed to meet on a quarterly basis from now on; next meeting scheduled for July 10, 1998.
- Commissioners held their bi-monthly meeting with Sheriff Slaughter and Undersheriff Red Wilson. Topics of discussion included vehicles and equipment packages; public safety mill levy; cost of confinement of prisoners arrested by MSU police; animal control; jail doctor contract; USFS budget; Wellness Program; contract negotiations; mental health issues for the jail; and data processing needs.
- Commissioners met with Fiscal Officer Ed Blackman. Clerk and Recorder Shelley Vance also attended and the Commission finalized target levels for the budget to be presented at the meeting on April 2, 1998.

APRIL 2, 1998

- Commissioner Murdock gave a speech on county priorities to Rotary Sunrise.
- Commissioners met with Planning Director R. Dale Beland; County Commission candidate Jennifer Smith Mitchell also attended. Topics of discussion included zoning regulations for the donut; staffing progress; Open Space Task Force; capital facilities master plan; Four Corners' planning, and the creation of sewer & water districts. Dale will help the Gallatin Gateway community with the creation of a sewer & water district as requested.
- Commissioners met with County Attorney Marty Lambert to be briefed on the latest information regarding Oak and Babcock Streets. A survey for the Oak Street project has yet to be completed by the City; Quit Claim Deeds are based on construction documents. Land transfers for Oak Street project documents are insufficient; need contracts with the City. Attorney Lambert and Commissioner Murdock will oversee project and ensure that it is done correctly.
- Commissioners met with Road & Bridge Superintendent Sam Gianfrancesco; County Commission candidate Jennifer Smith Mitchell also attended. Topics of discussion included the following: Willow Creek, Yellowstone Trail paving status, speed limit issues, frost boils on Goldenstein & Kagy, situation on Clarkston Road, personnel shortages, Theisen Road, McDonald gravel pit lease. Will direct County Attorney to draw up an emergency resolution for a 15-mph speed zone on Yeadon Road near the school as you come into Manhattan.
- Commissioners attended a meeting of all elected officials and department heads to present the budget for FY 1999.
- Commissioners conducted a work session in preparation for an evaluation of a County employee.
- Commissioner Olson and Deputy County Attorney Chris Gray met as the West Yellowstone Contract Committee and reviewed the Compost MOU and the Logan Landfill operations contracts. Discussed draft contract for renegotiating purposes with John Guest at USA Waste. Chris will provide final copy of Compost MOU; Phil will get copies to the other committee members for their approval of negotiation issues. Phil will contact VanDyken's to get their version of definitions of "hard-to-handle" materials; Chris will contact MSE-HKM for their version.
- Commissioner Murdock attended a meeting of the Detention Center Project Planning Team and reported on his tour of the King County Regional Jail in Seattle. Other topics of discussion the RFQ for architects and the relationship of project team to larger Citizens' Advisory Committee. Next meeting is scheduled for May 8th to review all RFQ's submitted to Clerk and Recorder by May 7th.

Park County Commissioners also attended and were asked to contribute 20% of the project team's \$20,000 FY 1999 budget.

- County resident Diane Swan requested a meeting with Commissioner Olson to obtain information on the logistics of constructing a horse barn on her property in Fir Hill Subdivision in the Hyalite zoning district. Commissioner Olson directed Diane to review her request with the Planning Department and submit her application.

APRIL 3, 1998

- Commissioners Jelinski and Murdock met with Personnel Director Kathy Nowierski. Topics of discussion included drug and alcohol testing, budget concerns, health insurance, and union contract negotiations. Drug-testing requirements will be left up to department heads; Kathy will send out a memo regarding same and discuss at staff meeting in May.
- Commissioners Jelinski and Murdock met with Grants Administrator Larry Watson. Items of discussion included CTEP project delays and other grants and contract matters. Courthouse CTEP project still on target, although there are some delays and pending availability of contractors for tuckpointing and certain other tasks.
- Commissioners received A101's in the amount of \$39,812.11.
- Commissioners received claims in the amount of \$233,359.77.
- Commissioners received payroll in the amount of \$879,215.19.
- The following is a list of new employees for March 1998: 3/2/98 John Ballard, Road/Equipment Oper I, \$8.63/hr.; 3/2/98 Martin Bourque, DP/Software Trainer, 11.99/hr.; 3/2/98 Robin Meador, Clk of Ct/Dist., \$8.44/hr.; 2/17/98 Gretchen Moore, Clk & Rec/Acct II, \$8.44/hr.; 2/13/98 Judith Bokon, Rest Home/CNA, \$7.55/hr.; 2/17/98 Kevin Jones, Sheriff/Deputy \$2,376.59/mo; 3/13/98 Jody Boggio, Rest Home/KA I, \$6.66/hr.; 3/16/98 Lisa Hathaway, Rest Home/CNA \$7.55/hr.; 3/9/98 Jacob Wagner, Sheriff/Deputy \$2376.59/mo.; 3/18/98 Sharon Wolf, Rest Home/CNA \$7.55/hr..
- The following is a list of terminated employees for March 1998: Kaycee Anderson Rest Home 3/10/98; Mike Bown Communications 2/27/98; Mary Grunewald Rest Home 3/16/98; Matt Sander Rest Home 3/13/98; Kim Fraser Clerk of Court 3/20/98; Loni Irwin Rest Home 3/25/98; Coleen Virts Communications 3/31/98.
- The following Board Appointments were made the week of March 30, 1998: Paula Butterfield, City-County Board of Health

Gallatin County Grants Administrator Larry Watson read a proclamation declaring April 6th through the 12th 1998, National Community Development Week in Gallatin County. It marks the 12th annual celebration emphasizing the local and national success of the nations oldest block grant program. Gallatin County has received CDBG funds over the years to implement economic development projects, improve and build vital public facilities, and to provide new and improved housing for Gallatin County residents. Commissioner Olson moved to adopt the proclamation. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Grants Administrator Larry Watson presented a resolution to sponsor an application by Big Sky Carvers to the Montana Department of Commerce for a Community Development Block Grant Economic Development Loan. Dee Field, Controller for Big Sky Carvers spoke on behalf of the application. They are requesting \$274,975.00 to facilitate the expansion of the business and it would also increase employment opportunities for low to moderate income residents in Gallatin County. The total grant is for \$710,000. Finding the application benefits the economy of Gallatin County, motion by Commissioner Murdock to adopt Resolution #1998-28 to sponsor the application. Seconded by Commissioner Olson. None voting nay. Motion carried.

The meeting recessed at 10:40 A.M.

Chairman Jelinski reconvened the meeting at 1:30 P.M.

The following items were on the consent agenda:

314 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- A request to amend a condition of final plat approval for the South Fork Meadows Subdivision Phase II. Preliminary plat approval was granted April 29, 1997. Motion by Commissioner Murdock to approve the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Randall Johnson received a request for preliminary plat approval of the Gallatin River Mobile Home and RV Park. The Planning Office received a letter from Holly Brown, Attorney for the applicant Rex Holland, asking to continue the meeting for at least a month. Public testimony: Jim Larson; and Brian Leland. Concerns were raised that the applicant at the original planning meeting was denied and now they are asking for a continuance. They did not think it should be allowed to keep changing their plan after a denial. They questioned how the applicant could submit a request without owning the property. Mr. Johnson stated the applicant has entered into a buy-sell agreement with the owner of the property qualifying it as an application. He also explained that if they do have a substantial change, the Planning Board would ask the applicant to withdraw their application and re-submit a new one, but can not require it. The Board discussed their concerns over the requested continuance and whether or not they can or can not grant the request. Commissioner Jelinski stated she felt they would be exceeding their authority not to grant it. Commissioner Murdock moved to continue the request for the Gallatin River Mobile Home and RV Park as requested in the applicant's letter indefinitely for a minimum of 30 days. Seconded by Commissioner Olson. None voting nay. Motion carried. The Planning Board will advertise and give public notice of the new hearing date.

There being no further business the meeting adjourned at 1:48 P.M.

Unavailable
For Signature
 CHAIRMAN APPROVAL

Shelley Vance
 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 14th DAY OF April 1998

The meeting was called to order by Chairman Jane Jelinski at 1:35 P.M. Also present were County Commissioners Bill Murdock, Phil Olson, Deputy County Attorney Susan Swimley and Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

APRIL 6, 1998

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners met with Data Processing Supervisor Bill Baldus. Topics of discussion included interactive video, response to complaints, internet access and website, contract procedures, 911 installation, year 2000 issues, Rest Home cabling, voter registration changes, and financial software RFP. Commissioners directed Bill to provide a list of resources needed and a deadline for reliable internet access and website development by next monthly meeting.
- Commissioner met with Facilities and Operations Director Bob Isdahl. Items of review and discussion included responses to the remodeling survey, CTEP, and construction projects. Bob will make recommendations based on remodeling requests; elevator upgrades will come out of Facilities' budget.
- Commissioners met with GIS Coordinator Allen Armstrong. Discussion included fire district maps, GPS needs for E911 and general work activities for the month. The Commissioners directed Allen to cost-out summer budget for interns to complete GPS for E911.

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44 315

- Commissioner Jelinski, Environmental Health Director Tim Roark, Interim Health Officer Stephanie Nelson and DEQ Water Protection Bureau Chief Bonnie Lovelace met via conference call to discuss some issues of concern at DEQ.
- Commissioner Murdock attended a meeting at Buck's T-4 Lodge in Big Sky regarding the Montana Department of Transportation's (MDOT's) intent to remove 26 turnouts in Highway 191 canyon corridor. All present opposed; over 200 in attendance.

APRIL 7, 1998

- Commissioners met with the County Attorney's office. Deputy County Attorneys Susan Swimley and Chris Gray attended; County Attorney Marty Lambert was unable to attend. Topics of discussion included River Run (Mobile Home and RV Park) Subdivision, Planalp amended plat, M. Lilly's request for a corrected plat, contracts, trail agreement with Gallatin Valley Land Trust, majority required for the 6-mill 911 levy, community corrections, Logan Landfill Advisory Board, dog control ordinance and Oak Street. Commissioners advised that they can block off access to 15th Street from Law & Justice Center without a resolution.
- Commissioners met with Grants Administrator Larry Watson, Facilities and Operations Director Bob Isdahl, Road Engineer Roy Steiner, and Rob Pertzborn of Prugh & Lenon Architects, Inc. to review final CTEP plans. CTEP application will be modified to include re-paving parking lots.
- Commissioners met with EDS Center Manager Dennis Dixon to discuss information technology planning as well as the range of outsourcing options.
- Commissioner Olson, Bob Isdahl and Roy Steiner met as the Phase I Project Team. Topics of discussion included timelines and accountability for next items to be accomplished. Roy Steiner will provide details on the fire line and fuel tank by the next meeting on April 14th. Committee intends to award contract by May 15th; work to be completed by July 10th. Bob will be responsible for contacting departments whose records are stored in the basement; must be moved by May 1st. Bob will also coordinate with Clerk and Recorder's office regarding different storage site for voting booths, will have water line in basement changed to 2" line, and will compile list of priorities for fixtures to ensure standardization. Phil will coordinate the Emergency Operations Center's (EOC) move to the first floor with Assistant DES Coordinator Mike Hoey and has scheduled meetings with all departments on the first floor needing to be relocated for stair remodel; meetings scheduled for April 14th and 21st. The Committee also thought it best to have a ground-breaking ceremony w/media coverage so the public will be aware of the construction and ensuing confusion when they visit the Courthouse.

APRIL 8, 1998

- Commissioner Murdock attended The Board of Health meeting. Detailed minutes are on file in the Health Department.
- Commissioner Olson traveled to Boulder to attend a meeting of the Headwaters Cooperative Recycling Project.
- Commissioner Olson attended a meeting of the composting committee held in Boulder. Items of discussion included a grant applied for through the Department of Energy and finalization of the MOU wording. There was a presentation on the use of ag bags for composting and it appeared to the group that we are ready to contact Land & Water regarding the initial stages of a plant at West Yellowstone.
- Commissioner Murdock traveled to Big Sky to attend a meeting of the Big Sky Resort Tax District. Detailed minutes are on file in the Commissioners' office.
- Commissioner Jelinski attended a meeting of the West Yellowstone/Hebgen Basin Refuse District II Advisory Board via conference call. Detailed minutes are on file in the Commissioners' office.

APRIL 9, 1998

- Commissioner Olson attended an all-day session of Leadership Bozeman.
- Commissioner Murdock met with County Attorney Marty Lambert to discuss fire district area procedure in preparation for meeting on April 23rd with Fire District Boards and Trustees.
- Commissioner Jelinski attended a luncheon with State Coordinator Bob Brown to discuss the 6-mill levy for universities.
- Commissioner Murdock met with Fiscal Officer Ed Blackman, Interim Health Officer Stephanie Nelson and Environmental Health Director Tim Roark to discuss the budget needs and considerations of the Health Department, as well as timetables. Commissioners will meet with Environmental Health Department, Fiscal Officer and Prugh & Lenon Architects to identify (1) FY'99 office space needs and related budget; and (2) long-term office space needs and related budget.

APRIL 10, 1998

- Commissioners canvassed votes from the April 7th School District and Fire Board elections.
- Commissioners conducted a performance evaluation of a County employee.
- Commissioners Olson and Murdock met with Realtor Mike McKenna to review the Detention Center Site Report. Mr. McKenna outlined availability and approximate prices for those sites which meet the County's criteria.
- Members of the Viewing Committee, comprised of Commissioner Phil Olson, Clerk and Recorder Shelley Vance and Road & Bridge Superintendent Sam Gianfrancisco, inspected an area of Rainbow Subdivision to determine if a Road Petition requesting abandonment of two roads adjacent to Lot 472 should be granted.
- Commissioners received cancellation of taxes in the amount of \$261.22.

The following items were on the consent agenda;

- Request for final plat approval for Bridger Park Subdivision. The County Commission granted preliminary plat approval on July 30, 1996.
- Request for final plat approval for Southfork Meadows Subdivision, Phase II. The County Commissioner granted preliminary plat approval on April 27, 1997.

Based on the information, all the conditions for final plat approval have been met.

- Request for a security financing exemption for Leo Keller on property located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, T2S, R5E. The request appears to meet the criteria to qualify for the exemption under the Montana Subdivision and Platting Act.

Motion by Commissioner Olson to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance received a petition to abandon a portion of South 3rd Avenue described as a portion of South 3rd Avenue beginning at a point approximately 50' east of the new intersection of South 3rd Avenue with Goldenstein Lane, thence northeasterly from Goldenstein Lane approximately 480 feet, and being 40 feet in width. She reviewed the petition and certified it contained the signatures of at least 10 qualified signatures of freeholders in Gallatin County. The Commission received the petition and appointed Commissioner Olson, County Road and Bridge Superintendent Sam Gianfrancisco, and Clerk and Recorder Shelley Vance to the viewing committee.

Deputy County Attorney Susan Swimley presented a resolution to create the Big Sky Resort Area District. She reported that Madison and Gallatin County received petitions requesting the creation of a resort area district. Both Commissions found the petitions complied with the requirements of Section 7-6-1531 through 7-6-1550, MCA; and on April 7th, 1998 an election was held and a majority of voters were in favor of creating the district. Motion by Commissioner Murdock to adopt Resolution #1998-29 to create the Big Sky Resort Area District with the boundaries as described in the resolution. Seconded by Commissioner Olson. None voting nay. Motion carried.

The second reading of Ordinance #1998-02 imposing a 35-MPH speed limit on Valley Center Road from Love Lane to Jackrabbit Lane was read by Commissioner Jelinski. Commissioner Olson moved to adopt the second reading of Ordinance #1998-02. Seconded by Commissioner Murdock. None voting nay. Motion carried. The Ordinance takes effect in 30 days.

Belgrade City-County Planner Jason Karp reported on the request for preliminary plat approval for Wylie Creek Ranch major subdivision consisting of 34 lots on 129 acres. The Gallatin County Commission conducted a public hearing on February 4, 1998, to review the preliminary plat for the Wylie Creek Ranch Subdivision. The following conditions were recommended by the Belgrade City-County

Planning Board and entered into the record at the February 4, 1998 Commission meeting: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water districts. 5. A homeowner's association shall be formed for the enforcement of the required covenants. 6. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with state law. d. Individual lot access from County maintained public roads shall be built to the standards of Section 7-G of the Gallatin County Subdivision Regulations. e. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. f. Site plans of all lots must be submitted to the Belgrade Rural Fire District for review for compliance with the Uniform Fire Code. g. All commercial structures must submit plans to the Montana State Building Codes Bureau and the Belgrade Rural Fire District for review and approval. h. The homeowner's association shall participate with the owners of the Wylie Creek Estates Subdivision for the maintenance of the fill-site and hydrant system. The homeowner's association shall be responsible for the maintenance of all interior subdivision roads. j. The homeowner's association shall participate with the Wylie Creek Estates Homeowner's Association for the shared maintenance of Candlelight Drive, Fireside Drive, and Creekside Drive. k. The homeowner's association shall be responsible for the maintenance of all parks in the subdivision. l. Further subdivision of lots is prohibited. m. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 7. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 8. Road and fire impact fees shall be submitted as per County impact fee policy. 9. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between Weed District and developer prior to final plat approval. 10. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 11. A construction setback of 30 feet, including a 30 foot greenbelt buffer zone and a 30 foot maintenance easement, shall be shown on the final plat along both sides of the "old" and "new" channels of McDonald Creek. 13. Encroachment permits must be obtained from the Gallatin County Road Office for the new road and driveway approaches to Love Lane. 14. Stop signs are required at all intersections with Love Lane prior to final plat approval, or a bond covering the cost of the signs shall be deposited with the County Road Office. 15. Road names shall be approved by the Road Office, and road name signs at all intersections as required by the Road Office shall be installed prior to final plat approval, or a bond covering the cost of the signs shall be deposited with the Road Office. 16. All interior subdivision roads shall be sixty foot right-of-ways, dedicated to the public, and be constructed to Gallatin County paved standards. Sierra Drive shall end in a temporary cul-de-sac, constructed to County standards, at the south boundary of the subdivision. 17. Thirty (30) feet of Love Lane west of the centerline must be dedicated to the public and shown on the final plat along entire length of the subdivision. 18. The developer shall participate with Gallatin County and other developers to upgrade (pave) Valley Center Road from Love Lane to Jackrabbit Lane. Valley Center Road must be upgraded prior to final plat approval. 19. All culverts and/or bridges shall be approved by the Gallatin County Road Department. 20. All road construction shall be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Department that all conditions pertaining to roads have been met prior to final plat approval. 21. The final plat shall contain a warning that ponds, creeks, and canals are hazardous to small children. 22. A paved "T" type turnaround shall be constructed to County Standards on Sierra Drive approximately 670 feet south of Candlelight Drive. 23. Lots abutting

irrigation ditches or creeks may have water rights as described in deeds. No lot owner may remove water or cause to be removed water without deeded water rights. This shall be noted on the face of the plat as well as in the covenants. 24. The diversion from McDonald Creek will not be referred to as McDonald Creek nor have any reference to the name McDonald. The final plat shall show the original channel as McDonald Creek, and the diversion shall be named with no reference to the name McDonald. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. The following are recommended amendments to the above conditions: After hearing public comment and comments from the developer and staff, the following conditions have been amended or added. To condition number 3 add: The developer has the option of installing a central sewer system and/or water system. This option may include the consideration of a revised preliminary plat which can be accepted under the original subdivision application. Condition number 6: The developer shall record covenants with the final plat including the following provisions: m. No lot owner may remove water from ditches or creeks without deeded water rights.(additional Planning Board recommended covenant). Condition m. would be changed to n. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. Condition number 11 would be changed to read: The final plat shall show a 30 foot maintenance easement/greenbelt buffer zone along both sides of McDonald Creek and the new diversion ditch. The final plat shall also contain a statement that building construction is prohibited within the 30 foot maintenance easement/greenbelt buffer zone. In condition 17 change thirty feet of Love Lane from west to east. Condition number 18 add the language after Jackrabbit Lane, as per the mutual agreement with the Gallatin County Road Department and the developers. Also add, and approved by the Gallatin County Road Department prior to final plat approval after Valley Center Road must be upgraded. Delete in Condition number 22, a paved "T" type turnaround shall be constructed to County standards on Sierra Drive approximately 670 feet south of Candlelight Drive and replace with , The driveways for lots 7 and 8 shall be paved 20 feet wide and 30 feet deep prior to final plat approval to provide a "T" type turnaround as approved by the Belgrade Fire Department and the Gallatin County Road Department. Conditions 25-29 are added as follows: 25. All irrigation ditches within the subdivision, including the Beck-Border Ditch, shall be shown on the final plat with minimum maintenance easements of 15 feet on one side of the ditch and 5 feet on the other side of the ditch in accordance with the Gallatin County Subdivision Regulations. 26. The developer shall provide a constructed trail in the park which connects with the park system in the Wylie Creek Estates Subdivision. The trail must be approved by the Belgrade Planning Office prior to final plat approval. 27. To protect against flooding of lots along Love Lane, the developer shall implement a grading plan along McDonald Creek. The grading plan shall be designed by a civil engineer licensed to practice in the State of Montana, and the grading construction must be certified by a licensed civil engineer prior to final plat approval. 28. The final plat shall show building envelopes on the lots that the engineer determines are susceptible to flooding from McDonald Creek, rapid snow melt or storm water, and the final plat shall contain a statement that building construction on lots with a building envelope is prohibited outside of the building envelopes. 29. The developer shall install the driveway from Love Lane to the building envelope for lot 26 prior to final plat approval. The driveway construction shall be designed as part of the grading plan.

Mr. Karp read a letter received from Carl Christians of the Montana Department of Natural Resources and Conservation. The following recommendations were made: Covenants or the like should be established to prohibit dumping of any material or fill, development in the greenbelt, etc. to maintain unobstructed flood flows. New houses near the creek should be elevated, possibly with no basements, and have positive drainage away from structure. In conclusion, the project as proposed appears to compensate the drainage of flood waters due to development adequately. Commissioner Murdock asked if a variance was still requested on Sierra Drive. Mr. Karp responded that it was still needed because Sierra Drive was longer than 1000 feet in length. Commissioner Jelinski asked if the two recommendations contained in Carl Christian's letter were written into the conditions. Mr. Karp recommended adding a condition in the covenants that would prohibit dumping of any material or fill within the designated grading plan as recommended by Mr. Christians. If building codes were followed, new houses near the creek would be graded and have positive drainage away from the structure. The buyer of the property would be protected from flooding by the building envelope and not building any structures outside of it. Mr. Karp stated it was required as a condition on the final plat for the lots susceptible to flooding. Justin Buchanan with Fluidyne, Inc. presented the grading plan to the Commission which showed the culverts to be removed eliminating the obstructions and the flooding from McDonald Creek. Once the culverts were removed, the water would have a place to go. Ground water does not get within 7 feet of the surface of the areas they would be building on. Public testimony: Jim Paugh and Brian Leland. Mr. Paugh had concerns over restricting the creek used for irrigation. Mr. Leland's opinion was that the area is not in a zoning area, so using the language, "building codes" in the covenants was just language and not enforceable. Brian Connelley of the Belgrade Rural Fire District stated the department was in agreement with the T type turnarounds for emergency access. The driveways for lots 7 and 8 for access to unsubdivided property would be constructed with the T type turnaround. During Board discussion Commissioner

Murdock asked Mr. Buchanan if there would be building envelopes designated on all lots that were in a flooding area. Mr. Buchanan responded that any area that would have potential flooding would be designated in the greenbelt shown on the grading plan.

Finding that granting the variance for the length of Sierra Drive would not be to the detriment of the public's health, safety, and welfare, Commissioner Murdock moved to grant the variance request. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Olson stated that a condition should be added to address the water diversion from McDonald Creek and the users of the irrigation ditches. Mr. Paugh said it was a water right and should be designated, as it has a specific diversion and they would have to give consent. Mr. Karp stated that the Planning Board's intent was that condition #27 and #28 would inform potential lot owners of the flood areas. Condition #30 would be added to address the water diversion.

Finding Wylie Creek Subdivision conforms to the Montana Subdivision and Platting Act and the Belgrade Area Master Plan, Commissioner Murdock moved to grant preliminary plat approval subject to conditions #1-#26 as drafted and amended by the Belgrade Planning staff, condition #27 amended by the Commission adding after the second sentence, "The approved grading plan shall be filed with the Gallatin County Road Office and the Belgrade Planning Office, and an added condition #30 stating: "A concrete diversion structure shall be constructed in McDonald Creek for water right #41H-W-141018-00 that meets the approval of the owner of the water right." Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:31 P.M.

Unavailable
For signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 21st DAY OF April 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioners Bill Murdock, Phil Olson, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceeding were had to wit:

APRIL 13, 1998

- Commissioners participated in a grievance hearing.
- Commissioners interviewed John Alston, an applicant for the Rae Fire Service Area Board.
- Commissioner Murdock attended the monthly meeting of the Fair Board. Detailed minutes are on file at the Fairgrounds.

APRIL 14, 1998

- Commissioner Murdock attended the Area IV Agency on Aging's MetNet Conference held at the Burns Center at Montana State University. Teleconferencing attendees included representatives from 13 counties, all 11 regions and the Helena staff. Discussion included the need to solicit more input regarding local aging matters. Gallatin County will include area providers, pending other commissioners' approval; and the quarterly Area IV meetings with Bea Horswill and Joan Taylor.
- Commissioners conducted the regular public meeting.
- Commissioner Olson and the Phase I Project Team met with Clerk and Recorder Shelley Vance and Superintendent of Schools Jill Richards to discuss their individual department's needs during the Phase I construction. Clerk and Recorder is agreeable to move to a new location; the storage needs space has been met. Jill Richards wants to stay where she is, as she feels her needs will best be met this way; details will be worked out later on the small items. The Project Team also discussed the

320 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

fire line, fuel tank removal, and water line switchover in basement. Bob will do water line switchover and Roy will take care of fire line and fuel tank removal as soon as possible.

APRIL 15, 1998

- A special meeting of the County Commissioners was called to order on April 15 at 1:30 by Chairman Jane Jelinski. Also present were Commissioners Phil Olson and Bill Murdock. Purpose of the meeting was to discuss the appointment of individuals to the Big Sky Resort Tax Committee on an interim basis, to serve until the June 2 election. The following twelve people have filed for election to the committee (which will be comprised of five members):

Carol L. Collins	Taylor Middleton
Paul "Packy" Cronin	Becky Pape
Lynn M. Davis	Michael F. Richards
Edward L. Hake	Steve Schumacher
Turi Hetherington	Bob Stober
Christopher R. Jude	Dick Wambsgans

- Commissioner Murdock moved to appoint all twelve of these people to the Committee on an interim basis. Commissioner Jelinski seconded the motion. All three Commissioners voted in favor of the motion; motion passed unanimously. The appointees will receive letters of appointment, to be jointly signed by both the Gallatin County and Madison County Commissioners.

The meeting was adjourned at 1:33 p.m.

APRIL 15, 1998 (cont'd)

- Commissioners held a work session in preparation for an evaluation of a Department Head.
- Commissioners and Executive Secretary Pat Lewis met to discuss the FY 1999 budget needs of the Commissioners office.
- Commissioners met with Planning Director R. Dale Beland to review his critique of the Master Plan. Also discussed the need for a Resort Tax computer for the Planning Department, donut jurisdiction, and the Open Space Task Force. Commissioners approved staff recommendations for Master Plan critique and emphasized the need for significant public input for Phase II. There are no policy changes in Phase I. Commissioners directed Dale to schedule a community meeting at a school regarding the donut jurisdiction; meeting is scheduled for April 30th at 7:00 p.m.

APRIL 16, 1998

- Commissioner Murdock held a meeting with County Attorney Marty Lambert, Bozeman City Attorney Paul Luwe, Public Service Director Phil Forbes, Fairgrounds Supervisor Sue Shockley and Road Dept. Engineer Roy Steiner regarding Oak Street. County Attorney will prepare deeds; City Attorney will prepare sewer payback schedule for the City to reimburse the County for a portion of sewer installation costs along North 3rd (south of Oak Street).
- Commissioner Murdock attended the regular monthly meeting of Success for all Children.
- Commissioner Olson and Deputy County Attorney Chris Gray traveled to West Yellowstone to meet with Contract Committee members Clyde Seeley and Jim Micklewright, and USA Waste representatives David Hall, Harry Ellis and John Guest. The meeting was held to begin contract negotiations for the Solid Waste Transfer Station Agreement between the West Yellowstone/Hebgen Basin Solid Waste District and USA Waste Services of Montana, Inc. Chris Gray will address the items needing further clarification with USA Waste's attorney and will present a draft version to the Committee for subsequent presentation to the Refuse Board for their approval or denial.
- Commissioner Jelinski was interviewed by a local chapter of the Girl Scouts.

APRIL 17, 1998

- Commissioner Jelinski, Planning Director R. Dale Beland and Fiscal Officer Ed Blackman met to finalize revisions to the proposed Capital Improvements Program to be submitted to the Commissioners for approval and signature.
- Commissioner Olson was interviewed via telephone by Land & Water representative Denise DeLuca regarding his thoughts on the full-cost accounting report for solid waste prepared by her firm.
- Commissioners attended the quarterly MOU meeting. Agenda items included reports on Yellowstone Winter Use EIS and Department of the Interior/GIS, as well as updates on the composting project and prescribed burns.
- Commissioner Olson met with Harry Ellis of Customized Services to discuss a volume discount for refuse hauling to the Logan Landfill; Mr. Ellis' contract is not worded properly. Phil will discuss with Fiscal Officer Ed Blackman and get the corrected contract to Mr. Ellis.

The following items were on the consent agenda:

- A request for a relocation of a common boundary exemption for Jack and Raeleen Roadarmel and David Hargrove.
- A request for a relocation of common boundary exemption for Richard Gene Hargrove and Gallatin Gateway School District #35.
- A request for a financing exemption for John and JoAnn D'Agostino.

According to the information submitted, these appear to meet the criteria for the exemptions allowed under the Montana Subdivision and Platting Act. Motion by Commissioner Olson to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Commissioner Olson read an emergency ordinance to reduce the speed limit on Yadon Road beginning at the intersection of Yadon Road and Dry Creek Road and extending 1000 feet to the north of that intersection, including the section of Yadon Road passing in front and in the vicinity of the Manhattan High School and elementary school. The ordinance was deemed an emergency and a second reading was waived. The ordinance goes into effect upon passage and shall remain effective for 90 days. Motion by Commissioner Murdock to adopt the emergency Ordinance #1998-03. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Jenlinski directed Ken Hellwinkle, of the Gallatin County Road Department to post the signs and to notify the Sheriff's Department of the ordinance.

Illene Casey presented the proclamation declaring April 19-25th National Library Week in Gallatin County with the theme "Connect @ the Library". Allison Meister reported that the Belgrade Public Library and the Bozeman Public Library have signed a cooperative agreement so they are able to share the Ameritech Bridger Net system making both of their resources available. Motion by Commissioner Murdock to proclaim April 19-25th as National Library Week in Gallatin County. Seconded by Commissioner Olson. None voting nay. Motion carried.

Dennis Hengel of the Gallatin County Weed Control District read bids received for the their proposed chemical contract. The bids were as follows: Gallatin Farmers of Belgrade - \$18,359.85, United Ag Products of Billings - \$18,987.85, Ag Depot of Bozeman - \$19,466.70, and a second bid submitted by Gallatin Farmers of Belgrade for \$18,254.85. Mr. Hengel received the bids and will present them at the Weed Board meeting on April 23, 1998, at 1:15 P.M. at the fairgrounds. He will bring the Board's recommendation to the public hearing on April 28, 1998.

Bozeman City-County Planner Debbie Arkell asked the Commission to continue the amendments proposed to the Bozeman Area Subdivision regulations until the public hearing on May 5, 1998. The Commission agreed to the continuance.

Bozeman City-County Planner Chris Saunders reported on a request for preliminary plat approval for the Boylan Minor Subdivision. They are requesting to divide approximately 85.993 acres into four tracts for residential development situated in the NE1/4 SE1/4 of Section 23, T2S, R5E, PMM, Gallatin County, Montana, and located west of South 19th Avenue between Stucky and Goldenstein Roads. The Planning Board moved to approve the preliminary plat with the following final conditions: 1. The lot configuration shall be modified to allow the placement of the master planned collector street as depicted in Figure 5 of the Bozeman Area Master Plan. A minimum of 75' width of right-of-way easement shall be provided in the master planned location. This street shall serve as the primary access point for the adjoining lots. Shared accesses shall be provided for all. 2. The applicant shall verify status of the depicted watercourse. The written verification shall be provided with the final plat submittal or complying easements shall be provided on the face of the plat. If the watercourse is a stream or stream/ditch the 35' stream setback required in Section 16.14.130 shall be provided as an easement or included within the covenants filed with the subdivision and have a provision to not allow changes without the consent of the governing body. If the watercourse is solely a ditch the easements required by Section 16.14.050 shall also be provided. 3. The subdivision shall comply with the fire protection requirements of Section 16.14.060 of the Bozeman Area Subdivision Regulations. The Sourdough Rural Fire Department will accept one of the following: a) Provide a fire protection water fill site of capacity, location, and configuration to be approved by the

Sourdough Rural Fire District and compliant with applicable Bozeman Area Subdivision Regulations, or: b) Provide buried fire protection tank or tanks, the capacity, location, and configuration to be approved by the Sourdough Rural Fire District, or; c) Provide for fire sprinkler systems, approved by the Sourdough Rural Fire District, installed in all new construction with any residential capacity. New construction other than residential would require review and approval of fire protection systems by the Sourdough Rural Fire District prior to construction. Additional construction on a lot may require additional fire protection systems, approved by the Sourdough Rural Fire District. In the event the land becomes part of another political subdivision with fire protection responsibility, the appropriate authority having jurisdiction would approve fire protection systems at that time, or; d) A combination of the above fire protection systems approved by the Sourdough Rural Fire District. e) If the developer selects an option including fire protection sprinkler system requirements, that requirement would apply in perpetuity and shall be recorded as a part of the covenants of this subdivision. Modification to this covenant shall only be allowed with the approval of the governing body. 4. Certificates shall conform with Chapter 16.32 of the Bozeman Area Subdivision Regulations and shall reflect the assignments shown on the preliminary plat title certificate. 5. Easements shall be provided in compliance with the requirements of Section 16.14.050 of the Bozeman Area Subdivision Regulations for both existing and future utilities. All easements listed on the title certificate shall be shown on the plat. 6. The required fire and street impact fees shall be paid prior to final plat approval. 7. The Developer shall have one (1) year from the date of preliminary approval to complete the above conditions and apply for final plat approval. Commissioner Murdock asked Mr. Saunders if the developer had an option to put up cash in lieu of the fill site rather than building new ones with each 2 lot minor that is approved. Mr. Saunders stated that it is an option if a fill site is available within an acceptable distance to the fire department. In this case, one was not available. Dennis Foreman of Gaston Engineering stated that the applicant was in agreement with all the conditions as written. There was no public comment. Finding that the Boylan Minor Subdivision would not be a detriment to the public's interest, and the Bozeman City-County Planning Board voted unanimously to approve it, and it is consistent with the Bozeman Area Master Plan, the Bozeman Area Subdivision Regulations, and the Montana Subdivision and Platting Act, Commissioner Murdock moved to approve preliminary plat approval with the seven conditions as written and approved by the Bozeman City-County Planning Board. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a request for a boundary relocation for Marquerite P. Fulker. The request is to realign the common boundaries of 3 tracts into 2 tracts. Tract A consisting of 21 acres to provide a homesite and Tract B consisting of 145 acres to be used for agriculture. The involved tracts are government lots which are subject to a recent Attorney General's opinion determining that government lots are not recognized as divisions of land for purposes of the Montana Subdivision and Platting Act. Therefore, boundary lines utilized in this proposed relocation do not exist and thus could not be relocated. Deputy County Attorney Susan Swimley reported that a complete review of the land transfer history reveals that lots 1 and 2 were segregated from lots 3 and 4 in 1945, and lots 1 and 2 make up one tract of record and 2 tracts of record exist in the S ½ of the SE ¼ of Section 31. The request for a realignment of common boundary did involve sufficient tracts of record to be completed and based upon the history of the land transfers in the area the certificate of survey is recordable. Ms. Swimley asked Ms. Madgic if she questioned the boundary relocation request as an evasion to the Montana Subdivision and Platting Act. She stated no, the request seemed appropriate. Commissioner Murdock asked Ms. Fulker if the tracts of record were transferred in the past as required to satisfy the recent Attorney General's opinion. She stated that they had been transferred in the past. There was no public comment. Finding lots 1 and 2 make up one tract of record and two tracts of record exist and that the history of the land transfers shows lots 1 and 2 were segregated from lots 3 and 4 in 1945 as reviewed and determined by Ms. Swimley, Commissioner Olson moved to approve the boundary relocation request. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic requested that the Commission continue the variance request by the Big Sky Chamber of Commerce to allow a visitor information center in the entry corridor of Highway 64 in Big Sky until April 28, 1998. Commissioner Jenlinski asked if they were under any time lines. Ms. Madgic stated no, they were not. The variance request was continued for one week.

Belgrade City-County Planner Jason Karp reported on the request continued from the Gallatin County public hearing on March 17, 1998 for the preliminary plat approval for the High K Major Subdivision to subdivide 135 acres into 79 lots. After hearing staff comments, the subdivider's presentation, and public comment the County Commission requested that the subdivider consent to extension of the review time to gather additional information. The subdivider did not consent to an extension and requested that the

County Commission issue a decision at the meeting, therefore the County Commission voted to deny the subdivision because it could not be determined that the subdivision would be in the best interest of the public health, safety and welfare based on the information submitted. Due to a procedural error which allowed the March 17, 1998 public hearing to occur past the mandated 60 day review period without the developers written consent, the County Commission agreed at the developer's request to re-hear the High K Subdivision preliminary plat application. The County Commission noted several areas of concern which should be addressed before the subdivision can be approved, with the most serious concern being groundwater. Due to the existing contamination of wells in the adjacent Royal Arabian Subdivision, this subdivision must undergo close scrutiny to insure that the subdivisions waste water treatment will meet State standards, and not cause additional problems to Royal Arabian Subdivision wells. The applicant has indicated their willingness to provide additional information (information which may not normally be required for subdivisions without existing groundwater problems) to the Gallatin County Environmental Health Department. A standard condition of approval requires the Montana Department of Environmental Quality and the Gallatin County Environmental Health Department to review the subdivision (additional information to be provided by the Local Water Quality District and Health Department). The Commission expressed concerns about the phasing of the project, and assurances that the requirement improvements are completed for a phase prior to final plat approval of the phase. This report recommends several amendments to the conditions of final plat approval to specifically define items that need to be completed in relation to the phasing of the development. In response to concerns about allowing animals within the subdivision, the developer has proposed to amend the covenants to prohibit large animals (horses, llamas, and cows) on one acre lots. The developer has also indicated that a maximum of two large animals will be permitted on the larger lots. The developer has agreed to amend the covenants to restrict lots adjacent to Royal Arabian Subdivision to residential uses. The following are recommended condition of approval recommended at the March 17, 1998 public hearing. Several of the conditions have been modified as indicated:

1. The final plat(s) shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates.
2. All utility easements shall be shown on the final plat(s). Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat(s): "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'utility easement' to have and to hold forever."
3. Department of Environmental Quality approval shall be obtained for each phase of the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval prior to final plat approval of each phase.
4. The subdivider shall record on the final plat(s) a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water districts, a waiver of right to protest annexation into the City of Belgrade, and a waiver of protest entrance into the maintenance of the Thorpe/Royal Road RID.
5. A homeowner's/property owner's association shall be formed for the enforcement of the required covenants.
6. The developer shall record covenants with the final plat including the following provisions.
 - a. Requiring control of county declared noxious weeds.
 - b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.
 - c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with State Law.
 - d. Individual lot access from County maintained public roads shall be built to the standards of Section 7-G of the Gallatin County Subdivision Regulations.
 - e. All structures must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief.
 - f. Site plans of all lots must be submitted to the Belgrade Rural Fire District for review for compliance with the Uniform Fire Code.
 - g. All commercial structures must submit plans to the Montana State Building Codes Bureau and the Belgrade Rural Fire District for review and approval.
 - h. The High K Ranch Minor Subdivision fill site must be operable prior to construction of any buildings within the subdivision. *note* see attached copy of the applicable provision of the Uniform Fire Code which states that required water supplies must be installed and serviceable prior to and during construction.
 - i. The homeowner's association shall participate with the owners of the High K Ranch Minor Subdivision for the maintenance of the fill-site.
 - j. The homeowner's association shall be responsible for the maintenance of all interior subdivision roads.
 - k. The homeowner's association shall be responsible for the maintenance of all parks in the subdivision.
 - l. Large animals (horses, cows, llamas etc.) are prohibited on one acre lots.
 - m. Residential structures shall be a minimum of 950 square feet.
 - n. No lot owner may remove water or cause to be removed water from irrigation ditches without deeded water rights.
 - o. Lots 49-63 & 73-78 as shown on the preliminary plat shall be restricted to residential uses. Commercial businesses are not permitted on these lots except home occupations carried

out by a resident and conducted as customary, incidental, and accessory use in the resident's dwelling unit.

p. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County.

7. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval.

8. Road and fire impact fees shall be submitted as per County impact fee policy.

9. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A Memorandum of Understanding shall be signed between the weed district and developer prior to final plat approval.

10. A copy of the final plat(s) shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department.

11. The final plat(s) shall show a maintenance easement of 15 feet on one side, and 5 feet on the other side of the irrigation ditches, and before any maintenance or improvements are performed on any the ditches, the owner of the waterway must give written permission for the work to be done.

12. Encroachment permits must be obtained from the Gallatin County Road Office for the new road and driveway approaches to Amsterdam Road and Royal Road.

13. Stop signs as required by the Road Office shall be placed at the intersections with Amsterdam Road and Royal Road prior to final plat approval of each phase, or a bond covering the cost of the signs shall be deposited with the County Road Office.

14. Road names shall be approved by the Road Office, and road name signs at all intersections as required by the Road Office shall be installed prior to final plat approval of each phase, or a bond covering the cost of the signs shall be deposited with the Road Office.

15. Interior subdivision roads shall be sixty foot right-of-ways, be dedicated to the public, and be constructed to Gallatin County standards and be paved as listed below or the developer has the option of posting a bond or other form of security for the required paving, which shall be approved by the County Attorney's Office and the Road Office. The amount of the bond or other security shall be equal to 150% of the estimated cost of the road construction. Roads ending at unsubdivided land shall have temporary cul-de-sacs or "T" type turnarounds built to County Standards.

a. Road R-5 shall be constructed from Amsterdam Road to the northern boundary of Phase A with a temporary cul-de-sac at its north end prior to final plat approval of Phase A.

b. Road R-3 shall be constructed from Royal Road to Road R-4 prior to final plat approval of Phase B, and Road R-4 shall be constructed from Royal Road to the west boundary of Phase B with a temporary cul-de-sac at its west end prior to final plat approval of Phase B.

c. Road R-1 shall be constructed from Amsterdam Road as shown on the preliminary plat with a temporary cul-de-sac at its north end prior to final plat approval of Phase C.

d. Road R-2 shall be constructed as shown on the preliminary plat prior to final plat approval of Phase D.

e. Road R4 and R5 shall be constructed as shown on the preliminary plat, and Road R-6 shall be constructed as shown on the preliminary plat with a permanent cul-de-sac at its east end prior to final plat approval of Phase E.

16. All road construction shall be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Department that all conditions pertaining to roads have been met prior to final plat approval of each phase.

17. The final plat(s) shall show a no access strip for vehicles along all lots adjacent to Royal Road and Amsterdam Road, except at Road Office approved road encroachments.

18. The final plat(s) shall contain a warning that irrigation canals are hazardous to small children.

19. The High K Ranch Minor Subdivision fill site (180,000 gallons) meeting the requirements of the Belgrade Rural Fire District shall be constructed and approved by the Belgrade Rural Fire District. Said fill-site shall be operable prior to final plat approval any phase of the High K Subdivision or the subdivider shall enter into an improvements agreement, including a provision that the fill site must be operable prior to construction of any buildings, approved by the Gallatin County Attorney's Office and the Belgrade Rural Fire District, which will guarantee construction of the fill site. A warning shall be placed on the final plat that the fill site can be dangerous to small children.

20. Road R5 must be constructed to county standards from Amsterdam Road to the fill-site prior to final plat approval of any phases of High K Subdivision.

21. Land located within the required irrigation ditch easements shall not be dedicated to the public for parkland. The linear park shall be dedicated to the homeowner's association and be shown on the final plat as an open space easement. The linear park (open space easement) shall be extended south to Amsterdam Road.

22. The developer shall submit a cash-in-lieu of parkland dedication to Gallatin County in accordance with the Gallatin County Subdivision Regulations for each phase of the subdivision the total parkland dedication amount for the entire subdivision shall be equal to the value of 5.93 acres of the unsubdivided, unimproved land.

23. All irrigation ditch culverts within the subdivision shall be the same, or greater diameter as that ditch's culverts crossing Amsterdam Road. Culverts shall be approved by the Gallatin County Road Office.

24. The developer shall only install street lights along Road R1 & R2. *note this condition does not eliminate the property owners in the rest of this subdivision from installing their own street lights or creating a street lighting district in the future.

25. Section 4(g) of the draft covenants shall be eliminated from the final version of the covenants.(covenant referring to the construction of flow through ponds).

26. The final plat shall contain a statement which includes the following language: Lots abutting irrigation ditches may have water rights as described in deeds. No owner may remove water or cause to be removed water without deeded water rights.

27. Equestrian and bike paths will be delineated within the subdivision. All commercial buildings must meet the most current State adopted edition of the Uniform Building Code.

29. Phase E shall not receive final plat approval prior to final plat approval of Phase A and Phase B. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. If the applicant elects to submit a final plat for each phase, only the conditions which apply to that phase must be completed before final plat approval.

Mr. Karp stated that the following part of condition #19 needed to be deleted: "the fill site must be operable prior to construction of any buildings". It was made part of the covenants. Condition #29 was redundant with condition #15e. and should also be deleted. Commissioner Jelinski asked Mr. Karp to make the Planning staff report available to the public. Correspondence received: Applicant's transmittal, and letters from Pamela Hainsworth; Tim Rourke; Kevin and Bunny Brownley; Cindy Wilkes-Gee; Joe and Debra Atwood; and Sandra Theibault. The applicant of the High K Major Subdivision, Nadia Beiser stated they are willing to consent to all of the conditions read in the staff report and by the City-County Health Department. Clint Litle, of HKM Engineering reported on the health report submitted by the Health Department on March 17, 1998. He presented a map depicting the nitrate analysis on the Royal Arabian Subdivision. The Montana state standards are 10 milligrams per liter, and for non-degradation it was 5 milligram per liter. Their first mitigation plan for managing the existing manure was to dispose of it and develop farming practices that would improve the current levels, or spread the manure over the area and plant a crop that utilizes the nitrate. A monitoring program will be set up with 3 separate models. They proposed analytical modeling of the ground water and nitrates. To address the concerns of commercial loading, 6 monitoring wells will be used for this purpose. In his opinion, he stated that this proposed subdivision would improve the ground water quality. Public testimony: Gerald Witmer; Larry Prince; Joseph Atwood; Debra Atwood; Glenda Angulo; Gene Staples; Gretchen Carrels; Mary Hahn; and Brian Leland. The public had concerns of the health and safety of the residents regarding the water quality issues raised of possible contamination of wells and dumping of hazardous wastes. Ms. Beiser stated they are in compliance with the City of Belgrade's requirements, the County and State regulations and that they have agreed to perform many more additional requirements than required for subdivision approval such as installing the 6 monitoring wells. During Board discussion Commissioner Murdock asked Tim Rourke, Director of the Gallatin County Environmental Health Department and David Whitson of the Local Water Quality Board for their recommendations. Mr. Rourke stated with the data on hand they don't know if the nitrate levels presented are increasing or decreasing but with the monitoring of the wells, the data would be a benefit for future determinations and assessments. He also said that the Environmental Health Department advocates the use of central septic systems, it's just that historically, the maintenance and operation of the systems had been a problem. Susan Swimley, Deputy County Attorney asked Mr. Rourke if he recommended adding to the standard requirements written in condition #3, his additional recommendation in his memo dated April 12, 1998. Mr. Rourke stated yes, he recommended adding that condition with the language added, "the applicant shall organize and attend a meeting between their consultants." The Commissioners agreed to add Mr. Rourke's recommendation to condition #3 along with DEQ to ensure the safety of the public. David Richards, applicant testified to the comments of serious contamination. He stated the data that had been used in the Royal Arabian to date had been provided by the homeowners or the association and does not believe that they had all the information. He said they would be compiling data from professional hydrologists and engineers. The state standard was 10 milligrams per liter, and the majority of the subdivision wells tested at less than 1 which is considerably lower than the state standards. Commissioner Murdock asked Mr. Richards if he would consider agreeing to a central septic system. Mr. Richards said he would, that he had used them in the past. Commissioner Olson asked if he'd be willing to limit large animals on a lot less than 3 acres. He stated they had agreed to change that covenant to no large animals on one acre lots. Commissioner Jelinski spoke to a Gallatin County extension agent who said no animals should be allowed on the lots. The area could not support a large animal on less than 5 acres and that does not include the proposed house and business. She told Mr. Richards she would not vote to approve preliminary plat approval unless he removes the condition allowing large animals on any size lot. Commissioner's Murdock and Olson concurred. After much discussion, Mr. Richard agreed. During Board discussion the Commissioners agreed to write new language to address the concerns of the water quality by adding language to encourage a central water system. Finding this major subdivision would not be detriment to the public safety, and is consistent with the Montana Subdivision and Platting Act and the Belgrade City-County Planning Staff recommends approval, Commissioner Murdock moved to approve preliminary plat approval for the High K Major subdivision subject to the following conditions as amended by staff: 1-2 as written, condition #3 to state: The feasibility of a central sewage treatment system shall be investigated and installed if appropriate. If a central system is not appropriate, then the Department of Environmental Quality approval shall be obtained for each phase of the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval prior to final plat approval of each phase. 4-5 as written. Condition #6, covenant I. amended to read: large animals (horses, cows, llamas etc.) shall be prohibited. Also in the covenants, a change in o. from lots 49-65 to read lots 50-65, and lots 73-78 to read lots 72-79. Condition 7-14 as written. Condition #15 c. will be amended to read: Road R-1 shall be constructed

from Amsterdam Road as shown on the preliminary plat with a permanent (not temporary) cul-de-sac at its north end prior to final plat approval of Phase C. Conditions 16-18 as written. Condition #19 delete the portion of the sentence that states: Including a provision that the fill site must be operable prior to construction of any buildings. Condition 20-28 as written. Delete the original condition #29, and replace it with the recommendations in Tim Rourke's letter dated April 21, 1998, with the language as follows: 29.a. The applicant must provide a detailed scope of work and collected materials to the Montana Department of Environmental Quality (MDEQ) and Gallatin County. This scope of work and materials must include: 1) background information showing the location and approximate duration of animal waste disposal in the subdivision area; 2) the methods of investigation, sample locations, detailed description of groundwater and soil sampling and analysis performed, and QA/QC protocols followed; 3) description of soil conditions and sampling intervals tested; 4) All sample results and soil loading calculations including nitrate and ammonia in soils; 5) groundwater test results for nitrate-nitrogen and bacteria; 6) land-application and groundwater transport modeling methods, justification for selecting modeling methods and justification of assumptions made in the models; 7) results of on-site hydraulic conductivity measurements from recent monitoring wells drilled at the site; and 8) detailed findings and recommendations. B. The applicant will obtain and submit to the DEQ and Gallatin County, a well log from all wells sampled for nitrogen; particularly the well or wells used to establish "background" nitrate in groundwater used as a basis for non-degradation calculations. Included with this information the applicant will provide documentation on sampling and analysis methods used, and appropriate chain of custody documentation for each sample. C. Prior to DEQ review and determination of "cumulative" non-degradation impacts of this subdivision; the applicant shall organize and attend a meeting between their consultants, MDEQ, Gallatin City-County Environmental Health Services and LWQD staff to determine a reasonable approach and methodology for evaluating "cumulative" groundwater impacts which may result from development in the area. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:48 P.M.

Unavailable
For signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 28th DAY OF APRIL 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioner's Bill Murdock, Phil Olson, Deputy County Attorney Susan Swimley and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

APRIL 20, 1998

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- A special meeting of the County Commissioners was called to order at 11:45 a.m. on Monday, April 20, 1998. Purpose of the meeting was to consider a resolution listing authorized agents from Gallatin County who are authorized to purchase state and federal surplus from the Montana Department of Administration, Property and Supply Bureau. Those individuals are: Commissioners Phil Olson, Jane Jelinski, and Bill Murdock; Facilities Director Bob Isdahl; Rest Home Supervisor Connie Wagner; Fiscal Officer Ed Blackman; Road and Bridge Superintendent Sam Gianfrancisco; Gallatin Field Airport Manager Ted Mathis; George Reich, Rural Fire Council Chairman; Brett Waters, Rural Fire Chief; and Bob Greene, Gallatin County Airport Board Chairman. Chairman Jelinski moved to adopt the resolution; Commissioner Murdock seconded the motion; and the motion was unanimously approved.
- Commissioner Murdock and Bozeman City-County Planning Director Andy Epple met with Gallatin County residents Frank and JoAnn Elliott to review and discuss the Bozeman school district's

proposal to locate a bus barn on East Patterson Road. It was confirmed and conveyed to the Elliott's that (1) proposal was not located in Hyalite Zoning District; and (2) school district was exempt from planning and zoning statutes.

- Commissioner Olson met with County Treasurer Jeff Krauss to discuss how Phase I Courthouse renovation will affect the Motor Vehicle Department. Jeff wants to explore the possibility of temporary closures of the department, if needed, due to excessive noise or other construction progress.

APRIL 21, 1998

- Commissioner Murdock accepted an invitation to attend a meeting of the Southwest Montana Home Building Industry Association (SWMBIA). Topics of discussion included building permits and impact fees.
- Commissioners met with Interim Health Officer Stephanie Nelson, Environmental Health Director Tim Roark and Fiscal Officer Ed Blackman to discuss the need for additional office space due to the increased local control of the Local Water Quality District and subdivision review. Three additional offices will be made available to the Environmental Health Department during Phase I Courthouse renovation and the new Health Officer will be located adjacent to Environmental Health.

APRIL 22, 1998

- Commissioners met with Extension Agents Todd Kessner and Ron Carlstrom. Ron and Todd both reviewed their recent activities, and reported that adults for 4-H programs are in short supply; number of kids not the problem. Commissioner Jelinski gave Ron and Todd some Rural Renaissance websites. Ron Carlstrom was directed to notify Belgrade and Gallatin County Planning Departments of the livestock/animal guidelines for small lot subdivisions.
- Commissioner Jelinski was interviewed by Bozeman Chronicle Staff Writer Tim Neville.
- Commissioner Olson attended a meeting of the 911 Admin. Board. Detailed minutes are on file at the Communications Services Department.
- Commissioner Murdock chaired the quarterly meeting of the Transportation Coordinating Committee (TCC). Agenda items included the Department of Transportation's intent to remove 26 turnouts on Highway 191, various project updates and CTEP. Committee agreed to reactivate the Pedestrian Traffic Safety Committee. County will supply meeting room and secretary to take minutes at first meeting only; selection of Committee members will be handled at a later date. Next meeting is scheduled for July 15, 1998 at 10:00 a.m.
- Commissioner Murdock met with the Detention Center Citizen's Advisory Committee. Mike O'Hare, a jailer from Missoula County, was a guest speaker and explained how their community sold a bond issue to build a new jail. Several Committees were formed to sell the idea: Public Education, Fiscal, Corrections Management and Site Selection. Mr. O'Hare stated that public involvement in the site selection of the new jail was vital to the bond issue's success.

APRIL 23, 1998

- Commissioners held a work session in preparation for an evaluation of a Department Head.
- Commissioner Jelinski participated in a conference call with the NACo Rural Renaissance Task Force to finalize their report to the Board of Directors.
- Commissioner Murdock attended the second meeting of the Gallatin County Public Health Alliance held at the Baxter Hotel. Topics of discussion included setting goals/priorities, and outlining definitions and strategies.
- Commissioner Olson met with the Weed Board. Detailed minutes are on file in the Weed Department.
- Commissioners met with Deputy County Attorney Susan Swimley, County Treasurer Jeff Krauss and Clerk and Recorder Shelley Vance to review process for County to take a tax deed for delinquent property. Commissioners will consider a resolution to take tax deed on A.E. Montana property at Public Meeting on May 19th. Will also schedule a meeting with the Weed and Road Departments to plan the clean-up of said property.
- Commissioners, County Attorney Marty Lambert, Clerk and Recorder Shelley Vance and Fiscal Officer Ed Blackman hosted a meeting with Fire District and Fire Service Area Trustees to review legal requirements of the Montana Open Meeting law and the FY 1999 budget process. Trustee election and appointment issues were also discussed.

APRIL 24, 1998

Commissioner Olson traveled to Billings to attend a meeting of the Mental Health Board.

- Commissioners Jelinski and Murdock met with Planning Director R. Dale Beland, Developer Gene Cook, Engineer Lewis Burton and Ray Shackelford of Quality Water Systems, Inc. to discuss the pros and cons of central sewer systems vs. individual septic systems. Commissioners will send a letter to the Department of Environmental Quality in support of a central wastewater treatment system for Valley Grove, Phase IV.
- Commissioners Jelinski and Murdock met with Grants Administrator Larry Watson and Rob Pertzborn of Prugh & Lenon Architects to discuss re-paving of the Courthouse parking lot. CTEP will not cover it; inadequate County funding for paving the lot as well.
- Commissioner Murdock attended a fundraiser to raise money for Bozeman area band students who are performing in the 1999 Rose Bowl. Commissioner Murdock will suggest that a group of students perform at the Courthouse and will see to it that the event gets media coverage. Hopefully, this will elicit donations from local residents and/or organizations for the students' trip to California.
- Commissioners met with the Health & Human Services Planning Team (Stephanie Nelson, Bob Isdahl & Joan Davies) to be updated on the progress of the building improvements. The team projects a shortfall of approximately \$10,000. Commissioners approved overruns for \$10,000 to be budgeted in FY 1999.
- Commissioners received claims in the amount of \$302,110.86.
- Commissioners received A101's in the amount of \$34,647.42.

The following items were on the consent agenda:

- Minutes
- Eldon Leep requested a one year extension of preliminary plat approval for the Settlement Subdivision, Phases II-IV. The subdivision received preliminary plat approval by the Commission on May 2, 1995. Phase I received final plat approval on August 26, 1997. The preliminary plat for the remaining phases will expire on May 2, 1998.

There were no minutes for approval. Commissioner Murdock asked to remove Eldon Leep's request from the consent agenda and move it to the regular agenda for discussion.

Gallatin County Planner Randall Johnson reported receiving a letter on April 21, 1998 from the Project Manager Eldon Leep dated April 1, 1998, requesting an extension to complete the conditions for final plat approval for the remaining phases of the Settlement Subdivision that will expire on May 2, 1998. Mr. Leep asked the Commission for an extension because of serious medical problems with the developer Betty Dyk. Also, the water system had to be redesigned and the completion of the paperwork with the State was delayed putting the project behind. Phase I had been expanded from 5 lots to 19 lots. Phase I was granted final plat approval on September 8, 1997. Finding that the request was based on specific problems that warrant the extension such as the health concerns, the delays and engineering complications of the water system, Commissioner Murdock moved to grant the extension. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Weed Control District Supervisor Dennis Hengel reported that the Gallatin County Weed Control Board met on April 23, 1998, and reviewed the bids submitted and recommended awarding the bid for the 1998 Weed District Chemical contract to Ag Depot for \$17,834.70. Due to price comparison between bidders it showed the lowest responsible bid. Commissioner Olson moved to approve the bid award. Seconded by Commissioner Murdock. None voting nay. Motion carried. Chairman Jelinski directed Mr. Hengel to notify Ag Depot of the award, and to draw up the appropriate contract for signatures.

Judge Thomas Olson reported on the consideration to create and adopt a new Community Corrections Board under the Montana's Community Corrections Act passed by the Legislature. The purpose of the Montana Community Corrections Act is to develop local facilities and programs to reduce commitments to the Montana State Prison system; reduce jail space for those needing only structure; facility for the employed; treatment, counseling and supervision; give correctional services to courts; and to promote citizen participation in policy making of community corrections. The Community Corrections facility or program is not a jail but provides programs or services to help offenders pay restitution, do community

service, find and keep employment, receive schooling or vocational training, using community resources and specialized services. The Board would consist of 3-7 members and are appointed by local government and must include one law officer, one probation officer, and one member of the public. The Board shall set and enforce standards for operation of the Community Corrections facilities and programs, conduct of offenders, and establish procedures for screening offenders. They would accept or reject candidates. Earl Peace spoke in favor of adopting the Board and restoring justice back to the community. There is much community interest and the need is critical. Sheriff Bill Slaughter spoke in favor of the Board stating that with the new detention center it would fill quickly without the implementation of this kind of community program. The following citizens spoke in favor of creating the Board: Jerry Hubland; Ronald Lockerman; Senator Dorothy Eck; Louise Forest; and Lee Copenhagen. During Board discussion the Commissioners supported the need in Gallatin County to create the Community Corrections Board and the 7 member Board. The Board, would help ensure success of the new detention center. Finding that there is a need in the community, Commissioner Murdock moved to adopt and establish the Community Corrections Board as per law and to appoint the full 7 member Board allowed under the law. Seconded by Commissioner Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported receiving a petition to abandon a 30 foot road right-of-way adjacent to the north lot line of lots 466 and 472 of Rainbow Subdivision of Bozeman Hot Springs, which parallels the abandoned railroad right-of-way for approximately 660 feet and a 20 foot right-of-way located between lots 466, 467, 468, and 472 of the Rainbow Subdivision of Bozeman Hot Springs. She mailed notice on April 18, 1998, of this public hearing and sent a copy of the Viewing Committee report to all signers of the petition; land owners named on the petition; any land owners who may be affected by the abandonment; the Postmaster; and the Public Lands Access Association. She read the Viewing Committee report that found neither road had been constructed. Due to limited right-of-way it appeared to be cost prohibitive to construct these roads to County standards. According to the petition, the owner of these lots desired to aggregate the lots to better utilize the area for current land use. It did not appear that anyone would become land-locked nor access denied to public lands if the abandonment were granted. There was no public comment. Commissioner Olson moved to grant the abandonment described in the petition. Seconded by Commissioner Murdock. None voting nay. Motion carried. A resolution will be drafted by the County Attorney's office.

Belgrade City-County Planner Jason Karp received a request by C&H Engineering and Surveying Inc., on behalf of Charles Bradbury for preliminary plat approval for a 10 acre 2 lot minor subdivision. Both lots would consist of 5 acres which is the minimum lot size allowed by the Baker Creek Meadows Subdivision's covenants. The property is described as the amended plat of Lot 1, Block 1, Baker Creek Meadows located in the NW1/4, of Section 5, T1S, R4E, P.M.M. Gallatin County, Montana. The subdivision is located west of Belgrade in Baker Creek Meadows on Baker Creek Lane. The Belgrade City-County Planning Board reviewed the preliminary plat for the Bradbury Minor Subdivision. The Planning Board voted at their April 14, 1998, public meeting to recommend that the County Commission grant the requested variance and grant preliminary plat approval of the minor subdivision. The County Commission needs to make the following determinations: A determination as to whether the requested paving variance should be granted; and a determination as to whether or not the proposed subdivision meets the requirements of Section 76-3-608 MCA. If the County Commission finds that the proposed subdivision meets the requirements of Section 76-3-608 MCA, the following conditions should be considered for preliminary plat approval, to be completed prior to final plat approval: 1. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'utility easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district. 5. The developer shall record covenants on the final plat including the following provisions. a.. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring

landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with State Law. d. Building within the 100 year flood plain is prohibited. e. Lot owners in the Bradbury Minor Subdivision shall participate with the lot owners of the Baker Creek Meadows Subdivision for the shared maintenance of Curtis Lane and Baker Creek Lane. f. Lot owners shall adhere to recorded covenants of Baker Creek Meadows Subdivision. g. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 7. Road and fire impact fees shall be submitted as per County impact fee policy. 8. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A memorandum of understanding shall be signed between Weed District and developer prior to final plat approval. 9. A copy of the final plat shall be submitted to the Amsterdam Fire Department and the Gallatin County Road Department. 10. The developer shall provide one of the following standards to ensure a reasonable level of fire protection and life-safety to the public and firefighters. The following requirements must meet the specifications of Gallatin County Subdivision Regulations Section 6-E-5 and be reviewed and approved by the Amsterdam Rural Fire District. The subdivider shall obtain written verification from the Amsterdam Rural Fire District that one of the following requirements has been met. a. A single 10,000 gallon water supply for each new home and associated structure meeting the requirements of Section 6-E-5(a). b. A single 20,000 gallon water supply meeting the requirements of Section 6-E-5(b). c. A rural fill site meeting the requirements of Section 6-E-5(c). d. New R-3 occupancies as defined by the Uniform Fire Code may be protected by automatic fire sprinkler systems meeting the requirements of NFPA 13D. If the sprinkler options is used the covenants must include the following provisions. 1. Automatic fire sprinkler systems shall be installed in all structures which are used for living and home business which people normally occupy. The fire sprinkler system must meet the requirements of NFPA 13D. 2. A stamped set of engineered sprinkler system plans and covenants requiring the installation of sprinklers shall be submitted to the Amsterdam Rural Fire District for review and be approved prior to construction, and the sprinkler system must be inspected by the Amsterdam Rural Fire Department during construction and at completion as required by the Amsterdam Fire Chief. e. A pressurized fire hydrant system meeting the requirements of Section 6-E-5(e). If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. During Board discussion Commissioner Jelinski asked if the flood plain designation would be shown on the plat. Mr. Karp stated that a condition was included that required it to be shown on the preliminary plat but another one needed to be added to ensure the flood plain information would be designated on the final plat. The flooding of the roads in the Baker Creek area was also discussed and the applicant Susan Bradbury stated they lived in the area for 13 years and had never had any flooding. Mark Chandler of C&H Engineering spoke on behalf of the applicant's request of a waiver from the road impact fee on the existing house on lot 1A. He also stated the requested variance from paving the length of Stagecoach Trail to Curtis Lane would be an undue hardship on the applicant. He found other minor subdivision's had been granted such a variance in the area. There was no public comment. Finding the Belgrade Planning Board approved the variance to the paving, impact fees are being collected, and other subdivisions in the area have been granted a variance and it would be an undue hardship on the applicant, Commissioner Olson moved to grant the variance. Seconded by Commissioner Murdock. None voting nay. Motion carried. Finding this minor subdivision was consistent with the Belgrade Area Master Plan and the Montana Subdivision and Platting Act, approved by the Belgrade City-County Planning Board, and not detrimental to the public's health, welfare, or safety, Commissioner Murdock moved to grant preliminary plat approval to the Bradbury Minor Subdivision with the 10 conditions drafted and approved by the Belgrade Planning Staff and adding a condition #11 that would state, "The portion of Baker Creek 100 year flood plain shall be shown on the final plat. Seconded by Commissioner Olson. None voting nay. Motion carried.

There were no pending resolutions. There being no further business the meeting adjourned at 2:50 P.M.

Unavailable
For signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 5th DAY OF MAY 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioners Bill Murdock, Phil Olson, Deputy County Attorney Chris Gray, and Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

APRIL 27, 1998

- Commissioners interviewed Dave Lucas, an applicant for the Rae Fire Service Area Board.
- Commissioners and Executive Secretary Pat Lewis met to finalize the FY 1999 budget needs of the Commissioners office.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- A special meeting of the County Commissioners was called to order at 11:30 A.M. on Monday, April 27, 1998. Purpose of the meeting was to consider applications for appointment to the Rae Fire and Clarkston Fire Service Area Boards of Trustees. Commissioner Murdock moved to reappoint Dave Lucas to the Rae Fire Board; Commissioner Olson seconded the motion. Commissioners Jelinski and Murdock voted in favor of reappointment of Mr. Lucas; Commissioner Olson voted against. The motion carried, 2-1. Commissioner Murdock moved to reappoint Marvin Bratten and James Jones to the Clarkston Board. Commissioner Olson seconded the motion; all three Commissioners unanimously voted in favor of motion to reappoint. Meeting adjourned at 11:40 A.M.
- Commissioners met with Fiscal Officer Ed Blackman. Topics of discussion included budgets, possibly charging MSU Detention Center fee, landfill billing, public safety mill-levy pros and cons, quarterly financial report, and motor pool recap. Commissioners authorized Ed to solicit quotes for landfill billing from local bookkeeping services and approved various budget appropriations. We will wait for report from MSE-HKM on when next landfill cell closure will be needed before making decision on new volume-based rate for 500 extra tons per month.
- Commissioner Jelinski met with Angelica Fuentes, Governor of Chile.

APRIL 28, 1998

- Commissioners met with County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, Clerk and Recorder Shelley Vance to decide on protocol for the community meeting regarding zoning in the City-County donut jurisdiction being held at 7:00 p.m. on Thursday, April 30th, at the Sacajawea Middle School.
- Commissioner Olson and the Phase I Project Team met. Topics of discussion included moving Tax Appeal furniture out of 2nd floor vault and moving Treasurer's records from basement to 2nd floor vault. Treasurer's records to be moved by May 15th. Bob will proceed with elevator motor replacement. Phil will work with Mike Hoey on relocation of the EOC. Thirteen jury chairs from L&J need a home; Phil will check with Commission. Phil will check with Deputy County Attorney Chris Gray regarding procedures for temporary office closures during Phase I construction.

APRIL 29, 1998

- Commissioner Olson attended a special meeting of the 911 Admin. Board to discuss FY 1999 budget needs. Detailed minutes are on file in the Communication Services Department.
- Commissioners Jelinski and Murdock met with the Welfare Board with Department of Public Health & Human Services Director Joan Davies. General program activities were discussed and the Welfare Board minutes were approved as presented.
- Commissioner Murdock attended a half-day meeting at MSU to discuss the latest developments regarding Yellowstone National Park's Winter Use EIS. They also discussed and explored the possibility of forming an interdisciplinary team which could put together an outline of a model for measuring potential impacts to both the resources and the economy.
- Commissioner Olson attended a meeting of the Missouri River Drug Task Force (MRDTF) held at the Townsend Fire Hall. The Task Force approved an additional \$2,000 of forfeiture funds to be used for drug buys. Other business pertained to individuals and is of a confidential nature.

APRIL 30, 1998

332 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Murdock and the Board of Health Budget Subcommittee met to discuss the Health Department and LWQD draft budgets. Budget Subcommittee members included Mayor Al Stiff, Interim Health Officer Stephanie Nelson, Environmental Health Director Tim Roark, Fiscal Officer Ed Blackman and Commissioner Bill Murdock. Proposed increase from 4.7 mills to full 5 mills will bring in an extra \$30,000-\$35,000/year which could be used for capital reserves for Environmental Health remodel/expansion needs. Budget Subcommittee voted unanimously to recommend to Board of Health that millage be increased to full 5 mills; funds will be set aside for capital improvements. Subcommittee recommended LWQD budget approval as presented. Target level of Environmental Health & Health Department budgets were also approved.
- Commissioner Murdock participated in a conference call regarding Winter Use EIS. Bill Murdock offered to propose a model measuring potential impacts to the resources and economy. It was agreed that such a proposal would be reviewed at the next meeting scheduled for May 22nd in Jackson Hole, Wyoming.
- Commissioner Jelinski and Olson met with Interim Health Officer Stephanie Nelson and Environmental Health Director Tim Roark to discuss air quality problems and their relationship to burning. Environmental Health will research options to acquire meteorological data to mitigate the problem. Tim will also find out about USFS fires and report back to the Commission.
- Commissioners met with Personnel Director Kathy Nowierski and Labor Relations Specialist Duane Johnson to review and discuss contract negotiations for the following unions: Rest Home Nurses, Teamsters (Road & Bridge Crews), and Deputy Sheriff's Association.
- Commissioners met with Realtor Mike McKenna and Deputy County Attorney Chris Gray to sign documents purchasing 10-acres of property to be used for future development.
- Commissioners attended a community meeting to hear public comment on the proposed establishment of a county (201) zoning district for the donut.

MAY 1, 1998

- Commissioners attended the MACo District meeting held in Livingston, Montana. Agenda items included 1999 MACo budget and county classification, property taxes on the Internet, State of Montana's invoice for public safety shared communications systems, and welfare reform. District Chairs and 2nd Vice Presidents were also nominated and elected.
- Commissioner Jelinski held a Press Conference to announce she will submit her resignation as Gallatin County Commissioner District 2 effective May 28, 1998. Gordon Morris, Executive Director of the Montana Association of Counties (MACo), was also present to announce Jane's new position as the Assistant Director of MACo effective June 15, 1998.

Commissioner Jelinski introduced Katie Baldwin, a fifth grade student from Willson School. She is learning about County government and would be sitting with the Commission and observing today.

The following items were on the consent agenda:

- A request for a family transfer exemption for Charles V. Williams to his son, Larry D. Williams.
- A request for a relocation of a common boundary exemption for Charles Hoekema described as tracts 24 and 25 of Dependent Survey #20, located in Sections 5 & 6 in 1S, R4E.

According to the information submitted, these appear to meet the criteria for the exemptions allowed under the Montana Subdivision and Platting Act. Motion by Commissioner Olson to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Director of the Environmental Health Department Tim Rourke reported that Gallatin County is experiencing air quality problems due to regional factors. Local burning would exacerbate the problem and should be suspended until the air quality improves. They suggested to curtail any open burning in the County, agricultural and residential. Mr. Rourke stated that the State Department of Environmental Quality approached the Governor to address it in a state wide moratorium. Finding that the air quality is affecting the health, welfare, and safety of the citizens, Commissioner Murdock moved to place a ban on open burning temporarily for all local agricultural and residential burning to take effect immediately until the air quality has improved to safe levels. Seconded by Commissioner Olson. None voting nay. Motion carried. Chairman Jelinski directed Mr. Rourke to make a Public Service Announcement and distribute it to the media, and immediately notify the fire department issuing open burning permits.

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Gallatin County Sheriff Bill Slaughter spoke regarding law enforcement officers who have lost their lives in the line of duty who face danger and uncertainty everyday, who dedicate their lives to maintain law and order in our communities and to keep our communities a safe places for our families. National Law Enforcement Week was created to recognize and remember those law enforcement officers who have laid down their lives in the line of duty and to show our appreciation of the dedication to public service in our communities. He asked the Commission to designate May 11 to May 15, 1998 as Gallatin County Law Enforcement Week in memory of our nation's fallen law enforcement officers. Warren Heibert, Chaplain with the Gallatin County Sheriff's Department read the proclamation designating May 11-15, 1998 as "Gallatin County Law Enforcement Week" and May 15, 1998, as "Peace Officers Memorial Day" and stated that the flags on Gallatin County buildings shall be lowered to half staff. Motion by Commissioner Olson to adopt the proclamation. Seconded by Commissioner Murdock. None voting nay. Motion carried.

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Commissioner Jelinski read the certification by Clerk and Recorder Shelley Vance pertaining to Resolution #1998-16. It directs that unless more than 50% of the property owners of the Reese Creek Fire Service Area submit written protests on or before May 1, 1998 to the Gallatin County Clerk and Recorder, then the kinds, types and levels of service provided by them will be changed. She certified there were not sufficient protests to prevent this change. Finding there were not sufficient protests received, Commissioner Murdock moved to certify that the kinds, types and levels of service for the Reese Creek Fire Service Area are altered as described in Resolution #1998-16. Seconded by Commissioner Olson. None voting nay. Motion carried.

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Belgrade City-County Planner Jason Karp received a request for preliminary plat approval for the Vista Meadows Subdivision by Brown and Associates on behalf of the Belgrade Commercial Park, Inc. It is on 44.7 acres, and would be 39-1 acre residential lots. The subdivision is located within the Belgrade Commercial Park Subdivision which received final plat approval from the Gallatin County Commission on March 31, 1998. The subdivision is located west of Belgrade adjacent to the proposed 139 lot Belgrade Gardens Subdivision which received preliminary plat approval from the County Commission on June 24, 1997 and submitted by the same applicant. The property is described as the amended plat of lots 3 through 9 of Block 1 of the Belgrade Commercial Park Subdivision which is located in the NW 1/4 of Section 34, T1N, R4E, P.M.M. Gallatin County, Montana. The Belgrade City-County Planning Board reviewed the preliminary plat for the Vista Meadows Subdivision, and voted at their April 14, 1998 public hearing to recommend preliminary plat approval of the subdivision, subject to the following conditions: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'utility easement' to have and to hold forever." 3. Department of Environmental Quality approval shall be obtained for the subdivision. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The subdivider shall obtain the Gallatin County Health Officer's approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water districts. 5. A homeowner's association shall be formed for the enforcement of the required covenants. 6. The developer shall record covenants with the final plat including the following provisions. a. Requiring control of county declared noxious weeds. b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of machinery early in the morning and sometimes late into the evening. c. All fences bordering agricultural lands shall be maintained by the property owner's association, in accordance with state law. d. All roads within the subdivision shall be maintained by the homeowner's association. e. The homeowner's association shall participate with the Belgrade Commercial Park Subdivision and the Belgrade Gardens Subdivision for shared maintenance of roads passing through the subdivision. f. The homeowner's association shall participate with the property owner's association of the Belgrade Commercial Park Subdivision for the shared maintenance of the fill site. g. All structures

must meet the fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. h. Site plans of all lots must be submitted to the Belgrade Rural Fire District for review for compliance with the Uniform Fire Code. i. After the Belgrade Gardens Subdivision receives final plat approval, the homeowner's association shall participate with the Belgrade Garden's Homeowner's Association for the shared maintenance of the Belgrade Garden's Park. j. No lot owner may remove water or cause to be removed water from irrigation ditches without deeded water rights. k. Large animals (e.g. horses, cows, llamas) are prohibited (additional staff recommended covenant, see finding No. 4) l. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. 10. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval. 11. All interior subdivision roads shall have 60 foot right-of-ways, be dedicated to the public, and be constructed and paved to County standards as listed below or a bond shall be posted in the amount equal to 125% of the estimated cost of the paving in accordance with Gallatin County Subdivision Regulations. a. Moon Beam Lane shall be constructed from Lot 4 Block 1 to Beaudon Avenue with a temporary cul-de-sac (or "T" type turnaround) at its east end and a permanent cul-de-sac at its west end prior to final plat approval of Phase 1. b. Woodbury Avenue shall be constructed as shown on the preliminary plat prior to final plat approval of Phase 1. c. Beaudon Avenue shall be constructed as shown on the preliminary plat prior to final plat approval of Phase 1. d. Moon Beam Lane shall be constructed from Beaudon Avenue to the west subdivision boundary with a temporary cul-de-sac (or "T" type turnaround) at its west end (if Moon Beam has not been constructed in Belgrade Gardens) prior to final plat approval of Phase 2. 12. All road construction shall be inspected and certified by a registered civil engineer. The subdivider shall obtain written verification from the County Road Department that all conditions pertaining to roads have been met prior to final plat approval. 13. Stop signs shall be installed to Gallatin County Standards as required by the Gallatin County Road Department or a bond shall be posted with the Gallatin County Road Department to cover the cost of the signs. 14. Road names shall be approved by the Road Office, and road name signs at all intersections as required by the Road Office shall be installed prior to final plat approval, or a bond covering the cost of the signs shall be deposited with the Road Office. 15. The final plat shall contain a warning stating that irrigation ditches may be hazardous to small children. 16. Road and fire impact fees shall be submitted as per County impact fee policy. 17. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A memorandum of understanding shall be signed between weed district and developer prior to final plat approval. 18. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department. 19. The final plat shall show a minimum 15 foot easement along one side of the irrigation ditch and a 5 foot easement on the other side of the irrigation ditch for cleaning and maintenance. 20. All culverts shall be approved by the Gallatin County Road Department. 21. The final plat shall contain a statement that water may not be removed from irrigation canals without deeded water rights. 22. A waiver of right to protest creation Rural Improvement Districts for improvements and traffic control devices at the intersection of Jackrabbit Lane and Old Highway 10 (MT 205) shall accompany the final plat. The developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. If the applicant elects to submit a final plat for each phase, only the conditions which apply to that phase must be completed before final plat approval.

Keith Brown with Brown & Associates, spoke on behalf of the developer, Belgrade Commercial Park, Inc., stating the engineering done on the site for septic and wells was completed and a large submittal was sent to the State Department of Water Quality. More had been done than required by state law such as adding affluent filters on all septic tanks which allows the system to work much longer and more effectively. Russ Estes, the developer for Belgrade Commercial Park stated he had no problem eliminating the covenant which allows horses. He feels he should not be subject to the road impact fees as the subdivision is not near a county road and the interior roads will be paved. Owners would be paying taxes and maintenance of the public roads already, and the residents from Vista Meadows would have no more impact on the roads than the Belgrade residents one mile away that pay no impact fees. The fee was not equitable to him. There was no public comment. County Road and Bridge Superintendent Sam Gianfrancisco clarified that State Highway 10 was a secondary County road and secondary County funds do go into it. Although, traffic studies do not yet warrant it, he stated a traffic light was needed at the intersection of Jackrabbit Lane and State Highway 10, as it was a safety concern. He responded that studies prove that all traffic in the County ends up on County roads and impacts them. During Board discussion they discussed the impact fees and being able to bond those improvements as allowed by an improvements agreement. A letter was received by the Commission on May 5, 1998 from the developers Attorney Arthur V. Wittich objecting to the County Road Impact Fee based on legal rationale. The Belgrade Commercial Park Subdivision was approved before road impact fees were adopted, therefore the subdivider would be required to pay road impact fees of \$1,596 per lot for all 39 lots of the Vista Meadows Subdivision. Mr.

Karp recommended adding language to condition #4 concerning waiver of right to protest. Mr. Gianfrancisco recommended adding language to condition #20 to cover the ditch culverts. The developer agreed to those amendments. Finding that the Vista Meadows Subdivision is consistent with the Montana Subdivision and Platting Act, and the Belgrade Area Master Plan, and was approved by the Belgrade City-County Planning Office, Commissioner Murdock moved to grant preliminary plat approval with the twenty-two conditions as drafted by staff with the added language to condition #4 that will read, "The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, annexation into the City of Belgrade, local improvement districts and/or the creation of a sewer and/or water districts," and condition #20 would read, "All culverts shall be approved by the Gallatin County Road Department and if the culverts serve an irrigation canal, the culverts size and location shall be approved by the appropriate ditch company. Seconded by Phil Olson. None voting any. Motion carried.

Bozeman City-County Planner Debbie Arkell and the Commissioners postponed the amendment changes proposed to the Bozeman Area Subdivision Regulations for one week in order for the Commission to review the changes for their consideration finding they did not receive the staff report prior to the public hearing. It will be rescheduled for the public hearing on May 12, 1998.

Gallatin County Planner Jennifer Madgic received a request from Thomas Henesh of Morrison-Maierle, Inc. on behalf of Homelands Development Co. and Timothy Howard for preliminary plat approval for the Ramshorn View Estates Major Subdivision. The proposed subdivision consists of 91 single-family lots and one commercial lot within a 72.55-acre tract of land. (Approximately 16 acres of the parcel would be dedicated open space and park land.) The property is located within the Gallatin Canyon/Big Sky Zoning District and is zoned as follows: C-I (Commercial-Industrial); R-SF-11,000 (Residential Single-Family, 11,000-square-foot lots); and RC-SF-1 (Residential Cluster Single Family, one-acre lots). The proposal is located in the NE ¼ and SE ¼ of Section 8, T7S, R4E, PMM, Gallatin County, Montana. The Gallatin County Planning staff recommends the following conditions for final plat approval and shall apply to the entire subdivision and completed prior to final plat approval of Phase I: 1. The four phases of the subdivision shall be completed sequentially. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The applicants shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The applicants shall obtain the Gallatin County Health Officer's approval 3. A memorandum of understanding shall be signed between the weed control district and the applicants prior to final plat approval of Phase 1. 4. The applicants shall establish a property owners' association for enforcement of the required covenants prior to final plat approval of Phase 1. 5. The applicants shall record the following covenants on or with the Phase 1 final plat: A. The property owners shall be responsible for the control of County-declared noxious weeds. B. The property owners shall be responsible for maintenance of all subdivision roads. C. All structures shall be constructed in compliance with the Uniform Building Codes, including codes for Seismic Zone 3, and the National Fire Protection Association Codes. D. Individual lot access from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations. E. All garbage, refuse, and any other food of any type whatsoever edible by bears shall be kept in bear-proof containers or shall otherwise be made unavailable to bears. Containers shall be designed to be resistant to entry by bears. The suitability of such refuse and food containers to meet the requirements of this section shall be determined by the Zoning Enforcement Agent. F. The artificial feeding of big game wildlife shall be prohibited. G. Owners acknowledge that wildlife damage to landscaping will occur. Owners shall accept that risk and not file claims against the owners' association or any other governing body for such damages. H. The taking of any wildlife species within the property boundary is prohibited. I. Pets shall be controlled by each homeowner and not allowed to roam within the subdivision. J. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 6. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing a property owners' association, and the certified of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval of Phase 1. 7. The applicants shall improve interior roads to County paved standards providing 60-foot rights-of-way dedicated to the public. All road work will need to be inspected and certified by a licensed engineer. Such inspection and certification must be provided to the County Road and Bridge Department in writing. Interior road plans, road maintenance plans, drainage plans, lot access plans and sign plans shall be submitted to the County Road and Bridge Department prior to the construction of all interior roads. 8. Road name signs shall be installed at all intersections and stop signs shall be installed at all intersections. All sign installations shall be approved by the County Road and

Bridge Department. 9. The property owners' association shall be responsible for maintenance of all interior roads. Additionally, the property owners will share responsibility in an equitable manner with the River View Acres Property Owners' Association for the joint maintenance of Riverview Lane. 10. Encroachment permits must be obtained from the Montana Department of Transportation for access onto U.S. Highway 191. Approved plans for any improvements and or construction on Highway 191 shall be obtained from the Montana Department of Transportation. 11. The applicants shall provide a water supply for fire protection. The applicants shall have the fire district review and approve the water supply and fire hydrants prior to final plat approval of each phase. 12. The reservoir, vault, well, water main and miscellaneous fittings shall be constructed and installed prior to the final approval of any plat. 13. The applicant shall consult with the US Postal Service regarding mail delivery. If a centralized mail system is used, the location must be shown on the appropriate final plat. **CONDITIONS 14 THROUGH 28 SHALL ONLY APPLY TO THE FINAL PLAT APPROVAL OF PHASE 1 OF THE SUBDIVISION. THE CONDITIONS SHALL BE COMPLETED PRIOR TO FINAL PLAT APPROVAL OF PHASE 1.** 14. Phase 1 shall include: Lot 1, Block 4; lots 1-5, Block 5; lots 1-8, Block 6; and Lot 1, Block 7 (15 lots total). 15. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 16. The applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district. 17. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever. 18. Riverview Lane from Highway 191 to end of Lot 1, Block 6; the length of Anaconda Drive; Scenic Drive; and Ruby Range Lane shall all be constructed and paved to County Standards. 19. Scenic Drive and Ruby Range Lane shall be paved to County standards with street signs installed as appropriate. 20. The applicants shall construct a temporary road and turn-around along Anaconda Drive from Riverview Lane to Primrose Lane to provide access to park/open space #6. 21. STOP signs must be provided at all intersections with Highway 191 (Riverview Lane and Anaconda Drive) and road name signs must be provided at all intersections. 22. Park/open space parcels #1, #2, #3 and #6 shall be dedicated to the property owners' association prior to final plat approval of Phase 1. 23. The final plat shall include a statement restricting construction of Lot 1, Block 7 until construction of Community Sewer System #2. The final plat shall show all landscape easements as shown on the submitted preliminary plat. 24. The water main loop system along Anaconda Drive and Riverview Lane shall be constructed to provide services to each lot and necessary fire hydrants. 25. The applicants shall submit certified "as-built" plans for all water and sewer installations prior to final plat approval for this phase. 26. The final plat of this phase shall contain a statement requiring lot accesses be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 27. The applicants shall submit road impact fees in the amount of \$1,596.00 per lot (or \$23,940.00 total for 15 lots) (or in accordance with Section 5 of the Road Impact Fee Regulations). 28. The developer shall submit fire impact fees in the amount of \$496.00 per lot (or \$7,440.00 total for 15 lots) (or in accordance with Section 6 of the Fire Protection Impact Fee Regulations) **CONDITIONS 29 THROUGH 41 SHALL ONLY APPLY TO THE FINAL PLAT APPROVAL OF PHASE 2 OF THE SUBDIVISION. THE CONDITIONS SHALL BE COMPLETED PRIOR TO FINAL PLAT APPROVAL OF PHASE 2.** 29. Phase 2 shall include: Lot 2, Block 4; and lots 1-12, Block 12 (13 lots total). 30. The applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district. 31. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and be accompanied by the required certificates. 32. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever. 33. Beartooth Road shall be constructed and paved to County Standards with appropriate street signs installed. 34. Open space parcels #4 and #5 shall be dedicated to the property owners' association. 35. The water main system and fire hydrants shall be installed to serve Phase 2 lots. 36. Community Sewer System #3, including all sewer mains and sewer service serving all Phase 2 lots shall be installed. 37. The applicants shall submit certified "as-built" plans for all water and sewer installations prior to final plat approval for this phase. 38. The applicants shall provide a "no-access" strip along all lots in Phase 2 fronting Highway 191. In addition, the final plat shall show the required Highway 191 entry corridor setback and landscape easements as shown on the submitted preliminary plat. 39. The final plat of this phase shall contain a statement requiring lot accesses to be built to the standards of Section 7.G.2 of the

Gallatin County Subdivision Regulations. 40. The developer shall submit road impact fees in the amount of \$1,596.00 per lot (or \$20,748.00 total for 13 lots) or in accordance with Section 5 of the Road Impact Fee Regulations). 41. The developer shall submit fire impact fees in the amount of \$496.00 per lot (or \$6,448.00 total for 13 lots) (or in accordance with Section 6 of the Fire Protection Impact Fee Regulations). **CONDITIONS 42 THROUGH 55 SHALL ONLY APPLY TO THE FINAL PLAT APPROVAL OF PHASE 3 OF THE SUBDIVISION. THE CONDITIONS SHALL BE COMPLETED PRIOR TO FINAL PLAT APPROVAL OF PHASE 3.** 42. Phase 3 shall include: lots 1-4, Block 1; lots 1-14, Block 2; lots 1-2, Block 8; lots 1-18, Block 10; and one commercial lot (39 lots total). 43. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 44. The applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district. 45. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "utility easement" to have and to hold forever. 46. Anaconda Drive, Blacktail Lane, Paintbrush Place and Sawtooth Drive shall be constructed and paved to County Standards with appropriate street signs installed. STOP signs shall be installed for both directions at the 90-degree intersection of Anaconda Drive. 47. A 100-foot by 20-foot (100' x 20') parking/bus stop shall be constructed along Anaconda Drive in Phase 3. 48. Open space #7 shall be dedicated to the property owners' association. 49. Water mains, water service to all lots and fire hydrants serving Phase 3 shall be installed. 50. Community Sewer System #1 located in park/open space #7, sewer mains and sewer service serving Phase 3, shall be installed. 51. The applicants shall submit certified "as-built" plans for all water and sewer installations prior to final plat approval for this phase. The applicants shall provide a "no-access" strip along all lots in Phase 3 fronting Highway 191. In addition, the final plat shall show the required Highway 191 entry corridor setback and landscape easements as shown on the submitted preliminary plat. 53. The final plat of this phase shall contain a statement requiring lot accesses to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 54. The applicants shall submit road impact fees in the amount of \$1,596.00 per lot (or \$62,244.00 total for 39 lots) (or in accordance with Section 5 of the Road Impact Fee Regulations). 55. The applicants shall submit fire impact fees in the amount of \$496.00 per lot (or \$19,344.00 total for 39 lots) (or in accordance with Section 6 of the Fire Protection Impact Fee Regulations). **CONDITIONS 56 THROUGH 69 SHALL ONLY APPLY TO THE FINAL PLAT APPROVAL OF PHASE 4 OF THE SUBDIVISION. THE CONDITIONS SHALL BE COMPLETED PRIOR TO FINAL PLAT APPROVAL OF PHASE 4.** 56. Phase 4 shall include: lots 15-29, Block 2; and lots 1-10, Block 9 (25 lots total). 57. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 58. The applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts and/or the creation of a sewer and/or water district. 59. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever. 60. Anaconda Drive and Primrose Lane shall be constructed and paved to County standards with appropriate street signs installed. 61. Silver Run Road shall be constructed and paved to County standards with appropriate street signs installed. 62. A 100-foot by 20-foot (100' x 20') parking/bus stop shall be constructed along Anaconda Drive. 63. The water main system and fire hydrants serving Phase 4 shall be installed. 64. Community Sewer System #2 in park/open space #6, and all sewer mains serving Phase 4 shall be constructed and installed. 65. The applicants shall provide a "no-access" strip along all lots in Phase 4 fronting Highway 191. In addition, the final plat shall show the required Highway 191 entry corridor setback and landscape easements as shown on the submitted preliminary plat. 66. The final plat of this phase shall contain a statement requiring lot accesses to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 67. The applicants shall submit certified "as-built" plans for all water and sewer installations prior to final plat approval for this phase. 68. The applicants shall submit road impact fees in the amount of \$1,596.00 per lot (or \$39,900 total for 25 lots) (or in accordance with Section 5 of the Road Impact Fee Regulations). 69. The applicants shall submit fire impact fees in the amount of \$496.00 per lot (or \$12,400.00 total for 25 lots) (or in accordance with Section 6 of the Fire Protection Impact Fee Regulations). 70. The applicants shall have three (3) years to complete the above conditions and apply for final plat approval of all development phases.

Letters received in support of the project: Randy Smith; Dave Schroeder; Jackie Robin; Elliot D. Iszler; and Jim Simms, Jr. Ms. Madgic explained the 4 phases that would be sequentially completed, and the conditions required for each phase to complete before final plat approval would be given. Impact fees would be due at the completion of each phase. She said the developer might submit an independent fee calculation study. The covenants allowed domestic animals and horses only on certain lots, and restricts them on all other lots. The landscape plan was presented and would be submitted previous to final plat approval. It was not included as part of a condition, but condition #23 calls for the final plat to show all landscape easements as shown on the submitted preliminary plat. A land use permit would be required to comply with the landscaping requirements. Joe Sabol, Attorney for Homelands Development spoke on their behalf on the proposed subdivision. He stated it was a family oriented project that provided a day care center on site which was needed in the community. It would also provide the families with recreational facilities such as: tennis courts, soccer and baseball fields, trail systems for hiking, biking, jogging, and skiing. He stated Wolf Howards has reviewed the conditions and is willing to abide by them. The final plan will show the whole landscaping plan. He said the subdivision would serve as a model to other subdivisions in the area. Commissioner Murdock asked Mr. Sabol if the developer would mind including the landscaping plans as a condition of approval. Mr. Sabol stated no, he would not mind. Tim Howard explained that the landscape plan would be finished and submitted, but each phase would only be landscaped as developed. Public comment: Jerry Scott spoke regarding the zoning of the area and being compatible with the adjacent lots. Jerry Pape spoke in favor of the subdivision. Mr. Sabol addressed Mr. Scott's concerns stating the zoning and compatibility of the lots was not unique and similar zoning exists in the area. The landscaping plan took area away from the lots, making them smaller than those adjacent to them. During Board discussion it was discussed as to when the impact fees would be paid, as this was the first major subdivision coming in with phases. They would meet with the County Attorney and get a definite answer on the payment of the impact fees. Commissioner Murdock confirmed that the zoning for this subdivision is consistent with the zoning in the area. He recommended adding language to the conditions that the subdivision was adequately buffered. Finding this meets the Montana Platting and Subdivision Act and is consistent with the Gallatin Canyon/Big Sky Zoning District, Commissioner Olson moved to grant preliminary plat approval of the Ramshorn subdivision with the conditions as written by staff and additional conditions as follows: Phases 1-4 are required to complete conditions 1-13, with condition #13a. added that would state, "The applicants for Phase I shall submit to the Gallatin County Planning Office for compliance with the regulations of the Gallatin County/Big Sky Zoning District a coordinated landscaping plan, including all proposed vegetation and plan for maintenance, and buffering from adjacent land uses. Conditions 14-28 for Phase I only, conditions 29-41 for Phase II, conditions 42-55 for Phase III, conditions 56-69 for Phase IV.; and condition 70 that states, "The applicants shall have three (3) years to complete the above conditions and apply for final plat approval of all development phases." Seconded by Commissioner Murdock. None voting nay. Motion carried.

The Meeting recessed at 3:10 and reconvened at 3:20 P.M.

Gallatin County Planner Jennifer Madgic reported on a request for Kerin and Associates on behalf of the Thelma Brant Estate, for preliminary plat approval for a five-lot minor subdivision. The proposed subdivision includes approximately 441 acres. The property is located in the W ½ and W ½ E ½ of Section 1, T1S, R5E, P.M.M., Gallatin County, Montana. The property is generally located southwest of the intersection of East Baseline and Walker road. The applicant has requested two variances from the Gallatin County Subdivision Regulations: A variance from Section 7F(3) regarding paving of primary access road and a second variance from Section 6B(6) regarding lot depth. The Gallatin County Planning staff recommends the following conditions for final plat approval: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The applicant shall obtain the Gallatin County Health Officer's approval. 3. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, road easement documents, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, easement documents, and certificate prior to final plat approval. 4. The applicant shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, fire district or fire service area and/or the creation of a sewer and/or water district. 5. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the

property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "utility easement" to have and to hold forever. 6. A memorandum of understanding shall be signed between the weed control district and the applicant prior to final plat approval. 7. The applicant shall record the following covenants on or with the final plat: A. The property owners' association shall be responsible for the control of County-declared noxious weeds. B. The property owners' association shall be responsible for maintenance of all subdivision roads. C. All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48-hour notice, during construction and after completion. D. All structures shall be constructed in compliance with the Uniform Building codes, including codes for Seismic Zone 4, and the National Fire Protection Association (NFPA) codes. E. The artificial feeding of big game wildlife shall be prohibited. F. Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. G. Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. 8. The applicant shall establish a property owners' association for enforcement of the required covenants. 9. The applicant shall make payment of road impact fees in the amount of \$1,596 per lot (\$7,980.00 total) prior to final plat approval. 10. The applicant shall make payment of fire impact fees in the amount of \$496 per lot (\$2,480.00 total) prior to final plat approval. 11. The applicants shall cause the subdivision to be annexed to the Belgrade Rural Fire District prior to final plat approval. 12. A copy of the final subdivision plat and site plans of all lots shall be submitted to the Belgrade Rural Fire District prior to final plat approval. 13. An improved fill site or approved fire protection water supply system shall be installed and operable prior to construction of any buildings. The water supply system shall be approved by the Belgrade Rural Fire District. 14. The applicants shall obtain encroachment permits from the County Road and Bridge Department for the following: lots 1, 2 and 3 onto East Baseline Road; and lots 4 and 5 onto Walker Road. 15. The subdivider shall pave to County standards the portion of East Baseline Road from Walker Road to Springhill Road. The subdivider shall either pave the portion of East Baseline Road from Walker Road to Springhill Road prior to final plat approval or an RID shall be established to pave the same. A one-year, written warranty from the contractor must be submitted to the County Road and Bridge Department prior to final approval. 16. All road work will need to be inspected and certified by a Montana licensed engineer. Such inspection and certification must be provided by the County Road and Bridge Department prior to final plat approval. 17. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Notice of the public hearing was published on April 16, 1998 in the High Country Independent Press and in the Bozeman Daily Chronicle on April 19, 1998.

Letters received regarding the proposed subdivision: Rick Kerin of Kerin & Associates; James and Bea Taylor; I.D. Arns and Joyce M. Arns; and Thomas Roffe. Engineer Paul Cook of Kerin and Associates for the Brant Estate spoke stating the applicants had no desire to become developers, but due to impending tax consequences, found it necessary to dispose of some of the lands held in the estate, the reason for the Brant Minor proposal, and the requested variance from the paving of East Baseline Road. The sale proceeds would not cover the paving costs after the taxes would be paid. If it were not for the tax consequences, they would not be dividing the land. They agree the road needs to be paved so an RID was initiated. Mr. Cook handed a data sheet to the Commission showing the flood plain area. It was not an issue, but they did a flood plain study and it showed each lot was so far out of the flood plain area there was no need to add language about the flood plain, but should designate it on the final plat. Rick Kerin, Project Engineer explained the RID has been initiated in draft form with cost estimates, and not formalized as to the boundaries of the district or the final costs. He also talked about private cost share. Public testimony: James Kennedy; Ray Johnson; Charles Miller; Joan Brewster; Dick Hecox; Larry Sonnenberg; Peter Noreen; Thomas Roffe; and Denise Andres. Their concerns were over the safety, increased traffic, the paving of East Baseline Road, and the variance requested by the applicant to not pave that portion of East Baseline Road required, and the alternative of creating an Rural Improvement District. They all agree the road needs paving, but the majority were against the variance request, and had concerns over the cost to the individuals in the proposed RID district presented at a meeting to the landowners. Calvin Braaksma, Attorney representing the Brant Estate was asked if his clients would be opposed to adding language to the minor subdivision that would prohibit further

subdividing. He responded that he was representing the Brant Estate which consists of many individual interests and he could not answer without consulting them first. During Board discussion the Commissioners discussed the potential development done under the Cottonwood Zoning District. Randy Johnson, Manager of Subdivision Review brought up the incentive of transferring development rights to the deer habitat area. The Commission discussed the need for paving East Baseline Road, the consideration of creating an RID, the ramifications of what would happen if the RID failed, and the equitable costs of the developer and neighbors. The Commission discussed adding language to Condition #15 that would assure the road would be paved in the event that the RID failed. Deputy County Attorney Chris Gray stated that the statutes are specific on how RID's are created. He recommended that the Commission consider drafting language for a condition regarding RID's which is consistent with statute. Commissioner Jelinski pointed out that the language on the plat submitted regarding the waiver of right to protest an RID is not consistent with local subdivision regulations. Finding that strict compliance would not result in an undue hardship and it is not essential to the public health, safety, and general welfare, Commissioner Murdock moved to deny the variance to the paving request. The Chair seconded the motion. During discussion on the motion Commissioner Olson stated he would like to continue the hearing on the proposed subdivision and would not like to take any action on the subdivision. Commissioner Jelinski concurred. Commissioner Jelinski and Olson voted nay. Commissioner Murdock voted aye. Motion by Commissioner Olson to continue the entire consideration of preliminary plat approval for the Brant first minor subdivision for one week. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:55 P.M.

Unavailable
For signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 12th Day of MAY 1998

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioner's Bill Murdock, Phil Olson and Deputy County Attorney Chris Gray and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MAY 4, 1998

- Commissioner Jelinski attended a breakfast in the Board Room of the Foundation/Alumni Center given by MSU Commissioner Crofts. He was on campus to conduct a routine biennial evaluation of President Malone.
- Commissioner Murdock met with City Commissioner Sandra Smiley and County Attorney Marty Lambert to discuss the most recent developments regarding Oak Street improvements. Attorney Lambert outlined steps needed to complete transfer of parcels created by the proposed Oak Street right-of-way through County Fairgrounds.
- Commissioners met with the Capital Improvements Program (CIP) Team to discuss draft of Capital Improvements Program policy. Commissioners approved amended draft of the proposed policy for consideration at a public hearing. Whether it will go through the Planning Board will depend on the outcome of their next meeting.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners Olson and Murdock met with Facilities & Operations Director Bob Isdahl. A draft of the Facilities' Policies and Procedures Manual will be handed out at the May Staff Meeting; departments are encouraged to submit comments or suggestions by June meeting. Bob will

announce a fire drill for Courthouse at the Staff Meeting. He will call a meeting with all L&J users for 911 break room; use of present video conference area and subsequent other moves needed if and when 911 takes that area.

- Commissioners Olson and Murdock met with GIS Coordinator Allen Armstrong. Topics of discussion included progress of E911 GIS layer and the need for additional staffing. GIS' work plan is on hold until the E911 layer is complete.
- Commissioner Murdock attended a meeting of the Open Space Task Force. Detailed minutes are on file in the Planning Department.

MAY 5, 1998

- Commissioners met with County Attorney Marty Lambert and Deputy County Attorney Chris Gray. Topics of discussion included Attorney General's Opinion regarding the open meetings law, West Babcock and Oak Streets, Armstrong vs. Hebgen Lake Zoning District, and MOU with GVLТ regarding a trail easement. Commissioners will meet with secretaries on Monday to draft a new posting of meetings policy and schedule a meeting with the press to reach a consensus. Chris Gray will have new MOU with GVLТ for public hearing before the end of May.
- Commissioner Olson attended a Healthier Communities meeting held at Bozeman Deaconess Hospital; lunch was provided.
- Commissioner Jelinski invited Katie Baldwin, an 11-year old whose mother works out of the home, to spend several hours with her at the Commissioner's office in observance of "take your daughter to work day."

MAY 6, 1998

- Commissioners conducted an annual performance evaluation of a Department Head.
- Commissioners met with Personnel Director Kathy Nowierski. Topics of discussion included status of financial software RFP, updated/revised personnel manual, personnel-related budget matters, reclassification of Grants Administrator and Project Representative, and a possible increase to health insurance. Commissioners agreed to send draft of personnel manual to Department Heads by June 30th for review and comment by them and their staff. Kathy will ask Intermountain Administrators to provide specific numbers if higher deductibles could be used for a long-term disability benefit. Approved Personnel's use of Facilities' secretary with extra funds in Kathy's budget; this will be in addition to secretary's 1/2-time duties in Facilities.
- Commissioners met with Grants Administrator Larry Watson. Larry reported that we were awarded the CDBG for Big Sky Carvers. Topics of discussion also included CTEP project delays, Detention Center Task Force, and ongoing grants administration.
- Commissioner Jelinski was informed by Environmental Health Director Tim Roark that air quality conditions in Gallatin County is causing an increase of respiratory complaints at hospitals, clinics, etc. Ban on open burning will remain in effect until further notice.
- Commissioner Murdock traveled to Lewistown, Montana to attend a public forum on the establishment of Rural Improvement Districts (RIDs) and water and sewer districts. Commissioner Murdock outlined Gallatin County's policies and associated problems.

MAY 7, 1998

- Commissioners met with the Road & Bridge Department. Topics of discussion included roadside mowing on Nelson Road, bridges for Gallatin Gateway, chip seal on Valley Center, and problems with conditions of Clarkston and Stuckey roads. Commissioners agreed to pay for a chip seal on Valley Center after it's chip sealed. Paving of 1.6 miles is done in Willow Creek; still needs striping and shoulder work. Weed District Supervisor Dennis Hengel was also invited to discuss the clean-up of A.E. Montana tax deed property requiring both departments. Road & Bridge Superintendent Sam Gianfrancesco will fence off property if the County takes the tax deed. Commissions will place a value on the grain bins for sale. Weed District will develop an action plan for control of noxious weeds.
- Commissioner Murdock met with members of the Danforth Foundation to discuss goals for 1998-99. Also discussed grants clearinghouse. Annual retreat is scheduled for June 4 from 1-5 p.m. at Paula Butterfield's home.
- Commissioner Jelinski, Planning Director R. Dale Beland, and Environmental Health Director Tim Roark talked to students from Bridger Alternative School about County government.
- Commissioner Olson attended a meeting of the 911 Admin. Board. Detailed minutes are on file in the Communication Services Department.

342 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Murdock met with Deb Newman of Prevent Child Abuse, Inc. to learn more about their program and activities.
- Commissioner Murdock attended a follow-up meeting at MSU to discuss the proposed modeling study for Yellowstone National Park's Winter Use EIS. The group decided, for various reasons, that they would not participate in a modeling proposal for cooperating counties.

MAY 8, 1998

- Commissioner Murdock attended a meeting of the Detention Center Project Planning Team to review submittal of architect qualifications.
- Commission received payroll in the amount of \$890,836.23.
- Commission received claims in the amount of \$222,643.78.
- Commission received A101's in the amount of \$14,991.58.
- Commission received cancellation of taxes in the amount of \$1,671.46.
- The following is a list of new employees for April 1998: 4/6/98 Connie Wallace Health/Admin Clerk I \$1313.70; 3/9/98 Lori Dolan Health/PHN I \$2286.36; 4/6/98 Thomas Richards DP/Comp. Supp. Spec. I \$2086.26; 4/13/98 Kibbie Horsley Sheriff/Animal Control \$9.12/hr.
- The following is a list of terminated employees for April: Linda Everhard Treasurer 3/25/98; Sandy Hecock Clerk of Court 3/31/98; Darlene Ritchey Grants/Fiscal 3/31/98; Debbie Jackson Health 3/27/98; Nancy Brown Clerk & Recorder 3/31/98; Pat Roberts Sheriff 3/27/98; Judy Powell Rest Home 4/14/98; M. Daren Miller Road 4/15/98; Jenifer Ginestar Rest Home 4/17/98.

The following items were on the consent agenda:

- A request for a family transfer exemption for Agnes Huyser to her son Lynn Huyser.
- A request for a family transfer exemption for Nancy Foster to her daughter Anne M. Olson.

According to the information submitted, these exemptions appear to meet the criteria to the subdivision regulations allowed under the Montana Subdivision and Platting Act. Commissioner Murdock moved to adopt the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

The Commission reported receiving a letter from Clerk and Recorder Shelley Vance requesting she be removed from the viewing committee relating to the abandonment of a portion of South 3rd Avenue as described in Road Petition #786. She was a limited partner in a family partnership adjacent to the proposed abandonment, and wanted to avoid any conflict of interest. The Commissioners appointed Eric Semerad, Chief Deputy Clerk and Recorder to the viewing committee.

Doug Ford from the Road & Bridge Department read the bids submitted for the purchase of a backhoe. The following bids were received: Gallatin Equipment \$39,500., Tri-State of Billings, MT \$42,830., Kamp Implement of Belgrade \$29,980., Western Plains of Billings, MT \$49,169., and T&E of Billings, MT \$45,471.00. He took the bids under advisement to review until the public hearing on May 26, 1998.

Bozeman City-County Planner Debbie Arkell presented the amendments proposed to the Bozeman Area Subdivision Regulations. Based on the review, staff recommends that the following amendments be made: I. Addition of/or amendment of certain definitions. A) Ordinary High Water Mark, the definition of Minor Collector and Minor (Local) Streets II. Amend to add a requirement that the preliminary plat application must be signed by all owners of record. III. Amend the following sections to clarify the MCA reference, process, and correct typos. 16.08.050 FINAL PLAT, C. 15. Will change sections 76-3-101 through 76-3-614, MCA. to Title 76, Chapter 3, MCA. IV. Amend to eliminate reference to a 15 working day time for review for pre-applications to allow projects to be reviewed on a first-come first-serve basis. V. Amend to reflect exact language of 76-3-604 (2), MCA. 16.10.050 PRELIMINARY PLAT. VI. Amend to eliminate reference to a time period for the review of final plats to allow applications to be reviewed on a first come, first serve basis. 16.10.070 FINAL PLAT APPLICATION. VII. Amend to eliminate reference to a 15 working day time for review for pre-applications to allow projects to be reviewed on a first-come first-serve basis. 16.12.020.A PRE-SUBMITTAL MEETING OR PRE-APPLICATION PLAN. VIII. Amend to correct typographical error. 16.12.040 PRELIMINARY PLAT FOR THE FIRST MINOR SUBDIVISION FROM A TRACT OF RECORD. B. IX. Add to require the use of block designations. 16.14.030 BLOCKS E. X. Add

language to require subdividers to extend municipal infrastructure to un-subdivided lands when appropriate. 16.14.070 GRADING AND DRAINAGE D., 16.14.100 SANITARY SEWERS D. 16.14.120 WATER SUPPLY SYSTEM F. XI. Amend park dedication requirements to address dedication requirements in subdivisions zoned for multi-family, when the density of the development is unknown. Correct typographical errors. 16.14.090 PARK REQUIREMENTS A. 1-4, B. 1., delete 1.2. G., delete J. N., 1-2. XII. Amend to reflect the recent changes in the County Subdivision Regulations. 16.14.130 WATERCOURSE MITIGATION. A. setback 1-2, B. XIII. Amend to clarify the extension of roads to adjoining properties and add language regarding County Road Impact Fees. 16.16.010 GENERAL A., L. XIV. Amend to clarify and increase security percentage for County Improvements Agreements 16.16.070 PAVING REQUIREMENTS B.2.a.2., B.2.a.3. XV. Amend to clarify information required within the Environmental Assessment and Community Impact Reports. 16.18.030 ENVIRONMENTAL ASSESSMENT CONTENTS. A. Surface water: 4. Wetlands. 16.18.050 COMMUNITY IMPACT REPORT CONTENTS L. Streets and Roads. 7. Traffic Generation. D. Additional analysis criteria: 1-3. XVI. Amend per County to comply with DNRC standards. Most changes were approved by Karl Christians, Floodplain Management Section Supervisor. Additional changes have been recommended by City Engineering and Public Service Staff. Chapter 16.20 FLOOD HAZARD EVALUATION 16.20.020 PROCEDURE A. Submission of Report. B. contents of report: 1. Certification 2. Overall plan view a-g. 3. Benchmarks 4. Cross sectional information a-b. Deleting 16.30.030 SURVEY DATA A-E and G-H. Adding B. 6. Water Surface 7. Supporting documentation a-c. Delete 16.20.040 CROSS SECTION SCALE. AND CHANGE 16.20.050 TO 18.20.030 WAIVER OF REQUIREMENT. XVII. Amend as noted to comply with MCA, which allows to be filed with Improvements Agreements. 16.22.020 IMPROVEMENTS PROCEDURES 16.22.040 IMPROVEMENT AGREEMENT A. XVIII. Amend the chapter on subdivisions created by rent or lease to clarify per MCA, as these subdivisions are exempt from surveying and filing; thus cannot be filed as "plat". Eliminate reference to review time for final plat reviews. Add the need for Treasurer and Mortgage certificates, per MCA. Eliminate the need to physically mark the limits of each mobile home space, as the spaces change with the size of homes. CHAPTER 16.26 SUBDIVISIONS CREATED BY RENT OR LEASE OR CONDOMINIUMS 16.26.020 PROCEDURE. A. Final approval procedure 1, 4, B. 2. f., g. 16.26.030 STANDARDS FOR MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS. Delete requirement and renumber remainder of section. A. 5. IXV. 16.28.040 D. Aggregation of lots and/or relocation of common boundaries within a platted subdivision. Correct typo in #3-"effected" to "affected". XX. Amend per County for clarification. 16.30.010 VARIANCES 16.30.060 CHANGES TO CONDITION AFTER APPROVAL, amend A2 per City Attorney. 16.30.070 ADDITIONAL CONDITIONS AFTER PRELIMINARY PLAT APPROVAL. XXI. Amend County Fire Impact Fee Regulation, per County. CHAPTER 16.38 GALLATIN COUNTY FIRE IMPACT FEE REGULATION C. To correct typo. XXII. Add a new chapter to include the County Road Impact Fee Regulations. They would incorporate them "as is" into the Bozeman Area Subdivision Regulations. XXIII. Appendix E addresses the road impact fee adopted in April 1997 County Commission: APPENDIX E. There was no public comment. During Board discussion the Commission discussed the time review taken out in the staff report, but left in the resolution. Ms. Arkell stated the resolution is the recommendation by the Planning Board to the Commission and they recommended leaving the review periods of pre-applications and final plats as drafted in the resolution. The Commission would be approving the resolution. Finding that the amendments to the Bozeman Area Subdivision Regulations have been reviewed and recommended by the Bozeman City-County Planning Staff, Commissioner Olson moved to approve Resolution # P-9812 adopting the amendments. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported that after the second reading of the Mint Stock Root Ordinance 98-01, the public raised concerns over some of the language and procedure as written. A decision was made to review the language and to amend the ordinance. The amended ordinance shall take effect thirty days after its second reading at the public hearing on May 26, 1998. At such time, the Gallatin County Ordinance 98-01 shall terminate and be replaced with the amended Ordinance 98-1A. Finding the amendment to Ordinance 98-01 is in the public interest, Commissioner Murdock moved to approve the first reading of the Ordinance 98-1A. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:16 P.M.

unavailable
For signature
 CHAIRMAN APPROVAL

Shelley Vance
 CLERK ATTEST

PUBLIC MEETING**TUESDAY THE 19th DAY OF MAY 1998**

The meeting was called to order by Chairman Jane Jelinski at 1:30 P.M. Also present were County Commissioners Bill Murdock, Phil Olson, Deputy County Attorney Chris Gray, and Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

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Commissioner Jelinski requested everyone to stand for the Pledge of Allegiance.

MAY 11, 1998

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners decided that, effective immediately, only government-related entities will be allowed to use the Community Room after hours due to recent security problems.
- Commissioners met with Personnel Director Kathy Nowierski and Labor Relations Specialist Duane Johnson to review and discuss contract negotiations for the Deputy Sheriff's Association.
- Commissioners conducted an annual performance evaluation of a Department Head.
- Commissioners met with Planning Director R. Dale Beland. Topics of discussion included jurisdiction of the donut and proposed work plan. Commissioners Murdock and Jelinski approved the purchase of the computer with county PILT funds for mapping the habitat study in Big Sky.
- Commissioner Murdock met with the Fair Board. Detailed minutes are on file at the Fairgrounds.

MAY 12, 1998

- Commissioner Murdock met with Professor John Duffield of the University of Montana to discuss his putting together a socio-economic study/proposal to the cooperating counties involved in the Yellowstone National Park Winter Use EIS. Will be distributed and reviewed at meeting in Jackson Hole, Wyoming on May 21-22, 1998.
- Commissioner Olson and the Phase I Project Team met. Topics of discussion included options for relocation of Personnel during renovation, decision to remove Treasurer's records from the basement, and the need for better distribution of information. Phil will ask Fiscal Officer Ed Blackman where money should from for shelving in the vaults for the basement; will also establish a fund for miscellaneous expenses in the amount of \$5,000.

MAY 13, 1998

- Commissioner Murdock is on vacation from May 13-15, 1998.
- Commissioner Olson met with the Headwaters Cooperative Recycling Project. The group discussed the Interlocal Agreement with Butte, heard presentations from RFP applicants for hauling and processing, and discussed BFI letter. It was decided to allow Butte to continue one more year, but amend Interlocal to allow cities to try out. Next meeting is scheduled for June 3 at Wheat Montana in Three Forks at 10:00 a.m.
- Commissioner Jelinski taught classes on local government at Bozeman Senior High School.
- Commissioner Olson met with members of the Composting Committee. The Committee reviewed Interlocal Agreement/MOU, discussed available grants, and a presentation was given by Denise DeLuca of Land & Water, Inc. Tim Hudson presented May 15 deadline on new DNRC grant. Motion was passed to take grant info to West Yellowstone Solid Waste District meeting. Denise will complete a proposal for Phases I & II to be presented at the next meeting on June 3 at Wheat Montana in Three Forks at 1:30 p.m.
- Commissioner Olson met with the West Yellowstone/Hebgen Basin Solid Waste District Advisory Board via conference call. Deputy County Attorney Chris Gray and Fiscal Officer Ed Blackman were also in attendance. Commissioner Bill Murdock was unable to attend. grant & loan applications, contract negotiations, and the composting Interlocal Agreement. Motion was approved to submit grant & loan including a \$250 application and approve Phil to sign on behalf of the district. Chris Gray will mail copies of new agreement to all Board members; motion was approved to sign Interlocal Agreement.

MAY 14, 1998

- Commissioner Olson attended an all-day session of Leadership Bozeman held at MSU.
- Commissioner Jelinski traveled to Helena to attend a meeting of the State 911 Advisory Council.

MAY 15, 1998

- Members of the Viewing Committee, comprised of Commissioner Phil Olson, Deputy Clerk and Recorder Eric Semerad and Road & Bridge Superintendent Sam Gianfrancisco, inspected an area of South 3rd Avenue to determine if a Road Petition requesting abandonment of two road easements should be granted.
- Commissioners received A101's in the Amount of \$62,587.88.

John Pavsek of Damschen and Associates, Inc., Project Engineer for the CTEP project, read the following three bids received for the Big Sky pedestrian/bicycle trail CTEP project: Big Sky Asphalt for \$325,624.50, a 10% bid bond enclosed and receipt of addendum 1 & 2; Hall Construction Services of Belgrade for \$223,050.00, a 10% bid bond enclosed and receipt of addendum 1 & 2; and JTL Group of Belgrade for \$237,660.00, a 10% bid bond enclosed and receipt of addendum 1 & 2. The bids will be taken under advisement and reviewed. They will bring back their recommendation to the Commission after they meet the Montana State Department of Transportation requirements. The three companies will be notified and notice of their recommendation will be posted.

County Planner Jennifer Madgic received a request for relocation of a common boundary exemption for Red Creek Ranch LTD and the Gallatin National Forest located in the NE $\frac{1}{4}$ of Section 12, T12S, R4E. The proposed exchange involves a portion of Tract 1 of COS 1713, owned by Red Creek Ranch, LTD, and an isolated aliquot part (the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12) being federal property administered by the Gallatin National Forest. On October 16, 1997, Tract 2 was created through COS 1713A to be used as an agricultural exemption and be conveyed to the forest service in exchange of Tract 1. In the process, the Forest Service found the exchange unacceptable because of the agricultural exemption and the appraised value of the tracts were different, and they must be equal to exchange. Rick Gustine of Survco Surveying, Inc. representing Red Creek Ranch, proposed to remove the covenant imposed by the agricultural exemption on Tract 2 of COS 1713A, and prepare and file a new COS dividing Tract 2 into two parcels utilizing the eminent domain exemption. The eminent domain exemption has been used previously to accomplish a similar purpose. The new COS includes relocation of a common boundary exemption to convey to the Federal Government that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12 lying northerly of U.S. Highway No. 287. The U.S. Forest Service would receive 48.615 acres adjacent to other forest service land to the north in exchange for 8.298 acres sandwiched between other lands belonging to Red Creek Ranch, LTD. Bob Dennee representing the U.S. Forest Service stated the tract of land being exchanged would be held and managed as winter range and for recreational properties for the public. Rick Gustine representing the applicant stated the information submitted was correct and that the purpose for the land exchange was to realign the ranch's boundary. Red Creek Ranch owns the surrounding lands and have no intent to subdivide the land. During Board discussion the Commission discussed the three exemptions requested and determined they were a proper use and not evading subdivision regulations. Finding the exemptions requested appear to meet the criteria set forth in the Montana Subdivision and Platting Act based on the information submitted, Commissioner Murdock moved to approve the lifting of the agricultural exemption on Tract 2, grant the eminent domain exemption on Tracts 1 & 2, and the boundary realignment exemption on Tract 3. Seconded by Commissioner Olson. None voting nay. Motion carried.

The Commission considered applications for appointments to the Gallatin County Historic Preservation Board's two vacancies. There was no public comment. Commissioner Olson moved to appoint Maire O'Neill and Duncan Bullock to the Board. Seconded by Commissioner Murdock. None voting nay. Motion carried. The Commission considered an application from Donald Singer for reappointment to the Clarkston Fire Service Area. Mr. Singer's previous term on the board expired on April 1, 1998. There was no public comment. Commissioner Murdock moved to reappoint Donald Singer. Seconded by Commissioner Olson. None voting nay. Motion carried. The Commission considered appointments to the Sedan Fire District Board of Trustees, which currently has four vacancies. Commissioner Olson asked Pat Lewis, Executive Secretary to the Commission if she knew for a fact these two appointees resided in Gallatin County. Mrs. Lewis stated yes, they live within the boundaries of the Sedan Fire District. There was no public comment. Commissioner Olson moved to appoint Guy E. Chriske and Russell A. Robinson. Seconded by Commissioner Murdock. None voting nay. Motion carried. Chairman Jelinski announced that there are still two vacancies on the Sedan Fire District Board of Trustees.

Deputy County Attorney Chris Gray read a resolution to consider taking a tax deed on Tract A of COS 998 in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23 T1S, R3E. He reported that the resolution was drafted according to statute and that Gallatin County has given proper notice pursuant to State law that all taxes, penalties, interest and costs were not paid on or before March 31, 1998 being the date on which the

redemption period expired pursuant to such notice. The resolution directs the Gallatin County Treasurer to issue a tax deed for the property. Finding that all legal requirements were met, Commissioner Murdock moved to adopt Resolution 1998-30, authorizing the Treasurer to issue a tax deed. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Chris Gray presented a Memorandum of Understanding between Gallatin County and the Gallatin Valley Land Trust for trail easements. He reported Gallatin County recognized the significant public interest served by public trail easements. The purpose of the Memorandum is to provide the necessary conditions and terms which Gallatin County will agree to accept in order to hold trail easements on behalf of the public. Chris Boyd, Assistant Director of the Gallatin Valley Land Trust spoke regarding the Gallatin Valley Land Trust proposed 1998 trails system "Main Street To The Mountains" project they became involved with in 1992. The Gallatin Valley Land Trust is a non-profit organization dedicated to the conservation of open space, agricultural land, wildlife habitat, and the creation of public trails in and around Gallatin County. The Gallatin Valley Land Trust would negotiate with land owners, provide accurate legal descriptions, locate trails, do fund-raising associated with the trails, supervise construction, and maintain the trails. He provided a map of the trails project, and a brochure describing the Gallatin Valley Land Trust organization. There was no public comment. During Board discussion, they discussed the liability issue and it was determined by Mr. Gray, that the County would be protected to the highest degree possible. It was understood by Mr. Boyd if the performance of the agreement was not to the satisfaction of the County, the agreement could be terminated by a thirty day written notification. He stated that the Gallatin Valley Land Trust agrees with the Memorandum of Understanding as it was drafted and submitted to them. Finding that this is in the public's interest to build the infrastructure of the County, by adding a trail system providing a better quality of life for its citizens, Commissioner Murdock moved to approve the Memorandum of Understanding with the Gallatin Valley Land Trust. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported that the Software RFP Committee recommended Systems Consultants Inc. for the bid award for the Financial and Human Resource software contract. The Counties software needed to be updated as our current system was non compliant with the year 2000 and was labor intensive which the new system would eliminate. The process was approved by a resolution in December of 1997. It was a fourteen step process. The committee consisted of Clerk and Recorder Shelley Vance, Treasurer Jeff Krauss, Auditor Joyce Schmidt, Personnel Officer Kathy Nowierski, Data Processing Manager Bill Baldus, Fiscal Officer Ed Blackman, and two non-voting members, Accountant Susan Lang and Grants Administrator Larry Watson. There was no public comment. Commissioner Murdock moved to accept the recommendation of the RFP committee and directed them to proceed with the negotiations. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman presented a resolution that would allow the Justice Courts to set fees that are not covered by State statute. Notice of the public hearing was published in the High Country Independent Press on May 13, 1998. The resolution was recommended by Judge Scott Wyckman after he met with other County Judges. They identified activities that their offices do for residents and non-residents and estimated the costs to provide those services not covered. The resolution includes the fee schedule and the fees shall be implemented effective July 1, 1998. Wanda Drusch, Gallatin County Justice Court stated that the County is paying for these costs now, and it would help with the budget. There was no public comment. Commissioner Olson moved to pass Resolution 1998-31, allowing the Justice Courts to set fees not covered by State statute. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the Capital Budget Committee's recommendation for the Capital Improvements Program and the 1999 Capital Budget. Notice of the public hearing was published in the High Country Independent Press on May 12, 1998. Statute states that a governing body of a county may establish a capital improvement fund for replacement and acquisitions of property, plant, or equipment costing in excess of \$5,000 with a life expectancy of 5 years or more, provided a capital improvement program has been formally adopted. Money deposited in the fund must be expended within a 10 year period. Every year this will be reviewed, updated, and approved. Gallatin County Planning Director Dale Beland, stated that if the plan was adopted, it will be the first time the taxpayers would have County revenue's, building for the future to meet their needs. During Board discussion it was noted that there were no road components identified in the program. The Transportation Program was still in the planning stage. Mr. Beland asked that the draft program be modified where it refers to

process in Section 9, adoption of the Capital Program and Budget items 6-10, involving the Planning Board. He recommended deferring those items until a road plan is in place. He requested removing # 7,8, and 9 of Section 9. There was no public comment. Commissioner Murdock moved to approve Resolution 1998-32. Seconded by Commissioner Olson. None voting nay. Motion carried. County

Attorney Marty Lambert noted that the resolution needed to be amended changing the language from Capital Improvement Plan to Capital Improvement Program, keeping it consistent throughout the document. He would draft an amended resolution and present it for signature if passed. Commissioner Jelinski added that the County Planning Board meeting date needed to be changed from April to May 12, 1998. Commissioner Olson moved to adopt the amended Resolution 1998-32. Seconded by Commissioner Murdock. None voting nay. Motion carried.

County Planner Jennifer Madgic received a request from Mark Chandler of C & H Engineering and Surveying, Inc., on behalf of Bert and Harriet Kamps for preliminary plat approval for Kamps Minor Subdivision. The request is for a three-lot second minor subdivision on approximately 39.44 acres. The three lots include the following acreage: Lot B1, 28 acres; Lot B2, 5.5 acres; Lot B3, 4.5 acres. The property is located in the S½ of Section 34, T2N, R3E, P.M.M., Gallatin County, Montana. The applicants are asking for a waiver from paying impact fees due to an existing dwelling on one lot and agricultural restrictions to be placed on two lots. A variance has been requested from Section 7.H, concerning paving the primary access road (Nixon Gulch Road). A second variance has been requested from Section 6.E.5 concerning fire protection requirements. The Manhattan City-County Planning Board reviewed the proposed three-lot second minor subdivision for compliance with the Manhattan Area Master Plan and determined that the proposal complied with the Plan. The Board voted to support the applicants' variance requests. The Planning staff recommends the following conditions for granting preliminary plat approval: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. The applicants shall provide evidence that the existing water and sanitary septic systems were installed pursuant to local regulations in place at the time of installation. The applicants shall obtain written approval from the Gallatin City-County Health Department-Environmental Health Services regarding the existing systems on Lot B3. 3. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, easement documents, and certificate prior to final plat approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, fire district or fire service area and/or the creation of a sewer and/or water district. 5. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "utility easement" to have and to hold forever. The following statement shall appear on the final plat: The undersigned property owners hereby enter into a covenant to run with the land, that Lot B1 and Lot B2, as shown hereon, will be used for agricultural or pasture use only. No structures requiring water and/or sewage facilities have been or are to be erected or utilized on said lots B1 and B2. This covenant is revocable only by the mutual consent of the governing body and the property owners through the subdivision process. 6. A Memorandum of Understanding shall be signed between the Weed Control District and the subdivider prior to final plat approval. 7. The subdivider shall record the following covenants on or with the final plat: a) The property owners association shall be responsible for the control of County-declared noxious weeds. b) The property owners' association shall be responsible for maintenance of all subdivision roads. c) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48-hour notice, during construction and after completion. d) Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. e) All structures shall be constructed in compliance with the Uniform Building codes, including codes for Seismic Zone 4, and the National Fire Protection Association (NFPA) codes. f) Any covenant which is included herein as a

condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall establish a property owners' association for enforcement of the required covenants. 9. The subdivider shall provide a wetlands investigation completed by a certified consultant using the U.S. Army Corps of Engineers Wetlands Manual. If the investigation indicates that wetlands are present, the subdivider shall have the wetlands delineated by a certified consultant. The wetlands' delineation shall be shown on the final plat. 10. The subdivider shall make payment of road impact fees in the amount of \$1,596 per lot (\$4,788 total) prior to final plat approval. 11. The subdivider shall make payment of fire impact fees in the amount of \$496 per lot (\$1,488 total) prior to final plat approval. 12. The subdivider shall obtain encroachment permits from the County Road and Bridge Department for the following: lots B1, B2 and B3 onto Nixon Gulch Road. 13. The subdivider are responsible for paving Nixon Gulch Road from the Manhattan City Limits to the north end of Lot B1 to county standards. A one-year, written warranty from the contractor must be submitted to the County Road and Bridge Department prior to final approval. 14. All road work will need to be inspected and certified by a licensed engineer. Such inspection and certification must be provided by the County Road and Bridge Department prior to final plat approval. 15. An improved fill site or approved fire protection water supply system shall be installed and operable prior to construction of any buildings. The water supply shall be approved by the Manhattan City and Rural Fire District. 16. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Mark Chandler with C&H, representing Bert and Harriet Kamps reviewed the history of the parcel. He stated it first went to the Manhattan City Planning Board in December of 1997. During the meeting, concerns were raised on preserving the ag land in the outlying areas. The property would remain in the same use. They do have the documents supporting the well and septic along with well logs. He stated an encroachment permit should not be required because the driveway existed already. The variance was requested because no additional residences would be added, and the other 2 lots have an agricultural exemption on them. The variance requested for the fire protection requirements was brought to the Fire Chief of the Manhattan Fire Department and he agreed there would be adequate protection since the 2 lots would remain agricultural. Commissioner Jelinski stated that the language of the waiver as submitted on the plat is unacceptable if preliminary plat is granted. The applicant Bert Kamps testified the lands would remain for pasture. A survey had been done but never recorded where the existing house sits. Public testimony: Brian Grimshaw and Jeff Gates who both have interest in the land, and their purpose is to use it for horse pasture. During Board discussion Sam Gianfrancisco stated that at the time he reviewed the proposal he did not realize the 2 lots were agricultural, so he supports the waiver and variance request because there would be no further impact. He also stated that when an existing driveway shows no recorded encroachment permit the Road Department asks the individual to come in and show documentation so they can make a record of it at no charge. The irregular lot size was discussed and they determined it was the history of the parcel from the previous survey that predetermined the irregularity of the new lots. It would not require an exemption. Ms. Madgic stated that the requirement in #9 for the wetland delineation on the agricultural exemption might have occurred because the department might not of realized it was reviewing lots with an ag exemption. Finding the waivers meet the criteria based on the information submitted, that the Kamps Second Minor Subdivision would not create any additional impact, Commissioner Murdock moved to grant the waiver requested for the impact fees and road fees. Seconded by Commissioner Olson. None voting nay. Motion carried. Finding that the Manhattan Fire Department agreed that no further impact would be created, Commissioner Olson moved to grant the variance request to waive the fire protection requirements from Section 6.e.5. Seconded by Commissioner Murdock. None voting nay. Motion carried. Finding that no additional impact would be created and paving the portion of road would be an undue hardship on the applicant, Commissioner Olson moved to grant the variance requested from paving. Seconded by Commissioner Murdock. None voting nay. Motion carried. Finding that the Kamps Second Minor Subdivision meets the criteria for the Montana Subdivision and Platting Act; it was consistent with the Manhattan Area Master Plan; the Board recommended it for approval; and it was not detrimental to the public's health, safety, and welfare, Commissioner Murdock moved to grant preliminary plat approval subject to all conditions presented by staff with these changes: There are 2 #5 in the conditions. The conditions shall be renumbered. Delete Condition #7c, e. Delete condition 9-11, 13, and 15. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:15 P.M.

Unavailable
For signature
 CHAIRMAN APPROVAL

Shelley Vance
 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 26th DAY OF MAY 1998

The meeting was called to order by Chairman Olson at 1:36 P.M. Also present were County Commissioner Bill Murdock, Deputy Attorney Chris Gray, and Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance.

MAY 18, 1998

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners conducted an annual performance evaluation of a Department Head.
- Commissioners met with Data Processing Supervisor Bill Baldus. Topics of discussion included 911, Gallatin County website, accomplishments, and staffing and information planning needs.
- Commissioners met with Area IV Agency on Aging Director Joan Taylor and volunteer Bea Horswell to discuss budget requests and service levels.
- Commissioners met with County Attorney Marty Lambert and Planning Director R. Dale Beland to review action plan for donut jurisdiction.

MAY 19, 1998

- Commissioners held their regular, semi-monthly meeting with County Attorney Marty Lambert and Deputy County Attorney Chris Gray. Topics of discussion included Attorney General Opinion 13 regarding open meeting and public participation laws, construction of Oak Street past the Fairgrounds, and items to be completed on the parcel swaps.
- A meeting was held with members of the media to discuss the new open meeting law, Attorney General Opinion No. 13, issued on April 6, 1998. Present at the meeting were Commissioners Jane Jelinski, Bill Murdock, and Phil Olson; Clerk & Recorder Shelley Vance; Deputy Clerk of the Commission Dawn Chretien; County Attorney Marty Lambert; Deputy County Attorney Chris Gray; Commissioners' Executive Secretary Pat Lewis; Michele Corriel, reporter from the High Country Independent Press; and Tim Neville, reporter from the Bozeman Daily Chronicle. The opinion requires the Commissioners to give 48 hours' public notice of meetings to be held which include a quorum of two or more Commissioners, "at which any matter of significant public interest is to be discussed, deliberated or determined." The purpose of the meeting was to discuss the best logistical way of complying with the AG opinion. It was agreed that: 1) The Commissioners' staff will continue to post the master wall calendar in the Commissioners' Office, which will be accessible to members of the press and the public; and that 2) Public notice of at least 48 hours will be given whenever a quorum of Commissioners is going to discuss, deliberate, or determine a matter of significant public interest. A current list. This 48 hours' notice will be given, via fax, to the two main newspapers in Gallatin County, the High Country Independent Press and the Bozeman Daily Chronicle. A list of all meetings of significant public interest will also be posted in the bulletin board on the first floor of the County Courthouse. When a change of schedule occurs involving these meetings, the press will also be notified of the current status.
- Commissioners met with the Software RFP Committee. Committee members consisted of Jeff Krauss, Susan Lang, Ed Blackman, Shelley Vance, Larry Watson, Joyce Schmidt, Bill Baldus and Kathy Nowierski. They recommended the county purchase financial and human resources software from Systems Consultants, Inc. A formal recommendation will be made today at the public meeting at 1:30 p.m.
- Commissioner Olson and the Phase I Project Team met. Topics of discussion included finalization of Phase I department moves. Recommendation will be sent after meeting with Prugh & Lenon Architects, Inc. next week for Commissioners approval. Roy will invite Data Processing Supervisor Bill Baldus to meet with Prugh & Lenon to ensure department' needs are met. Phil will get plan from Mike Hoey regarding how the EOC will be moved.

MAY 20, 1998

- A special meeting of the County Commissioners was called to order at 8:20 a.m. by Commissioner Jane Jelinski. The purpose of the meeting was to select a new Commission Chairman, effective June 1, 1998. Commissioner Murdock moved to appoint Phil Olson as Chairman until January 4, 1999. Phil Olson seconded the motion; Commissioner Jelinski abstained. The motion was approved and meeting was adjourned at 8:23 a.m.

350 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioners met with Rest Home Administrator Connie Wagner to discuss increasing the Room and Board rates for FY 1998-99. Commissioners approved a Private Pay rate increase from \$100 to \$105/day for a semi-private room and a Private Room rate increase from \$103 to \$110/per day effective July 1, 1998.
- Commissioners held the staff meeting. Presentations were given on the following subjects: Drug & Alcohol Testing Program; Valley Plan Project; Records Management Committee; prospective legislative issues; new open meeting laws; department updates; and updated Courthouse Evacuation Plan.
- Commissioner Murdock attended a meeting of the Gallatin Public Health Alliance Turning Point Initiative held at the Holiday Inn to identify goals of the County Health Program.
- Commissioners met with Personnel Director Kathy Nowierski and President Dirk Visser of Intermountain Administrators to discuss health insurance rates, deductibles, long-term disability (LTD) options, and dental plans. Mr. Visser will provide LTD proposals within the next several weeks. Personnel Specialist Cynde Hertzog and Fiscal Officer Ed Blackman also attended.
- Commissioners met with Sheriff Bill Slaughter, Captain James Cashell, MACo Executive Director Gordon Morris, and Yellowstone County Commissioner Mike Mathew to discuss the Public Safety mill levy. Fiscal Officer Ed Blackman will prepare budget figures for possible conversion.
- Commissioner Murdock attended a meeting of the Fair Board. Detailed minutes are on file at the Fairgrounds/Ag Center.

MAY 21, 1998

- Commissioner Olson, as a member of the 911 Admin. Board, participated in the interviewing of two applicants for the new Communication Services (911) Director from 9:00 – 12:00. The Board reconvened at 1:30 p.m. to discuss change orders. Next meeting is scheduled for May 27th at 8:00 a.m. in the Fire Department conference room (basement).
- Commissioners Jelinski and Murdock attended a Zoning Hearing.
- Commissioner Murdock traveled to Jackson Hole, Wyoming to attend a 1½-day meeting reviewing and discussing the latest updates regarding Yellowstone National Park's Winter Use EIS. Topics of discussion included a proposed socio-economic study & terms of scoping, and review of a proposed contract for all participating agencies.
- Commissioner Jelinski met with Engineer Rick Kerin to discuss RID procedures.
- Commissioner Jelinski met with computer software specialist Brady Weismann to discuss Year 2000 issues.
- Commissioner Jelinski and Planning Director R. Dale Beland met with Paul Dresler and Mark Schaefer of the U.S. Department of the Interior (DOI) to discuss a pilot project for a Federal-County demonstration. The DOI will draft and submit a proposal based on the Valley Plan Project.

MAY 22, 1998

- Commissioner Jelinski will be on vacation from May 26-29, 1998.
- Commissioner Olson attended a Farewell Luncheon and Reception honoring Jane Jelinski's 14 years' of service as a Gallatin County Commissioner. She will officially resign as of May 31, 1998.
- Commissioners received A101's in the amount of \$1,010.48.
- Commissioners received claims in the amount of \$381,820.26

The following items were on the consent agenda:

- A request for a family transfer exemption for Gary and Donna Bos. According to the information submitted, this appears to meet the criteria for the exemption allowed under the Montana Subdivision and Platting Act.
- A request for final plat approval for the Mountain States Petroleum Minor Subdivision.
- A request for final plat approval for the Black Bear Minor Subdivision. The Commission granted preliminary plat approval on March 25, 1997.
- A request for final plat approval for the Germeroth Minor Subdivision. The Commission granted preliminary plat approval October 14, 1997.

According to the information submitted, the requests for final plat approval have been reviewed and recommended for final plat approval. Belgrade City-County Planner Jason Karp requested that the

Mountain States Petroleum Minor Subdivision be continued until further notice. Motion by Commissioner Murdock to pull the Mountain States Petroleum Minor Subdivision request and grant the rest of the items on the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

Drug and Alcohol Services Director Roger Curtis and Joe Driscoll presented a proclamation for consideration declaring June 1-7, 1998 "National Drug Court Week", in Gallatin County. It states that drug courts provide the focus and leadership for community-wide anti-drug systems, bringing together criminal justice, treatment, education and other community partners in the fight against drug abuse. Drug court programs combine intensive judicial supervision, mandatory drug testing, escalating sanctions and treatment, effectively breaking the cycle of drug addiction and its concomitant crime. The Gallatin County Drug Planning Initiative applied for a drug court planning grant for Gallatin County to reduce the incidence of drug use and abuse in our community. Commissioner Murdock moved to adopt the proclamation in support of establishing "National Drug Court Week". Seconded by Commissioner Olson. None voting nay. Motion carried.

Dave Fowler with the Gallatin County Road and Bridge Department reported the bids received for the purchase of a new backhoe were reviewed and the recommendation was to award it to Kamp Implement of Belgrade for \$50,203.00. Finding that the bid meets specification and was the lowest responsible bid, Commissioner Murdock moved to award the bid as recommended. Seconded by Commissioner Olson. None voting nay. Motion carried.

Chris Saunders, Associate Planner for Bozeman-City County Planning presented a request for preliminary plat approval for the Westfield South Phase II Subdivision to divide 10.677 acres into 28 residential lots, located on property west of Wagon Wheel Road and east of South 3rd Avenue, described as a portion of the SE1/4 of Section 24, T2S, R5E, Bozeman, Montana. The project must be reviewed by both the City and County Commissions because it is in both jurisdictions. The area of the subdivision, which is within the County would be the area to be dedicated as right-of-way for South 3rd Avenue. The applicants requested a variance from Section 16.14.040.A of the Bozeman Subdivision Regulations. This request relates to the sidewalks which is a standard City street requirement. The variance would not apply to the portion within the County. The Bozeman City-County Planning Board and the Bozeman City Commission voted to deny the variance request and voted in favor of recommending approval subject to the following conditions: 1. A 1 foot no access strip shall be placed along the western edge of Block 5 to prevent access from adjoining lots to South 3rd Avenue. A 1 foot no access strip shall be placed on the eastern edge of lots 6-8, of Block 6, to prevent access from the lots to Wagon Wheel Road. 2. The Developer shall have two (2) years from the date of preliminary approval to complete the conditions, conform to all regulations, and submit a complete application for final plat approval. 3. Article V of the covenants shall be modified to specifically state that maintenance of the storm water drainage system is the responsibility of the home owners association. Article VI of the covenants lists easements which are different than those shown on the preliminary plat. The plat and covenants shall be consistent in describing easements. 3. An advisory note shall be added to the plat which states, "Some lots may experience seasonal high ground water. Homes constructed with basements may require installation and regular maintenance of a sump pump." The note shall be in letters a minimum of 1/8' tall. Surface flows are not allowed from sump pumps which ultimately discharge to areas which are in public or common ownership, such as drainage easements or works. Underground pipes to convey water to the designated flow channel are allowed. 5. Water rights must be provided as previously agreed in the Green Pastures annexation agreement. 6. Copies of filed waivers of right to protest the creation of special improvement districts and rural improvement districts for improvements to Wagon Wheel Road and South 3rd Avenue shall be provided with the final plat application. A copy of a filed waiver of right to protest the creation of special improvement districts for maintenance of area parks shall be provided with the final plat application. 7. In accordance with the annexation agreement for the property, the engineering department has completed a preliminary evaluation of the ability of the city's sewer collection system to convey sewage from this development. Insufficient capacity exists in approximately 1,240 linear feet of 12" and 14" sewer trunk line from Hoffman Drive to Lincoln Street. As such, the terms of the annexation agreement shall be followed to provide sewer capacity for the development. In no case, shall the final plat be filed until such time as sewer capacity is available. 8. Easements for the water and sewer main extensions shall be a minimum of 30 feet in width, with the utility located in the center of the easement. In no case shall the utility be less than 10 feet from the edge of the easement. Water and sewer mains shall be installed a minimum of five (5) feet clear horizontal distance from all proposed curb and gutter unless otherwise approved by the City Engineer and Water/Sewer Superintendent. 9. The minimum water main size allowed for all projects in the

city is eight (8) inch, unless otherwise approved by the City Engineer. 10 The proposed sewer main between Lots 12 and 13, Block 6, shall be installed with the Phase 2 infrastructure to avoid future disturbance of the Phase 2 open space. 11. Plans and specifications and a detailed design report for water and sewer main extensions and the public streets, prepared and signed by a professional engineer (PE) registered in the State of Montana shall be provided to and approved by the City Engineer. Water and sewer plans shall also be approved by the Montana Department of inspection, post-construction certification, and preparation of mylar record drawings. The design report shall verify that the capacity of the existing system at the time of connection is adequate to provide service to this development. Any off-site improvements needed to provide service shall be in place and accepted by the City of Bozeman prior to final plat approval. Construction shall not be initiated on the public infrastructure improvements until the plans and specifications have been approved and a pre-construction conference has been conducted. 12. A Storm Water Master Plan for the subdivision for a system designed to remove solids, silt, oils, grease, and other pollutants from the runoff from the private and public streets and all lots must be provided to and approved by the City Engineer. The master plan must depict the maximum sized retention basin location, and locate and provide easements for adequate drainage ways within the subdivision to transport runoff to the stormwater receiving channel. The plan shall include sufficient site grading and elevation information (particularly for the basin site, drainage ways, and finished lot grades), typical storm water detention/retention basin and discharge structure details, basin sizing calculations and a storm water maintenance plan. Storm water ponds for the subdivision shall not be located on privately owned lots. If located within a park or open space the ponds shall be designed and constructed to be conducive to the normal use and maintenance of the open space. Drainage easements shall be shown on the final plat in locations where drainage ditches or structures are constructed in the open space. While the runoff from the individual lots will be dependent on the intensity of use on each lot, the maximum sizing of the storm retention facilities for each lot will be established based on maximum site development. Note: It will ultimately be the responsibility of the property owner's association to ensure that the maintenance plan is consistently enforced. Its further recommended that implementation of the plan be included in the covenants and therefore a condition of plat approval. 13. All code requirements identified in this staff report shall be complied with. No letters of opposition were received, and only one person made public comment during the hearing, questioning the variance, finding it did not pertain to him. Dave Crawford with Thomas Dean & Hoskins Engineering, representing Claire Daines spoke regarding the original survey, and that portion of road they were dedicating on South 3rd. During Board discussion they found that the right-a-way that lies in the County jurisdiction was missed by an annexation which was created by a certificate of survey. They would have to do an amended annexation to get it in the city boundary. Finding the Westfield Subdivision is in the public interest, is consistent with the Bozeman City-County Area Master Plan, and conforms with the Montana Subdivision and Platting Act, Commissioner Murdock moved to grant preliminary plat approval with the conditions recommended and approved by the Bozeman-City County Planning Office and the Bozeman City Commission. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported receiving a request for preliminary plat approval for the Theisen Minor Subdivision from Douglas E. Daniels of Daniels and Associates, Inc., on behalf of Daniel, Terrence and Michael Theisen. It is a proposed 5-lot minor on 40.5 acres located in the SE $\frac{1}{4}$ of Section 36, T2N, R4E. If the Commission decides to grant preliminary plat approval, the Planning staff recommends the following conditions be completed before granting final plat approval: 1. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The applicant shall obtain the Gallatin County Health Officer's approval. 3. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, easement documents, and certificate prior to final plat approval. 4. The applicant shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, fire district or fire service area and/or the creation of a sewer and/or water district. 5. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "utility easement" to have and to hold forever. 6. A memorandum of understanding shall be signed between the Weed Control District and the applicant prior to final plat approval. 7. The applicant shall record the following covenants on or

with the final plat: a) The property owners association shall be responsible for the control of County-declared noxious weeds. b) The property owners' association shall be responsible for maintenance of all subdivision roads. c) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48-hour notice, during construction and after completion. d) Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. e) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The applicant shall establish a property owners' association for enforcement of the required covenants. 9. The applicant shall make payment of road impact fees in the amount of \$1,596 per lot (\$7,980 total based on five lots) prior to final plat approval. 10. The applicant shall make payment of fire protection impact fees in the amount of \$496 per lot (\$2,480 total based on three lots) prior to final plat approval. 11. The applicant shall obtain encroachment permits from the County Road and Bridge Department for all lots. All approaches shall be a minimum of 300 feet apart. 12. The subdivider shall pave to County standards the portion of Theisen Road from its intersection with Dry Creek Road to the northeast corner of Lot 1. The subdivider shall either pave this portion of Theisen Road prior to final plat approval or an RID shall be established to pave the same. A one-year written warranty from the contractor shall be required prior to final plat approval. 13. The applicant shall provide a water supply for fire protection in accordance with the subdivision regulations. The applicant shall have the Belgrade Rural Fire Department review and approve the water supply prior to final plat approval. The applicant shall obtain written verification from the fire district that the required water supply has been provided. Inspections shall be scheduled, with a 48-hour notice, during construction and completion. 14. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Ms. Madgic noted that condition #12 had the following sentences added: "Provided however, the subdivider shall pay no less than one-half of the actual cost of paving, notwithstanding the method of financing which shall be consistent with Montana law. A one-year written warranty from the contractor shall be required prior to final plat approval." Doug Daniels spoke on behalf of the developers stating their intent was to pave Theisen Road in its entirety. They had met with Road and Bridge Department Supervisor Sam Gianfrancisco and discussed the project. The County would prepare the road for paving, aligning the road, improve the sub grade, etc. Mr. Daniels stated that they also assumed if they paved the road the impact fees would be waived in lieu of their expense, and if future nearby subdivisions are approved and used the road, they would receive a reimbursement from that portion. He said he also understood there was money from the Christy Minor Subdivision for oiling that could be put towards the cost of the paving. They wanted to see the road get paved as soon as possible and not delay final plat approval. He offered to put up a bond. During Board discussion Commissioner Murdock stated impact fees can be waived if the developer paves the road according to the subdivision regulations. Mr. Gianfrancisco stated there is a formula written into the regulations that would give the developer a cost reimbursement for other subdivisions being approved in the next ten years using Theisen Road as a primary access. A condition would not be needed since it allows for it in the regulations. Mr. Gianfrancisco stated he did not know when the Road Department would prepare the road because of three major jobs already scheduled. They are also in the process of purchasing a right-of way on Theisen Road. The money in the fund for dust control may be used to offset the cost of paving for the developer if the department does not have to use the money on dust control before the completion of the road. If he receives complaints, the road would have to be oiled to control the dust. They discussed adding a condition that would refer to the use of the funds in the Christy Subdivision account that it would be used to offset paving costs if not used prior to paving the road. The developer Terry Theisen stated they were willing to put up \$132,000 for paving the road, which was the bid he received from JTL. They discussed the new language in condition #12, that states the developer would be required to pay a minimum of one-half of the cost of paving not withstanding the method. He agreed to the added language. He also understood if the neighbors did not, or and RID was not formed, he'd be responsible for paving the entire portion of Theisen Road from its intersection with Dry Creek Road to the northeast corner of Lot 1. Steve Kuchinski made public comment regarding the paving of Theisen Road concerning safety because of the poor condition of the road. There has been three rollovers on it since the Commission granted approval of the Christy Minor Subdivision. There was no further public comment. Finding the Theisen Minor subdivision was consistent with the Montana Subdivision and Platting Act and was approved by the Planning Board, Commissioner Murdock moved to grant preliminary plat approval with the following conditions: #1-8 as written; amend condition #9 to read, "The applicant shall make payment of fire protection impact fees per impact fee policy"; change the Lot number from 3 to 5; add the following sentence to condition #12, "Provided however, the subdivider shall pay no less than one-half of the actual cost of paving not withstanding the method of financing which shall be consistent with Montana law. A one-year written warranty from the contractor shall be required prior to final plat approval"; add a condition, renumbering it as #14, that states: "The use of the \$2,450 from the Christy Minor Subdivision available for dust control if not used shall be applied towards the paving of

Theisen Road"; and change condition #14 to be condition #15. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic received a request from John Pavsek of Damschen & Associates, Inc. on behalf of Tom Sabo for preliminary plat approval of the Wortman Creek Minor Subdivision, a 4-lot minor subdivision on approximately 95 acres located in the SE ¼ of Section 18 and the NE ¼ of Section 19, T3S, R5E. The applicants are requesting a waiver from impact fees on one of the four proposed lots due to an existing dwelling on Tract 4. No variances are being requested. If the Commission decides to approve the subdivision, a determination must be made as to whether to waive the Road and Fire Impact Fees on Tract 4 as provided under appendixes D and E of the Gallatin County Subdivision Regulations. The County Commission may waive impact fees where it is found that the subdivision complies with the waiver criteria in the Fire Impact Fee Regulation and the Road Impact Fee Regulation. The Planning staff recommends the following conditions to be completed before granting final plat approval: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. The applicant shall obtain approval from the Gallatin City-County Health Department for the subdivision. 3. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, easement documents, and certificate prior to final plat approval. 4. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, fire district or fire service area and/or the creation of a sewer and/or water district. 5. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "utility easement" to have and to hold forever. 6. A memorandum of understanding shall be signed between the weed control district and the subdivider prior to final plat approval. The subdivider shall record the following covenants on or with the final plat: a) The property owners association shall be responsible for the control of County-declared noxious weeds. b) The property owners' association shall be responsible for maintenance of all subdivision roads. c) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/uniform fire code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48-hour notice, during construction and after completion. d) Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. e) Defensible space shall be created around habitable structures. The defensible space shall be of the minimum size as determined by the Wildland Residential Interface Development guidelines. f) Roofing materials shall only be Class A or B fire-rated. Wood shakes or shingles shall not be permitted. g) All roofs shall have a minimum roof pitch of 4 to 12. h) Spark arrestor screens shall be placed on all fireplace and/or wood stove chimneys. i) Smoke detectors shall be installed on each level of dwelling units. j) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The subdivider shall establish a property owners' association for enforcement of the required covenants. 9. **The subdivider shall make payment of road impact fees in the amount of \$1,596 per lot (\$4,788 total based on three lots) prior to final plat approval.** 10. **The subdivider shall make payment of fire impact fees in the amount of \$496 per lot (\$1,488 total based on three lots) prior to final plat approval.** 11. The applicant shall obtain encroachment permits from the County Road and Bridge Department for all three lots. 12. Forty feet of Portnell Road east of the centerline shall be dedicated to the public for the entire length of the subdivision. 13. The subdivider shall provide a water supply for fire protection in accordance with the subdivision regulations. The subdivider shall have the Gallatin Gateway Fire District review and approve the water supply prior to final plat approval. The subdivider shall obtain written verification from the fire district that the required water supply has been provided. 14. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Ms. Madgic commented that the creek and ridge was being preserved by a no-build area on the plat. She also reported that Cooper Wade of the Gallatin Gateway Fire District suggested adding the wildlife interface covenants to the conditions for final plat

approval. However, item g, referring to the pitch of the roof, could be omitted in the covenants because it would be used if the subdivision was in a heavily wooded area where pine needles created a fire hazard. The Fire Chief's concerns were for grasslands and the ruralness of the area. She noted that in condition #12, the 40 feet stated should be 30 feet. John Pavsek with Damshen & Associates stated his client agrees with adding the condition for the wildland guidelines. He also stated the reason for the waiver request was because the one lot had a residential dwelling located on the property that had been there for many years. There was no public comment. The Board discussed the Wildland Residential Interface Development guidelines added in the covenants, but not required currently. They agreed since the developer had no objection to them they would remain in as written omitting g. Ms. Madgic stated the guidelines would be added to the subdivision regulations the next time they are updated. Finding the request for the waiver from paying fire and road impact fees meets the criteria set forth in the policy, and remaining consistent with that policy, Commissioner Murdock moved to grant the waiver. Seconded by Commissioner Olson. None voting nay. Motion carried. Finding the Wortman Creek Minor Subdivision is consistent with the Gallatin County Area Master Plan, the Montana Subdivision and Platting Act, and has been recommended for approval by the Gallatin County Planning staff, Commissioner Murdock moved to grant preliminary plat approval with the following conditions: #1-6 as written in the staff report; delete item 7.g in the covenants; #8-11 as written; #12 to be corrected from the 40 feet specified to 30 feet; and #13-14 as written and presented by staff. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on the second reading of the amended Gallatin County Ordinance #98-1A, regulating the import and planting of Mint and Mint rootstock in Gallatin County. The amended Ordinance was read at the hearing on May 12, 1998, notice of the hearing was published, and copies were made available to the public according to the state statues. Chairman Olson asked if anyone from the public would like to have it read into the record. There was no public comment. The reading was waived. Finding the amended Ordinance #98-1A is in the public interest, Commissioner Murdock moved to adopt it. Ordinance #98-1A replaces the original Ordinance #98-1, and shall go into effect 30 days from today.

There being no further business the meeting adjourned at 2:39 P.M.

Unavailable
For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

SPECIAL PUBLIC HEARING

TUESDAY THE 2nd DAY of JUNE 1998

The meeting was called to order by Chairman Phil Olson at 10:08 A.M. Also present were County Commissioner Bill Murdock and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Olson opened the bids submitted for legal advertising to Gallatin County for the advertising contract for a two year period from July 1, 1998 through June 30, 2000. The notice was published on May 21st and May 28th, 1998. Gallatin County Clerk and Recorder Shelley Vance read the following bids for consideration: The Bozeman Daily Chronicle: I. Single account billing - total portfolios per month: Maximum A. \$8.00 per folio first insertion a 15% discount at \$6.80. B. \$6.00 per folio subsequent insertions at a 15% discount at \$5.10. II. Multiple accounts-total folios per month per department: Maximum A. - \$8.00 per folio first insertion 15% discount at \$6.80 B. \$6.00 per folio subsequent insertions at a 15% discount at \$5.10. High Country Independent Press: I. Single account billing - total portfolios per month: Maximum A. 35% discount at \$5.20. B. \$6.00 per folio subsequent insertions. 35% discount at \$3.90. II. Multiple accounts - total folios per month by department: Maximum A. \$8.00 per folio first insertion at a 35 % discount at \$5.20. B. \$6.00 per folio subsequent insertions at 35% discount at \$3.90. Both submitted their agreement with the sample advertising costs. Commissioner Olson directed Ms. Vance to meet with the Gallatin County Fiscal Officer Ed Blackman and review the bids and submit a written report with their recommendation. During discussion they determined the criteria to evaluate the bids that would best serve the public and meet the needs of Gallatin County. It would need to meet the legal requirements by statute, be rated according to convenience, price, and the total package meeting the budget requirements set. The

356 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

deadline for the current contract expires on June 30, 1998. They set the deadline of June 26, 1998. The award of the bid was set tentatively for June 30, 1998, to be heard at the public hearing.

There will be no regular public meeting of the County Commissioners at 1:30 P.M. due to the primary election.

There being no further business the meeting adjourned at 10:18 A.M.

Unavailable
For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 9th DAY OF JUNE 1998

The meeting was called to order by Chairman Olson at 10:00 A.M. Also present were County Commissioner Bill Murdock and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson announced the appointment of the interim County Commissioner to fill Jane Jelinski's term. The appointment would run until January 1999. The three candidates submitted for consideration by the Democratic party were Patrice Mascolo, Jason Smith, and Jarvis Brown. After interviewing the candidates, both Commissioners agreed to appoint Jarvis Brown because of his background in accounting, experience auditing Gallatin County, and his availability to begin immediately. He will start work on the Fiscal 99 budget process. There was no public comment. Commissioner Murdock moved to appoint Jarvis Brown. Seconded by Commissioner Olson. None voting nay. Motion carried. Judge Scott Wykman performed the ceremony, swearing in Jarvis Brown as interim Gallatin County Commissioner.

The meeting recessed at 10:10 A.M.

The meeting was reconvened by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jarvis Brown, Deputy County Attorney Chris Gray, and Deputy Clerk and Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

MAY 25, 1998

- All County offices were closed in observance of Memorial Day.

MAY 26, 1998

- Commissioner Jelinski is on vacation until May 31st.
- Commissioner Olson and the Phase I Project Team met. Also attending were Deputy County Attorney Chris Gray, representatives from Prugh & Lenon Architects, Inc. and Data Processing Supervisor Bill Baldus. Topic of discussion focused on Data Processing's reluctance to be moved to the basement and the Treasurer's request not to be moved at all. Prugh & Lenon will provide additional information regarding these requests at June 2 meeting.
- Commissioner Murdock attended a meeting of the County Planning Board. Detailed minutes are on file in the Planning Office.

MAY 27, 1998

- Commissioner Olson attended a meeting of the 911 Admin. Board. Detailed minutes are on file in the 911 Communication Services Division.
- Commissioner Murdock met with Nick Shrauger and Craig White to hear and discuss their concerns regarding the accountability of appointed Rae Fire Service Area board members. Commissioner Murdock will provide them with procedures on how to change from an appointed to an elected board for Rae Fire Service Area.
- Commissioner Murdock attended the Victim/Witness Board meeting. Gloria Edwards reported that the grant for her program was unofficially approved for next year. Detailed minutes are on file at the County Attorney's office.
- Commissioner Murdock and other members of the Detention Center Project Team held a meeting to review the seven RFQs submitted by architects for the new detention facility. Team will do reference checks of top three candidates on Friday, June 5 at 9:30 A.M.
- Commissioner Olson attended the Logan Landfill Advisory Board meeting. It was reported that John Huber has resigned from the Board; will notify Pat Lewis to advertise for vacancy. Detailed minutes of the meeting are on file in the Commissioner's office.

MAY 28, 1998

- Commissioner Jelinski submitted her resignation as Gallatin County Commission to the Clerk and Recorder's office, effective May 31, 1998.
- Commissioners Olson and Murdock met as the Welfare Board with Department of Public Health & Human Services Director Joan Davies. General program activities were discussed and the Welfare Board minutes were approved as presented.
- Commissioners Olson and Murdock met with County Superintendent of Schools Jill Richards to discuss applying for the Technical Innovation Grant through the state. Grants Administrator Larry Watson was unavailable for review and comment, but Commissioners agreed to sign the application knowing that the grant can be refused before the money is distributed.
- Commissioners Olson and Murdock met with Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Vance to review the format to be used for Commission's review of budgets. Ed Blackman will prepare a memo to all departments outlining budget compliance responsibilities under the law of each department. Format for budget review sheets was approved as presented.
- Commissioners Olson and Murdock attended a meeting of the Records Management Committee on May 28, 1998. The group met with the Commissioners to follow up on their budget request for FY 1999, which was for \$100,000 to be used as seed money for the start-up of a County Records Management Department. Discussion included the need for a records management plan, and what the possible duties of the department/staff person would be. Also discussed was the continuing role of the Records Management Committee.
It was decided that the new department would develop records management program priorities, and that the committee would assist in putting together a job description for the possible new position. The Commissioners agreed that they would take a "hard look" at funding this new person/department in the upcoming FY 1999 budget process.
- Commissioner Olson attended the Healthier Communities Action Meeting at Bozeman Deaconess Hospital. For detailed minutes, contact Sandy Martin at 585-1097.
- Commissioners Olson and Murdock met with City Manager Clark Johnson, Deputy Chief Al Scholes and Fire Captain Gary Klutter to discuss renewal of the HazMat agreement and corresponding FY 1999 budget requests. Deputy Chief Scholes expressed the need for a new HazMat truck; discussed possibility of County contracting services with City in future years. City will look into new HazMat truck options (i.e., lease/purchase, used vehicle, etc.) over the next year. Commission will fund toward a new truck as they did last year; will consult with Fiscal Officer Ed Blackman regarding budget and carry-over reserve. City will prepare contracted services language for discussion prior to next year's May renewal date. City will solicit other counties to join in sharing cost of HazMat truck/response expense.
- Commissioners Olson and Murdock and Clerk and Recorder Shelley Vance met with Personnel Director Kathy Nowierski and Personnel Specialist Cynde Hertzog to review FY 1999 staffing requests.
- Commissioner Murdock met with City Commissioner Sandra Smiley to discuss jurisdiction of the donut, planning issues, and CTEP projects.
- Commissioner Olson attended the final meeting of Leadership Bozeman.

358 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Murdock attended a meeting of the Open Space Task Force held at Gallatin Equipment in Belgrade. Detailed minutes are on file in the Planning Department.

MAY 29, 1998

- Commissioners Olson and Murdock met with Grants Administrator Larry Watson and Road Superintendent Sam Gianfrancesco to discuss a meeting they had with Ed Headland regarding additional CTEP funds for the Big Sky Bike/Pedestrian Path. Damschen & Associates' engineer John Pavsek also attended. Still looking for a way to obtain enough funding to complete the project per the low bid received. Additional CTEP funds will be allocated pending the reduction of certain spec. requirements, and coming up with extra funds. Commission reluctant to ask the City for funding. Will consult with Fiscal Officer Ed Blackman.
- Commissioners Olson and Murdock interviewed Patrice Mascolo for Interim County Commissioner.
- Commissioners Olson and Murdock interviewed Jarvis Brown for Interim County Commissioner.
- Commissioners Olson and Murdock met with County Auditor Joyce Schmidt to review the External Audit Report. A meeting has been scheduled for June 15th with Stefani Freese of Knaub & Company, PC and members of the Finance Committee to review and address auditor's client response recommendations.
- Commissioner Olson attended a meeting of the Extension Advisory Board. Ron Carlstrom presented his work plan and distributed a letter from the Fair Board/Sue Shockley asking Extension to set up displays of Ag products (i.e., cattle, wheat, birthing, etc.). Ron will inform the Board and Sue that it would be best if each Ag commodity organization put up their own displays. Todd Kessner also presented his work plan which included progress the 4-H foundation is making; its fund has grown from \$59,000 to \$75,000.
- Commissioner Murdock met with County residents Sue and Gary Owens to hear and address their questions and concerns regarding the Manhattan Rural Fire District. Commissioner Murdock contacted County Attorney Chris Gray and he will research and advise.
- Commissioner Murdock attended the Grand Opening of the Sonoran Institute, an economic-agriculture think tank.

JUNE 1, 1998

- Commissioners met with Grants Administrator Larry Watson and Prugh & Lenon Architects, Inc. representatives Dick Prugh, Jamie Lenon and Rob Pertzborn to discuss the progress of the Courthouse CTEP project. Prugh & Lenon informed the Commission that the delay in submission to the State (~ May 20) would not delay Phase I. Expect CTEP bid to go out sometime in August; Phase I still on schedule. Commissioners directed Prugh & Lenon to bid out certain Courthouse CTEP items as alternates. Prugh & Lenon will provide Phases II, III and IV cost estimates in time to include in budget for FY 1999 (Task Order 6-E).
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners met with Extension Agents Todd Kessner and Ron Carlstrom. Agent Kessner is very busy with 4-H: building skateboarding facility, getting ready for the Willow Creek Classic, summer camp and summer fair. Agent Ron Carlstrom reported on many ongoing ag-related programs: weed seed free hay, new specialty crops such as 70-day soybean plots, and genetic-engineered grain that resists Round-Up.
- Commissioners met with Facilities Director Bob Isdahl. They reviewed Bob's current work plan. Commissioner Olson suggested Bob set up old jury chairs in Community Room after July 1, 1998. Commissioner Murdock will contact Road Superintendent regarding restricting access to L& J Center via 15th.
- Commissioners met with GIS Coordinator Allen Armstrong. Allen reported on the progress of the GIS department, and inquired as to the status of his request for extra funds from FY '98 budget to assist w/E-911 mapping. Commissioners directed Allen to meet directly w/Fiscal Officer Ed Blackman regarding these additional funds.
- Commissioner Olson attended a meeting of the Open Space Task Force. Detailed minutes are on file in the Planning Department.

JUNE 2, 1998

- Commissioners met with County Attorney Marty Lambert and Deputy County Attorney Chris Gray. Topics of discussion included Attorney's list of priorities. Mary will set up another meeting with Dale regarding jurisdiction of the donut.
- A special meeting of the County Commissioners was called to order at 10:00 a.m. by Commissioner Phil Olson. The purpose of the meeting was to open the bids for Gallatin County's legal advertising contract. Detailed minutes are on file in the Clerk and Recorder's office.
- Commissioners interviewed Jason Smith for Interim County Commissioner.
- Commissioners met with Planning Director R. Dale Beland. Topic of discussion focused on the donut; agreed to postpone implementation until January 1, 1999. Dale will coordinate four workshops in different geographic areas of donut with City-County Planning Board.
- Commissioners Olson and Murdock, Jefferson County Commissioner Sam Samson, Broadwater County Commissioner Jim Hohn, and Gallatin County Road Superintendent Sam Gianfrancisco participated in a conference call to discuss the Willow Creek dyke washout. Toyed with the possibility of there being two different dykes and Gallatin County may not be involved contractually. Sam will provide truck to help put in a jetty to divert the water. Once water level has been lowered, County Commissioners will convene again and decide what to do for the future.
- Commissioner Olson and the Phase I Project Team met. Other attendees included Commissioner Murdock, Jamie Lenon and Rob Pertzborn of Prugh & Lenon Architects, Inc. and Data Processing Supervisor Bill Baldus. Topic of discussion focused on relocation of Data Processing Department and Phase I plan. Rob Pertzborn will revisit different office scenarios if Data Processing does not move to the basement as planned; will report his findings to the Commission within two weeks. Bid opening for Phase I will not be advertised until Fiscal Officer Ed Blackman and Commissioners have approved Data Processing's location; once approved, location will be bid as an alternate.

JUNE 3, 1998

- Commissioner Olson, as a member of the 911 Admin. Board, participated in an interview of an applicant for the Communication Services (911) Director position.
- Commissioner Murdock and Executive Secretary Pat Lewis met to design a survey form to distribute to all County department heads and elected officials, regarding their departments' legislative needs for the upcoming session of the state legislature. The forms will be distributed and returned before the June 17 staff meeting, for discussion and appraisal.
- Commissioner Murdock traveled to Big Sky to attend the first meeting of the newly-elected Resort Tax District Board. Topics of discussion included matters of transition regarding transfer of funds and contract obligations from counties to Resort Tax Area District.
- Commissioner Olson traveled to Wheat Montana in Three Forks to attend the meeting of the Composting Committee. Phil Olson discussed status of Interlocal Agreement and possible need for by-laws. Tim Hudson reviewed status of grants and the next phases of the Feasibility Study. The Committee wants an agreement with Land & Water to proceed with some further steps; Gallatin County will need to offer the contract.
- Commissioner Murdock attended the quarterly meeting of the Rural Fire Council held at Springhill. Fire council matters were discussed and Commissioners agreed to meet with Fire Council reps to review standard, fire-related requirements/conditions of subdivision approval. For detailed minutes, please contact Diana Martin at the DNRC in Bozeman.

JUNE 4, 1998

- Commissioners and Clerk of Court Lorraine VanAusdol canvassed votes from the June 2 election.
- Commissioner Olson attended Managed Care's board meeting held at the Holiday Inn. Discussion focused on the need for mental health services in Gallatin County and how best that would be accomplished. Region III Director Bob Ross will present a proposal soon that should include several of the needed services.
- Commissioner Murdock met with Brian Leland, an Independent candidate for County Commissioner in November, to discuss the county's priorities for Brian's edification.
- Commissioners met with Road Superintendent Sam Gianfrancisco to discuss allocating a 120' x 85' footprint for EOC & SAR site relocation on the grounds of the Road Department. Commissioners

360 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

directed Sam to work with EOC & SAR regarding same; on-site location will be subject to Road Department's approval.

- Commissioner Murdock attended a meeting of the Detention Center Citizen's Advisory Committee, which agreed to send a letter soliciting new committee members and requesting their attendance at a public meeting of the Advisory Committee scheduled for June 25 at 6:30 p.m.

JUNE 5, 1998

- Commissioner Murdock met with Bozeman City-County Planning Director Andy Epple to discuss funding for the transportation plan.
- Commissioner Murdock and members of the Detention Center Project Team conducted reference checks of top three architect candidates for new detention facility. Project Team will interview architects on June 25 from 1:00 – 5:00 p.m.
- Commissioners received claims in the amount of \$389,380.91.
- Commissioners received A101's in the amount of \$100,394.63.

The following items were on the consent agenda:

- A request for a relocation of a common boundary exemption for John L. Hunziker, Kimberly J. Hunziker, and Lois F. Braham for Certificate of Survey #640.
- A request for a mortgage exemption for Ron W. and Lani R. Chaney .

The Planning Department requested to remove the common boundary exemption for Huntziker and Braham. The Mortgage exemption for Chaney was acted on June 8, 1998, due to an economic handicap.

Bozeman City-County Planner Dave Skelton received an application from Bozeman Deaconess Hospital to amend the 1990 Bozeman Area Master Plan, to establish a new "traditional neighborhood development" land use classification element, and also amend the current land use classifications on 485 acres of land owned by the applicant from urban residential infill, urban residential, and suburban residential. The Planning Board continued their public hearing till June 16, 1998, for further consideration to give the public more time to review. The City Commission opened their hearing on June 1, 1998, and moved to continue the consideration until July 6, 1998. The Planning staff recommended the Commission continue this consideration until Tuesday, July 7, 1998. During Board discussion they found the land in this proposal was contemplated for annexation into the City. The following people testified against the proposal: Robert Schooner; Cheryl Holborn; Dallas Thomas; and Karen Thomas. They raised concerns of the high density, the narrow streets requiring special snow plows, the lot sizes half the size that was zoned in the area, incompatibility to the surrounding developments, and the public being uninformed of the proposed amendment to the Bozeman Master Plan. Mr. Skelton advised the Commissioners to study the zone map amendments and look at the appropriate land uses of the area. There was no time frame with a master plan amendment. The Commissioners continued the proposal as recommended until July 7, 1998.

The bid award for Gallatin County Legal Advertising Contract was continued. The recommendation will be made before the deadline of June 30, 1998.

David Funk, made a presentation on behalf of The Friends of Gallatin Field regarding appointments to the Airport Authority. He commented on the lack of accountability in the Airport Authority. They have yet to find an Airport Authority who is not accountable to some higher authority. The board has inconsistencies in its standards with no clear delineation of the board authority with possible violations in Montana's closed meeting laws. Introduction of new members will bring full accountability to the public. The FGF does not support the Gallatin County Commissioners' policy to limit Airport Authority Board appointments to four (4) consecutive five (5) year terms. They believe board appointments should be limited to two (2) non-consecutive five (5) year terms. They are requesting the Commission adopt and exercise this policy during the upcoming appointment. Gallatin Airport Authority's minimum of three 5-year terms perfectly serves their first loyalty to the organization. It does not serve the public. Presidents are term-limited, and should be board members also. Such long-term service only promotes stagnation and runs contrary to the goal of greater citizen participation in government affairs. Gallatin Field exists to serve the aviation needs of the public. The pilots, leaseholders, airline passengers and

rental car customers, are prohibited from defining what they believe the aviation needs to be. They are forced to endure Airport Authority's vision of "public needs." These decisions are derived without consulting the community it controls and serves. Board members as community leaders display leadership; communication with the public; poll citizens to determine their needs; effective problem solving; efficiency during limited terms; fiscal conservatism; and respect for their authority to tax. Those are traits they seek in board members and will be strengthened by adopting a policy of non-consecutive terms. They asked that when the Gallatin County Commissioners consider Friends of Gallatin Field endorsed applicants, they would find these characteristics. They are true leaders and will serve the entire community with pride and integrity. During board discussion the Commission asked Mr. Funk to site circumstances of the inconsistencies. He reported on a law suit brought by a lease of a hangar. Mr. Funk also stated the Airport Authority was lacking an in-house grievance procedure. They also found it unusual that the Airport Authority was reported to have their own independent council. It was stated it was the only government authority that does not use the County Attorney's Office. Deputy County Attorney Chris Gray when asked about the situation stated he would research the issue and bring it back to the Commission.

Gallatin County Clerk and Recorder Shelley Vance reported on a petition requesting abandonment of two road easements in the Rainbow Subdivision received on behalf of the Commission on March 17, 1998. A viewing committee was appointed and the report heard April 17, 1998. The Commission voted to grant the petition and abandon the two road easements as described. It was determined at that time research needed to be done in order to grant the land being abandoned to the rightful owners. Deputy County Attorney Chris Gray gave a report on the investigation done by the County Attorney's office. Based on the findings: 1. The previous platting of the Rainbow Subdivision of Bozeman Hot Springs was November 24, 1913. 2. The manner in which the right-of-way was originally dedicated, granted, or conveyed was found on the recorded plat that states, "streets, avenues, roads, alleys and public places dedicated and donated to the use of the public forever." 3. The reason in the petition requesting vacation was that the streets are not built. The owners of surrounding land wish to aggregate the lots for better utilization of property. The land would revert to Charles Page, as he is the owner of the property. Charles Page also has an ownership interest in Aim Inc., the adjoining property. Based on the County Attorney's investigation and findings as reported, Commissioner Murdock moved to adopt Resolution #1998-33, to abandon the portion of roads described in the resolution. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported receiving a request on April 28, 1998, on behalf of the Commission to abandon a portion of Vista Drive lying in Lot 1 of Block 3 in Valley Vista Subdivision #1. She examined the petition and certified it contained signatures of at least 10 qualified freeholders in Gallatin County. Commissioner Brown moved to accept the petition and appoint Clerk and Recorder Shelley Vance, Gallatin County Road and Bridge Superintendent Sam Gianfrancisco, and Commissioner Bill Murdock to the viewing committee for their recommendation. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that on April 14, 1998, the Commission accepted a petition to abandon a portion of South 3rd Avenue, and appointed a viewing committee. Ms. Vance was appointed to that viewing committee, but formally requested to be removed because of an interest in a family partnership that might be viewed as a conflict of interest. Chief Deputy Clerk and Recorder Eric Semerad was appointed as her replacement on the committee. The viewing committee consisting of County Road and Bridge Superintendent Sam Gianfrancisco, Commissioner Phil Olson, and Chief Deputy Clerk and Recorder Eric Semerad submitted their report, stating that the portion of road described in Road Petition #786 had not been constructed. A new alignment of South 3rd Avenue was proposed to be dedicated to the public on the final plat of the Sundance Springs Subdivision and it was observed that this portion of road had been partially constructed. It did not appear anyone would become land-locked nor access denied to public lands if the abandonment were granted. Notice of this public hearing was published on May 27, 1998, and mailed to all signers of the petition; landowners named on the petition; individuals named in the petition who could be affected; the postmaster of the area; and the Public Lands Access Association. It also was published in the Bozeman Daily Chronicle on June 7, 1998. There was no public comment. Commissioner Murdock moved to accept the viewing committee's report and abandon that portion of road on South 3rd Avenue described in Road Petition #786, and directed the County Attorney's Office to prepare the resolution. Seconded by Commissioner Brown. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp received a request to amend the preliminary plat for Valley Grove Subdivision Phase IV located in the SE ¼ and SW¼ of Section 20, Township 1S, R5E, P.M.M., Gallatin County, Montana. The applicant has requested that the preliminary plat be changed to accommodate a central sewer system. Some of the lots have to be rearranged to provide the space needed for a central drainfield. The number of lots in the subdivision has not changed, and the request does not require any of the conditions to be changed. Belgrade City-County Planning reviewed the request to amend the plat and voted to recommend approval of the request to the Commission. The Commission granted preliminary plat approval on September 23, 1996. Commissioner Olson asked Mr. Karp if the reconfiguration of the lots into the parkland dedication in the original preliminary plat was a concern to the Planning Board. Mr. Karp stated the parkland dedication to the subdivision was far above what was required by the subdivision regulations. The use of the drainfield is in the dedicated open space and recreational area. A concern was raised over the stream running through the reconfiguration of the parkland and open space area. Mr. Karp stated since it was a natural stream running through the open space, it was not as much a liability as would be a private irrigation ditch running through it. During discussion, Gene Cook the developer answered questions about the type of central sewer system and the central covered drainfield proposed in the amendment. He said it was a system of recycling tanks that break down the nitrates and go out at a less density into the drainfield. The same type of system had been approved in another subdivision located near Valley Grove and had been successful. Several more of this type are being used in the Big Sky area. There was no public comment. Based on the findings that the amended plat is consistent with the Gallatin County Subdivision Regulations, the Belgrade Area Master Plan, and is in the public interest, Commissioner Murdock moved to approve the amended preliminary plat of the Valley Grove Subdivision, Phase IV as presented and recommended by the Belgrade Planning Board with the twenty three (23) conditions submitted in the staff report. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic presented a request for preliminary plat approval for Mt. Ellis Foothills Minor Subdivision by Trina Kallenbach of Fluidyne, on behalf of George Burnett. The request is for a four-lot minor subdivision on 153.8 acres in the NE¼ of Section 26, T2S, R6E. Although no parkland is required, fifteen acres in the northeast corner of the proposal is to be retained as a private park. The applicant is requesting a variance from maximum cul-de-sac length. The land is presently used for agricultural purposes and this subdivision would have an effect on ag production. The Bear Canyon Zoning Ordinance recognizes agriculture as a predominate activity in the district and a regulation goal recognizes the need to preserve the integrity of the farm and recognize adverse economic conditions that confront the ag community. The applicant has requested to waive the road and fire impact fees on Tract 1 as provided under appendixes D and E of the Gallatin County Subdivision Regulations, due to the existing dwelling on one lot. The property is located within the Bear Canyon Zoning District and the proposal complies with zoning regulations. Adjoining property owners were notified of the meeting by certified mail. Notice of the hearing was legally advertised in the High Country Independent News on May 21, 1998 and in the Bozeman Daily Chronicle on May 24, 1998. The Planning staff recommend preliminary plat approval subject to the following conditions: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. The applicant shall obtain approval from the Gallatin City-County Environmental Health Department for any sanitary provisions. 3. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval. 4. The applicant shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, fire district or fire service area and/or the creation of a sewer and/or water district. 5. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "utility easement" to have and to hold forever. 6. A memorandum of understanding shall be signed between the weed control district and the applicant prior to final plat approval. 7. The applicant shall record the following covenants with the final plat: a) The property owners association shall be responsible for the control of County-declared noxious weeds. b) Owners of Tract 4 shall be responsible for the maintenance of the road providing access to Tract 4. c) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic

fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48-hour notice, during construction and after completion. d) Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.

e) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The applicant shall establish a property owners' association for enforcement of the required covenants. 9. The applicant shall provide a wetlands investigation completed by a certified consultant, using the Army Corps of Engineers Wetlands Manual. If the investigation indicates that wetlands are present, the applicant shall have the wetlands delineated by a certified consultant. The wetlands delineation shall be shown on the final plat. 10. An easement with 20 feet on either side of the Wolverton Ditch shall be shown on the final plat. 11. The following statement shall appear on the final plat: The undersigned property owners hereby enter into a covenant to run with the land, that "private park," as shown hereon, will remain parkland and no structures requiring water and/or sewage facilities have been or are to be erected or utilized. This covenant is revocable only by the mutual consent of the governing body and the property owners through the subdivision process. 12. Road name sign(s) shall be required at all intersections. 13. All road names for interior roads shall be approved by the County Road and Bridge Department. 14. STOP sign(s) shall be required at all intersections with County-maintained roads. 15. Encroachment permits shall be obtained from the County Road and Bridge Department for access to proposed lots off of Mount Ellis Lane. 16. All interior roads shall be built to County standards and have a 60-foot right of way, dedicated to the public. 17. A cul-de-sac, built to County standards, shall be required at the east end of the new road through Tract 1. 18. All road work will need to be inspected and certified by a licensed engineer. Such inspection and certification shall be provided to the County Road and Bridge Department in writing. Final approval shall not be given until this documentation is received. 19. The owners of Tract 4 shall maintain the new road proposed to provide access to Tract 4. The applicant shall provide a maintenance agreement to the County Road and Bridge Department for their approval. 20. The applicant shall make payment of road impact fees in the amount of \$1,596 per lot (\$4,788 total based on three lots) prior to final plat approval. 21. The applicant shall make payment of fire protection impact fees in the amount of \$ 496 per lot (\$1,488 total based on three lots) prior to final plat approval. 22. The applicant shall provide a water supply for fire protection in accordance with the Subdivision Regulations. The applicant shall have the Fort Ellis Fire Service Area review and approve the water supply prior to final plat approval. The applicant shall obtain written verification from the fire district that the required water supply has been provided. Inspections shall be scheduled, with a 48-hour notice, during construction and completion. 23. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. There were no letters received regarding the proposal. Ms. Kallenback, on behalf of the applicant, stated they are in agreement with the conditions. They discussed adding a condition to make sure they are reviewed by the State after discussing that the Natural Resources and Conservation Service soil data indicated the property has "severe" limitations for septic usage due to hydric soils. Ms. Kallenback said that the Montana Department of Environmental Quality would not review any parcel over 20 acres no matter what. It was decided the subdivision would go through local sanitary review and would require permitting for the proposed on-site wastewater system, alleviating their concern. There was no public testimony. During board discussion, Road and Bridge Superintendent Sam Gianfrancisco approved the proposed cul-de-sac. The fire department also was in agreement. Mr. Gianfrancisco stated they determined the trips per day are within limits, averaging out to about 100, and that it would not be a detriment to not pave that short stretch of Mount Ellis Lane. They decided the standard agriculture covenant regarding fences was not listed as a condition, and needed to be added. Conditions #20 and #21 would be amended to omit the fees, replacing them with "in accordance with the subdivision regulations." Finding the request for the variance was reasonable and would not be a detriment to the health, welfare, and safety of the public, Commissioner Murdock moved to grant the variance from the maximum cul-de-sac length. Seconded by Commissioner Brown. None voting nay. Motion carried. Finding that waiving the County road and impact fees meet the criteria set forth in the Gallatin County Subdivision regulations, Commissioner Murdock moved to waive the road and fire impact fees on Tract 1. Seconded by Commissioner Brown. None voting nay. Motion carried. Finding the Mt. Ellis Foothills Minor Subdivision complies with the Montana Subdivision and Platting Act, and is consistent with the Bear Canyon Zoning Ordinance and was recommended for approval, Commissioner Murdock moved to approve preliminary plat approval with the twenty-three conditions as written and presented by staff with the following changes: Add to condition #7 f.) to read, "All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law." Conditions #20 amended to read, "The applicant shall make payment of road impact fees in accordance with the Subdivision Regulations prior to final plat approval;

364 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

and Condition #21 amended to read: "The applicant shall make payment of fire protection impact fees in accordance with the Subdivision Regulations prior to final plat approval." Seconded by Commissioner Brown. None voting nay. Motion carried.

A resolution to adopt a competitive sealed proposal procedure for independent audit of County financial records per state law was presented for consideration. The Commissioners were in favor of the resolution and felt it was in the best interest of Gallatin County and its citizens. Commissioner Murdock moved to adopt Resolution #1998-34. Seconded by Commissioner Brown. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:55 P.M.

unavailable.
For Signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 16th DAY OF JUNE 1998

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jarvis Brown, Deputy County Attorney Chris Gray, and Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JUNE 8, 1998

- A special meeting of the County Commissioners was called to order at 8:35 a.m. by Commissioner Phil Olson. The purpose of the meeting was to consider a request from Lani Chaney for a mortgage exemption. County Planner Jennifer Madgic gave staff report. Commissioner Murdock moved to approve, finding that exemption appeared to meet criteria. Phil Olson seconded the motion. The motion was approved unanimously, exemption granted, and meeting was adjourned at 8:40 a.m.
- Commissioners Olson, Murdock and Clerk of Court Lorraine VanAusdol canvassed votes from the June 2 election.
- Commissioners Olson and Murdock met with Data Processing Supervisor Bill Baldus. Items of discussion included Data Processing's draft work plan, and in which direction DP will take Gallatin County in the future. Discussed the Detention Center server and will review it again this afternoon with Fiscal Officer Ed Blackman to make a determination. Mr. Baldus will expand on draft work plan dated January 14 by adding priorities, listing their core functions and personnel assigned, timelines and budget considerations.
- Commissioners Olson and Murdock met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners Olson and Murdock met with Road & Bridge Superintendent Sam Gianfrancisco. Items of discussion included a request for a stop sign on Western Drive to help slow traffic, Valley Center done except fog seal, request to upgrade Axtell Anceny Road, and gravel road dust problem. Sam will pursue options to slow traffic on Western Drive, will fog seal Valley Center the next good weather day, denied request to upgrade Axtell Anceny, and will research the possibility of mag chloride to control dust on major County gravel roads and a demonstration by private sector grading district. Additionally, railroad crossing at Holenam cement plant will be paved this year; Commissioner Murdock will check with Deputy County Attorney Chris Gray pertaining to Sam signing for change orders. Mowing will start next week.
- Commissioners Olson and Murdock met with Data Processing Supervisor Bill Baldus, Clerk and Recorder Shelley Vance and Fiscal Officer Ed Blackman to review computer needs/requests -- by department -- for FY '99. Bill will color-code computer items in budget so Commissioners can arrive

at a more informed decision when determining final FY '99 budget for Data Processing needs per department.

- Commissioner Murdock attended the Fair Board meeting. Detailed minutes are on file at the Ag Center.

JUNE 9, 1998

- Commissioners Olson, Murdock and Fiscal Officer Ed Blackman met with members of the Fair Board to discuss capital improvements/budget needs for FY '99.
- A special meeting of the County Commissioners was called to order at 10:00 a.m. by Chairman Phil Olson. The purpose of the meeting was to appoint an Interim County Commissioner to replace Commissioner Jane Jelinski. Of the three candidates interviewed, Commission voted unanimously to appoint Jarvis Brown. He was sworn in by Judge Scott Wyckman and his term will expire on December 31, 1998. Detailed minutes are on file in the Clerk and Recorder's office.
- Commissioner Olson attended the Healthier Communities Action Meeting at Bozeman Deaconess Hospital; lunch was provided. For detailed minutes, contact Sandy Martin at 585-1097.

JUNE 10, 1998

- Commissioner Murdock attended the meeting of the Board of Health. Detailed minutes are on file in the Health Department.
- Commissioner Olson attended a no-host breakfast given by Dave Garber of the Gallatin National Forest. The breakfast was held to introduce and visit with Dale Bosworth, Regional Forester for the Forest Service's Northern Region.
- Commissioners held an all-day, off-site meeting with Clerk and Recorder Shelley Vance, Personnel Director Kathy Nowierski, and Fiscal Officer Ed Blackman to prepare a preliminary budget for FY 1999.

JUNE 11, 1998

- Commissioner Murdock presented the opening statement at the Montana Sheriff and Peace Officer's Association annual meeting held at the Gran Tree Inn in Bozeman.
- Commissioners held an all-day, off-site meeting with Clerk and Recorder Shelley Vance, Personnel Director Kathy Nowierski, and Fiscal Officer Ed Blackman to prepare a preliminary budget for FY 1999.

JUNE 12, 1998

- Commissioners held an all-day, off-site meeting with Clerk and Recorder Shelley Vance, Personnel Director Kathy Nowierski, and Fiscal Officer Ed Blackman to prepare a preliminary budget for FY 1999.
- Commissioners received payroll in the amount of \$874,865.02.
- Commissioners received cancellation of taxes in the amount of \$167.07.
- The following is a list of new employees for May 1998: 5/18/98 Kevin D. Larsen Sheriff/Deputy \$2,376.59; 5/18/98 Allison Schackelford Sheriff/prison transport \$1586.88; 4/20/98 Jose Cifuentes Rest Home/CAN \$7.55/hr.; 5/19/98 Margaret L.D. Watson Rest Home/Activ. Aide \$6.66/hr.; 5/6/98 Lisa Riedel Rest Home/Diet.Hskp \$6.66/hr.; 5/15/98 Stacy Jepsen rest Home/Diet.Hskp \$6.66/hr.; 4/20/98 J.R. Bohleen road/Equip Oper I \$1,922.70/ 85%; 4/20/98 Kim Biladeau Clk of Ct \$8.44/hr.; 5/4/98 Glenda Harrison Clk&Rec \$7.55/hr.; 4/30/98 Bitsy Degidio Clk&Rec \$7.55/hr.; 5/3/98 Terry Leonard 911/Communications Off \$7.55/hr.
- The following is a list of terminated employees: Thomas Richards Data Processing 5/11/98; Wayne Stone Rest Home 5/6/98; Trenie Carey Rest Home 5/7/98; Carol Banghart Health 4/29/98; Leandria Burt Rest Home 5/3/98; Amy Cathey C&R 4/30/98; Jennifer Dening Rest Home 5/21/98; Kelli Fanning Personnel 5/5/98; Jane Jelinski County Commission 5/31/98; Vanessa Sanddal Detention Center 4/29/98.

The following items were on the consent agenda:

- A request for a relocation of common boundary exemption for Carol Chambers and Kent Brodie of COS #317-I.
- A request for a family transfer exemption for Madeline Taylor to create a 26.48 acre parcel created by aliquot parts and a government lot to be transferred to her son, William Taylor.
- A request for a mortgage exemption by Bruce Larue in COS # 2045.

- A request for a relocation of common boundary exemption for Charles and Nancy Page in Rainbow of Bozeman Hot Springs Subdivision.
- A request for a relocation of common boundary exemption for George and Marlys Cook.

According to the information submitted, these exemption requests appear to meet the criteria set forth by the Montana Subdivision and Platting Act.

- A request for final plat approval for Boylan Minor Subdivision. The preliminary plat approval was granted by the Commission on April 21, 1998, subject to 7 conditions.
- A request for final plat approval for Kountz Mobile Home Park Major Subdivision. The preliminary plat approval was granted by the Commission on February 4, 1997, subject to 19 conditions.

The Bozeman City-County Planning Office reviewed the conditions of final plat approval for these requests. Based on that review, they recommend granting final plat approval.

Gallatin County Planner Jennifer Madgic requested that the consideration for relocation of a common boundary exemption for Charles and Nancy Page be continued until July 7, 1998. Commissioner Murdock moved to adopt the consent agenda with the exception of the Page exemption. Seconded by Commissioner Brown. None voting nay. Motion carried.

Brent Miller of Gaston Engineering opened the bids for the paving of RID #371, for Wheatland Hills II. The following were received for consideration: Big Sky Asphalt, Inc.- bid bond of 10%, #1. \$42,555.50 #2. \$9,000 total bid \$51,550.50; and JTL Inc. of Belgrade - bid bond of 10%, #1. \$57,937.50 #2. \$22,400 total bid \$80,337.50. The bids were taken under advisement for review and recommendation to the Commission. No date to award the bid was set, but will be published prior to the public hearing date.

Gallatin County Grants Administrator Larry Watson submitted a resolution to approve a contract with the Montana Department of Public Health & Human Services for the initiation of a local breast cervical health program. A request was submitted by the City-County Health Department to endorse an application to the Montana Department of Public Health and Services for funding to develop an early detection plan for breast and cervical cancer. The funding of this application will provide critical operational funds for the development of the program. The Center for Disease Control offered a grant to the Montana Department of Public Health & Human Services and Gallatin County would receive \$7,500 to initiate the development of this program, which will target the high risk group being the low income and under insured women for annual screening procedures. Commissioner Murdock moved to adopt Resolution #1998-35 to support the application with the Department of Public Health and Human Services to develop funding for the initiation of the program for the breast and cervical health program in Gallatin County. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Grants Administrator Larry Watson submitted a resolution to adopt a contract with the Montana Department of Commerce for a Community Development Block Grant for Big Sky Carvers. The Commission adopted Resolution #1998-28, sponsoring an application on behalf of Big Sky Carvers to the Montana Department of Commerce for additional funds. It was a very competitive process with other communities from across the state. It was awarded to Big Sky Carvers for \$274, 975 to give an additional loan of \$255,000 to the Big Sky Carver's expansion. It will create a new jobs for low income residents. The money will be repaid to the county in the revolving loan fund, and from the amount of the monthly payments from these loans made, it will allow the additional funding of another CDBG loan. Commissioner Murdock moved to adopt Resolution #1998-28A, to adopt the contract on behalf of Big Sky Carvers and the Montana Department of Commerce for the Community Development Block Grant. Seconded by Commissioner Brown. None voting nay. Motion carried.

Bozeman City-County Planning Director Andy Epple reported on a request to ratify a funding agreement between the Bozeman City-County Planning Board and the Montana Department of Transportation for the 1998 Bozeman Area Transportation Plan Update. The State is providing \$100,000 and the City-County would provide \$25,000. The Bozeman City Commission has committed \$15,000. They request the Commission to fund the remaining \$10,000. Mr. Eppel stated that the Transportation Coordinating Committee would meet, and address the jurisdictional transportation needs of the County. During Board discussion, the Commission stated that the funding from the County would come from the Gallatin County road impact fee fund (\$5,000) and the Gallatin County Planning budget (\$5,000). There was no public comment. Road and Bridge Superintendent Sam Gianfrancisco stated the Road Office is in support of

ratifying this funding agreement. It would help the County's transportation plan that is in the works. Commissioner Murdock moved to ratify the draft agreement for the 1998 Bozeman Area Transportation Plan Update as presented by Mr. Andy Epple. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that on May 5, 1998, she received a petition on behalf of the Commission to annex property into the Story Siding Herd District #7. Notice of this public hearing was published in the High Country Independent Press on May 21, 28, and June 4, 1998, meeting the 3 required publication dates. The total acreage for the annexation, according to the petition was 1,970.383 acres. The signatures representing the land owners who represent their property was 1,076.994 acres. The percentage of acreage represented by those signatures was 55%. These figures only represent Gallatin Counties jurisdictional area of the petition. Story Herd District #7 was declared created and established by the Board of County Commissioners, on or about August 19, 1931. The original herd district generally comprises an area of approximately 62 square miles. The lands to be annexed by this petition are contiguous and adjoining the Story Siding Herd District #7 at the eastern and southerly extremity of that district on the eastern boundary of the W ½ of Section 13, T2S, R7E. The lands to be annexed in Gallatin County would be Tracts 1-14 and 18-29 of COS 916 (686.691 acres); Tracts 16 and 7 of COS 916A referred to as "Smokey Hollow" (686.691 acres); Tracts 1-18, 21-24, 28, 29, and 32 of COS 1684A referred to as "Timberline Creek" (565.883 acres); Tracts 1-21, 28-49, 50A, 50B, 51-54 of COS 36P (610.061 acres); Tracts 2639-2642, 2646, 2647, 352601-352603 of COS 36Q (107.743 acres); Tracts 1-12 of COS 1156 (285,529) all located in Sections 13, 24, 25, 26, 27, and 35 of T2S, R7E. The total amount of land to be annexed as stated on the petition is approximately 2,255.907 acres. Some of the proposed boundary lies in Park County. Herd districts may be created in any county in the State of Montana upon petition of owners or processors of 55% of the land in such district, providing 25% or more of the land in such district is in actual cultivation or being used for residential purposes. The Clerk and Recorder's office was directed to produce a map of the proposed territory to be annexed including a delineation of the current district, and the proposed lands contiguous and adjoining to the current district to the county line. The map will identify the signers of the petition and will be made available prior to the next public hearing on the proposed annexation. Commissioner Olson asked if any owners of land wished to protest the signatures of their lessees. There were none. Commissioner Olson asked if any owners wished to withdraw their names from the petition. There were none. The petition was closed to any addition or withdrawal of signatures. The following people spoke in favor of creating the herd district: Susan Killian; Trina Kallenbach; Luigia Crippa; Diane Ensign; Mike Dale; Kelly Seevers; David Chapin; Lonna Braverman; Ken Lane; Floyd Murray; Jim Lafever; and Pam Haight. A letter from Attorney Lee Stokes was entered into the record by Ms. Kallenbach. The petitioners expressed concerns over the cattle damaging their property, being a nuisance, trespassing, safety, scaring children and pets, polluting the streams, spreading noxious weeds, ruining the eco-system, threats by the cattle owners, the disruption of their quality of life during cattle roundups, financial burden of fencing, and leased cattle of the ranchers on the open range grazing on their pasture for free. The following people spoke in opposition to the creation of the herd district: Warren McMillian, Robert Haugland (partner of Green Mountain Grazing Association); Don Jones (partner of Green Mountain Grazing Association); Chris Bakwin; Darleen McMillian; Susan Miller; and Attorney Holly Brown representing the McMillians and the other ranchers opposing the district. They stated concern over losing open range land by developers and making the rancher an endangered species. They stated ranchers have a historical precedent, and if buyers purchase small tracts within an open range area, they need to fence. It is Montana State law allowing open range, and their solution was that fences make good neighbors. The cost of fencing open range land covering hundreds of acres opposed to 20 acres would be a financial hardship on the ranchers. The elk and moose tear down the fences on the open range and it would be costly upkeep. Fencing the small acreage's would cost the least, solve the problems, and would not require the government to be asked to solve the problems. Karen Schneider was neither for nor against, but was the realtor that sold property in the proposed area who informed buyers of the Montana open range law, and explained the covenant that ran with the land that requires the purchaser to fence their land if they owned animals, keeping them in and the cattle out. A petition with signatures requesting that the annexation be denied was submitted to the Commission. The meeting will be continued on June 30, 1998. Deputy County Attorney Chris Gray requested that the Commission receive written comments on the issues brought forth at the hearing today and made available to the public.

Belgrade City-County Planner Jason Karp received a request by Arrowhead Surveying on behalf of Darrel DeHaan for preliminary plat approval for the DeHaan Minor Subdivision #2, being a two lot minor containing 33 acres located in COS 1863 in the NW1/4 of Section 4, T1S, R4E, P.M.M. Gallatin County, Montana. The applicant requested a variance from the Gallatin County Subdivision Regulations Section 7-A-2, requiring access to unsubdivided land and extending roads to the boundary line of the tract

to be subdivided, and a variance from Section 7-B requiring all roads providing access to the proposed subdivision be dedicated to the public or be a public road easement. Access to several certificates of survey adjacent to the subdivision is provided via Rottweiler Lane along the western boundary of the subdivision. Rottweiler Lane is an existing road easement, but it is not constructed to Gallatin County standards. The applicant is proposing to dedicate a 60 foot right-of-way for Rottweiler Lane along the entire western boundary of Lot 1, which could be constructed to County standards if Lot 1 is further subdivided in the future. The applicant also stated that existing out buildings on Lot 2 would prevent the Rottweiler Lane right-of-way from being extended to the south boundary of Lot 2. Staff suggests that the right-of-way be extended south of Lot 1 at least to the north boundary of Tract 5 of COS 876-E, to guarantee legal access to that tract. Access to the existing home on Lot 2 is provided by a private easement on an abandoned railroad right-of-way along the southern boundary of the property. The applicant has stated that it is unlikely the party that owns the property under the private easement would consent to the easement becoming public, therefore the applicant has proposed to place a covenant on Lot 2 prohibiting further subdivision of the lot. The following conditions are recommended to grant preliminary plat approval, to be completed prior to final plat approval:

1. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates.
2. The final plat shall show any necessary easements to allow construction and maintenance of utilities, both to, and within, the subdivision. The location of the easements should be acceptable to the affected utility companies. The following statement shall be written on the final plat: "The undersigned hereby grants unto each and every person or firm, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'utility easement' to have and to hold forever."
3. Department of Environmental Quality approval shall be obtained for the subdivision. The applicants shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The applicants shall obtain the Gallatin County Health Officer's approval.
4. A waiver of right to protest creation of rural improvement districts and water and sewer districts shall accompany the final plat.
5. The developer shall record covenants on the final plat including the following provisions.
 - a. Requiring control of county declared noxious weeds.
 - b. A section addressing possible problems associated with adjacent farming practices, and affirming neighboring landowner's right-to-farm. The language shall state as follows: Lot owners and tenants of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in dust, animal odors, flies, smoke and machinery noise. Standard agricultural practices feature the use of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.
 - c. All fences bordering agricultural lands shall be maintained by the homeowners in accordance with State law.
 - d. All structures must meet the fire flow requirements as outlined in the current adopted edition of the uniform fire code unless alternative provisions are approved by the fire chief.
 - e. Site plans of all lots must be submitted for review and approval by the Belgrade Rural Fire District.
 - f. All commercial structures must submit plans to the Montana State Building Codes Bureau (or City of Belgrade if property is annexed) and the Belgrade Rural Fire District for review and approval prior to construction.
 - g. Lot 1 owners shall participate with the lot owners of Minor Subdivision #170 for the shared maintenance of Sheepshank Drive.
 - h. *(If the variance is granted)* Further subdivision of Lot 2 is prohibited.
 - i. Any covenant which is included herein as a condition of preliminary plat approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County.
6. Two copies of the covenants, a copy of preliminary approval document, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants and certificate prior to final plat approval.
7. Road and fire impact fees shall be submitted as per County impact fee policy.
8. Any area of the subdivision disturbed during construction shall be seeded and controlled for noxious weeds. A memorandum of understanding shall be signed between weed district and developer prior to final plat approval.
9. A copy of the final plat shall be submitted to the Belgrade Fire Department and the Gallatin County Road Department.
10. Rottweiler Lane shall be shown on the final plat as a 60 foot public dedicated right-of-way from Sheepshank Drive to the north boundary of Tract 5 of C.O.S. No. 876-E.
11. The access to Lot 2 along the abandoned railroad right-of-way shall be a public easement approved by the County Attorney's Office and filed with Gallatin County Clerk and Recorder *(unless a variance from Section 7-B is granted. *note-This condition should not be required if the variance from Section 7-A-2 is denied, because Rottweiler Lane would provide a county standard public access to Lot 2.)*
12. The drainage problem on Sheepshank Drive along the north boundary of Lot 1 shall be corrected as approved by the County Road Superintendent, and Sheepshank Drive shall be upgraded to County Standards from the Royal Arabian Subdivision to the east boundary of Lot 1 and be approved by the County Road Superintendent.
13. Road name signs and stop signs shall be installed as required by the County Road Superintendent or a bond must be posted with the Gallatin County Road Office to cover the cost of the signs.
14. All required road construction shall be inspected and certified by a licensed engineer. Inspection and certification shall be provided to the county road

department in writing prior to final plat approval. If approved, the developer shall have three (3) years from the date of preliminary approval to complete the above conditions and apply for final plat approval. The rationale for granting the variance on Lot 2 is because of an existing house and a covenant that was included prohibiting further subdivision of that lot. Paul Cook of Arrowhead Surveying representing Mr. Dehaan clarified the two variances requested. Mr. Dehaan's intent was to create one lot for sale. Applicant Darrell Dehaan stated he has no further plans to develop the property. There was no public comment. During Board discussion, it was determined that Lots 1 and 2 would have legal access by the proposed easements. Rottweiller Lane would have a 60 foot right-of-way easement and would be taken out of Lot 1 and dedicated by the applicant. Road and Bridge Superintendent Sam Gianfrancisco supports the variance with the restriction put on Lot 1. It would be considered a separate 10 acre tract. He also stated they might not want the public dedication because of the standard of not having any double front lots. If further divided, then at that time they can require the dedication. Commissioner Murdock said if the applicant is willing to grant the public dedication, he thinks the Commission should keep that condition of approval. Finding it is not in the public interest to grant the variance request from Section 7-B, Commissioner Murdock moved to deny the variance requiring all roads providing access to the proposed subdivision be dedicated to the public. Seconded by Commissioner Brown. None voting nay. Motion carried. Finding that granting the variance from 7-A-2, is not detrimental to the public's safety, Commissioner Murdock moved to grant the variance request from the Gallatin County Subdivision Regulations Section 7-A-2 requiring that all roads within the development site be constructed to Gallatin County standards giving access to unsubdivided land and extending roads to the boundary line of the tract to be subdivided. Seconded by Commissioner Brown. None voting nay. Motion carried. Finding the Dehaan Minor Subdivision is consistent with the Montana Subdivision and Platting Act, the Gallatin County Subdivision Regulations, and that the Belgrade Planning Board has recommended approval, Commissioner Murdock moved to grant preliminary plat approval with the 16 conditions presented and recommended in the staff report with the following exceptions: Delete conditions #11 and #15. Add condition #17 as follows: "Irrigation ditches located within the property shall be shown on the final plat. The final plat shall show a maintenance easement along the ditch (15 feet on one side, 15 feet on the other) for cleaning and maintenance." The conditions for approval written in the staff report would be numbered the same, adding #17, and it would be noted that conditions #11 and #15 had been deleted. Seconded by Commissioner Brown. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:57 P.M.

Unavailable
For signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 23rd DAY OF JUNE 1998

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioner Jarvis Brown, Deputy County Attorney Chris Gray and Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance.

JUNE 15, 1998

- Commissioners met with Stefani Freese of Knaub & Company and members of the Finance Committee to review and discuss the 1997 external audit responses and the answers submitted by the Finance Committee. The exit audit for 1997 was also conducted.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners held a follow-up meeting of interested parties to further discuss problems and concerns with the current Mental Health Services system. Topics of discussion included funding mechanisms for a Crisis Stabilization Unit and other needed services. Agreed to start the Crisis Stabilization Unit and begin related services pending approval of the South Central Montana Regional (Region III) Mental Health Center Board of Directors on June 26, 1998. Other attendees included commissioners from Yellowstone, Fergus and Park counties; Peter Degel, Candy Wimmer, and Kelly Moorse of Montana Community Partners; John Nordwick, President and CEO of Bozeman Deaconess Hospital;

370 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Bob Ross, Executive Director of the Mental Health Center in Billings; Interim Health Officer Stephanie Nelson; and Anita Tymrak and Bill Slaughter of the Gallatin County Sheriff's Department.

- Interim Health Officer Stephanie Nelson reported to the Commission on the continuing search for a Health Officer, Health Department priorities, legislative concerns, and issues concerning her department's relocation to the Health & Human Services Center.
- Commissioner Olson attended a meeting of the Open Space Task Force held at the Manhattan High School. Detailed minutes are on file in the Planning office.
- Commissioner Murdock and the Detention Center Project Team met to finalize interview questions for architect candidates for new detention center.

JUNE 16, 1998

- Commissioners met with County Attorney Marty Lambert and Deputy County Attorneys Chris Gray and Susan Swimley. Road & Bridge Superintendent Sam Gianfrancisco was invited to attend as well to discuss next steps needed for Babcock Street. Other items of discussion included the proposed park at Hebgen Lake (6.54 acres); developer willing to pay cash-in-lieu and Commissioners agreed. Marty Lambert reported that Deputy County Attorney Gerry Higgins received a letter from the Logan Landfill's legal counsel requesting an increase in fees. Therefore, the meeting the Commissioners scheduled with the VanDykens on June 17th in an attempt to reach an agreement with no attorney involvement has been canceled.
- Commissioners met with Planning Director R. Dale Beland. Dale wanted to discuss the agenda for the Environmental Quality Council growth study meeting in Dillon on June 25, and other issues regarding the "donut" hearings. Dale will advise Bozeman City-County Planning Director Andy Epple that donut workshops will be held in conjunction with City-County Planning Board and County Commission. Deadline for implementation is set for January 1, 1999.
- Commissioner Olson and the Phase I Project Team met. Other attendees included Commissioner Jarvis Brown, Rob Pertzborn of Prugh & Lenon Architects, Inc. and Data Processing Supervisor Bill Baldus. They reviewed the revised floor plan to determine a final plan. Commission recommended that Data Processing stay on the 2nd floor for the foreseeable future. Old proposed Data Processing area in basement will be finished off for general office use, and the rest of basement will remain as originally planned. Commission will inform Prugh & Lenon of final decision regarding Data Processing; split decision on leaving mailroom as is.

JUNE 17, 1998

- Commissioners held the staff meeting. Agenda items included follow-up on poll regarding county picnic, new public meeting requirements, drug & alcohol testing program, legislative needs questionnaire, and department updates.
- Commissioners attended the quarterly Interagency Luncheon at the Baxter Hotel. Other attendees included Bozeman Mayor Al Stiff, City Manager Clark Johnson, Gallatin Development Corp. representative Michele DuBose, Bozeman Superintendent of Schools Paula Butterfield and Bozeman Schools Business Manager Steve Johnson, and Dave Smith of the Bozeman Area Chamber of Commerce. Items of discussion included a request by Bozeman Deaconess hospital for amendments to the 1990 Bozeman Area Master Plan, and proposed bus barn. Next meeting is scheduled for September 16, 1998.
- Commissioner Murdock met with Rural Fire Council member Brian Crandall to discuss alternatives for fire-related safety conditions of subdivision approval for minor subdivisions. Will meet with other Fire Council members to further discuss alternatives/options at 6:00 a.m. on July 15, 1998.
- Commissioners Olson and Brown traveled to West Yellowstone to attend a meeting of the West Yellowstone/ Hebgen Basin Solid Waste District Advisory Board. For detailed minutes, contact Board Secretary Jo Miller at 646-7795 or a copy can be obtained through the Commissioners' office.
- Commissioner Murdock attended the first of several scoping meetings hosted by the National Park Service designed to collect comments on the proposed Winter Use Plans and Environmental Impact Statement for Yellowstone & Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway.

JUNE 18, 1998

- Commissioner Murdock was a guest speaker at the Bozeman Chamber of Commerce's Government Affairs Committee meeting to present the need for a new detention center.
- Commissioners Olson and Murdock attended a Zoning Hearing.

- Commissioner Olson attended the Healthier Communities Action Meeting at Bozeman Deaconess Hospital; lunch was provided. For detailed minutes, contact Sandy Martin at 585-1097. Next meeting is scheduled for July 7, 1998.
- Commissioner Olson attended the Simpkins Spur Trail dedication.
- Commissioner Murdock attended a meeting of the Detention Center Citizen's Advisory Committee. Topics of discussion focused on finalizing agenda items and presenters for the public meeting of the Advisory Committee scheduled for June 25 at 6:30 p.m.

JUNE 19, 1998

- Commissioners Olson and Murdock met with Clerk and Recorder Shelley Vance and Fiscal Officer Ed Blackman to review and approve the memos to all departments outlining their preliminary proposed budgets for FY 1999.
- Commissioners received claims in the amount of \$499,503.80.

The following proceedings were had to wit:

The following items were on the consent agenda:

- A request for a one-year extension of preliminary plat approval for Phase II of the Gallatin Valley Homesteads Subdivision to complete the required improvements. The Commission granted preliminary plat approval on June 13, 1995. If given the extension, it would expire June 13, 1999.
- A request for a relocation of a common boundary exemption for Horace Morgan and Fred & Susan Nelson.

According to the information submitted, these requests appear to meet the criteria set forth by the Montana Subdivision and Platting Act. Commissioner Brown moved to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reviewed the bids received for the 1998 Gallatin County advertising contract. When the bids were opened at the June 9, 1998, public hearing the Commission established 5 criteria's to evaluate the bids received from the Bozeman Daily Chronicle and the High Country Independent Press. After reviewing the two bids, it was found that the advertising costs had significantly increased due to major departments using both papers for advertising during the period the contract was in effect with the High Country Independent Press. The bid when awarded was lower, but in actuality it cost more because of the duplication of publishing within certain departments within the County. Some departments require their notices to be published in the publication with the highest circulation, therefore substantially increasing the cost by duplicating advertising. There was no public comment. During Board discussion they determined that the Bozeman Daily Chronicle reached the largest circulation and was financially the most responsible bid. Based on the financial considerations, and being the publication with the highest circulation that would better serve the public, Commissioner Brown moved to award the 1998 legal advertising bid to the Bozeman Daily Chronicle. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on a resolution approving the borrowing of \$303,000 from the State of Montana's INTERCAP loan program for the purchase of land northeast of the Gallatin County Rest Home. There was no public comment. Commissioner Brown moved to adopt Resolution #1998-36, authorizing participation in the Board of Investments of the State of Montana annual adjustable rate tender option municipal finance consolidation act bonds, the intercap revolving loan program, approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto, as reviewed and recommended for approval by the Gallatin County Attorney's Office. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Subdivision Review Manager W. Randall Johnson reported on a request by Dennis Foreman of Gaston Engineering on behalf of Doug Smith for preliminary plat approval of a one-lot (8.98 acre lot) Smith Minor Subdivision located in the SW1/4 of Section 3, T2S, R5E, P.M.M., Gallatin County, Montana. The property is located at the northeast corner of Durston and Flanders Mill Road.

According to the applicant, the lot is being created to provide a building site for a new church. It is within County Zoning District #1, zoned semi-rural residential and allows places of worship as a matter of right, with a minimum lot size of one acre. The proposed subdivision complies with all provisions of the zoning district regulations. If the Commission determines to grant approval the following conditions are recommended: 1. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 2. Approval of the subdivision shall be obtained from the State Department of Environmental Quality. The subdivider shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. 3. Encroachment permit(s) shall be obtained from the County Road & Bridge Department prior to final plat approval. 4. The adjacent thirty (30) foot of right-of-way of Flanders Mill Road shall be dedicated on the final plat. 5. The adjacent forty-five (45) foot of right-of-way of Durston Road shall be dedicated on the final plat. 6. The applicant shall improve Durston Road to county paved standards from the west end of Lot 1 to the existing pavement. If this section of Durston Road is paved by the Valley West development, the subdivider shall pay proportionate reimbursement to the Valley West development in accordance with the Gallatin County Subdivision Regulations. 7. All road improvements shall be inspected and certified by a licensed engineer. Such inspection and certification must be provided to the County Road Office in writing. With respect to paving of county maintained roads, a one (1) year written warranty, from the contractor is required. Final approval will not be given until this documentation is received. 8. A "no access" strip along Flanders Mill Road shall be delineated on the final plat. 9. All utility easements are to be shown on the final plat. Utility easements shall be centered along side and rear lot lines wherever possible, and shall be twenty (20) feet wide. Utility easements for the water lines shall be thirty (30) feet wide. Underground utilities, if placed in the road right-of-way, shall be located between the roadway and the right-of-way line. Such underground facilities shall be installed or utility culverts provided before the road is surfaced. In addition, the following statement must appear on the final plat: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as 'utility easement' to have and to hold forever". 10. A twenty (20) foot maintenance easement for the irrigation ditch shall be delineated on the final plat. 11. The final plat shall include a statement that the property owner shall be responsible for the control of County declared noxious weeds. 12. The applicant shall provide fire protection facilities in accordance with the Gallatin County Subdivision Regulations, and the requirements of the Rae Fire District. Prior to final plat approval, the applicant shall obtain written verification from the Rae Fire District that all fire protection requirements have been met. 13. The applicant shall make payment of fire protection impact fees in the amount of \$496.00. 14. The applicant shall make payment of road impact fees in the amount of \$1,596.00. 15. The applicant shall submit a waiver of right to protest creation of rural improvement districts. 16. The subdivision Certificate of Title shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the certificate of title prior to final plat approval. 17. The developer shall have three (3) years to complete the above conditions and apply for final plat approval. Mr. Johnson stated because Durston Road has an excess of 100 adt's per day, it is required that Durston Road be paved to county standard from the west end of Lot 1 to the existing pavement. Durston Road along Lot 1 is to be paved by the Valley West Development. However, if Valley West has not improved Durston Road at the time Smith Minor requests final plat approval, then the Smith Minor will be required to do the paving. If the paving has been completed by Valley West, then there will be the appropriate reimbursement back to Valley West. Because Flanders Mill Road has an excess of 100 adt's per day, it will be required to be paved to county standard from Durston Road to the north end of Lot 1. Mr. Foreman said the applicant agreed with the conditions except for conditions #6 and #8. He would like to see #8 deleted. There would be a secondary access off Flanders Mill Road and that would not be necessary. Condition #6 requires the paving of Durston Road, which he stated would be a waste of money to pave it now before the infrastructures and improvements are finished. They would sign a waiver of right to protest for an RID for paving. He also feels that requiring it to be paved would be an unfair burden to the applicant for a one-lot minor subdivision. He stated the applicant would be receptive to proportionate reimbursement. Road and Bridge Superintendent Sam Gianfrancisco stated the reason they put the 'no access strip' condition on Flanders Road was because when it was first reviewed, Flanders Road was impassable with no gravel. At this time, Flanders Road is going to be improved by a condition in a development underway by the 320 Ranch. Since that is taking place, he had no objection to lifting that requirement. The Valley West development also has a condition to pave the rest of Durston Road, but is not scheduled to be completed before fall, and a bond has been paid to the City. There was no public comment. During Board discussion, it was decided that the portion of condition #6 requiring the paving of Durston Road could be deleted, but leave the portion requiring the proportionate reimbursement. Mr. Gianfrancisco stated that the formula for figuring out the cost of proportionate reimbursement is done with the total cost of the paving project submitted after completion, and if it is not completed, it

would be an estimation. If the Smith Subdivision receives final plat approval before the road is paved, they would have difficulty administering proportionate reimbursement by using the formula in the regulations. The applicant was willing to put cash up front to cover the estimated cost of their portion of the paving. It was decided that Mr. Johnson would reword condition #6 regarding the proportionate reimbursement, stating it would be determined by the Road Department. Finding the Smith Minor Subdivision meets the requirements of the Montana Subdivision and Platting Act, conforms with the Gallatin County Subdivision regulations, and recommended by the Planning Department for approval, Commissioner Brown moved to grant preliminary plat approval with the following conditions as presented and written in the staff report: Condition # 1-5 as written, condition #6 amended to read: "The applicant shall provide proportionate reimbursement for the paving of Durston Road from the West end of Lot 1 to the existing pavement, and the amount of the proportionate reimbursement shall be determined by the Gallatin County Road and Bridge Department prior to final plat approval and paid to the Valley West Development." Condition #7 as written. Delete condition # 8. Condition # 9-17 as written. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:18 P.M.

Unavailable
For Signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC HEARING **TUESDAY THE 30TH DAY of JUNE 1998**

The meeting was called to order by Chairman Phil Olson at 1:34 P.M. Also present were County Commissioner's Bill Murdock, Jarvis Brown, Deputy County Attorney Chris Gray, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JUNE 22, 1998

- Commissioners interviewed candidates applying for the Airport Authority. County Commission candidate Jennifer Smith-Mitchell, Friends of Gallatin Field representative Jack Boles, and Wayne Edsall sat in on the interviews as observers.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners met with the Rural Fire Chief Brett Waters, County Auditor Joyce Schmidt and Planning Director R. Dale Beland to discuss their individual proposed budgets for FY 1999. Clerk and Recorder Shelley Vance and Fiscal Officer Ed Blackman were also in attendance.

JUNE 23, 1998

- Commissioners held a work session in preparation for upcoming department head evaluations.
- Commissioner Murdock traveled to West Yellowstone to attend the second of several scheduled scoping meetings hosted by the National Park Service designed to collect comments on the proposed Winter Use Plans and Environmental Impact Statement for Yellowstone & Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway. While in West Yellowstone, he also met with members of the West Yellowstone Chamber of Commerce.
- Commissioners Olson and Brown met with Big Sky landowners to discuss the possibility of forming a park district. The last time they tried, it failed to pass the voters. It was indicated that this time there will be no tax mills involved.
- Commissioner Olson and the Phase I Project Team met. Items of discussion included all of the last details that need to be addressed before the bid documents can be completed.

374 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

JUNE 24, 1998

- Commissioner Olson attended the meeting of the 911 Admin. Board. Detailed minutes are on file in the Communication Services (911) department.
- Commissioner Murdock met with Ron Laden, owner of Acre Creek Subdivision. His subdivision is in Belgrade school district, but in Bozeman Area Master Plan jurisdiction. Commissioner Murdock will relay information to Planning Department for reconsideration of donut area.
- Commissioner Murdock attended a meeting hosted by DES Assistant Coordinator Mike Hoey to discuss changes to the U.S. Forest Service's Fire Management Plan. Discussion included differences between life, structure and wild fire coverage; interface issues; responsibilities with USFS, and the County rural fire plan. Other attendees included Mike Harris of Senator Conrad Burns office; Kathy McLane of Congressman Rick Hill's office; Alicia Bradshaw from Senator Max Baucus' office; and representatives from the Bozeman and Big Sky fire departments, the Department of Natural Resources and Conservation (DNRC), and the Gallatin National Forest.
- Commissioner Murdock attended a meeting of the Gallatin Public Health Alliance Turning Point Initiative held at the Holiday Inn. Items of discussion included the continued evaluation of the issues and functions of the Turning Point program.
- Commissioners, Clerk and Recorder Shelley Vance, and Fiscal Officer Ed Blackman met with Jack Schunke and Linda Nelson of Morrison Maierle, Inc. to review the preliminary RID maintenance budget. Other attendees included Linda Wilmuth of the Assessor's Office, Roy Steiner of the Road Office, Jeff Krauss, County Treasurer, and Anna Rosenberry, Deputy Treasurer.
- Commissioners met with representatives and members of the Young-at-Heart organization to review their request for funding in the amount of \$1,500. Commission will make decision in conjunction with all other budget requests submitted following approval of the preliminary FY 1999 budget.
- Commissioners met with Human Services Director Stephanie Nelson and Environmental Health Director Tim Roark to discuss their individual proposed budgets for FY 1999.
- Commissioner Brown attended a meeting of the Three Forks Ambulance Service District held at the Three Forks Fire Hall. Topics of discussion included the endorsement of checks (2 of 3), credit cards, the budget, ambulance housing (garaging), and new members. It was agreed to pursue the possibility of building a garage at the present location (fire station) or on leased city land.
- Commissioner Olson attended the meeting of the Logan Landfill Advisory Board. Next meeting is scheduled for July 29, 1998. Detailed minutes of the meeting are on file in the Commissioner's office.

JUNE 25, 1998

- Commissioners, Fiscal Officer Ed Blackman and Clerk and Recorder Shelley Vance met with Sheriff Bill Slaughter, Captain Jim Cashell, Undersheriff Red Wilson to discuss their preliminary budget for FY 1999.
- Commissioners met with GIS Coordinator Allen Armstrong to discuss GIS' preliminary budget for FY 1999.
- Commissioners and members of the Detention Center Project Team interviewed the top three architectural firms that submitted RFQ's for the new detention facility. The firms interviewed were: Prugh & Lenon Architects, Inc. (Bozeman); Architect Design (Kalispell); and L'Heureux Page & Werner (Great Falls). The group will meet again on July 8 to review the individual scoring sheets for each candidate and determine selection criteria.
- Commissioners held a public forum to discuss the need for a new detention facility with members of the community. Presenters included Roger Curtis, Executive Director of Alcohol & Drug Services of Gallatin County; Captain James Cashell, Detention Center Administrator; Carl Bear, Task Force Member; Larry Watson, Grants Administrator; Sheriff Bill Slaughter; and Chief of Police Mark Tymrak.

JUNE 26, 1998

- Commissioner Olson traveled to Helena to attend a meeting of the MACo Agriculture/Public Lands/PILT Committee.
- Commissioner Murdock traveled to Billings to attend the monthly meeting of the Mental Health Center's Board of Directors, having been designated as proxy for Commissioner Phil Olson.
- Commissioners received A101's in the Amount of \$138,055.86.

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The following items were in the consent agenda:

- A request for final plat approval of the Lake View Minor Subdivision submitted by Darwin Steffler and Pam Minor consisting of 1 lot containing 18.828 acres located in the SW¹/₄ and NE¹/₄ of Section 9, T12S, R4E. Preliminary plat approval was granted on April 27, 1997.
- A request for final plat approval of the Zuelke Minor Subdivision consisting of 5 lots ranging from 3 acres to 21 acres on a 58 acre parcel, located in NE¹/₄ and the SE¹/₄ of Section 29, T2N, R2E. Preliminary plat approval was granted on June 17, 1997.

The Gallatin County Planning staff has reviewed these two final plat requests and based on the information, it appears that all the conditions for final plat approval have been met.

- A request for a family transfer exemption for Gary and Donna Bos creating a 2.240 acre parcel to be transferred to their son, John Bos.

According to the information submitted, this exemption request appears to be a proper use of the exemption procedure set forth by the Montana Subdivision and Platting Act.

Motion by Commissioner Murdock to adopt the consent agenda. Seconded by Commissioner Brown. None voting nay. Motion carried.

Extension Agent Todd Kesner presented a synopsis of a conference he attended in Billings, Montana of the Governor's Summit on Youth: Montana's Promise. On June 14-16 the Gallatin County Delegation representing the following entities attended: Alcohol and Drug Services; American Red Cross; Big Brothers/Big Sisters; Boy Scouts; Boys and Girls Club; Chamber of Commerce; Church groups; Corporate representation; Gallatin County MSU Extension; Gallatin County 4-H; Gallatin County Youth Probation; Girl Scouts; Hearts and Homes; Montana Conservation Corps; Montana State University; Montana Teen Institute; Prevent Child Abuse; schools; Turner Youth Initiative; and the United Way of Gallatin County. They resolved to reach our youth, with the support of these organizations in the following areas: promote caring adults in the lives of youth, provide safe places for the youth of our communities, ensure a healthy start of the youngsters of our community through proper nutrition and medical care, create opportunities of the development of marketable job skills for youth, and encourage youth to take advantage of the opportunities to serve in their community. The delegations community vision was to keep our communities mobilized on behalf of our youth. They will expand volunteerism, provide adult support for at risk youth, and empower youth to become leaders in our communities. Through the collaboration of our community organizations, our goal is to reduce crime, decrease substance abuse and violence, lower school drop-out rates, and replace these with positive activities for growth and learning. He commented that everything we do now for our youth will make a difference in their lives. The Commission asked to keep them posted of further conferences so they can be more involved. Mr. Kesner said he would give notice of their continuing activities.

The County Commission considered applicants and appointed members for the current vacancies to the following boards: Gallatin Airport Authority; Bozeman City-County Planning Board; Community Corrections Board; Meadow View Cemetery Board; Mosquito Control Board; West Yellowstone/Hebgen Basin Refuse District; and the Willow Creek Rural Fire District.

Gallatin Airport Authority: The twelve applicants who applied to fill one vacancy and interviewed by the Commission were: Jackson Armstrong; Don Cerovski; Robert Hayes; Bob Marshall; Linda Marshall; James Miranda; Thomas Nopper; Thomas O'Connor; Robert Schaefer; Mario Stanislaw; Bob Warwood; and John McKenna. The following spoke in favor of re-appointing John McKenna: Thomas Nagorski; Steve Williamson who read a letter representing himself, Sue Leigland, Richard R. Roehm, Robert A. Taylor and himself; David Jarrett; Chuck Raches; Max Simmons; and Scott Heck. John McKenna asked for the Commission's support. Correspondence received in support of re-appointing John McKenna: Martell Construction signed by William Martell; Steve Sparks; Montana Flying Machine; Sunbird Aviation; and Greg Mecklenberg. A letter was received by Friends of Gallatin Field stating their position on limiting board re-appointments to 2 non-consecutive terms. Commissioner Olson received telephone calls from the following: Bill Fairhurst from Three Forks recommending Bob Warwood, and Ken Flikkema expressing concerns that the airport needs to give better notice of meetings and agendas to keep the public better informed. During Board discussion, they stated that all twelve applicants were supremely qualified making it a difficult decision to choose one person. Commissioner Murdock and Commissioner Brown stated their support of the reappointment of John McKenna, finding that maintaining the continuity of the Gallatin Airport Authority's Board was in the best interest of the public. Commissioner Olson stated that he did not agree that only board members serving several terms can do the best job, and felt

continuity is not that important. Commissioner Murdock moved to reappoint John McKenna to the Board of the Gallatin County Airport Authority finding he has done a good job during his term. Seconded by Commissioner Brown. Commissioners Brown and Murdock voting aye. Commissioner Olson voting nay. Motion carried. John McKenna was re-appointed for another term on the Gallatin Airport Authority Board.

Bozeman City-County Planning Board: The five applicants who applied to fill one vacancy were: Ivan Flock; Harry P. Mann; Konrad Reinke; Lynn Rugheimer; and David Wilhelm. Public comment: Jeff Krauss supported Lynn Rugheimer. Gallatin County Executive Secretary Pat Lewis confirmed the new appointment would fill the term left by the resignation of John Mandeville until July 31, 1999. Commissioner Murdock eliminated Konrad Reinke and Ivan Flock because their interests appeared to already be represented on the Board. He stated he would like to see a cross section of points of view and geographical areas represented among the board members. Commissioner Murdock moved to appoint David Wilhelm of Southwest Builders Association who lives in Arrowleaf Hills, because in his opinion he represents a point of view that is not currently on the board. Seconded by Commissioner Brown. Commissioner Murdock voting aye. Commissioners Brown and Olson voting nay. Motion denied. Commissioner Brown moved to appoint Lynn Rugheimer. Seconded by Commissioner Murdock. None voting nay. Motion carried. Lynn Rugheimer was appointed to fill the Bozeman City-County Planning Board vacancy.

Community Corrections Board: The 19 applications submitted were as follows: Henry Alberda; Bock Albin; Richard Brown; Valerie Cairns; Lee Copenhagen; Roger Curtiss; Randall Dugger; Myles Eaton; Linda Erickson; Marvin Feddes; Louise Forrest; Barbara Hanno; Sam Hofman; John Lewis; Ronald Lockerman; Earl Pease; Carolyn Robinson; Donna Swarthout; and Carson Taylor. These will be initial appointments to the board. The criteria established for the Community Corrections Board are that the board can consist of a maximum of seven members, and must, when possible, be gender-balanced and have racial parity, and must include: one local law enforcement officer, one probation and parole officer; and one member of the public. Members of the Community Corrections Board must be appointed by the Chief Executive Officer of the unit of local government or the tribal government in the judicial district in which the community corrections facilities or programs are established. Members of the board shall serve a term of 4 years, and shall serve without compensation except as otherwise decided by the units of local government or a tribal government. There was no public comment. Finding the Commission needed to determine the number of members the Community Corrections Board will consist of, Commissioner Murdock moved to appoint the maximum of 7 members allowed by law. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Murdock moved to appoint Earl Pease as a member of the public. Seconded by Commissioner Brown. None voting nay. Motion carried. Finding that Carol Robinson and Linda Erickson were the only ones who applied for the Board to fill the requirements of the law enforcement and probation/parole position, Commissioner Murdock moved to appoint Carol Robinson as a member to fill the local law enforcement position. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Murdock moved to appoint Linda Erickson as a member of the probation / parole officer position. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Murdock moved to appoint Sam Hoffman. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Brown moved to appoint Donna Swarthout. Seconded by Commissioner Murdock. None voting nay. Motion carried. They discussed the need to follow the law requiring a gender-balanced board. Commissioner Brown moved to appoint Lee Copenhagen. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Olson moved to appoint Marvin Feddes. Seconded by Commissioner Murdock. None voting nay. Motion carried. Earl Pease asked if the Commission would send out a notice and set a date and time for the new members of the Community Corrections Board to meet and pick a chairman for the new board. The following Community Correction Board members were appointed: Earl Pease; Carol Robinson; Linda Erickson; Sam Hoffman; Donna Swarthout; Lee Copenhagen; and Marvin Feddes. Deputy County Attorney Chris Gray stated he would assist in establishing and preparing the documents with the new Community Corrections Board, following the legal requirements according to the statutes dealing with terms, by-laws, and any other issues concerning the operation of the board. There was no public comment.

Meadow View Cemetery Board: Grant Ballantyne's term expires on July 1, 1998. After advertising the position, no applications were received. Mr. Ballantyne reapplied to serve another 3-year term. Commissioner Murdock moved to appoint Mr. Ballantyne to the Meadow View Cemetery Board. Seconded by Commissioner Brown. None voting nay. Motion carried.

Mosquito Control District: Mel Obrigewitch was the only applicant for the one vacancy on the Mosquito Control Board, created by the resignation of Michael Floersch. Commissioner Murdock moved to appoint Mr. Obrigewitch. Seconded by Commissioner Brown. None voting nay. Motion carried.

West Yellowstone/Hebgen Basin Refuse District: There are 2 terms expiring on July 1, 1998, those of Sue Ritchey and Gale Ford. After advertising the vacancies, no applications were received. Sue Ritchey and Gale Ford reapplied. Commissioner Brown moved to reappoint Sue Ritchey and Gale Ford. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Willow Creek Fire District: There are 2 terms on the board which expired recently. After advertising the vacancies, no applications were received. David Nesbit and James Waldo reapplied. Commissioner Murdock moved to reappoint David Nesbit and James Waldo. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported that Mark Chandler of C & H Engineering and Surveying, Inc., on behalf of All American Enterprises, Inc. requested preliminary plat approval for the Worts Minor Subdivision, a one-lot minor on 5.015 acres. The property is located in the NE $\frac{1}{4}$ of Section 1, T1N, R4E; PMM, Gallatin County, Montana. The property is generally located west of Theisen Road and north of the Theisen Road/Duncan Road intersection. The applicant is requesting a variance from Section 7.B of the Road Design and Improvement Standards in the Gallatin County Subdivision Regulations regarding road dedication. The County Commission has two determinations to make with this application: A determination as to whether or not to grant the requested variance. The County Commission may grant reasonable variances where it is found that strict compliance will result in undue hardship and it is not essential to the public health, safety and general welfare; and a determination as to whether or not the proposed subdivision should be approved. The basis for the County Commission's decision shall be whether the preliminary plat, and additional information demonstrate that development of the subdivision meets the requirements of the Montana Subdivision and Platting Act. If the Commission decides to approve the subdivision, the following conditions for final plat approval are suggested: 1. The final plat shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 2. Department of Environmental Quality approval shall be obtained for the subdivision. The applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. The applicant shall obtain the Gallatin County Health Officer's approval. 3. The applicant shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, fire district or fire service area and/or the creation of a sewer and/or water district. 4. Two copies of the covenants, a copy of the conditions of preliminary approval, document establishing the property owners' association, and the certificate of a licensed title abstractor shall be submitted to the Gallatin County Attorney's Office at least thirty (30) days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval. 5. All utility easements shall be shown on the final plat. Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat: The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever. 6. A memorandum of understanding shall be signed between the weed control district and the applicant prior to final plat approval. 7. The applicant shall record the following covenants with the final plat: a) The property owners association shall be responsible for the control of County-declared noxious weeds. b) The property owners' association shall be responsible for maintenance of all subdivision roads. c) All new dwellings or home business occupancies built prior to the provision of an adequate water supply for fire fighting purposes shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval prior to construction. Inspections shall be scheduled, with 48-hour notice, during construction and after completion. d) Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. e) Any covenant which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission. 8. The applicant shall establish a property owners' association for enforcement of the required covenants. 9. The applicant shall make payment of road impact fees in the amount of \$1,596 prior to final plat approval. 10. The applicant shall make payment of fire protection impact fees in the amount of \$496 prior to final plat approval. 11. A) The subdivider shall pave to County standards the portion of Theisen Road from its intersection with Dry Creek Road to the north end of the proposal. The subdivider shall either pave this portion of Theisen Road *prior* to final plat approval or an RID shall be established to pave the same. Provided however, subdivider shall pay no less than one-half of the actual cost of paving notwithstanding the method of financing which shall be consistent with Montana law. A one-year written warranty from the contractor shall be required prior to final plat approval. **OR** 11.B) The applicant shall pay a proportionate reimbursement (Theisen Minor

Subdivision) for the paving of Theisen Road in accordance with the Subdivision Regulations. 12. The applicant shall submit the documentation establishing the public road easement (as shown providing access to Lot 10B-1) to the County Attorney's office for approval of the easements in accordance with the Subdivision Regulations. 13. The applicant shall provide a water supply for fire protection in accordance with the Subdivision Regulations. The applicant shall have the Belgrade Rural Fire Department review and approve the water supply prior to final plat approval. The applicant shall obtain written verification from the fire district that the required water supply has been provided. Inspections shall be scheduled, with a 48-hour notice, during construction and completion. 14. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Notice of this public hearing was published in the High Country Independent Press on June 11, 1998, and in the Bozeman Daily Chronicle on June 15, 1998. The Planning Board recommended the variance be granted and preliminary plat approval be granted. No letters were received regarding the proposed subdivision. One telephone call was received from the Theisens concerning the proportionate reimbursement for the paving of Theisen Road. The variance was requested because the neighboring land owner would not agree to a dedicated public easement instead of the existing private 60-foot easement. The easement would provide access, making it a hardship to the applicant because the one lot would not be further subdivided. He is asked for the request to maintain that existing access. There is an existing agricultural exemption on the land which does allow for the excavation business he operates on the existing parcel, but he asked that it be lifted to build a single family dwelling. They discussed when the ag covenant was put in and if the owner was aware of it at the time he bought the property. The applicant was out of town. They discussed the standard required cul-de-sac at the west end of the new road on Lot 10-B-2. Mark Chandler with C&H Engineering, on behalf of the applicant, stated he had concerns over the forming of a property owners association for maintenance of roads on a one-lot minor. He asked for guidelines to follow to create one since he could find none according to the regulations. He did not agree with condition #11, requiring the paving of Theisen Road from its intersection with Dry Creek Road to the north end of the proposal, as it would be a financial hardship on the applicant for a one-lot minor. He did not understand the language stated in condition # 11 A) that requires the subdivider shall pay no less than one-half of the actual cost of paving notwithstanding the method of financing which shall be consistent with Montana Law. Deputy County Attorney Chris Gray stated that language evolved from a previous minor subdivision proposal and may not work in this particular case. Mr. Chandler said the paving of Theisen Road would hold up the applicant's proposal to receive final plat approval but he would be willing to sign a waiver of right to protest an RID. Don Jones spoke in protest of the one-lot minor subdivision. During discussion the road easement was discussed and determined the road width was 20 feet but the actual easement was 60 feet. County Road and Bridge Superintendent Sam Gianfrancisco said he supported the variance because the bordering neighbor would not sign the documents allowing the public easement. His concern is if they make it a private easement that they make it narrower than the standard so the front property owners would not use it. If they make it a public easement then he would make it the 60 foot County standard. He stated that there is access to all the surrounding lots and if the applicants intent is to not subdivide any further he is in support of the variance. They discussed the paving of Theisen Road and the other subdivisions in progress that are approved and as a condition for final plat approval to pave the road. The formula for proportionate reimbursement was discussed and decided that the amount was not substantial on a one lot minor subdivision and the road impact fees could go towards the paving of Theisen Road. Commissioner Murdock moved to deny the variance request, finding it was not in the public interest to make it a private access. Commissioner Brown concurred. Seconded by Commissioner Brown. Commissioner Olson would grant the variance because there is no other lots using that easement currently, and there would be none in the future if the proposal was approved. Commissioner Murdock and Brown voted aye. Commissioner Olson voted nay. The variance request was denied. They discussed the amendments and changes to be made to the conditions for granting preliminary plat approval after denying the variance, discussing the paving of Theisen Road regarding impact fees and proportionate reimbursement, lifting the agricultural exemption, and the home owners association requirements. Finding the Worts Minor Subdivision is consistent with the Montana Subdivision and Platting Act, conforms to the Gallatin County Subdivision Regulations and was recommended by the Gallatin County Planning staff for approval, Commissioner Murdock moved to grant preliminary plat approval with the following conditions: #1-6 as written and presented in the staff report; Amend #7 a. to read: The owner of Lot 10-B-2 shall be responsible for the control of County-declared noxious weeds; Change #7 b of the covenants to read: The owner of Lot 10-B-2 shall be responsible for the maintenance of the access road off of Theisen Road; Change #8 to read: The owner of Lot 10-B-1 shall be responsible for maintenance of the access road through Lot 10-B-2; #9-10 as written and presented in the staff report; Change #11 to read: All interior roads shall be built to County gravel standards and have a 60-foot right-of-way dedicated to the public. All road work shall be inspected and approved by the County Road Department; Change #12 to read: A cul-de-sac, built to County standards, shall be required at the west end of the new road at the west end of Lot 10-B-2; Change #13 to read: The applicant shall submit the documentation establishing the public road easement (as shown providing access to Lot 10-B-1) to the County Attorney's office for approval in accordance with the Subdivision Regulations; Change #14 to

read: The applicant shall provide a water supply for fire protection in accordance with the Subdivision Regulations. The applicant shall have the Belgrade Rural Fire Department review and approve the water supply prior to final plat approval. The applicant shall obtain written verification from the fire district that the required water supply has been provided. Inspections shall be scheduled, with a 48-hour notice, during construction and completion; Change #15 to read: The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Attorney Marty Lambert presented the Story Herd District #7 map delineating the boundaries of the proposed district. The following letters were received by the Commission in opposition to the proposed herd district: C.A. Disney; Gallatin Beef Producers (signed by President Wade Morgan); and Attorney Holly Brown representing Warren and Darlene McMillan. The following letters were received in favor of creating the herd district: Luigia Crippa; Attorney W. Lee Stokes representing the petitioners to create the herd district; Marcia Morrow; Susan Killian; and Diane Ensign. Mr. Lambert discussed the statute regarding the creation of a herd district using the language "upon petition of any owner or possessor of lands lying contiguous and adjoining any herd district" and comparing it to the map that shows the irregular boundary of the proposed district and current district. In some places it appears there are gaps in the borders and technically loses its contiguity and does not adjoin the herd district. The sufficiency of the petition will have to be determined, based on several people who have not signed the petition but are located inside the proposed boundary. He read Attorney Stokes and Brown's conflicting opinions on the matter, stating he would have to spend more time to make a technical and critical determination. He asked to continue the hearing for one week while he makes that determination and formalize it in a written County Attorney's Opinion for the Commission. It comes down to interpretation of the language, procedural, reasonable to regular and geographical to the area, the clause, "Upon petition of any owner and upon like hearing and notice such lands shall be included in said herd district". Mr. Stokes, representing the petitioners, stated that the statute reads if the landowners petition for annexation and upon a like hearing and notice you shall annex that property. A herd district is set up to protect the land owner. Commissioner Murdock asked Mr. Stokes if he would agree to the County Attorney's request to continue this hearing for one week. Mr. Stokes stated that he would like a decision today. Ms. Brown representing the McMillians, stated that she would like the County Attorney's Opinion and would agree to the week continuance. She also stated no cattle were on the open range of the McMillians and would be kept off until the issue is decided. The following people gave public testimony: Susan Killian; Diane Ensign; Trinia Kallenbach; and Gary Glassgo. Commissioner Murdock stated he would like to give the County Attorney a week to study the statutes and issues involved with creating the herd district to help in their determination of whether to annex the property proposed in the petition to the herd district. He moved for a week continuance. Seconded by Commissioner Brown. None voting nay. Motion carried. The annexation of property into the Story Siding Herd District #7 will be continued until the public meeting on July 7, 1998. Deputy County Attorney Chris Gray stated that based on the statute regarding the creation of a herd district, the public comment portion during the upcoming meeting will be closed. The written County Attorney's Opinion will be heard, then the Commission will act on the petition.

There being no further business the meeting adjourned at 3:59 P.M.

Unavailable
For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 7th DAY OF JULY 1998

The meeting was called to order by Chairman Olson at 1:30 A.M. Also present were County Commissioner Bill Murdock, Jarvis Brown, Deputy County Attorney Chris Gray and Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance.

380 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

The following proceedings were had to wit:

JUNE 29, 1998

- Commissioners met with the Welfare Board along with Department of Public Health & Human Services Director Joan Davies. General program activities were discussed and the Welfare Board minutes were approved as presented.
- Commissioners and several cooperating counties held a meeting in Livingston to discuss the Winter Use EIS for Yellowstone National Park. Other attendees included Commissioner Terry Sarrazin and Planner Ellen Woodbury of Park County, Montana; Commissioner Charlie Johnstone and Planner Ken Markert of Park County, Wyoming; and Commissioner Bill Paddleford of Teton County, Wyoming. Commissioner Olson made a motion to fund up to \$4,000 for a consultant to represent Gallatin County in Winter Use EIS process pending deliverables to us identified and agreed upon; Commissioner Brown seconded the motion. Motion was passed unanimously.
- Commissioners interviewed candidates applying for the Airport Authority. County Commission candidate Jennifer Smith-Mitchell, Friends of Gallatin Field representative Jack Boles, and Wayne Edsall sat in on the interviews as observers.

JUNE 30, 1998

- Commissioner Murdock met with members of the Detention Center Public Relations Committee to develop public relations strategy for new detention center. Next meeting will be held on July 21 at 6:30 a.m. at the Law & Justice Center.
- Commissioners met with County Attorney Marty Lambert and Deputy County Attorney Chris Gray to gain a thorough understanding of the tract map of the proposed annexation of the Story Siding Herd District #7 prepared by the Clerk and Recorder's office and the laws governing same.
- Commissioner Olson and the Phase I Project Team met. The following topics were discussed: Items still needing action; new fire water line seems to be on track; Data Processing Supervisor Bill Baldus described the cable holding system he plans to use; and Prugh & Lenon's request for more information regarding Phase I construction budget. Commissioners approved Bill Baldus' cable holding system and will notify Prugh & Lenon. Phil will set up a meeting with Phase I Team and Fiscal Officer Ed Blackman ASAP so we can respond to Prugh & Lenon's request.

JULY 1, 1998

- Commissioners conducted an annual performance evaluation of a Department Head.
- Commissioners met with County Attorney Marty Lambert and Planning Director R. Dale Beland to discuss the possibility of holding two joint meetings with the City-County Planning Board regarding the "donut." Agenda items will include recommending boundaries of the proposed zoning district, draft zoning regulation compliance with the City-County Planning requirements and State law, statute demands, etc. Meetings have been scheduled for August 13 and 27 at 7:00 p.m. in the Community Room of the Gallatin County Courthouse.

JULY 2, 1998

- Commissioner Murdock met with Jack Buettner and Mike Wold of Luzenac America, and Three Forks Mayor Gene Townsend to inform public of cost share between Three Forks, Luzenac America and Gallatin County for Old Yellowstone Trail paving project.
- Commissioner Olson met with the Gallatin County Weed Board. Detailed minutes are on file at the Weed Department and/or Commissioners' office.
- Commissioner Olson and Phase I Project Team Chairman Roy Steiner met with Rob Pertzborn of Prugh & Lenon Architects to discuss phasing and budget analysis for the courthouse renovation (Task Order 6-E).

JULY 3, 1998

- All County offices were closed in observance of Independence Day.

The Commission received claims in the amount of \$498,813.28.

The following items were on the consent agenda:

- Consideration of a resolution adopting various costs from the 911 Administrative Board.
- A request for a relocation of a common boundary exemption for Charles and Nancy Page .

- A request for a relocation of a common boundary exemption for Mary Carey and Westland Enterprises.

According to the information submitted, these requests appear to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

- A request for final plat approval for the Wortman Creek Minor Subdivision located in the SE¼ of Section 18 and the NE¼ of Section 19, T3S, R5E. Preliminary plat approval was granted on May 26, 1998. The Planning Staff reviewed this request, and according to the information submitted, all conditions have been met to grant final plat approval.
- A request for a one-year extension of preliminary plat approval for Middle Creek Meadows No. 3, Lot 2A, Minor Subdivision located in the SW¼ of Section 12, T2S, R4E. The Commission granted preliminary plat approval on July 11, 1998. If given the extension, it would expire July 7, 1999. According to the information submitted, this request appears to meet the criteria set forth by the Montana Subdivision and Platting Act.

Chairman Olson announced that the Page exemption was pulled indefinitely from the consent agenda. Commissioner Brown moved to adopt the consent agenda with the exception of the Page exemption. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Grants Administrator Larry Watson asked that the bid recommendation for the Big Sky Bicycle Pedestrian Path CTEP project be continued for one week due to extenuating circumstances. The bids were opened in May, but the lowest bid received was \$104,000 over the project budget as it was established at that time. The Commission allocated an additional \$85,000 of the CTEP money towards the project, but the remainder of the amount was dependent on funding by the Big Sky Resort Tax Board, which won't make a recommendation on the funding of the 21 applications they received until August 5, 1998. He can delay for one week and stay within his 60 day bid award period. He needs the time to consult with the County Attorney, the engineering firm Damshen & Associates, and the State Department of Transportation to see whether they can exceed that 60 day period and what the ramifications in doing so might be. The bid will expire in one week if not acted upon. Commissioner Murdock stated that he telephoned one of the Director's of the Big Sky Resort Tax Board and discussed the issue and urged them to make a decision before August 5, 1998, or they could lose the bid. Mr. Watson said if there are any delays it will effect the ability to complete the work this year. Commissioner Murdock moved to grant the request to continue the recommendation for awarding the bid for the Big Sky Bicycle Pedestrian Path CTEP project for one week as requested by the Grants Administrator. Seconded by Commissioner Brown. None voting nay. Motion carried.

Kathy Gallagher, Bozeman resident and property owner on Candy Lane spoke regarding her concerns of the recent developments regarding the Gallatin Valley Land Trusts' (GVLT) Renne Trail. The GVLT desired to construct a trail that would extend from the existing Senska/Eck conservation easement to Sourdough Trail through the Renne property, Candy Lane, Valley View Golf Course property and the Erickson property. She read into the record a written statement and submitted an aerial photo of the neighborhood with the trail easement highlighted to the Commission. In summary, the concerns she raised were the impact the public would make using the trail on her neighborhood such as, unleashed pets, parking on the narrow road, hours of use, and other items which affect their personal property. Since then, her fears have become a reality with unleashed pets squatting on her property and cars parked in her driveway to use the trail. They were not provided the opportunity to comment to the County or the City (located in doughnut area) with their concerns prior to the construction of the trail. She would like the Commission to review the matter. She asked the following questions written in her statement: 1) Was the County notified when a trail over private property hooks up to a road dedicated to public use? 2) Are public easements required? 3) Is a public notice or hearing required and if not, should it be? 4) Should a trail be forced on a rather isolated neighborhood without regard to the homeowner's opinions? 5) Is it too late for the Meadowlark Addition to have its voice heard by the County and City Commission? She asked that the questions be answered to establish some ground rules for trail users before another trail segment negatively impacts any other County neighborhood. The Commission will look into the matter and consult with the Road Department with the issues raised concerning the use of public roads.

County Attorney Marty Lambert summarized his findings in his written County Attorney Opinion 98-4 and presented the exhibits "A, B, and C" attached to it, regarding the annexation of property into the

Story Siding Herd District #7 continued from the June 30, 1998 public hearing. He based this opinion on five points: 1) Is the petition for annexation valid if more than one owner is seeking annexation as part of a single petition? Section 81-4-301 MCA, provides in pertinent part: Upon petition of any owner or possessor of lands lying contiguous and adjoining any herd district theretofore created and upon like hearing and notice as hereinabove provided for, such lands shall be included in said herd district and become a part thereof. The statute refers only to the singular pronouns "owner" or "possessor" but in his opinion, that reference does not preclude the filing of a single petition from numerous owners as filed in the present petition because Section 1-2-105 (3) is a group of statutes which govern the construction of statutes in Montana and states "the singular includes the plural and the plural the singular" therefore, expanding the pertinent reference "owner" to that of "owners" so the joint petition of more than one owner to annex property into an already existing herd district is valid. 2) Is the petition for annexation valid if the boundary of the proposed annexation includes parcels owned by persons who have not petitioned for annexation? The map attached marked exhibit "B" in the County Attorney's opinion shows that the owners of several of the parcels for which annexation is sought have not petitioned for the annexation. He does not believe that the number of non-petitioning owners in a territory proposed for annexation, whether great or small, is determinative of the validity of the petition filed in this matter. Section 81-4-301 (5), MCA places no such numerical or statistical requirements upon the owners who petition for annexation. The failure to include the signatures of all of the owners of the annexed territory raises another problem. Exhibit "C" attached, is a map of the boundaries of the land proposed for annexation but does not distinguish the particular parcels that are owned by different parties, and several of those owners did not sign in support of the petition. This lack of specificity, insofar as local government is concerned, is a problem because one of the purposes of the petition process is to provide notice to citizens that a petition might affect their property so they have an opportunity to enforce their rights. Before property of a person can be taken by another and converted to his own use, a hearing or opportunity to be heard is absolutely essential. He views the technical requirements of petitions as important. In the matter of the proposed district, he finds that the fact that the lands proposed for annexation contain properties whose owners have not signed the petition does not affect the validity of the petition, however, where the owners have not signed the petition, such properties may not be included in the annexed lands. 3) Must the petition be signed by 55% of the owners or possessors of the land in the area for which annexation is sought? As mentioned, when applied to the matter of this annexation, the statute's 12 square mile threshold prevents the owners from creating a new herd district, thus the annexation, rather than the creation requirements, apply to the current petition. The petitioners were relying on the statute Section 81-4-301 (1) that provides for the creation of a herd district be signed by 55% of the land owners, not the annexation as proposed. Annexations to herd districts are governed by subsection (5) of Section 81-4-301, MCA. That subsection makes no requirement that any particular percentage of owners or possessors in the land being annexed support the petition, thus, 55% of the owners need not have signed the petition. 4) Where the boundaries of a certain group of parcels proposed for annexation are separated by physical distances from the other parcels for which annexation is sought, may that group of parcels nevertheless be considered contiguous and adjoining to the existing herd district? Exhibit "B" depicts two locations marked with the letter "X" in which the parcels proposed for annexation have physical borders which do not touch. The critical statutory language in making this determination is that part of Section 81-4-301 (5), MCA which provides that property proposed for annexation must lie "contiguous and adjoining" the land of an existing herd district. As far as herd districts are concerned, there is no case law or attorney general's opinion. The Montana Supreme Court's most recent interpretation of "contiguous" is defined as "touching, being in contact, adjoining, immediately successive and adjoining at the edge or boundary." This would call for exclusion of the western and southern parcels from the territory proposed for annexation, in that those properties are not contiguous to an existing herd district. 5) Should the Commission view the proposed annexation in light of the requirements that herd district land be reasonably regular and symmetrical, as set forth in Section 81-4-301 (3), MCA? There are no case authority or attorney general's opinion which the Commission should judge the regularity and symmetry of the land. If statutory language is unclear, the legislature's intent may be found by the review of the history behind the statute. Nearly nothing existed and the amendments show nothing that deals with the precise annexation questions raised so the statute as it now exists, and the rules of statutory construction, had to be used to aid in making a decision. So, if the statute's language is clear and unambiguous, the plain meaning of the statute must control, and interpretive rules are not applied to the language. The question turns on the words, "upon like hearing and notice as hereinabove provided for." The central position to be decided is: whether the reference in subsection (5) to "like notice and hearing" refers only to the procedural requirements of publication and hearing, or whether the reference includes the substantive requirements of consideration of reasonable regularity of shape as well. In his view, it cannot be discerned from the plain meaning which of the two propositions is correct. Either interpretation is equally plausible and supportable. Thus, he believes the tools and maxims of statutory interpretation must be reviewed in order to answer the question. In this situation, the statute must be construed in a way that gives effect to all its provisions where general and particular provisions of a statute are in conflict, the particular provisions control. When all the provisions are considered as a

whole, and where he believes more than one owner may petition as stated in #1, the interpretation which best gives effect is that the Commission may determine, after subtracting the non-contiguous parcels as per #4, whether the remaining land proposed is reasonably regular and symmetrical in shape or practicable in relation to the geographical features of the district, as set forth in Section 81-4-301 (3), MCA. The County Attorney mailed a copy of his written opinion to the attorneys involved, Lee Stokes and Holly Brown. During Board discussion the County Attorney dated the map on the exhibit maps and outlined the areas that were not contiguous and adjoining at the western and southern properties that #4 refers to exclude from annexation into the herd district. They clarified that Montana is an open range state and according to state law a herd district is one in which the property owners must fence the range animals out. Based on the County Attorney's Opinion, Commissioner Murdock moved to exclude those lands that are not contiguous and adjoining to the existing herd district, marked by Mr. Lambert on the exhibit "B" map dated 7/7/98 being the western and southern properties which have borders that do not touch, from including them in the annexation into the herd district. Seconded by Commissioner Brown. None voting nay. Motion carried. During discussion Commissioner Murdock said he didn't feel it was serving the public interest to annex lands into a herd district with the boundaries so irregular throughout, making it an enforcement problem. Commissioner Olson added that he would not be in favor of annexing the lands in the petition because of that irregularity, and that other herd district boundaries in the County he reviewed were all relatively rectangular in shape. He also stated he couldn't support the petition because all the herd districts within the County contain no open range land within their boundaries and this annexation would contain open range within its boundaries. Commissioner Brown stated one of the reasons he was not in favor of the proposal was because of the boundaries not being geometrical in shape. Finding that the boundaries of the proposed annexation are irregular in shape according to law, and based on the County Attorney's Opinion, Commissioner Murdock moved to deny the annexation of lands into the Story Siding Herd District #7 as proposed. Seconded by Commissioner Brown. None voting nay. Motion carried. The petition is denied.

Bozeman City-County Planning Senior Planner Dave Skelton reported on the consideration of the application by the Bozeman Deaconess Hospital to amend the 1990 Bozeman Area Master Plan. The City and County Commission continued the public hearings to allow for more public comment. On June 23, 1998, after hearing further public comment, voted 7-0 to recommend to the Bozeman City Commission and the Gallatin County Commission to deny the application finding that the amendment as submitted would not be an appropriate land use classification based on current land use patterns and could not find it an overall improvement to the plan. As a result, the applicant has requested to continue the scheduled public hearings before the Commissions until September of this year to give the Planning Board and staff opportunity to consider other planning alternatives to implement the "Traditional Neighborhood Development (TND) concept. Mr. Skelton recommended to the Commission that they continue the Master Plan Amendment and open the public hearing portion of this application until September of this year. He also suggested adding a contingency that 14 days before their amended proposal the applicant give notice to inform the public because of the delay in this application. Correspondence received by the Gallatin County Commission against the proposed amendment to the 1990 Bozeman City Area Master Plan: 2 letters received from Louise Hosking dated June 4 and June 29, 1998, 2 letters received from Elmer E. Hosking, dated June 5, and June 24, 1998. Dallas and Karen Thomas, Richard and Joan Holborn, Tom and Sandy Ferch, and George and Sherily Renner. A letter signed by the President and CEO of the Bozeman Deaconess Health Services John A. Nordwick and Keith G. Swenson of Wirth Design Associates, Bozeman Deaconess Health Services land planning and design consultants, that asked the County Commission to continue their application for a Master Plan amendment until September 21, 1998 to give sufficient time for the Planning Board to frame an alternative recommendation to the governing bodies. The following people gave public testimony against the proposed amendment: Pat Yaney; Doyal Yaney; Joan Holborg; and Elmer Hosking. The concerns they raised were that the zoning was not consistent with the area, the concept of a Traditional Neighborhood Development (TND) is not a zone and is not needed in the area proposed, other TND's in other states that have not worked and are unpredictable, the urban sprawl effecting the agricultural land, pollution, extra traffic, mixed uses of business, industry, and residential within the site, use of arterial roads in other subdivisions effecting neighborhood safety and quality of life having to put up with commercial lighting and the extra noise, deterioration of their roads paid for by the homeowners associations, impact on water and sewer, difficult snow removal on narrow streets, no guarantee's after its approved, no impact studies have been done, and it just doesn't make sense in a community where services are minutes away to put a small city within a city under the model the TND was based upon. During Board discussion, the County Commission stated that they had not seen the application of this proposal and would not make any findings until they had that information to review. They would like to wait until the City Commission takes action. Commissioner Murdock moved to grant a continuance on the decision until after the City Commission date of September 22, 1998 on the Bozeman Deaconess's amendment to the 1990 Master Plan Amendment and request that the applicant give notice to the public

of the next meeting and pay any advertising costs related. Seconded by Commissioner Brown. None voting nay. Motion carried. The decision is continued until September.

Fiscal Officer Ed Blackman presented consideration of a resolution to adopt the proposed FY 1999 Gallatin County Budget. The Clerk and Recorder requested the submittal of budget estimates from all departments and special districts, prepared a tabulation of the complete programs of expenditures, sources of revenue, and submitted the tabulation to the Commission as required by statutes, and the Commission considered the budget in detail and made "revisions, reductions, additions, or changes" included in the attached pages of the resolution. The Commission will hold a public hearing on the proposed budget July 28, 1998. The FY 99 final operating budget for Gallatin County will be approved on August 4, 1998 or before August 10, 1998 at 5:00 P.M., as required by 7-6-2317 (2), MCA. There was no public comment. During Board discussion it was determined that this is the first stage of the process, that several public hearing will be held, and that to date all statutory requirements have been met. Commissioner Murdock moved to adopt the proposed FY 1999 Gallatin County Budget as described in Resolution #1998-37. Seconded by Commissioner Brown. None voting nay. Motion carried.

Sheriff Bill Slaughter reported on the first reading of an amendment to the Gallatin County Dog Control Ordinance No. 89-01. This ordinance gives the law officers more provisions for enforcing and prosecution of the public nuisance law for barking dogs, protection of citizens of vicious dogs, the investigation into cruelty to animals, and licensing and inspections in accordance with applicable law in reference to kennels. The added kennel definition means any home, establishment or facility where five dogs over the age of 6 months are owned, kept, or maintained as pets, working dogs, or are boarded, for sale, or are used for sporting or commercial purposes. Veterinary facilities and the Humane Society of Gallatin Valley are excluded from the definition. The "kennel" shall be required to be licensed. All dogs maintained or kept in a kennel after January 1, 1999 are required to be licensed. Licenses may be purchased from the County Sheriff. All dogs kept or maintained in a kennel are exempt from individual licenses for as long as the kennel license remains valid. If the kennel license is not valid each individual dog must have a separate license. The fees are \$25.00 for the kennel license and \$12.00 per kenneled dog. The Ordinance is enforceable by the Gallatin County Sheriff's Department and the jurisdiction of this ordinance is within the county, but not in the city limits. The second reading will be on July 21, 1998. The amended Ordinance, 98-04, shall go into effect 30 days after the second reading and at that time, Ordinance 89-01 will terminate. Kibby Horsely, Animal Control Officer reported the animal control statistics have significantly risen to 411 complaints this year and handled by one officer. Deputy County Attorney Chris Gray clarified that individual dogs in the County are not being licensed just those dogs being kept in kennels are required to be licensed. Commissioner Murdock moved to adopt the first reading of Ordinance 98-04. Seconded by Commissioner Brown. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:22 P.M.

*Unavailable
for signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 14TH DAY OF JULY 1998

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jarvis Brown, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JULY 6, 1998

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners met with Personnel Director Kathy Nowierski. Kathy reported that the union agreements seem to be approved, grant for Youth Probation is running out, and discussed the possibility of increasing insurance "Flex Plan" from \$2,400 to \$5,000. Commissioners decided unanimously to increase the flex to \$5,000 starting January 1, 1999; will most likely increase insurance premiums as well.
- Commissioner Olson met with Channel 6 & 42 News Anchor Patrice Lee to discuss the most recent developments concerning mental health services in the Bozeman area.
- Commissioner Brown attended a meeting of the Open Space Task Force. Detailed minutes are on file in the Planning Department.

JULY 7, 1998

- Commissioners met with County Attorney Marty Lambert and Deputy County Attorneys Chris Gray and Susan Swimley. Attorneys reported on the most recent developments concerning Oak and Babcock Streets. Still waiting for legal to be completed by Fred Bell regarding land involved with Oak Street passing the Fairgrounds, and Babcock needs to be surveyed fence-to-fence. County Attorney will start petition process to determine Babcock right-of-way, and Bill Murdock will visit with the City regarding the survey needs.
- Commissioners met with County Attorney Marty Lambert to discuss his proposed budget for FY 1999. Clerk and Recorder Shelley Vance and Fiscal Officer Ed Blackman were also in attendance. Attorney Lambert expressed his concern regarding the extra money budgeted for computers, and the service by the Data Processing Department. Commissioners will set up a meeting with County Attorney, Data Processing, and Commissioners to discuss same. Jarvis Brown made a motion to approve new Deputy County Attorney position as originally requested at \$27,500/yr. Bill Murdock seconded the motion and was passed unanimously.
- Commissioners, Clerk and Recorder Shelley Vance and Fiscal Officer Ed Blackman met with Gallatin County Superintendent of Schools Jill Richards to discuss her proposed budget for FY 1999.
- Commissioners met briefly with Grants Administrator Larry Watson to learn of the most recent developments of the CTEP project, and he reported that additional match money must come from the Big Sky Resort Tax.
- Commissioner Olson attended the Healthier Communities Action meeting at Bozeman Deaconess Hospital; lunch was provided. For detailed minutes, contact Sandy Martin at 585-1097.
- Commissioner Olson and the Phase I Project Team met. Fiscal Officer Ed Blackman and Rob Pertzborn of Prugh & Lenon Architects also attended. Rob Pertzborn presented proposal of departmental moves for all phases of courthouse renovation, and Ed Blackman reviewed the budget available for Phase I. Project Team approved motion to accept proposal of the department moves and phasing for Phase I construction as presented.

JULY 8, 1998

- Commissioner Murdock attended the Board of Health meeting. Detailed minutes are on file in the Health Department.
- Commissioner Murdock and the Detention Center Project Team met to determine weighting and scoring system for detention center architect applicants, and discussed selection of a finalist to recommend to Commissioners. Will reconvene later today to further discuss same.
- Commissioner Olson traveled to Mammoth Hot Springs in Yellowstone National Park to attend the meeting of the Headwaters Recycling Cooperative. Representatives from the Department of Interior, Environmental Protection Agency, and the National Park Service also attended and were very enthusiastic about progress to date. Broadwater County reported they want out, and members discussed the agreement by AMFAC to haul commodities from Gardner to Bozeman. Motion was passed to remove Broadwater County from MOU/Interlocal Agreement and purchase their bins at cost. Motion was also passed to allow AMFAC to begin hauling if changes to agreement are approved by the attorneys. Will report back at next meeting on August 12, 1998 in Virginia City, Montana.
- Commissioner Olson met with the Composting Committee, also held in Mammoth Hot Springs in Yellowstone National Park. Agenda items included discussion and review of by-laws, grants update, election of officers, and availability of funding. Committee approved by-laws, with amendments to

386 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

Article 2-b; Article 5, section 4; and the addition of signature line for Yellowstone National Park. Committee elected the following officers: President, Phil Olson; Vice President, Ed Flatt; and Secretary, Tim Hudson. Detailed minutes are also on file in the Commissioner's office. Next meeting is scheduled for August 12, 1998 in Virginia City, Montana.

- Members of a Viewing Committee comprised of Commissioner Bill Murdock, Clerk and Recorder Shelley Vance and Road & Bridge Superintendent Sam Gianfrancisco, inspected the intersection of West Cameron Bridge Road and the southern boundary location of Vista Drive in Valley Vista Subdivision to determine if a portion of same should be abandoned per Road Petition #787. Committee will prepare a viewing report and make recommendation to the Commission.
- Commissioner Olson traveled to West Yellowstone to attend the meeting of the West Yellowstone/Hebgen Basin Solid Waste District Advisory Board. USA Waste representative Harry Ellis also attended to report on the status of contract negotiations with EcoWest. For detailed minutes, contact Board Secretary Jo Miller at 646-7795 or a copy can be obtained through the Commissioners' office.

JULY 9, 1998

- Commissioners Murdock and Brown attended a regular Zoning Hearing.
- Commissioners Murdock and Brown held their regular monthly meeting with Planning Director R. Dale Beland. Items of discussion included current work plan and status. Commissioners directed Dale to draft a scope of work and process to reconvene the Master Plan Committee.
- Commissioner Olson spoke to the Noon Optimists at the Baxter Hotel regarding the Enhanced 911 program.
- Commissioner Olson met with Deputy County Attorney Chris Gray and USA Waste representative Harry Ellis to discuss contract negotiations between EcoWest and the West Yellowstone/Hebgen Basin Refuse District. Mr. Ellis feels there are still two items needing resolution: (1) liquidated damages is stated at \$200, he feels EcoWest would accept \$100; and (2) EcoWest wants a five-year contract with option for five more years with mutual agreement. Deputy Attorney Gray feels there may be other issues as well. Mr. Ellis will attempt to get an amended contract from USA Waste.
- Commissioner Olson met with Bob Ross, Executive Director of the Mental Health Center in Billings. They met to discuss the rejuvenation of Mental Health Services in Gallatin County. New psychiatrist, Jami Eschler, will be living in Gallatin County and working for Mental Health Services part-time. Leased office space in Martel Building available August 1st. Bob will keep Commissioners informed of progress.

JULY 10, 1998

- Commissioners Olson and Brown met with Facilities Director Bob Isdahl. Items of discussion included staffing constraints due to family illnesses, concerns about responsibilities to 911 Admin. Board, and issues regarding Davis Maintenance. Reported fire alarm testing will take place in Courthouse, Law & Justice Center (L&J), and Detention Center on July 15, 1998. Seventy-five percent if re-keying is complete at L&J, but still needs direction regarding security; 15th street access is still not blocked. Commissioners will respond to Bob regarding how he should pursue L&J security, and will contact Road Department directing they block access to 15th street entrance.
- Commissioners Olson and Brown held their quarterly meeting with Area IV Agency on Aging. Attendees included Director Joan Taylor, State Legislator Bev Barnhart, Lloyd Bender, Judy Morrill, and Mary Martin. Ms. Taylor reviewed Area IV services and reported that housing for older folks is getting too expensive; HUD housing upon payoff of construction is removed from subsidized funding. Meals-on-Wheels started in West Yellowstone. Also discussed transportation needs – HELP! Next meeting is scheduled for October 9, 1998.
- Commissioners Olson and Brown met with Data Processing Supervisor Bill Baldus. Bill reported that the West Yellowstone dial-up is operational and will be used soon; possibly can be expanded to Big Sky, Three Forks, etc. It may even be used for tax paying as well as motor vehicle. Bill has arranged meeting with software vendor who can provide computer program specific to road issues, and reported that Logan Landfill needs new 2000 compliant software.
- The following is a list of new employees for June: Berniece Stulc 5/13/98 Rest Home/LPN \$11.10/hr.; Lisa Carpenter 5/23/98 Detention Ctr./Officer \$1586.88; Kathleena Betts 6/16/98 Rest Home/CNA \$7.55/hr.; Phillip Noreen 6/16/98 Fair/Groundkpr,hskpr \$6.66/hr.; Jarvis Brown 6/9/98 Commission/Commissioner
- The following is a list of terminated employees for June: Shawn Thayer 5/25/98 Rest Home; Betty Jepson 5/26/98 Rest Home; Tonya Falcon 6/2/98 Rest Home; Brandi Boka 5/26/98 Rest Home; Elsa Geist 6/5/98 Rest Home; Lorraine Donahue 6/11/98 Rest Home; Cherry Brown 6/2/98 Sheriff; Stacy Jepsen 6/12/98 Rest Home; Sharon Wolf 6/12/98 Rest Home; Kristy Kennah 6/5/98 Justice Court; Ila

Jacobs 6/21/98 Rest Home; Lisa Hathaway 6/23/98 Rest Home; Adam Salveson 6/22/98 Rest Home; Jon Lane 6/30/98 911; William Hanks 6/30/98 Road Dept.

- Commissioners received A101's in the amount of \$411,129.07.
- Commissioners received cancellation of taxes in the amount of \$ 101,532.71.

The following items were on the consent agenda:

- A request for a relocation of a common boundary exemption for Gerald and Cynthia Mernin located in the SW $\frac{1}{4}$ of Section 32, T1S, R6E.
- A request for a family transfer exemption for Kim Walker to her husband, Lonny Walker located in NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 32, T1S, R5E.

According to the information submitted, these requests appear to meet the criteria for the exemptions set forth in the Montana Subdivision and Platting Act.

- A request for final plat approval for the Duvall Minor Subdivision located in Tract F of COS 1443 in the NW $\frac{1}{4}$ of Section 2, T1S, R4E. The Commission granted preliminary plat approval on March 31, 1998. The Planning staff has reviewed the 19 conditions required to grant final plat approval. According to the information submitted, it is recommended that final plat approval be granted.
- A request for a variance by Marc Noel to allow a 15 foot sideyard setback in the RC-SF-20 District in the Gallatin Canyon/Big Sky Zoning District located in Tract 5 of COS 1739 in the SE $\frac{1}{4}$ of Section 22, NE $\frac{1}{4}$ of Section 27, and a portion of NE $\frac{1}{4}$ of Section 26, T6S, R3E to allow for a detached garage. The required side-yard setback is 35 feet. The Gallatin Canyon/Big Sky Advisory Committee recommended approval subject to approval of a land use permit for the subject property.

Commissioner Murdock moved to adopt the consent agenda. Seconded by Commissioner Brown. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented the contracts reviewed by their office and ready for the Commissioner's signatures. The Commission considered the following contracts:

- Purchase agreement for loader backhoe between Kamp Implement and Gallatin County. Commissioner Brown moved to sign the contract agreement with Kamp Implement. Seconded by Commissioner Murdock. None voting nay. Motion carried.
- A contract for an agreement between Gallatin National Forest, USDA-Forest Service and Gallatin County to collect burning fees. Commissioner Murdock moved to sign the contract with the Gallatin National Forest and the USDA-Forest Service to collect burning fees. Seconded by Commissioner Brown. None voting nay. Motion carried.
- A contract agreement with Montana Cadastral Database Project. Commissioner Brown moved to sign the contract agreement with Montana Cadastral Database Project. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Grants Administrator Larry Watson reported on the status of the bid award for the Big Sky Bicycle Pedestrian Path CTEP Project continued from the July 7, 1998 public hearing. He attended the first meeting of the Big Sky Resort Tax Board. At that time, they were in the process of reviewing the 21 applications the Board received to make their determinations of where to allocate the resort tax funds. They won't be making their decision on the application submitted until August. It is needed to complete the balance of funding needed to start the project. Due to the delay in the allocation of the money needed to go towards the project, and after consulting with Deputy County Attorney Chris Gray, Damschen & Associates, and the State Department of Transportation, he recommended to the Commission to extend the bid award until September 1, 1998. A notice would be sent to the bidders of the project. If the bidders decided to withdraw their bids, the County would have to start the process to rebid the project. The Big Sky Resort Tax Board decision will be known by August 5, 1998. He will then be able to make his recommendation at the August 11, 1998 public hearing. He stated that due to this delay, the project won't be completed until July 15, 1999. There was no public comment. During Board discussion concern was raised that the delay may increase the cost of the project, but it was determined that if the bid was awarded and accepted by the bidder, the bid costs would remain the same. If it goes to a re-bid, costs may increase. Commissioner Murdock moved to extend the bid award until September 1, 1998. Seconded by Commissioner Brown. None voting nay. Motion carried.

County Auditor Joyce Schmidt reported she received by July 6, 1996 at 5:00 P.M., 6 bid proposals requested for the external audit contract that will be for a two-year period (July 1 1997 to June 30, 1998 and July 1, 1998 to June 30, 1999) with an option to renew for one additional year (July 1, 1999 to June 30, 2000). The bid requests were advertised in the High Country Independent Press on June 11 and June 18, 1998. The bids to be considered were required to submit 6 copies of their proposal. Resolution #1998- 34 was adopted to initiate the process to solicit bids and procure a six member Audit committee who will review the proposals according to governmental auditing procedures set forth by federal, state, and county laws using a point formula to score proposals and make their recommendation to the Commission. Three sets of criteria will be used to evaluate the process, which are, the mandatory requirements (50 points), technical qualifications (40 points), and bid price (maximum 10 points). She solicited bids in a 150 mile radius within the Bozeman area, and mailed requests from individual firms who had requested to be notified within the past year. No requests from those firms were received. She received a letter on June 17, 1998 from Az & Company stating they would not be turning in a proposal. The following bids were opened :

	FY June 98	FY June 99	option FY June 2000
Joseph Eve & Co. (GreatFalls)	\$30,000	\$30,000	\$30,000
Holmes & Turner (Bozeman)	\$24,300	\$25,000	\$25,000
Veltkamp Stannebein & Bateson PC	\$25,000	\$25,000	\$25,000
Paul Strom & Associates (Billings)	\$25,000	\$25,000	\$25,000
Kaub & Company PC (Bozeman)	\$24,000	\$24,000	\$24,000
Simmons & Company (Bozeman)	\$24,500	\$23,500	\$22,500

The bids will be reviewed and the recommendation made at the public hearing on July 21, 1998.

Bozeman-City County Planner Debbie Arkell reported on a request for preliminary plat approval for the Jensen 2-lot Minor Subdivision, described as Tract B of COS 2032 located in the SW¹/₄ of Section 22, T2S, R6E. The property is located in the A-S, Agricultural Suburban zoning district. The intent of this district is to encourage cluster development so agricultural interests can be preserved. Three development options are available. The subdivider has selected the Standard Development Option, which is one dwelling unit per 20 acres, with a lot width not less than 660-feet. The SDO does not require the clustering of homesites. At their hearing, 2 members of the public spoke with concerns on impact to critical winter range for an existing elk herd, weed control, and a question if the zoning in the area allowed for further subdividing. The subdivision, as proposed for single family residential tracts larger than 20 acres in size, complies with the current zoning as well as with the master plan designation. The Bozeman City-County Planning Board reviewed the proposed minor subdivision and recommended granting preliminary plat approval with the following conditions: 1) The final plat shall conform to all requirements of the Bozeman Area Subdivision Regulations and the Uniform Standards for final subdivision plats, and be accompanied by all appropriate documents, required certificates, and a platting certificate. Two clothback (or equivalent) and two mylar copies of the final plat must be submitted for final plat approval, along with a digital copy of the final plat, on a double sided, high-density 3-1/2" floppy disk. 2) The final plat shall contain the covenants, waiver, and waiver of right to protest RIDs shown on the preliminary plat, and shall dedicate the existing 20-foot wide road easement for Fort Ellis Road. The covenants, must, at a minimum and as shown, include the following: a) That all county declared noxious weeds will be controlled. b) That any new residential dwellings constructed prior to the provision of an adequate water supply for fire fighting shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D. c) That lot owners and residents of the subdivision are informed that adjacent uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the sound of heavy equipment, chemical sprays and the use of machinery early in the morning and sometimes late into the evening. d) All fences bordering agricultural lands shall be maintained by the landowners in accordance with state law. e) That any covenant which is included herein as a condition of the preliminary platt approval and required by the County Commission may not be amended or revoked without the mutual consent of the owners in accordance with the amendment procedures in these covenants and the governing body of Gallatin County. The covenants and a list of conditions of preliminary plat approval shall be submitted to the Gallatin County Attorney's Office at least 30 days prior to scheduling a hearing for final plat approval. The Attorney's Office shall review and approve the covenants prior to final plat approval. 3) The certificate of Planning Director shall not be added to the final plat. 4) Encroachment permits shall be obtained from the County Road Department for access from each lot onto Fort Ellis Lane prior to final plat approval. The accesses must be a minimum of 400 feet apart. 5. All new utilities shall be installed underground. Utility easements, a minimum of 20-feet wide, shall be centered along side and rear lot

lines wherever possible and shall be shown on the final plat. 6. Applicable fire and road impact fees (\$496 per lot) and road impact fees (\$1596 per lot) shall be paid prior to final plat approval. 7. The developer shall have one year from the date of preliminary approval to compete the above conditions and apply for final plat approval. Ron Allen of Allen Associates, surveyor for the applicant, stated the applicant was not present but would answer any questions. There was no public testimony. Finding the Jensen Minor Subdivision complies with the Bozeman Area Master Plan update, the Bozeman Zoning Ordinance and is consistent with the Bozeman Area Subdivision Regulations, Commissioner Murdock moved to grant preliminary plat approval with the conditions as drafted and recommended by the Bozeman City-County Planning staff. Seconded by Commissioner Brown. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported that the pending resolution of the County's intent to budget additional property tax revenue and the notice to exceed the Department of Revenue's certified millage was pulled due to non-receipt of information from the Assessor's Office because of the calculation that had to be done of the Tax Increment District within the city limits. It would take a couple of days to complete. Commissioner Murdock asked if this would effect the time frame for the County to adopt the final FY 99 budget. Mr. Blackman stated that he didn't think it would, that the final adoption of the budget was scheduled for August 4, 1998, and a public hearing is scheduled for July 28, 1998. They had a couple of weeks to complete the process.

Deputy County Attorney Susan Swimley presented the Commission with a pending resolution concerning the abandonment of a portion of South Third Avenue near Goldenstein Lane that was granted at the public hearing on June 9, 1998. Commissioner Murdock moved to adopt Resolution 1998-38. Seconded by Commissioner Brown. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:11 P.M.

*Unavailable
For Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 21st DAY OF JULY 1998

The meeting was called to order by acting Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioner Jarvis Brown, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JULY 13, 1998

- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners met Grants Administrator Larry Watson. Larry reported on the status of various grants and projects in progress.
- Commissioners conducted a performance evaluation of a Department Head.
- Commissioner Olson met with County Attorney Chris Gray and Southwest Montana Composting Project Secretary Tim Hudson to discuss procedures for continuing the studies and planning with Land & Water for composting.

JULY 14, 1998

- Commissioner Olson and the Phase I Project Team met. Clerk and Recorder Shelley Vance and Accountant Susan Lang also attended to discuss relocation of Accounting Department during Phase I renovation. In addition, team members discussed additional cost for electrical update by Montana Power, pipe sleeve for lawn sprinkler and CTEP. The team approved putting pipe sleeve in wall for CTEP and funding will come from CTEP matching funds. Two meetings will be held to further update departments and the public on the status of Phase I construction. The first meeting is on July 28 at 3:30 p.m. and will include all departments being relocated during Phase I renovation. Secondly, a formal presentation will be made at the Commissioners' public meeting on August 4th at 1:30 p.m. At this time, the Commissioner will solicit comments from the public and/or departments regarding progress to date.

JULY 15, 1998

- Commissioner Olson attended the 1998 National Association of Counties (NACo) Conference in Portland, Oregon from July 17 through July 24, 1998.
- Commissioner Murdock met with Rural Fire Council members to further discuss alternatives for fire-related safety conditions of subdivision approval for minor subdivisions, and the possibility of using one tower at A.E. Montana property for fire training. Council agreed to study a possible new option of cash-in-lieu of fill points for one-lot and other minor subdivisions. Commissioners agreed to let Fire Council use one tower at A.E. Montana for fire training. Assistant DES Coordinator Mike Hoey asked Jarvis Brown to assist him in completing the LEPC (Hazardous Materials) Plan; Commissioner Brown agreed, contingent upon involvement by City Commission as well.
- Commissioner Murdock chaired the quarterly meeting of the Transportation Coordinating Committee (TCC), also attended by Commissioner Jarvis Brown. The Committee discussed the status of area highway projects, and approved the scope of work for updates to the Bozeman Area Transportation Plan. The next meeting is scheduled for October 14, 1998 at 10:00 a.m.
- Commissioners Murdock and Brown met with Judge Mike Salvagni, Judge Thomas Olson, and Youth Probation Officer Dave Gates to review and discuss their proposed budget for FY 1999.

JULY 16, 1998

- Commissioners Murdock and Brown met with Planning Director R. Dale Beland to discuss his future involvement in Winter Use EIS for Yellowstone National Park. Dale will attend upcoming meeting in West Yellowstone on August 19th. He was also invited to attend a meeting in Big Sky on July 30 regarding traffic calming on Little Coyote Road.
- Commissioners Murdock and Brown met with Road & Bridge Superintendent Sam Gianfrancisco to review various road projects and their status. Also discussed personnel matters.
- Commissioners Murdock and Brown met with Alice Meister, Director of the Bozeman Public Library, to discuss their budget and plans for future expansion/relocation. Commissioner Murdock agreed to visit with other two commissioners about possibly increasing the Library's budget.

JULY 17, 1998

- Commissioners Murdock and Brown attended the quarterly MOU meeting. Agenda items included updates on Yellowstone Winter Use EIS, Southwest Montana Composting and GIS projects. Also discussed proposed changes to Big Sky Fire Plan. Next meeting is scheduled for 10:00 a.m. on October 9 in West Yellowstone. Location has yet to be determined.
- Commissioners received A101's in the amount of \$9,463.34.
- Commissioners received cancellation of taxes in the amount of \$588.54.

The following items were on the consent agenda:

- A consideration of a resolution approving American Bank's variance request in the Gallatin County Big Sky Zoning District to construct a drive-through bank teller facility 14 feet within the required 70 foot front yard setback, described as Tract 1 of COS 1816, located in the SW $\frac{1}{4}$ of Section 31, T6S, R4E. The GC/BS Planning and Zoning Commission adopted Resolution #1998-06 recommending approval of the variance request to the Gallatin County Commission.
- A request for a family transfer exemption for Ann Sinnema being Tract A of COS #1655, located in the SW $\frac{1}{4}$ of Section 13, T1S, R3E, Gallatin County M.P.M.

- A request for relocation of a common boundary exemption for Frank and Barbara Lyons/TDA and LLP/Johnson. The lots are: lot 47 in Shedhorn Subdivision, lot 24 in the amended plat of Middle Creek Meadows #3, and lot 8 of Middle Creek Meadows #3.
- A request for a relocation of a common boundary exemption for Heidi Schillinger and Thomas and Marcene Harvey, described as lot 6 of Block 2 and lot 1 of Block 3 of the Valley Vista Subdivision #1, situated in the SE¼ of Section 14, T1S, R4E, Gallatin County, Montana.

According to the information submitted, these requests appear to meet the criteria for the exemptions set forth in the Montana Subdivision and Platting Act.

- Consideration of the following contracts: AcuCorp Compiler, amendment to Geo Research, Inc. & Geo Link Annual Software Maintenance and Technical Support contract, impact fee agreement for Northside Rural Fire District, Montana Board of Crime Control/Victim Witness grant and the Sheriff's Office grant, Morrison-Maierle for the Gallatin County Courthouse fire service line.

Commissioner Brown moved to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

The variance request for the American Bank as Gallatin/Big Sky Zoning Resolution #98-06 approved by the Commission from the consent agenda was adopted as Gallatin County Resolution #1998-43 to be filed in the Clerk and Recorder's Office.

Gallatin County Auditor Joyce Schmidt reported the External Audit Procurement Committee's recommendation for the contract for the FY 98, FY 99, and the option of FY 2000 external audit to be awarded to Knaub & Company. They had concerns staying with the same auditors for a long period of time, and made a further recommendation that the bid be sent out again during the option year of 2000. The Committee thought it was good practice to change auditors, rather than keep the same firm for a number of years. If the Commission does not choose to change, then the firm is available for that option year. During discussion the criteria was discussed on how the recommendation was made and found that the applicants were scored with a list of criteria, and that price was the last consideration. There was no public comment. Commissioner Brown moved to award the bid for the external audit to Knaub & Company as recommended by the Procurement Committee. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Randall Johnson reported on consideration of a resolution to adopt a new fee schedule for the Middle Cottonwood Zoning District. The fees were reviewed by the Planning staff and were found to be lower than all other zoning districts. The fees were reviewed for permits, zone changes, zone amendments, conditional use permits and variances. They revised the fees updating them to be consistent with all zoning districts in the County. On June 23, 1998 the Gallatin County Planning Board voted to recommend that the revised fee schedule be adopted by the Commission. Notice of the public hearing was published in the Bozeman Daily Chronicle on July 19, 1998. During discussion the Commissioners agreed that keeping the fees consistent with other zoning areas was advisable since the same type of services were being done. Commissioner Brown moved to adopt Resolution #1998-39 revising the fee schedule for the Middle Cottonwood Zoning District as presented by the Gallatin County Planning staff. Seconded by Commissioner Murdock. None voting nay. Motion carried.

County Planner Jennifer Madgic reported on a request for a relocation of a common boundary exemption for Dennis and Sherry Foth to realign boundaries to situate existing residences on separate tracts. A residence and rental are presently located on one tract, and realignment would place one house per tract. The applicant has stated they may sell the rental house on the lot at some time in the future. Commissioner Murdock asked Ms. Madgic if she found this to be a correct use of the exemption. She stated the Planning staff felt the intent of the applicant was to create a viable lot, as far as creating a common boundary alignment. Ron Allen of Allen & Associates, representing the applicant, was present to answer questions. Commissioner Murdock asked if he felt this request was consistent with the exemption and if he found no documentation that the applicant was evading subdivision regulations. Mr. Allen stated that the long term planning of the applicant was that it was an odd shaped lot, and it was better to have one house on one lot than two on one lot. It enhanced the configuration of the lots because it was fronted by 207 feet of County road, a drainfield would now fit on the lot, making it a viable building site. If it wasn't approved a third house would probably be constructed. He stated it was not creating an additional parcel. There was no public comment. Finding the Planning staff reviewed the request for an exemption allowed under the Montana Subdivision and Platting Act and found it to be

consistent with the criteria allowed and recommended approval, and it would enhance the configuration of the lot, Commissioner Brown moved to approve the relocation of a common boundary exemption claimed by the Foths. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Sheriff Bill Slaughter read the second reading of Ordinance 98-04, a dog ordinance amending Ordinance 89-1. The first reading was at the public hearing on July 14, 1998. During public testimony, Sammy Jones asked the Commission the definition of a kennel, what penalties for non-compliance would be given, and who would enforce the licensing of the kennels. If a puppy-mill was found operating without a license, would the puppies be taken away. Sheriff Slaughter said in the ordinance the definition of a kennel was written as, "A kennel shall mean any home, establishment or facility where 5 or more dogs over the age of 6 months are owned, kept, or maintained as pets, working dogs, or are boarded, are for sale, or are used for sporting or commercial purposes. Veterinary facilities and the Humane Society of Gallatin Valley are excluded from this definition". The Sheriff's Department has jurisdiction within the County to enforce the ordinance, investigating complaints by neighbors, and then they would issue a citation. It then would be up to the courts to impose the penalties, make the order, and impose a jail sentence. If a kennel is in violation of the ordinance it is written, "An owner found guilty of a violation of this ordinance shall be guilty of a misdemeanor and unless otherwise specified shall be fined not to exceed \$500 or imprisoned in the County jail for a term not to exceed 6 months or both." Sammy Jones stated she was in support of the ordinance. There was no further public comment. Commissioner Brown moved to approve the second reading of Ordinance 98-04. Seconded by Commissioner Murdock. None voting nay. Motion carried. Ordinance # 98-04 will go into effect after 30 days, replacing Ordinance 89-01.

Fiscal Officer Ed Blackman reported on the pending resolution of the County's intent to budget additional property tax revenue pursuant to 15-10-203 MCA and the notice to exceed the Department of Revenue's certified millage pursuant to 15-10-204 MCA, to hear public comment. He stated the taxable value of property within Gallatin County has increased by an estimated 4.85% from the previous fiscal year; and, the taxable value of property within special districts, rural improvement districts and special revenue funds has increased between 1% and 7.25% depending upon the districts. State law requires the department of revenue to certify a millage rate which will provide the same ad valorem revenue for each taxing authority as was levied during the prior year based upon 95% of the taxable value appearing on the roll, exclusive of properties appearing for the first time on the assessment rolls. The notice of this public hearing was advertised in the Bozeman Daily Chronicle from July 24, 1998 to July 31, 1998. There was no public comment. During discussion, the public hearing on budgeting the increased property tax revenue was set for August 4, 1998. A decision on or before Monday, August 10, 1998 will be made regarding the usage of the increased property tax revenue after considering the comments made at the hearing. A clarification was made that they would be levying extra mills for the Three Forks Airport. It was a request above their certification to set aside some money to finish the surfacing of runways, remodeling buildings and other projects not funded by sales. He recommended passing the resolution of intention so the public has notice of the Commissions intent to look at this and not lose the opportunity to fund future capital projects. There was no public comment. Commissioner Brown moved to adopt Resolution 1998-40, giving notice of the County's intent to budget additional property tax revenue and notice to exceed the Department of Revenues certified millage, calling for public comment and setting the public hearing date for August 4, 1998. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented the Commission with a pending resolution authorizing limited signatory authority to Data Processing Manager-Microsoft enrollment agreement to purchase software at a discounted price saving Gallatin County tax payer's money. Commissioner Brown moved to adopt Resolution 1998-41 giving Data Processing Manager William Baldus signatory authority for the limited and exclusive purpose of signing the Microsoft Select Enrollment agreement. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented the Commission with a pending resolution approving an application for a variance from the sideyard setback requirements of the Gallatin Canyon/Big Sky Zoning Regulations for applicant Marc Noel that the Commission took action on during the July 14, 1998 public hearing. Commissioner Brown moved to adopt Resolution 1998-42. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:25 P.M.

unavailable
for signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 28th DAY OF JULY 1998

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jarvis Brown, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance.

The following proceedings were had to wit:

JULY 20, 1998

- Commissioner Olson was in Portland, Oregon the week of July 20-24, attending the National Association of Counties' Annual Conference.
- Commissioners Murdock and Brown attended a meeting with Facilities and Operations Director Bob Isdahl, Data Processing Supervisor Bill Baldus, Fiscal Officer Ed Blackman, Architect Rob Pertzborn of Prugh & Lenon, Wade Fox of Touch America, and Scott Ritter of VanDyken Engineering to discuss Phase I of the Courthouse renovation and the Data Processing Department's related electrical and telephone needs in the basement of the Courthouse. Wade Fox of Touch America stated that he and Bill Baldus will confer with Scott Ritter and provide cost estimates by July 28, 1998, for reconfiguring voice data needs, including closets, chasing, routing, etc. (work which is not presently included in current Phase I estimates).
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioner Murdock attended a meeting of the Open Space Task Force. Minutes of this meeting are available in the County Planning Office.

JULY 21, 1998

- Commissioner Murdock attended a meeting of the Detention Center Public Relations Subcommittee. Also attending were Carl Bear, Sheriff Slaughter, Detention Center Officer Jim Cashell, Joseph Townsend, Lee Copenhagen, Susan Wordahl, Marilyn Burns, and Dave Stewart. The organization of the committee was the main topic of this second meeting of the group.
- Commissioners Murdock and Brown met with Sheriff Slaughter, County Attorney Marty Lambert, and Data Processing Supervisor Bill Baldus to discuss the Sheriff's and County Attorney's offices' data processing needs, problems, and budget concerns. Bill Baldus made a commitment to meet with the Sheriff and the County Attorney to complete an information technology needs inventory and assessment for their offices. Commissioner Brown will be the Commissioners' liaison during this process, and will facilitate by setting future meeting dates.
- Commissioner Murdock attended a meeting of the Victim/Witness Advisory Board.
- Commissioners Murdock and Brown, along with Fiscal Officer Ed Blackman, met with GIS Director Allen Armstrong to discuss his new employee request for the FY99 budget. It was determined that Mr. Armstrong will consult with Personnel Officer Kathy Nowierski regarding the possibility of a temporary, full-time position.

JULY 22, 1998

- Commissioners Murdock and Brown (as Commissioner Olson's proxy) attended a meeting of the 911 Administrative Board. Minutes of this meeting are available in the Communications Services/911 office at the Law and Justice Center (c/o Jan Cross, 911 secretary).

394 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

- Commissioner Brown met with Dave Crawford of TD&H Engineering, to discuss work done in the past for Gallatin County.

JULY 23, 1998

- Commissioners Murdock and Brown met with Bozeman City Manager Clark Johnson, City Administrative Services Director Miral Gamradt, and County Fiscal Officer Ed Blackman. Topics discussed included funding problems associated with 911. It was decided that the Messrs. Blackman and Gamradt would work together to analyze 911 funding requests before approval by the City and County.
- Commissioner Murdock and the other members of the Detention Center Project Team, along with Deputy County Attorney Chris Gray, met with architects Dick Prugh and Jamie Lenon to further discuss their proposal. The project team will present a recommendation to the Commissioners at their August 4 public meeting, regarding a memorandum of understanding with Prugh & Lenon Architects, P.C. for the selection of a national corrections consultant.
- Commissioner Brown attended a meeting of the LEPC Committee at City Hall. Topics discussed included continued poor attendance at the meetings, and the need for a Gallatin County Hazardous Materials Response Plan.
- Commissioner Murdock attended a meeting of the Turning Point Initiative Group, at the Holiday Inn in Bozeman. Topics discussed included working on "Core Function Number 5" for the public health office.

JULY 24, 1998

- Commissioners Murdock and Brown attended the first meeting of the newly formed Community Corrections Board. Also in attendance were District Court Judges Olson and Salvagni, as well as applicants to the Board who were not appointed. Judge Olson gave an introduction describing what the focus of a community corrections board should be, and what function the board could serve in the local corrections process. Topics discussed included the drafting of bylaws, and topics for the next meeting of the board, scheduled for August 3 in the Community Room, which will include concept proposals by board members and possible committee assignments for non-appointees. Officers will also be elected at this next meeting.
- Commissioners received claims in the amount of \$670,906.69.

The following items were on the consent agenda:

- Consideration of the following contracts: Traffic safety bureau contract with DUI Task Force, consolidation of the Three Forks Rural Fire Districts of Gallatin County and Broadwater County, and an addendum to DES contract.
Deputy County Attorney Gerry Higgins requested the Three Forks Rural Fire District contract be pulled off the consent agenda and moved to the regular agenda to give the public an opportunity to comment.

Commissioner Murdock moved to adopt the consent agenda with the exception of the consolidation of Three Forks Rural Fire District with Broadwater County. Seconded by Commissioner Brown. None voting nay. Motion carried.

The Planning Department asked that the consideration of a request for preliminary plat approval for the Ross Creek amended plat, Tract 26- of the Hake Minor Subdivision be opened and continued until the public hearing on August 4, 1998.

Deputy County Attorney Gerry Higgins reported that the contract to consolidate the Three Forks Rural Fire District and Broadwater County had been in the process for some time and that the districts had cooperated closely for so long, that the districts had been known collectively as the Three Forks Rural Fire District. On July 2, 1998 the Three Forks Board of Trustees met to vote on the consolidation plan and the Broadwater County Commissioners met at the Broadwater County Courthouse. The notice of the public hearing was published in the Bozeman Daily Chronicle, the High Country News, Townsend

Star, and the Three Forks Herald on July 9th and 16th, 1998. On July 21, 1998 a joint meeting of the Boards was held. There was no public comment at that time. The last date for written protests to be received by the Gallatin Clerk and Recorder will be July 30, 1998. The written protests will be counted. If 50% or fewer property owners in each district protest consolidation, then the consolidated district will be formed. The Board of County Commissioners of Broadwater County have signed the consolidation plan along with the Three Forks Rural Fire District Trustees. Commissioner Murdock moved to accept the consolidation plan with Three Forks Rural Fire District and Broadwater County as presented by Deputy County Attorney Gerry Higgins. Seconded by Commissioner Brown. None voting nay. Motion carried.

The Commissioners considered the following applications for appointments to the Fort Ellis Fire Service Area Board of Trustees: Robert Kaufman and Ruth Theibault. Commissioner Murdock moved to appoint Ruth Theibault to serve out the term until December 31, 1999. Seconded by Commissioner Brown. None voting nay. Motion carried. The Commissioners considered the following applications for appointments to the Gallatin County Planning Board which expire July 31, 1998: Howard Van Noy; Gary Griffith; Roger Nerlin; Dan Van Luchene; and Nick Salmon. Commissioner Murdock moved to appoint Nick Samon. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Murdock moved to appoint Howard Van Noy. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Jarvis Brown moved to appoint Gary Griffith. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Murdock moved to appoint Roger Nerlin. Seconded by Commissioner Brown. None voting nay. Motion carried. The appointments to the County Planning Board will be for a two-year term.

Clerk and Recorder Shelley Vance reported receiving on behalf of the Commission a petition to create a County Water and Sewer District on May 28, 1998, submitted by Karl M. Cook. The boundaries of the proposed district are described as follows: Part 1: A tract of land being the south one-half of Section 20, T1S, R5E; excepting the following tracts located in the south one-half of said Section 20: Tract 1 of COS #1290, Tract B of COS #1484, Tract A-1 of COS #1839, Lots #1-5 of Minor Subdivision 82, and Valley Grove Subdivision Phases 1-3. Part 2: Lot #196 of Valley Grove Subdivision Phase 3, located in the south one-half of Section 20, T1S, R5E, Gallatin County Montana. She examined the petition and certified it contained 1 qualified signature of registered voters appearing on the petition, which equals 100% of the possible 1 registered voter within the proposed district. Notice of the public hearing was published in the Bozeman Daily Chronicle on July 12th and the 19th 1998. During Board discussion clarification of the boundaries of the proposed Water and Sewer District was determined. Deputy County Attorney Susan Swimley advised the Commission to proceed and make a determination on accepting the petition by finding the petition to be valid with the required signatures as certified by the Clerk and Recorder. There was no public comment. Environmental Health Director Tim Roark spoke regarding the creation of the district. A district would give an entity for maintenance and operation of septic systems in large subdivisions that has been lacking in the past, and has become a growing concern in the State of Montana. The Department of Environmental Quality is encouraging the creation of these districts to ensure the safety of the public by the continual maintenance on the waste water treatment systems being installed and used. Planning Director Dale Beland reported that during preliminary plat review of this proposed subdivision, individual septic systems were approved. At the developers initiation, he has decided to create a district. The concern on waste water impacts on water quality is a step forward, because a waste water treatment facility is far superior to individual septs. It can be upgraded by the long term monitoring to handle an increase in the capacity and maintenance. Finding the petition is valid and has met the requirements of the statute, Commissioner Murdock moved to accept the petition. Seconded by Commissioner Brown. None voting nay. Motion carried. Finding that no public testimony was heard on the proposed boundaries of the creation of the Water and Sewer District, Commissioner Murdock moved to accept the boundaries of the petition as described in the petition. Seconded by Commissioner Brown. None voting nay. Motion carried. The Election Administrator and the County Commission will meet at a later date to discuss the election.

Clerk and Recorder Shelley Vance reported that on June 9, 1998 a petition was received and accepted by the Commission to abandon a portion of Vista Drive as described in road Petition #787 which is located in Valley Vista Subdivision #1, Section 14, T1S, R4E, Gallatin County, Montana. A viewing committee was appointed consisting of Commissioner Bill Murdock, County Road Superintendent Sam Gianfrancisco, and Clerk and Recorder Shelley Vance. Notice of the public hearing was published in the Bozeman Daily Chronicle on July 26, 1998. A copy of the hearing and a copy of the viewing committee report was mailed to all signers of the petition; individuals named in the petition who could

be affected; the postmaster of the area; and the Public Lands Access Association on July 15, 1998. The findings of the Viewing Committee as reported were: 1) Vista Drive had not been constructed. 2) A two stall garage and a shed with concrete slabs had been constructed along with a fence within the right-of-way of Vista Drive. 3) A hedge and tall trees run along the western boundary of the right-of-way, and what is currently shown on the plat as Valley Vista Park was sold by the County in 1992 and is now private property owned by Westland Enterprises Inc. 4) The owners of Lot 1, Block 3 and the owners of Lot 6 Block 2 of Valley Vista Subdivision #1 filed an amended plat to relocate a common boundary which includes moving the right-of-way to the west and 22 feet for public access. If the 22 feet of right-of-way were abandoned as described on the petition, without the additional 22 feet provided on the west side, the County would not have a 60 foot easement. It did not appear that anyone would become land-locked or access denied to public lands if the abandonment were granted. During Board discussion clarification was made that if there is not a relocation of a common boundary they will be lacking the full 60 foot County road standard. If they abandoned the road before the common boundary is relocated what is left of the public right-a-way will not meet standards. County Road Superintendent Sam Gianfrancisco reported he had no concerns over the proposed abandonment and that it will not be straight and they like to see that because it slows traffic down. Dennis Foreman of Gaston Engineering stated that the relocation of common boundary exemption was approved on the consent agenda at the public hearing on July 21, 1998, but he had not recorded it. He was waiting until the Commission acted on the abandonment. He said it is ready to be recorded. Tom Simkins, President of Westland Enterprises spoke with his concerns over the abandonment, impacting them as the neighboring land owner. He asked who the abandoned land would be granted to because they are the land owners of the park behind it. He stated he could not support the abandonment because he had not seen the map and would ask that the original developer's intent, his father, be kept. Deputy County Attorney Susan Swimley drew Mr. Simkins a configuration of the proposed abandonment and explained the request was not to go all the way to the property. Mr. Simkins said he was against it, but may be able to be convinced. He would like to see the map and talk to his family about it to make sure they understood it. There was no further public comment. During discussion, Commissioner Murdock agreed that Mr. Simkins and his family should be shown the proposed realignment of common boundaries and the abandonment. He added that by approving the relocation of common boundary exemption at the last public hearing was no guarantee that the road relocation would take place. The exemption met the criteria for subdivision review. Commissioner Murdock did not find it in the public interest or convenience to abandon a road because the owner made a mistake. He agreed with Mr. Simkins that it is their call. There might be a solution in the public interest by negotiating with the Simkins, even though it meets the criteria for roads. He would not be in agreement to abandon the road unless there was an agreement signed between the parties. Commissioner Brown moved to table the request for one week. Commissioner Murdock seconded the motion. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported receiving five petitions to annex property into the Bridger Canyon Rural Fire District further described as Tract 2 of COS 410, in Section 20, Tracts 1 and 2 of COS 1467 in Section 28, Tract A of COS 1728, Tract B of COS 1746 in Section 29, and Lots 9A and 9B of Aspen Meadow Subdivision in Section 33, all located in T1S, R7E; also the S/W¼ and SE¼ of Government Lot 1, Section 6, T2S, R7E. She certified that all the properties are adjacent to the fire district and that the petitions contain the signatures of owners of 50% or more of the area of privately owned lands included within the areas to be annexed into the fire district who constitute a majority of the taxpayers who are freeholders of such areas and whose names appear upon the last completed assessment roll. The Bridger Canyon Rural Fire District Trustees and the Fire Chief have accepted these properties for annexation. Commissioner Murdock moved to accept the petitions as reported by the Clerk and Recorder and to conduct the public hearing on the proposed annexations on August 25, 1998. Seconded by Commissioner Brown. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the proposed FY 1999 budget calling for public testimony. The notice of the public hearing was published in the Bozeman Daily Chronicle as required. The budget hearing must be continued from day to day and must be concluded and the budget approved and adopted on or before the second Monday in August, before the fixing of the tax levies by the board. The proposal is to adopt the final operating budget and the capital budget for FY 1999 on Tuesday August 4, 1998. The proposed budget is for \$20,792,053 in tax supported operating funds, a 1.11% increase from the FY 98 approved operating budget. Millage proposed to be levied will be at the same level as last year for operations. The Commission adopted a proposed capital projects budget for the first time. This budget includes \$368,000 for the Courthouse CTEP project; \$768,701 for the Courthouse Phase I project; \$272,691 for enhanced 911; \$157,000 for the Search & Rescue/ Emergency Services Building; \$400,000 for the new Road shop; and \$548, 296 of a needed \$750,000 for the Courthouse Phase II

project. All these projects were outlined in the Capital Improvements Plan adopted by the Commission. In addition to, the departments requested \$1,769,389 in supplemental budgetary items, without new revenue sources. This included requests for 18 full time employees, 13 part-time employees; 9 reclassifications; 7 promotions and 3 retirements totaling \$703,871. The proposed budget, adopted, includes 6 full time positions and 10 part time positions. Four of the full time positions and 3 part time positions are funded primarily with grant money. The proposed budget also includes the elimination of an Environmental Engineer and a part time Probation Officer. The budget includes an average of 2.08% increase in base salary for elected officials and raises for all other employees. This is consistent with the state of Montana's certified cost of living increase of 2.30%. After the proposed budget was adopted the elected officials and the department heads have requested that the Commission reconsider approximately \$500,000 in unfunded requests. Kathy Satake, Secretary for the Mosquito District asked that the cash left over from the previous year's budget be held in their account to use as cash carry over. The past couple of years it had not been. The costs have increased dramatically in the past couple of years and the money is needed to pay the outstanding bills and for start up costs at the beginning of the mosquito season. She stated Mr. Blackman is levying the full 5 mills but the Board specifically requested her to ask that the \$12,461 left from this year be carried over to use. Mr. Blackman clarified he did levy the full 5 mills last year and the proposal is for 5 mills this year, but in the previous years what was done with the cash left over was to take it out of the operating budget and put it into cash reserves to have for the next fiscal year. They are requesting to have that money available to spend this year. He pointed out however, that the Mosquito District will be adversely affected after the refund to the Trident Cement Plant of \$2,282.88 reducing their year end figures and the cash carry over they would expect to keep in their operating budget. There was no further public testimony. The Commission would meet before August 4, 1998 to identify and list all decisions on these items along with comments from the public and consider adopting the final FY99 budget at the public hearing scheduled on August 4, 1998.

Fiscal Officer Ed Blackman reported on an increase in the City-County Public Health Levy from 4.7 Mills to 5.0 Mills. Notice of the public hearing was published in the Bozeman Daily Chronicle on July 25th and 26th 1998. State law says "the limitation on the amount of taxes levied does not apply to levies required to address".. (b) The limitation set forth on the amount of taxes levied does not apply to levies to support: (i) a city-county board of health as provided in Title 50, chapter 2 if the governing bodies of the taxing units served by the board of health determine, after a public hearing, that public health programs require funds to ensure the public health. A levy for the support of a local board of health may not exceed the 5 mill limit established in 50-2-111 MCA. The proposed budget includes the raising of the City/County Health millage to the maximum 5.00 mills. This is an increase of .30 mills (\$33,700). This amount has been designated to be set aside in a capital reserve fund for future improvements beneficial to the Public Health Environmental Services Department. A final decision on the change in millage would be done at the time of the adoption of the final county operating budget and the setting of the number of mills for each fund on August 4, 1998 at the public hearing. There was no public testimony.

Fiscal Officer Ed Blackman reported on consideration of a resolution setting the salaries for elected officials and the hours of operation for County Offices. State laws requires that the County Commission set the salaries for County elected officials prior to July 31, 1998 of each year. The resolution sets elected officials salaries at the maximum allowed by law. This includes a slight increase for population and a 2.30% increase on the elected officials base wage. The proposed salaries average a 2.08% increase for all elected officials. Most elected officials will receive a 2.10% increase. These include the Clerk and Recorder, Treasurer, Clerk of District Court, and the Coroner. The County Commissioners will receive a 1.95% increase and the Sheriff will receive a 1.95% increase plus longevity stated under the law. Also, included in the resolution is the setting of the office hours for elected county offices. A recommendation was made to close the County Courthouse the Friday after Thanksgiving. All regular employees, not working this day, will be required to take vacation or compensatory time off. This would not be a paid holiday. During discussion, clarification was made that only the Sheriff receives the 1.95% increase plus longevity. Clerk and Recorder Shelley Vance spoke in regards to the proposed closing of the courthouse the day after Thanksgiving, commenting that most of the public that utilizes the Clerk and Recorder's Office does not work the day after Thanksgiving. Her office supported the closing unanimously. Treasurer Jeff Krauss also said his offices supported the closing the day after Thanksgiving, recognizing that it is an important family holiday and it wouldn't cost the taxpayers any money. He also stated that he is required to give notice when taxes are due, and he will give notice that the courthouse will be closed on that day. The deadline for paying taxes would be extended for one day to December 1, 1998 to make up for the day off, and being so close to when taxes are due. There was no public comment. Commissioner Brown moved to adopt Resolution 1998-44, to set salaries for elected

398 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 44

officials and designating Gallatin County as a Class I County. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:54 P.M.

unavailable
for signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST