

PUBLIC MEETING**TUESDAY THE 4th DAY OF AUGUST 1998**

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock and 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 27, 1998

- Commissioner Olson, Grants Administrator Larry Watson and Big Sky Carvers' representatives Eric Pierce and Dee Field convened a meeting in which to execute contract documents for the Revolving Loan Program.
- Commissioners met with Executive Secretary Pat Lewis to discuss current and pending administrative matters.
- Commissioners conducted an annual performance evaluation of a Department Head.
- 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.

JULY 28, 1998

- Commissioners Olson and Murdock met with County Attorney Marty Lambert and Deputy County Attorneys Chris Gray and Susan Swimley. They reviewed items on the priority list, and the policy relating to public discussion of ongoing legal matters involving the county
- A special meeting of the Commissioners was called to order by Commissioner Olson at 10 a.m. in the Commissioners' Office. The topic was the case of Grayling Creek Partners v. Shelley Vance, Clerk & Recorder. The suit involves a 10-acre parcel of land in Gallatin County which was platted erroneously. Deputy County Attorney Susan Swimley recommended that the Commissioners accept \$6,300 as cash-in-lieu of park land, dedicated for the park associated with Yellowstone Holiday Filing Number 3. This would settle the lawsuit in this case. Commissioner Murdock moved to accept the settlement offer of the plaintiff in this case, in accordance with Susan Swimley's recommendation. Commissioner Olson seconded the motion. None voting nay. Motion passed. Meeting was adjourned at 10:10 a.m.
- Commissioners Olson and Murdock, County Attorney Marty Lambert, Deputy County Attorney Susan Swimley, and Planning Director R. Dale Beland met to discuss the request for a variance received from Ramshorn Estates relating to impact fees. Dale reported on the status of updates to the Impact Fee Program and recommended the Commissioners act on accepting the Impact Fee Administrative Manual.
- Commissioner Olson and the Phase I Project Team held their regular weekly meeting. Topics of discussion included relocation of departments due to Phase I construction, and the necessary arrangements needed by each department for said relocation.
- Commissioner Olson attended a regular nightly meeting of the Planning Board. Minutes of this meeting are available in the County Planning Office.

JULY 29, 1998

- Commissioner Olson and members of the 911 Admin. Board interviewed an applicant for the Communication Services (911) Director position. Thereafter, the Board met briefly and decided they would not offer the position to this applicant.
- Commissioners, Fiscal Officer Ed Blackman, Clerk and Recorder Shelley Vance and Personnel Director Kathy Nowierski met with County Treasurer Jeff Krauss to review and discuss items relevant to his preliminary budget for FY 1999. Those items included problems with the County's external audit(s), staffing needs, and possibility of having Finance Committee meetings.

- Commissioner Olson attended the regular monthly meeting of the Logan Landfill Advisory Board. The next meeting is scheduled for August 26, 1998 at the County Courthouse. Detailed minutes of the meeting are on file in the Commissioner's office.

JULY 30, 1998

- A special meeting was called to order by Chairman Olson at 9:40 a.m. in Big Sky, Montana. Also present were Commissioners Murdock and Brown, and Deputy Clerk and Recorder Dawn M. Chretien, Acting Clerk to the Board. Chairman Olson announced that this would be an informal hearing to listen to the concerns and suggestions regarding changes in the existing right-of-way on Little Coyote Road. The Commission would hear public testimony only. No formal decisions would be made today. If time allowed, other concerns of the citizens of Big Sky would be heard. County Road Superintendent Sam Gianfrancesco, Planning Director Dale Beland, and Rob Bukvich from the Montana State Department of Transportation were present for questions. Mr. Beland spoke outlining the process if changes in the right-of-way are decided upon which would require filing an amended plat. The following people from Big Sky were present: Dee Rothschilder, Don Tillery, Lonnie Adams, Russ DeRemer, Kate Evans, Dave Gentholts, Tom Fritz Helen Caprioglio, Carl L. Caprioglio, Barbara Parkes, Tracy Franks, Bill Schmidt, Denise Schmidt, Skip Radick, Bar Turner, Brian Wheeler, Don Hart, Joelle Beardsley, Tom Simkins, Wayne Hill, Marilyn Hill, Sara Bickerstaff, Nancy Mikeson, Jan Taylor, Keith Taylor, Kevin Frederick, Lezly S. Smith, Jessie Adler, Fred Adler, Mary B. Wheeler, Walter Ainsworth, Gerald Pape, Becky Pape, John Trayser, Bill Simkins, Wendell O. Ingraham, Carol Collins, Erick Ossorio, Ron Edwards, Hank Miller, Caroline Henley, reporters Tim Neville from the Bozeman Daily Chronicle, and Kevin Kelleher from the Lone Peak Lookout. The following people made public comment: Don Hart, Becky Pape, Barbara Rowley, Fred Adler, Walter Ainsworth, Marilyn Hill, Mary Wheeler, Jerry Pape, Barbara Clark, Hank Miller, Brian Wheeler, Vincent Philippini, Joelle Beardsley, Keith Taylor, Nancy Mikeson, Russ DeRemer (BSOA), Tracy Franks, Barbara Taylor, Audrae Coury, David Gentholts, and Jessie Adler. The public commented that the high speed and volume of traffic combined with pedestrians, bicyclists, horseback riders, and other motorized vehicles sharing the same right-of-way on Little Coyote Road is creating a dangerous situation. Suggestions from the public to alleviate the problem included installing one to three cul-de-sacs on Little Coyote Road, Two Moons Road, and Crail Creek Road; enforce speed limits; install additional stop signs with flashing lights; and conduct a traffic study to include traffic counts and speed. Letters were received in support of the cul-de-sac from Marilyn Hill, Audrae Coury, and Janice Tate. A phone call was received by Shirley Hanson opposed to one cul-de-sac on Little Coyote Road, but in favor of putting in two. County Road Superintendent Sam Gianfrancesco suggested putting a temporary cul-de-sac on Little Coyote Road to see how it would work and reported during the last traffic study the average speed was 37 MPH on the roads. Rob Bukvich explained traffic common measure studies done and implemented such as traffic circles, turnabouts, dead ends, and speed bumps as ideas to help solve the problem. The theory is, if you put enough obstructions in the road, traffic has to slow down. A dead end road is the least desirable method to slowing traffic. He added that most engineers think that a cul-de-sac would be a last solution. If you put one up, traffic goes around and moved the problem. He said there is not much chance on reducing traffic on roads and make it so public walkers can co-exist with the car traffic. You need to separate them from the cars by building a by-pass. In studies done using traffic common measures people drive at the same speed and their perceptions in that the road is safer, but they are not. Residents voted down to give up some of their land for an easement to use for a walkway. It may be re-evaluated but would be an expensive long term project. The residents agreed that a temporary cul-de-sac might be a simpler solution to take care of the problem right away. The expense might be mitigated later by the allocation of the Big Sky Resort Tax funds. A vote was taken among the citizens present on who was for or against putting in a cul-de-sac on Little Coyote Road. No one present was opposed. It was recommended to get the fire department involved so they would be aware of the proposal. Fire Chief Bob Stober said a minimum 70 foot radius was needed for a turnaround. In September, at the next BSOA meeting, a request was made that the Commission be present to make a final decision to proceed with the installation of a temporary cul-de-sac on Little Coyote Road. David Gentholts of Walking Stick Tours stated his concerns over the planning and zoning regulations that he felt were not being followed regarding the construction of the Comfort Inn project next to his business. He submitted a letter and pictures of the project that point out landscaping deficiencies, flooding, and violation of the sign codes. Mr. Gentholts had 4 major concerns: 1) The lighting is too intense beyond the requirements of the regulations for safety, illuminating his property to his dissatisfaction. 2) The trees planted do not meet the 6 foot requirement, have no irrigation system to keep them alive, and the rest of the landscaping is just roughed in. 3) Surface runoff would flow directly onto his property from theirs because of the current lay of the land, but also from the rooftop from the motel. They have yet to

grade to take care of the problem, causing flooding of his property. 4) He stated concerns over possible pollutants reaching the Gallatin via undersized catchment area. Barbara Parkes, owner of a canine business in her home, testified against the lack of care in planning she has witnessed by the motel putting up a huge wall in front of her home. She also had concerns on the lighting that reflects inside of her house, the runoff flooding on her property, and feels the landscaping job is poor and they should be required to landscape up to standards. The Commission will ask the zoning commission and members of the advisory committee at Big Sky to revisit the site, see if there is conformance or violations, and if so, see that they are corrected. Other concerns brought to the Commission's attention was the dumping ground next to the recycling carts, cars under tarps, and signs violating zoning. More enforcement was needed as the area continues to grow. A suggestion was made if they wanted to modify their recycling program they might want to hear a presentation from the headwaters Recycling Program. If so, contact the Commission and it would be arranged. They would accept more things for recycling. Tax resort money may be requested to modify the current program in use. There being no further business the meeting adjourned at 11:50 a.m.

- Commissioner Olson, along with officials and staff from Gallatin, Park and Sweet Grass counties, attended a meeting hosted by the Montana Department of Revenue regarding the Property Tax Needs Analysis (PTNA) Project. Agenda items included explanation of the Project, discussion of present state and county procedures by attending personnel, arrangements for further discussion of significant problems and/or needs, and future plans for a project consultant to visit each county to collect technical information.
- Commissioner Murdock, County Attorney Marty Lambert, City Commissioner Joan Rudberg, Personnel Director Kathy Nowierski, and Victim Witness Program Director Gloria Edwards met, as the Victim Witness Selection Committee, to discuss and determine selection criteria for screening applicants for the Victim Witness Assistant position.
- Commissioners and Personnel Director Kathy Nowierski met with Dennis Smith of Babbitt Benefit Services. He outlined disability insurance services he can provide for public agencies; Kathy will make her recommendation to the Commission this fall.

JULY 31, 1998

- Commissioners met with Fiscal Officer Ed Blackman, Clerk and Recorder Shelley Vance, Personnel Director Kathy Nowierski and Personnel Specialist Cynde Hertzog to finalize changes to the proposed budget for FY 1999.
- Commissioners and Planning Director R. Dale Beland met with Paul Kruse, an independent consultant hired to represent and declare the desired deliverables of Gallatin County and other cooperating agencies in the scoping and development of Yellowstone National Park's Winter Use EIS.
- Commissioner Brown, County Attorney Marty Lambert, Data Processing Supervisor Bill Baldus, and Data Processing staff Gene McCloney and Martin Bourque met to address the following issues: adequate training on Windows 95/98 & Word, security concerns at Law & Justice Center, and programming of the "bad check" program. Bill Baldus noted an additional \$12,500 funding will need to be allocated for computers. Retrofitting/switchover is scheduled for September 24-25, 1998.
- Commissioners Olson and Murdock met with Mr. & Mrs. Dan Delzer of Big Sky regarding their request to live in a yurt on their property. The Commission advised them to take their request to County Planning. Subsequent to the meeting, the Commissioners were informed that R. Dale Beland, Zoning Enforcement Agent, sent a letter to the Delzer's today via certified mail informing them that the structure is in violation of the Gallatin County/Big Sky Zoning Regulation and must be removed immediately. However, the Delzer's can appeal this decision in writing to the County Commission per Section 38.3 of the Zoning Regulations.

The following item was on the consent agenda:

- Bid award for Wheatland Hills II paving RID #371. Motion by Commissioner Brown to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

A board vacancy to the Gallatin County Planning Board for a two year term was advertised in the Bozeman Daily Chronicle. No new applications were received. Archie Alexander re-applied to the board. Motion by Commissioner Murdock to appoint Mr. Alexander for another term on the Planning Board. Seconded by Commissioner Brown. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance explained that on July 28, 1998, the Commission continued the public hearing regarding the abandonment of a portion of Vista Drive in order for Tom Simkins to meet with the applicant and review the proposed abandonment. Mrs. Vance reported that a relocation of common boundary survey had been filed in her office which meets the standard 60 foot right-of way road easement concern discussed at the meeting on July 28th. Mr. Simkins reported that he now understands the proposed part of the road to be abandoned and stated his concerns of no set back from the road right-of-way. Mr. Simkins contacted the Belgrade Planning District and they require a 12 ½ foot set back from the right-of-way. Finding the adjoining land owner has been consulted, the plat recorded will give the abandonment a 60 foot right of way meeting County road standards, motion by Commissioner Murdock to abandon that portion of the road requested on the petition. Seconded by Commissioner Brown. During board discussion, it was determined that a building was in the right-of-way that had to be moved. It was also stated that there was no zoning in the area, so the Commission could not require a set back from the road right-of-way. County Road Superintendent Sam Gianfrancisco verified that a small shed is in the right-of-way which the applicant will move. If not, the Road Department will give notice that it must be moved. If it is not removed within 10 days from notice, then the County Road office moves it and bills the owner. None voting nay. Motion carried. Chairman Olson directed the County Attorney's Office to prepare the resolution and make the findings.

Rob Pertzborn, Prugh & Lenon Architects, reported on the Courthouse renovation project. All floors will be renovated by replacing lights, power, ventilation, and air conditioning. The first part of Phase I would start in the basement. The plan for the basement is to relocate Disaster & Emergency Services, expand vaults, create storage areas in the garage, have a bigger boiler room, remodel the narrow stairway from the basement to the second floor, create space for a training lab, mail room, an open office space, film room, break room, receiving department, custodian room, and change power service coming into the building. The phases will be done as follows: First Phase: basement, Second phase: 3rd and 4th floors, Third phase: 2nd floor, Fourth phase: 1st floor. After the four phases are completed, the building will be under new power and the boiler will be removed. The plan is to advertise for bids on August 27, 1998, open bids by September 22, award the bid on September 29, and begin construction in October. The completion date is estimated be March 1999. The budget for Phase I is \$686,000. The relocation of the Office of Public Assistance and the Gallatin County Health Department was the first step in going forth with the plan to remodel. There was no public comment. Commissioner Murdock moved to accept the Phase I plan reported by Mr. Pertzborn. Seconded by Commissioner Brown. None voting nay. Motion carried.

Grants Administrator Larry Watson, coordinator of the Detention Center Project Planning Team, reported on the recommendation by the team to consider a memorandum of understanding with Prugh and Lenon Architects, P.C. for the selection of a national corrections consultant. During discussion regarding the development of the contract, the team decided they needed a national corrections consultant for the preliminary planning process for the project construction of the new Gallatin County Adult/Juvenile Detention Facility project. The team conducted a solicitation process from architects all over the region. They interviewed the top applicants, and Prugh and Lenon was chosen as the top ranking candidate. There would be no financial consideration provided to Prugh and Lenon for this service. City Commissioner Joan Rudberg, speaking as a member of the public and as a member of the Detention Center Project Planning Team, spoke in favor of the decision to hire a consultant. Motion by Commissioner Murdock to sign the memorandum of understanding with Prugh and Lenon Architects. Seconded by Commissioner Brown. None voting nay. Motion carried.

- - - -

Bozeman City/County Planning Director Andy Epple updated the Commission on the draft regarding the scope of services for the 1998 Bozeman Transportation Plan endorsed earlier by a funding agreement between the Montana State Department of Transportation and the Bozeman City/County Planning Department. The plan called for \$125,000, of which \$100,000 will come from the state Department of Transportation, \$15,000 from the City of Bozeman, \$5,000 from the County Road Department through the impact fee fund, and \$5,000 from the County Planning Department. The scope of services needs to be verified and has been endorsed by the City of Bozeman, the Transportation Coordinating Committee, and presented to the Gallatin County Planning Board. In an effort to make sure this plan continues as a cooperative coordinated effort, Mr. Epple is asking for the Commissions' endorsement of the scope of services. This is a second draft. The difference in this draft from the first one is the defining of the Bozeman area transportation study area to include the transportation corridors linking development of population and economic centers outside of the immediate Bozeman area including the Four Corners area and Belgrade. After the endorsement, the project will move into the consultant selection process. By October the plan is proposed to be finalized and will move into the bulk of the work on the project. There was no public comment. Finding that the Transportation Coordinating Committee consisting of members of Belgrade and Bozeman officials, their planning boards, city and county commissions, and highway department officials have endorsed the scope of services by voting unanimously for it, and further identified pedestrian safety issues in the new draft, motion by Commissioner Murdock to endorse the scope of services. Seconded by Commissioner Brown. None voting nay. Motion carried.

- - - -

Fiscal Officer Ed Blackman reported on the proposed utilization of increased revenue from taxable valuation. This year the tax value has increased to \$117,700 from \$112,346. The significant increases came from the special districts, conservation districts, and fire districts. The districts have asked to maintain the same number of mills as levied last year. The proposal would utilize those dollars by using them for capital outlay, capital projects, Young at Heart, modifications to the Justice of the Peace budget, staffing in the GIS Department and the Treasurer's Office, a new shop building for the County Road Department, and full funding of one mill for the noxious weed program. The libraries will receive \$23,400 distributed among all five, the road department will receive \$44,171. Mr. Blackman was asked if this would increase taxes. He stated that if individuals did not add anything like new improvements or if they didn't have new construction that was added to the rolls last year, there would be no increase in taxes. There may become taxpayers that had a reappraisal that didn't go through last year that may see an increase. There are many variables and every taxpayer has a different taxable valuation depending on those appraisals. If the Commission does not utilize the increased revenue from taxable valuation it would be frozen at last years levels. There was no public testimony.

- - - -

Fiscal Officer Ed Blackman reported on the public hearing regarding the Commission's intent to exceed the Department of Revenue's certified millage. The increases came from the special districts and the increase in the Three Forks County Airport levy. This is the first time they have levied for the airport which makes them automatically exceed the millage. They did not increase the total number of mills for the general fund but reduced millage in other funds in order to fund the increase. The total increase is .20. There are a number of special districts that will exceed the certified millage levied from the Department of Revenue. This is a statutory provision which requires the Commission to hold a hearing to give the public an opportunity to discuss the increases. The certified levies from the Department of Revenue take the number of mills that was levied last year times the value of that mill, then that figure is used to determine the current year mills at 95% of what the current value is, calculating the increases in millage. All the funds are about the same exact millage as last year, but because of the certified levies being determined at 95%, they actually exceed the Department of Revenue's certified millage. The Health fund is one certified millage they are not required to report the 5 mill increase but did for the public record. Certain fire districts have increased their millage like Gallatin Gateway Fire and Three Forks Fire because they consolidated with another district. Also, new districts being created such as Northside Fire will increase the total certified millage. There was no public comment.

- - - -

Fiscal Officer Ed Blackman reported on the consideration of a resolution to adopt the final FY1999 budget. Final discussions concerning the budget resulted in the Commission changes as late as August 3, 1998 and July 31, 1998. The following changes were made after the proposed budget was presented to the public: Facilities water line for fire, adjustment for the millage increase in the Road fund, the adjustment for the Library fund, maintain noxious weed at 1 mill, reserve and furniture for Environmental Health for Phase III renovation of the Courthouse, the furniture for Office of Public Assistance and Public Health Nursing was re-appropriated since it was received in a different year than budgeted, the Bridge Department for the shop and reserves, first floor copier, local water quality GPS system, copier for Planning if needed, the fire hazmat vehicle reserve, the Fair fund increase in valuation that resulted in a reduction in the general fund subsidy by \$90,900, the City/County 911 Joint Dispatch was tentatively approved subject to approval by the City of \$98,500. District Court maintained 6 mills, the rehiring of a Deputy Probation Officer because of a loss of grant revenues, 4 changes to positions in the Treasurer's Office, computer for the Auditor, staffing in the GIS Department, Victim Witness Director's salary adjustment, adjustment to the computers in the County Attorney's Office, approval of termination pay for two long-time Sheriff's deputies, complete funding of Phase II of the Capital Improvement Plan for the Courthouse, which will include the data, phones, and the construction costs built into the current year's budget, and a funding increase cost for training for the new financial software system. These are to maintain I-105 limits, and not increase the millage for them. The budget for consideration is an increase in operating funds of 6.69% from last year to this year's budget. This increase is primarily towards capital outlay and one time costs that would not be ongoing and primarily funded by cash carryover. The total budget increased by 9.14% which includes the fire districts, grants, rural improvement districts. This is a result from valuation increases, cash carryover in the RID's where you build up cash for overlays for treatments for roads and then spend them in a three to five year cycle, depending on what program the engineers designed. During discussion it was determined that the County's cash carryover is adequately funded for planning in most of the funds. There was no public comment. Commissioner Murdock moved to adopt Resolution #1998-45 the final operating budget for FY1999 which states: WHEREAS, The Gallatin County Commission has determined the final county budget; and WHEREAS, the Commission has set out the total amount appropriated and authorized to be spent from each fund as required by 7-6-2320 (1)(a); and WHEREAS, the cash balances at the close of the preceding fiscal year have been determined 7-6-2320(1)(b); and WHEREAS, the Commission has estimated the estimated revenues to accrue to the various county funds from sources other than taxation 7-6-2320(1)(c); and WHEREAS, the Commission has determined the reserve for each fund for the next fiscal year 7-6-2320(1)(d); and WHEREAS, the Commission has set the amount necessary to be raised for each fund by tax levy during the current fiscal year 7-6-2320(1)(e); and WHEREAS the attached spreadsheets, which are made a part of this resolution by reference, show the preceding information along with a summary of the budget for each department as required by 7-6-2320(2); NOW THEREFORE BE IT RESOLVED, by the Gallatin County Commissioners that the attached listing shall be adopt as a summary of Gallatin County's Final Operating Budget; and BE IT FURTHER RESOLVED, that a detailed listing showing individual line items is available for inspection in the Gallatin County Clerk and Records Office and is made a part of this resolution by reference. Seconded by Commissioner Brown. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a resolution fixing the tax levy required by the final budget. The tax levies will be maintained as last year whenever possible with these exceptions: The City/County Health fund proposal is for .3 mills resulting from the public hearing and a recommendation from the City/County Health Board. The bonds have gone down because when the taxable valuation goes up the number of mills needed goes down. The .9 mills for the Law and Justice/Detention Center bond goes off the tax roll after this year, so there will be no taxes levied after this year. The total millage increase is .21 for the County resulting from a combination of the decreasing of the bonds and an increase in the City/County Health fund. Other increases are Gallatin Canyon Fire District from 14.7 mills to 15.4 mills, the Northside Fire District is increasing from 0 to 19.82, and the Gallatin Gateway Fire District is increasing from 10.34 to 17.63. Several increases are seen in the lighting districts were a fee per unit is being assessed. The lighting district increases result from the increase in rates from Montana Power where they carry over and have to fund it for 12 months and only receive taxes twice a year. Logan Lighting is going from \$190.45 to \$206.35, Riverside Lighting from \$70.25 to \$81.53, and Willow Creek Lighting \$97.71 to \$100.03. Gill Moore, Trustee of the Belgrade Rural Fire District, spoke urging the passage of the levies proposed. Finding the public supports the tax levy, Commissioner Murdock moved to adopt Resolution #1998-46 which states: WHEREAS, the Gallatin County Commission has approved a resolution adopting the final county budget; and WHEREAS, state law 7-6-2321 M.C.A. 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 County Commission held a public hearing on July 28, 1998 on the proposed Gallatin County budget; and WHEREAS, the Commission held a public hearing on August 4, 1998 on budgeting of increased tax revenue derived from an increase in taxable value as required by 15-10-203 M.C.A.; 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 as required by 15-10-412(10)(b)(I); and, WHEREAS, the attached spreadsheet which is made a part of this resolution by reference, lists the millage by fund as required by 7-6-2321(1), NOW THEREFORE BE IT RESOLVED by the Gallatin County Board of County Commissioners that the mill levies shown on the attached spreadsheet are approved and fixed for the current fiscal year. Seconded by Commissioner Brown. None voting nay. Motion carried.

<p style="text-align: center;">COUNTY OF GALLATIN FUND BALANCE SHEET RECAP FY 99 FINAL OPERATING BUDGET</p>										
Fund No.	Description	Budget	Cash Reserved	Total Requirement	Cash Available	Non-Tax Revenues	Taxes Needed	Mill Value	FY 99 Mills	FY 98 Mills
1000	General	8,839,282	1,100,000	9,939,282	3,267,286	3,726,996	2,945,000	117,800	25.00	25.00
1050	Employer Contributions	1,027,285	250,000	1,277,285	356,495	59,678	861,112	117,800	7.31	5.78
2105	Search & Rescue	175,839	7,249	183,088	114,868	9,170	59,050	117,800	0.50	0.50
2120	Public Assistance	802,066	231,485	1,033,551	513,036	90,600	429,915	117,800	3.65	4.13
2130	Bridge	678,737	240,000	918,737	507,415	80,700	330,622	117,800	2.81	3.42
2140	Noxious Weed	227,531	75,000	302,531	134,869	49,900	117,762	117,800	1.00	1.37
2160	Fair	450,808	110,256	561,064	149,866	234,100	177,098	117,800	1.50	1.50
2170	Airport	54,950	1,156	56,106	31,640	1,360	23,106	117,800	0.20	-
2180	District Court	1,399,298	223,044	1,622,342	342,384	572,758	707,200	117,800	6.00	6.00
2280	Senior Citizens	106,508	22,452	128,960	21,381	12,100	95,479	117,800	0.81	0.84
2290	County Extension	127,649	40,066	167,715	65,976	23,050	78,689	117,800	0.67	0.91
2355	Study Commission	33,913	7,522	41,435	41,435	-	-	117,800	-	-
5020	Rest Home	3,831,859	338,545	4,170,404	495,504	3,639,000	35,900	117,800	0.30	0.30
	subtotal	17,755,725	2,646,775	20,402,500	6,042,155	8,499,412	5,860,933		49.75	49.75
		\$ - Amount under (over) maximum millage								
2300	Rural Revolving	230,000	55,623	285,623	274,623	11,000	-	117,800	-	-
2190	City/County Health	1,096,126	133,088	1,229,214	424,860	215,400	588,954	117,800	5.00	4.70
3020	Law & Justice Bond	135,300	24,874	160,174	37,905	16,740	105,529	117,800	0.90	0.94
3030	Rest Home Bond	128,605	28,949	157,554	35,027	14,520	108,007	117,800	0.92	0.97
	subtotal Exempt Levies	1,590,031	242,534	1,832,565	772,415	257,660	802,490		6.82	6.61
	County Wide Total	19,345,756	2,889,309	22,235,065	6,814,570	8,757,072	6,663,423		56.57	56.36
2110	Road	2,005,468	326,647	2,332,115	689,064	728,754	914,297	66,247	13.80	13.80
2220	Library	416,351	48,600	464,951	34,135	99,446	331,370	66,247	5.00	5.00
2260	County Emergency Fund	-	-	-	-	-	-	66,247	-	-
	subtotal Special Levies	2,421,819	375,247	2,797,066	723,199	828,200	1,245,667		18.80	18.80
	Taxing Total	21,767,575	3,264,556	25,032,131	7,537,769	9,585,272	7,909,090		75.37	75.16
	less Transfers	-	-	-	-	-	-		-	-
	NET BUDGET	21,767,575	3,264,556	25,032,131	7,537,769	9,585,272	7,909,090		75.37	75.16
	County Wide Value						4.85%	117,800	112,346	
	Road/Library Value						4.86%	66,247	63,178	
	County Planning Value						6.50%	25,659	24,092	
2100	Big Sky Resort Tax	35,000	-	35,000	17,204	17,796	-			
2111	Road Impact Fee	100,426	-	100,426	60,426	40,000	-			
2210	Park	104,949	25,291	130,240	109,240	21,000	-			
2225	Law Library	17,800	700	18,500	700	17,800	-			
2270	Pregnancy Services	36,035	7,124	43,159	8,859	34,300	-			
7360	Water Quality	251,959	16,898	268,857	63,941	33,746	171,170	16779 units	\$ 6.00	\$ 6.00
2272	Follow Me Grant	46,181	-	46,181	658	45,523	-			
2273	Maternal Child	54,304	-	54,304	5,264	49,040	-			
2274	DFS Partnership Grant	101,200	8,828	110,028	8,828	101,200	-			
2275	Special Immunization	93,700	15,332	109,032	30,222	78,810	-			

2276 W.I.C.	160,736	3,635	164,371	421	163,950	-			
2279 Community Clinic	-	-	-	-	-	-			
2282 School Nursing	30,703	921	31,624	7,234	24,390	-			
2310 Drug Forfeiture	15,652	-	15,652	15,652	-	-			
2315 Special Response Team	-	-	-	-	-	-			
2350 Alcohol Rehabilitation	73,167	-	73,167	-	73,167	-			
2384 Yellow. Prop. Judgment	260	-	260	260	-	-			
2391 Historic Preservation	7,300	4,787	12,087	12,087	-	-			
2392 Records Preservation	229,470	-	229,470	180,375	49,095	-			
2393 Economic Development	77,011	-	77,011	50,011	27,000	-			
2395 City County Building Reserv	107,911	20,000	127,911	85,911	42,000	-			
2410 Crime Control	-	-	-	(4)	4	-			
2415 D.U.I. Program	22,276	1,753	24,029	9,662	14,367	-			
2420 Gas Tax	356,810	59,152	415,962	181,462	234,500	-			
2430 Junk Vehicle	86,075	-	86,075	22,373	63,702	-			
2431 Junk Vehicle Cap Imp	20,627	6,500	27,127	24,627	2,500	-			
2440 County Land Planning	9,700	-	9,700	4,447	5,253	-			
2761 P.I.L.T.	1,393,930	49,500	1,443,430	915,430	528,000	-			
2850 9-1-1 Emergency	126,570	4,000	130,570	104,970	25,600	-			
2915 Violence Against Women	52,773	-	52,773	(1,588)	54,361	-			
2916 Youth Detention	6,794	-	6,794	6,794	-	-			
2917 Court of Peer Review Grant	-	-	-	(10,679)	10,679	-			
2918 Intensive Supervision Grant	39,385	-	39,385	(11,267)	50,652	-			
2968 Breast & Cervical Grant	6,921	-	6,921	-	6,921	-			
2970 Turning Point Grant	38,042	-	38,042	16,807	21,235	-			
2975 Aid to Dependent Children	2,107	-	2,107	1,157	950	-			
2990 Drug Enforcement Grant	429,642	-	429,642	33,060	396,582	-			
2991 Compost Feasibility Study	105,000	-	105,000	(4,298)	109,298	-			
4010 County Buildings Cap Prjts.	1,704,146	-	1,704,146	46,286	1,657,860	-			
4310 CTEP Projects	526,480	-	526,480	28,176	498,304	-			
4410 Home Project	6,000	-	6,000	(1,877)	7,877	-			
4420 CDBG - Headstart	220,000	-	220,000	1,461	218,539	-			
6050 Employee Health Insurance	922,460	151,416	1,073,876	298,876	775,000	-			
6060 Motor Pool	40,000	7,018	47,018	31,715	15,303	-			
6070 Facilities Budget	664,783	49,947	714,730	35,922	678,808	-			
6090 Central Communications	165,975	56,673	222,648	104,204	118,444	-			
6100 Joint Dispatch	1,015,962	-	1,015,962	(409,346)	1,425,308	-			
6110 Copier Revolving Fund	14,000	-	14,000	-	14,000	-			
8040 Logan Landfill	1,159,041	65,000	1,224,041	257,361	966,680	-			
8041 W. Yellowstn/Hebgen Ref	231,755	-	231,755	219,455	12,300	-			
subtotal	10,911,018	554,475	11,465,493	2,562,479	8,731,844	171,170			
Grants/Ent.&Msc.Fnds									
SPECIAL DISTRICTS									
<i>Fire Districts and Areas:</i>									
7200 Belgrade	726,676	35,225	761,901	185,284	171,427	405,190	15,969	25.00	26.00
7201 Reese Creek	11,100	2,655	13,755	3,635	-	10,120	126.5	\$ 80.00	\$ 80.00
7202 Rae	142,610	41,603	184,213	35,631	-	148,582	1764.22	\$ 84.00	\$ 84.22
7203 Springhill	4,648	25	4,673	589	140	3,944	74.28	\$ 53.10	\$ 55.00
7204 Fort Ellis	72,260	3,000	75,260	2,129	1,250	71,881	898.5	\$ 80.00	\$ 80.00
7205 Sourdough	131,680	7,000	138,680	67,658	10,000	61,022	6,112	9.98	9.98
7206 Manhattan	96,826	3,000	99,826	46,273	7,697	45,856	1,457	31.47	31.47
7207 Sedan	40,000	715	40,715	38,944	-	1,771	300	5.90	5.90
7208 Three Forks	17,727	4,500	22,227	7,710	2,200	12,317	4,640	2.65	2.65
7209 Willow Creek	23,943	-	23,943	7,232	1,440	15,271	949	16.09	16.09
7210 Story Mill	13,948	-	13,948	166	-	13,782	402	34.28	34.28
7211 Storm Castle	537	-	537	537	-	-	242	0.00	-
7212 Middle Creek	3,239	-	3,239	3,239	-	-	151	0.00	11.14
7213 Gallatin Canyon	575,000	35,000	610,000	121,564	316,500	171,936	11,162	15.40	14.27
7214 Northside Rural Fire Dist.	49,197	5,000	54,197	-	-	54,197	2,735	19.82	-
7215 Gallatin Gateway	86,000	-	86,000	8,469	9,100	68,431	3,882	17.63	10.34
7216 Bridger	212,774	-	212,774	11,062	150,550	51,162	2,084	24.55	24.55

7235 Amsterdam	59,525	12,694	72,219	14,927	12,000	45,292	2,704	16.75	16.75
7236 Clarkston	4,686	344	5,030	455	-	4,575	92 Units	\$ 50.00	\$ 50.00
subtotal fire	2,272,376	150,761	2,423,137	555,504	682,304	1,185,329			
Other Districts									
2250 County Wide Planning	58,250	10,834	69,084	12,384	5,350	51,350	25,659	2.00	2.00
7217 West Yellowstone TV	22,000	2,950	24,950	8,509	-	16,441	3,289 Units	\$ 5.00	\$ 5.18
7218 Mount Green Cemetery	8,247	-	8,247	910	1,450	5,887	1,472	4.00	4.00
7219 Meadowview Cemetery	21,675	2,200	23,875	7,339	2,300	14,236	4,568	3.12	3.12
7220 Royal Village Zoning	285	-	285	281	-	4	4	1.00	1.00
7221 S. Gallatin Zoning	400	-	400	51	75	274	274	1.00	1.00
7222 Hebgen Lake Zoning	2,620	-	2,620	220	1,000	1,400	1,405	1.00	1.00
7223 Fairview Cemetery	58,450	-	58,450	35,701	1,280	21,469	5,365	4.00	4.00
7224 Bridger Canyon Zoning	4,500	-	4,500	72	2,000	2,428	2,423	1.00	1.00
7225 Zoning District #1	587	-	587	53	-	534	534	1.00	1.00
7226 Hyalite Zoning District	1,985	-	1,985	295	100	1,590	1,595	1.00	1.00
7227 Sypes Canyon #1 Zoning	232	-	232	55	50	127	127	1.00	1.00
7228 Sypes Canyon #2 Zoning	119	-	119	7	50	62	62	1.00	1.00
7229 Wheatland Hills Zoning	116	-	116	8	-	108	108	1.00	1.00
7230 Zoning District #6	87	-	87	23	-	64	64	1.00	1.00
7231 Bear Canyon Zoning	200	11	211	21	50	140	140	1.00	1.00
7232 Springhill Zoning	425	-	425	72	100	253	254	1.00	1.00
7233 Trail Creek Zoning	260	-	260	51	3	206	205	1.00	1.00
7234 Big Sky Zoning	12,000	-	12,000	25	5,762	6,213	6,228	1.00	1.00
7237 Middle Cottonwood Zoning	526	-	526	453	73	-	580	0.00	-
7348 Yellowstone/Holiday Sewer	85,823	15,000	100,823	30,913	30,649	39,261	1,767,229	0.02222	0.02191
7350 Park Cons. Dist	-	-	-	9	-	-	378	0.74	0.74
7354 Big Sky Transit	232,150	-	232,150	41,458	190,692	(0)	-	\$ -	-
7850 Airport Authority	4,162,524	1,373,633	5,536,157	5,346,034	190,123	-	-	-	-
8010 Predatory Animal Control	2,000	405	2,405	1,356	-	1,049	-	\$ 0.60	\$ 0.60
8011 Bozeman City/County Plan	132,500	-	132,500	7,863	89,095	35,542	14,675	2.00	2.00
8012 Belgrade City/County Plan	41,000	-	41,000	2,442	16,338	22,220	9,057	2.00	2.00
8013 Manhattan City County Plan	-	-	-	-	-	-	1,272	-	-
8020 Conservation District	125,000	32,100	157,100	69,126	1,500	86,474	73,390	1.18	1.18
8120 Churchill Lighting	3,900	194	4,094	(136)	-	4,230	36	\$117.50	\$117.50
8121 Logan Lighting	1,259	100	1,359	(5)	-	1,364	6.61	\$206.35	\$190.45
8122 Riverside Lighting	8,100	640	8,740	640	29	8,071	99	\$ 81.53	\$ 70.25
8123 Willow Creek Lighting	850	55	905	95	-	801	8	\$100.13	\$ 97.71
8140 Madison Dyke	7,175	1,000	8,175	2,500	-	5,675	345	16.45	16.45
8141 Three Forks Dyke	15,750	-	15,750	9,530	-	6,220	1,469	4.23	4.23
8152 Mosquito	42,540	-	42,540	12,462	-	30,078	6,018	5.00	5.00
8205 Big Sky Sewer & Water	3,902	-	3,902	3,902	-	-	-	-	-
subtotal Other Districts	5,057,437	1,439,122	6,496,559	5,594,720	538,069	363,770			
RID Maintenance Districts:							SQ. FT.	Cost per SQ. FT.	Cost per SQ. FT.
8202 Northwestern Drive	19,625	-	19,625	17,464	-	2,161	1,544,753	0.0014	0.0014
8208 Riverside	67,460	-	67,460	61,130	-	6,330	1,241,243	0.0051	0.0070
8209 Hitching Post	34,334	-	34,334	28,956	-	5,378	2,987,850	0.0018	0.0025
8210 Riverside S/W	17,270	-	17,270	6,848	-	10,422	1,227,449	0.0085	0.0140
8214 Middle Creek #3	22,310	-	22,310	18,447	-	3,863	858,568	0.0045	0.0040
8215 Hyalite Heights	123,940	-	123,940	113,407	-	10,533	5,351,912	0.0020	0.0019
8216 Hebgen Lake Estates	36,064	-	36,064	26,935	-	9,129	2,282,279	0.0040	0.0043
8217 Gardner Park Subdivision	48,891	-	48,891	38,601	-	10,290	4,115,924	0.0025	0.0030
8218 Big Sky Meadow Village	208,732	-	208,732	192,427	-	16,305	5,844,382	0.0028	0.0027
8221 El Dorado	50,162	-	50,162	43,368	-	6,794	3,996,978	0.0017	0.0017
8222 Hebgen Lake S/W	32,397	2,000	34,397	7,010	-	27,387	2,282,279	0.0120	0.0041
8223 Middle Creek #2	21,503	-	21,503	19,489	-	2,014	1,113,485	0.0018	0.0018
8224 Glacier Condo Parking Lot	17,232	-	17,232	14,833	-	2,399	193,810	0.0124	0.0019
8226 Sourdough Creek	69,792	-	69,792	66,425	-	3,367	2,805,593	0.0012	0.0033
8227 Silverbow Condo #1	12,986	-	12,986	12,065	-	921	215,895	0.0043	0.0040
8228 Silverbow Condo #2	7,445	-	7,445	6,928	-	517	87,599	0.0059	0.0046
8232 Rae Subdivision	20,161	-	20,161	17,042	-	3,119	435,985	0.0070	0.0086
8236 Sunset Heights	17,943	-	17,943	15,798	-	2,145	714,936	0.0030	0.0030

10 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

8238 Mountain View 338	32,758	-	32,758	28,869	-	3,889	1,104,895	0.0035	0.0035
8239 Mountain View 339	118,750	-	118,750	101,186	-	17,564	6,025,344	0.0029	0.0027
8240 Sourdough Ridge	57,854	-	57,854	42,145	-	15,709	2,874,960	0.0055	0.0052
8241 Rocky Creek	6,646	-	6,646	4,787	-	1,859	1,133,730	0.0016	0.0016
8242 Wheatland Hills	62,553	-	62,553	52,769	-	9,784	3,659,040	0.0027	0.0026
8243 Pineview Subdivision	39,404	-	39,404	32,226	-	7,178	2,090,880	0.0034	0.0032
8244 Clover Meadows	32,584	-	32,584	23,633	-	8,951	3,136,320	0.0029	0.0024
8246 Riverside Water Tower	22,360	-	22,360	19,207	-	3,153	1,208,151	0.0026	0.0022
8249 Mount View Thorpe Road	20,424	-	20,424	16,571	-	3,853	1,180,000	0.0033	0.0030
8250 Mystic Heights	17,654	-	17,654	15,022	-	2,632	800,000	0.0033	0.0031
8251 Baxter Creek #2	38,245	-	38,245	30,627	-	7,618	2,140,000	0.0036	0.0035
8252 Baxter Creek #1	19,054	-	19,054	14,791	-	4,263	1,785,960	0.0024	0.0022
8253 Sweetgrass Hills	66,701	-	66,701	53,300	-	13,401	2,670,000	0.0050	0.0048
8254 Buckskin Williams Park	6,689	-	6,689	1,078	-	5,611	1,260,000	0.0045	0.0022
8255 Gardner Simmental	17,368	-	17,368	13,348	-	4,020	3,480,763	0.0012	0.0011
8256 Springvale	23,713	-	23,713	19,739	-	3,974	1,220,000	0.0033	0.0031
8257 Hyalite Foothills	65,937	-	65,937	51,238	-	14,699	6,621,120	0.0022	0.0020
8258 Sypes Canyon	61,865	-	61,865	40,110	-	21,755	7,720,000	0.0028	0.0023
8259 Wildflower	9,143	-	9,143	6,597	-	2,546	1,306,800	0.0019	0.0018
8260 Mystic Heights	37,683	-	37,683	30,713	-	6,970	3,179,880	0.0022	0.0022
8261 Ranch	37,840	-	37,840	30,869	-	6,971	2,831,400	0.0025	0.0023
8262 Arrowleaf	11,162	-	11,162	8,357	-	2,805	1,107,315	0.0025	0.0024
8265 Cimmaron	5,292	-	5,292	3,573	-	1,719	1,350,360	0.0013	0.0012
8266 Middle Creek 1 & 3	14,146	-	14,146	11,658	-	2,488	2,221,560	0.0011	0.0010
8267 Royal / Thorpe Road	35,615	-	35,615	22,158	-	13,457	11,761,200	0.0011	0.0012
8268 Godfrey Canyon	4,537	-	4,537	2,424	-	2,113	477,000	0.0043	0.0042
8270 Outlaw South	3,067	-	3,067	(532)	-	3,599	6,028,093	0.0006	0.0042
8271 Wheatland Hills	920	-	920	-	-	920	1,045,440	0.0009	-
subtotal Maintenance	1,698,211	2,000	1,700,211	1,383,394	242	316,575			
RID Bonds									
8608 Riverside Sewer & Water	12,963	-	12,963	12,963	-	-			
8614 Middle Creek Meadows	-	-	-	(96)	96	-			
8615 Hyalite Heights	10,775	-	10,775	(1,365)	-	12,140			
8616 Hebgen Lake Estates	73,200	-	73,200	90	-	73,110			
8617 Gardner Park Subdivision	10,825	-	10,825	(3,459)	-	14,284			
8621 El Dorado	33,900	-	33,900	10,493	-	23,407			
8622 Hebgen Lake S/W	14,980	-	14,980	(4,518)	-	19,498			
8626 Sourdough Creek	503	-	503	533	-	-			
8631 Middle Creek Meadows Ind.	681	-	681	721	-	-			
8632 Rae Subdivision	6,500	-	6,500	2,281	-	4,219			
8638 Mountain View 338	11,865	-	11,865	10,111	-	1,754			
8639 Mountain View 339	27,610	-	27,610	4,426	-	23,184			
8640 Sourdough Ridge	18,380	-	18,380	1,833	-	16,547			
8641 Rocky Creek Rd/Wheatland	55,050	-	55,050	6,194	-	48,856			
8644 Clover Meadows	13,150	-	13,150	(518)	-	13,668			
8646 Riverside Water Tower	34,740	-	34,740	(1,533)	-	36,273			
8649 RID 349-352	27,000	-	27,000	12,305	-	14,695			
8653 Sweetgrass Hills	113,800	-	113,800	111,410	-	2,390			
8654 Buckskin Hills	4,383	-	4,383	3,483	-	900			
8655 RID 355-357	122,777	-	122,777	68,238	-	54,539			
8656 Springvale	-	-	-	-	-	-			
8657 Hyalite Foothills	-	-	-	2,897	-	-			
8658 Sypes Canyon & Wildflower	54,400	-	54,400	31,293	690	22,417			
8660 Mystic Heights & Arrowleaf	44,300	-	44,300	35,924	1,356	7,020			
8661 Ranch	20,800	-	20,800	10,330	200	10,270			
8662 Arrowleaf	-	-	-	381	-	-			
8664 Meadowlark	-	-	-	-	-	-			
8665 Cimarron	4,800	-	4,800	(13,621)	-	18,421			
8666 Middle Creek 1 & 3	14,250	-	14,250	(9,388)	-	23,638			
8667 Royal/Thorpe	19,250	-	19,250	(8,349)	-	27,599			
8668 Godfrey	8,050	-	8,050	(5,346)	-	13,396			
subtotal RID Bonds	758,932	-	758,932	277,713	2,342	482,225			
TOTAL ALL FUNDS	<u>42,465,549</u>	<u>5,410,914</u>	<u>47,876,464</u>	<u>17,911,579</u>	<u>19,540,073</u>	<u>10,428,159</u>			

Fiscal Officer Ed Blackman reported on a resolution of intention to levy and assess maintenance costs and new bond costs on RID's within Gallatin County. The public hearing is scheduled for August 25, 1998, at which time the public may comment and the Commission will consider adopting a final resolution levying and assessing a tax on owners of lots or parcels within maintenance districts. Motion by Commissioner Brown to adopt Resolution of Intention #1998-47. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution of intention to change the boundaries of RID #302 maintenance district for North Western Drive. The proposed change is to exclude Lots 5-8 in Block 2 of Kable Subdivision from the district. A public hearing is scheduled for August 25, 1998. Motion by Commissioner Murdock to adopt Resolution of Intention #1998-48. Seconded by Commissioner Brown. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution of intention to change the boundaries of RID #360 maintenance district for Mystic Heights II, III, and Chief Joseph Meadows Subdivisions. The proposed change is to expand the boundaries to include Tracts A1, A3, and A4, of COS 2002 which is located in Section 12, T3S, R5E. A public hearing is scheduled for August 25, 1998. Motion by Commissioner Brown to adopt Resolution of Intention #1998-49. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution of intention to change the boundaries of RID #343 maintenance district for Pineview Subdivision. The proposed change is to expand the boundaries to include the SE1/4, SW1/4 of Section 2, T3S, R5E. A public hearing is scheduled for August 25, 1998. Motion by Commissioner Murdock to adopt Resolution of Intention #1998-50. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported that William T. Gerrard has requested a variance to allow the primary access to the Crail Creek Minor Subdivision located in Section 25, T6S, R3E to remain a private road. The request affects conditions #7 and #10 of preliminary plat approval. The amended conditions are proposed as follows: 7. The segment of roadway described as the point Chief Joseph Trail leaves Sweetgrass Hills Subdivision, to the entrance to Crail Creek Court, must be brought up to county mountainous terrain gravel standards prior to final plat approval; and 10. The property owner's association shall be responsible for maintenance of the interior road (Crail Creek Court). Additionally, the property owners shall share responsibility in an equitable manner with the Sweetgrass Hills Property Owners' Association for the joint maintenance of Chief Joseph Trail. The County Attorney's Office shall review and approve the maintenance agreement with the Sweetgrass Hills Property Association prior to final plat approval. Mr. Gerrard's representative Robert Knight explained that his client has diligently been working on the conditions. When the road was found to be a private easement, surrounding landowners were contacted but will not agree to the paving or making the road public. He stated that leaving their roadway unpaved would not be a danger to the public's health, welfare, and safety, and to require his client to pave the road would be an undue hardship. Mr. Gerrard described how he had tried to comply with the conditions. County Road Superintendent Sam Gianfrancisco stated that due to the circumstances presented, he will support the variance. Finding that strict compliance requiring the developer to pave the road would be an undue hardship, and would not interfere with the health, safety, and welfare of the public, Commissioner Murdock moved to grant the variance. Seconded by Commissioner Brown. None voting nay. Motion carried. Finding that the Crail Creek Minor Subdivision proposed amended conditions would be in the public interest, and based on the variances granted, motion by Commissioner Murdock to amend condition #7 to read "The segment of roadway described as the point Chief Joseph Trail leaves Sweetgrass Hills Subdivision, to the entrance to Crail Creek Court, shall be brought up to standards and approved by the County Road Superintendent prior to final plat approval." And condition #10 to read "The property owners association shall be responsible for maintenance of the interior road (Crail Creek Court). Additionally, the property owners shall enter into a maintenance agreement with the Chief Joseph Trail

Association for the joint maintenance of Chief Joseph Trail. The County Attorney's Office shall review and approve the maintenance agreement with the Chief Joseph Trail Association prior to final plat approval." Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported that Survco Surveying, on behalf of James A. Hake, has applied for preliminary plat approval to subdivide Tract 26 of Ross Creek Subdivision into Lot 26A containing 5.886 acres and Lot 26B containing 5.001 acres. The proposed minor subdivision is located in the SE1/4 of Section 34, T1N, R5E, PMM, Gallatin County, Montana. The staff report included review of criteria for the proposed subdivision which included effects on agriculture; agricultural water user facilities; local services; natural environment; wildlife; wildlife habitat; and public health and safety. The Gallatin County Planning Board has recommended approval. There is an existing residence and a request was made to waive the impact fee. If the Commission approves the subdivision, the following conditions are suggested 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. 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, and certificate prior to final plat approval. 4. The applicant shall record with 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) *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.* c) *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) *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 property owners' association or join an existing association for enforcement of the required covenants. 9. The final plat shall show a 35-foot setback from the high water mark of Bostwick Creek. 10. The applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fee policy. 11. The applicant shall make payment of fire protection impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fee policy. 12. 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. 13. The applicant shall provide a final plat to the Belgrade Rural Fire District prior to final plat approval. 14. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. A letter was received from Leonard Healy stating his support of the division and his wife's opposition to the division. Connie Walker and Anna Sarelle spoke against the division because of road maintenance, water quality, and

well contamination concerns. Bryan Connelley, Assistant Belgrade Fire Chief reported that one impact fee is acceptable because of the existing structure and discussed condition #12 regarding fire protection. Finding that the Hake Minor Subdivision conforms to the Gallatin County Master Plan and the Montana Subdivision Regulations, motion by Commissioner Murdock to grant preliminary plat approval subject to the following conditions: #1-7 as drafted by staff; #8 to read: The applicant shall establish a property owners' association or join an existing association for enforcement of the required covenants. The proper owners of Lot 26B shall be required to join the homeowners' association of the Ross Creek Subdivision, for the joint maintenance of Clearview Road; #9-11 as drafted by staff; #12 to read: A fire department fill site shall be in place and operable prior to construction of any buildings. This water supply shall be of the standards that the Belgrade Rural Fire District has accepted as the minimum requirements. Options include a fill site, a 10,000 gallon tank at each lot, or a 20,000 gallon tank for two to five lots. A copy of these standards can be obtained at this office. Or an automatic fire sprinkler system meeting the requirements of NFPA 13d and the Gallatin County Subdivision Regulations E.5.D. If the sprinkler option is used, the following conditions shall also apply: a. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval. b. Inspections will be scheduled, with a 48-hour notice, during construction and completion; #13 and 14 as drafted by staff; and an additional condition #15 to read: Thirty feet from the centerline of Clearview Road running the length of the subdivision shall be dedicated to the public and shown on the final plat. Seconded by Commissioner Brown. None voting nay. Motion carried.

There were no pending resolutions. There being no further business the meeting adjourned at 4:20 P.M.

Unavailable for signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 11th DAY OF AUGUST 1998

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock and 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:

AUGUST 3, 1998

- Commissioners Murdock and Brown attended the second meeting of the newly-formed Community Corrections Board. By-laws were adopted, and officers were elected as follows: Earl Peace is Chairman, Sam Hofman is Vice Chair, and Carolyn Robinson is Secretary. Topics discussed included members' vision for the direction of the board, and scheduling regular meetings. It was decided that the group would routinely meet on the second Wednesday of each month at 7 p.m., at the Law & Justice Center, beginning on September 9. The group also decided to meet again on Wednesday, August 24, at 7 p.m., in Judge Olson's jury room. Complete minutes of the meeting are available from Pat Lewis in the Commissioners' Office.
- A special meeting of the County Commissioners was called to order at 11:45 a.m. in the Commissioners' conference room, to consider the signing and approval of the following contracts: Family Assessment Contract with the Dept. of Corrections; Addendum to Consulting Contract with Resource Technologies, Inc.; Addendums to Care Computer Systems Contract No. 98-068; Community Clinic Lease; Animal Impound Agreement with the Human Society; Land and Water Consulting Contract; Commissioner Murdock moved to approve the contracts. Commissioner Brown seconded the motion. None voting nay. Motion carried. Meeting adjourned at 12:00 p.m.
- Commissioners met with Facilities and Operations Director Bob Isdahl. Bob reported that carpet cleaning is still a priority as it was not done last year, and he needs his computer back that GIS is

14 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

using for 911. Commissioners directed Bob to review his FY 1999 budget to try to find funds for carpet cleaning; Bob will report back to Commission if funds not available.

AUGUST 4, 1998

- Commissioners met with County Attorney Marty Lambert and Deputy County Attorneys Chris Gray and Susan Swimley to review the list of projects and priorities their office is currently working on.

AUGUST 5, 1998

- Commissioner Murdock met with Rich Day and Jim Richard, representing the National Wildlife Federation and its Montana affiliate, to hear their thoughts on a preferred management alternative for the slaughtering of buffalo/bison in Yellowstone National Park. They will contact Stacy Johnston at a later date to set up a meeting with all three commissioners to discuss further.
- Commissioners met with Undersheriff Red Wilson to discuss the "spikes" incident with the deputies, the assessment center process, and the need for applicants for the Pedestrian Traffic Safety Program through the Transportation Coordinating Committee (TCC). Red also reported that the engine has been ordered for the auto rebuild job, and has been directed by the Commission to look into a portable radar ticketer.
- Commissioners met with Arletta Derleth and Ty Typolt of the Assessor's office regarding the status of the Department of Revenue's reorganization (META). Assessor's office wants to continue their good rapport with the County; DOR is relying heavily on technology.
- Commissioner Murdock and City Commissioner Joan Rudberg, as members of the Detention Center Project Team, met with Bozeman Chronicle Editor Rick Weaver to ask for his assistance in informing the public of the Detention Center issue(s). Bill will provide a copy of the Detention Center Task Force's Final Report to Rick as background info.
- Commissioner Murdock met with City Commissioner Sandra Smiley to discuss areas of mutual concern to both Bozeman and the County, and the possibility of future joint CTEP application.

AUGUST 6, 1998

- Commissioner Olson traveled to Helena to attend a meeting of the MACo Agriculture/Public Lands/ PILT Committee. Detailed minutes can be obtained through the MACo office in Helena.
- Commissioner Murdock and the Victim Witness Selection Committee met to develop interview questions and screen applications for the Victim Witness Assistant position. Will interview three finalists on Monday, August 10th.
- Commissioner Brown attended the meeting of the Weed Board. Topics of discussion included spray crew schedule/public relations, weed display board, designation of "weed pull" day as the third Saturday in July, purchase of new rental spray equipment with grant funds, noxious weed law compliance enforcement, and suggestions for Senator Mesaros' proposed Weed Law. Detailed minutes of this meeting are on file in the Commissioners' office.
- Commissioners Murdock and Brown met with Planning Director R. Dale Beland to review and discuss progress report(s) on several planning issues.

AUGUST 7, 1998

- Commissioner Olson met with Bob Ross, Executive Director of the Mental Health Center in Billings. Bob reported that the Mental Health Center has settled with Montana Community Partners, with a 4.5% discount. However, this discount will have no bearing on future business. MHC has leased a suite of offices in the basement of the Martel Building (Veltkamp Stannebein & Bateson) for case management, a counselor and a psychiatrist; scheduled to open on August 18, 1998. Also looking at a building to purchase that meets the needs for Crisis Stabilization Unit; working on the pricing and other details.
- Commissioners met with Keith Bakus of Info Source to relay some of the real estate needs of the County, and the more immediate needs of the Health & Human Services Department. The Commissioners expressed that Info Source is free to pursue this on their own as there is no agreement between the County and Info Source, or any other related companies.
- Commissioners conducted a performance evaluation of a County employee.
- Commissioners met via conference call with Jerry Grimes, Field Manager for the Department of Public Health & Human Services, to offer their thoughts and recommendations on an upcoming Department Head evaluation.

- Commissioner Olson, Deputy County Attorney Chris Gray and members of the West Yellowstone Contract Committee met via conference call to review the latest version of the DRAFT contract between the Refuse District and EcoWest.
- Commissioners received A101's in the amount of \$114.34.
- Commissioners received claims in the amount of \$301,705.98.
- Commissioners received July 1998 Payroll in the amount of \$945,850.26.
- The following is a list of new employees for the month of July 1998: 6/29/98 Nelson Shawver Dp/Comp. Supp. Spec. I -10-1/\$2086.26; 6/15/98 Alexandria Giambra Rest Home/CNA 5-1/\$7.55/hr.; 6/8/98 Randy Herbst Road/Equip. Oper. I 85%/\$1922.70; 6/23/98 Shanna Pluid Rest Home/Diet Hskpr 4-1/\$6.66/hr.; 6/29/98 Brandy Griffith Rest Home/KA I 4-1/\$6.66/hr.; 6/23/98 Cara Douglas Justice Ct./Clerk 6-1/\$1468.56; 6/24/98 Kirsten Graham Rest Home/CAN 5/1/\$7.55/hr. 6/29/98 Gregory Calvert Env. Health/EHS I 12-1/\$2286.36; 7/15/98 Betty Ann Brainard Rest Home/KA II 5/1/\$7.69/hr.; 7/14/98 Christine Boeck 911/Comm. Officer 5-1/\$7.69/hr.; 7/13/98 Robert Nash Dp/Comp. Prog. I 9-1/\$1950.54; 6/17/98 James Ratliff Rest Home/Diet. Hskpr 4-1/\$6.66/hr.; 6/17/98 Carolyn Mckennan Rest Home/CNA 5-1/\$7.55/hr.
- The following is a list of terminated employees for Gallatin County for the month of July: Carolyn Mckennan Rest Home 7/2/98; Mike Sander Rest Home 6/23/98; Robert Brown County Attorney 7/15/98; Deborah Mus Rest Home 6/30/98; Wallace Schumacher Sheriff 7/1/98; Lorena Walker Rest Home 7/3/98; Judith Bokon Rest Home 7/22/98; Chloe Kaelberer Rest Home 7/22/98; Jill Anderson Rest Home 7/14/98; Cindy Francis Rest Home 7/17/98; Richard Smith Detention Center 7/27/98; Bryan Kirkland Detention Center 7/17/98.

The following items were on the consent agenda:

- A request for a family transfer exemption for Jane Huffine for her son, Scott Lund coming out of Cos 628-A, located in Section 13, T2S, R7E. Based on the information submitted, this appears to meet the criteria for the exemption requested.
- A request for final plat approval for Ross Creek amended plat, Tract 26- Hake Subsequent Minor Subdivision located in the SE¼ of Section 34, T1N, R5E. After review, based on the information it appears all conditions have been met to grant final plat approval.
- Consideration of the following contracts: Grant reimbursement contract with Alcohol & Drug Services of Gallatin County, addendum (task order 5B) to Prugh & Lenon's Contract #95-032 for Rest Home Flooring Project; and Montana Ready-Mix for underground fuel tank storage removal.

Commissioner Murdock moved to adopt the consent agenda. Seconded by Commissioner Brown. None voting nay. Motion carried.

Grants Administrator Larry Watson reported on a continuation of the bid recommendation for the Big Sky Bicycle Pedestrian Path CTEP Project. The original bids were opened on May 19, 1998. The lowest bid received came in over \$100,000 higher than the project budget. The Commission allocated additional money from the Community Transportation Enhancement Program. The remainder of the match required had to be allocated from the Big Sky Resort Tax Board. They met, and in this years appropriation of funding allocated a \$40,150.00 match to this project to make up the deficit. Mr. Watson recommended notifying the Montana Department of Transportation who must approve the contract in order to award the bid to Halls Construction. The construction would start this year, but the projected completion date is for mid-July 1999. Commissioner Murdock moved to accept the staff's recommendation to award the bid to Halls Construction and notify the Montana Department of Transportation. Seconded by Commissioner Brown. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented Resolution #1998-52 to direct the Commission to request the Gallatin County Elections Administrator to study the feasibility of a mail ballot in the election to be held for Valley Grove County Water and Sewer District. According to Montana statute Section 13-19-202, an allowance is made for a political subdivision to request, by resolution, no later than 70 days before election day, that the election administrator determine whether it is economically and administratively feasible to conduct the requested election by mail ballot. Commissioner Murdock

16 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

moved to approve Resolution #1998-52. Seconded by Commissioner Brown. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented Resolution #1998-53, a resolution correcting Resolution #1998-44 that stated the closure of the County Courthouse and the Law and Justice Facilities to the general public on November 28, 1998. The date is corrected as being Friday, November 27, 1998. Commissioner Murdock moved to adopt Resolution #1998-53. Seconded by Commissioner Brown. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented an easement agreement from US West for the Commission to consider for a 10 foot easement to be granted along the north and easterly boundaries of McCloud Park. Commissioner Murdock moved to sign the agreement granting the easement as recommended by the County Attorney's Office. Seconded by Commissioner Brown. None voting nay. Motion carried.

There were no pending resolutions. There being no further business the meeting adjourned at 1:48 P.M.

*Unavailable for
Signature*

CHAIRMAN APPROVAL

Jelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 18th DAY OF AUGUST 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 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:

AUGUST 10, 1998

- Commissioner Murdock and the Victim Witness Selection Committee interviewed three applicants for the Victim Witness Assistant position.
- Commissioner Olson met with resident Al Lien to hear his concerns of possible environmental infractions on South 3rd just south of the Museum of the Rockies.
- Commissioner Olson met with USA Waste representative Harry Ellis to discuss the pending contract between West Yellowstone/Hebgen Basin Refuse District and EcoWest.
- Commissioners met with Executive Secretary Stacy Johnston to discuss current and pending administrative matters.
- Commissioners met with GIS Coordinator Allen Armstrong. Allen's monthly status report included items such as 911 mapping, weed mapping and parcel mapping. It was reported that some agencies did not complete maps requested for 911.
- Commissioners conducted an annual performance evaluation of a Department Head.
- Commissioner Murdock attended a Fair Board meeting. Detailed minutes are on file at the Ag Center.

AUGUST 11, 1998

- Commissioner Murdock attended a meeting of the Detention Center Public Relations Subcommittee. This third meeting of the group was held to outline a mission statement and develop goals and objectives for the Committee.

- Commissioners met with Personnel Director Kathy Nowierski. Topics of discussion included status of the revised Personnel Manual, new hires, and union/labor contract negotiations. Once changes/additions have been approved, the new Personnel Manual will be adopted at a future public meeting of the Commissioners.
- Commissioner Olson and the Phase I Project Team met and finalized the sequencing of Phase I department moves; reviewed other items needing completion before construction begins. The Team agreed to use Dundas for moving of modular furniture and felt that the air conditioning for Personnel (\$340) should be paid out of Phase I funds. The Team will also direct Data Processing to begin basement demolition of their lines ASAP to be completed by October 1st. Phil will contact Bill Baldus regarding damaged stringer and present options: (1) let Phase I work it in and bill Data Processing; or (2) let Data Processing take care of it. Bob will take care of rewiring elevator motor, and will start moving basement records to the third floor shortly. Roy will get new fire protection water line installed by September 12 for \$12,000, will install sleeve for law sprinkler in CTEP project, and will remove Courthouse fuel tank no later than October 6th.

AUGUST 12, 1998

- Commissioner Murdock attended a meeting of the Board of Health. Detailed minutes are on file in the Health Department.
- Commissioner Olson traveled to Virginia City to attend a meeting of the Headwaters Recycling Cooperative. Detailed minutes of this meeting are on file in the Commissioners' office. Next meeting is scheduled for September 9, 1998 in Boulder, Montana.
- Commissioner Olson attended a meeting of the Composting Committee, also held in Virginia City. Next meeting is scheduled for September 9, 1998 in Boulder, Montana.

AUGUST 13, 1998

- Commissioner Murdock is on vacation from August 13 through August 17, 1998.
- Commissioners Olson and Brown participated in a regular Zoning Hearing.
- Commissioner Brown and the new Master Plan Committee met to discuss the history of the former Master Plan Committee, the Capital Facilities Coordinating Committee, and the Administrative Team. Committee members now include Jarvis Brown, Kathy Nowierski, R. Dale Beland and Bob Isdahl. The following statements were made and noted: 1) Department Heads need to know whether they are managers or only employees. 2) Public accessibility was to have been a priority for assigning space in the remodeled courthouse. 3) Commissioners need to access history to make decisions. 4) City codes are not being followed (i.e., 911 generator). 5) Sometimes follow-up is lacking; virtually none after policies are adopted.
- Commissioners Olson and Brown attended a public meeting hosted by the City-County Planning Board to discuss issues surrounding jurisdiction of the Donut area.

AUGUST 14, 1998

- Commissioner Olson and Grants Administrator Larry Watson met with Board members of the Southwest Montana Composting Project via conference call to discuss the additional \$13,000 in EPA funding being provided for the West Yellowstone Transfer Station. Therefore, the quality assessment portion of the grant needs to be restructured and must be done before August 19, 1998. Land & Water Consulting, Inc. of Missoula submitted a restructuring plan to increase the information received regarding Waste Stream Analysis. The Board approved the revisions with the addition of collecting and categorizing waste for West Yellowstone, including various sized operations (i.e., motels, hotels, condos, and restaurants). Will include more Yellowstone Park areas besides Old Faithful, such as Lake Hotel, Canyon Lodge, Grant & Mammoth.
- Commissioners Olson and Brown met with Data Processing Supervisor Bill Baldus. Topics of discussion included the wage inequity between private companies and Gallatin County for computer programmers; Bill feels the salary survey needs to be locally-based. Bill agreed to have cabling out of the way for Phase I construction.
- Commissioners conducted an annual performance evaluation of a Department Head.
- Commissioner Olson, upon the written request of Judge Scott Wyckman, swore in Robert W. Brown at 1:20 p.m. as Justice of the Peace.
- Commissioners received A101's in the amount of \$176,621.66
- Commissioners received cancellation of taxes in the amount of \$748.04.

The following items were on the consent agenda:

- A request for a Mortgage Survey Exemption for Keith and Kay Bright described as COS 1663, lying within Tract 15 of COS 1663 in Section 12, T3S, R4E. 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 Kamps Second Minor Subdivision located in the S½ of Section 34, T2N, R3E. The Planning staff has reviewed the conditions for approval, and according to the information submitted, recommend granting final plat approval.
- A request for a conditional use permit to allow a caretaker's residence in the Bridger Canyon Zoning District by Carol Jodar in the NE¼ and N½, SE¼ of Section 32, T1S, R7E. Staff recommended 6 conditions for the applicant to comply with before issuing the land use permit.
- Consideration of the following contract(s): MBCC/Drug Court Initiative Planning Grant for Alcohol & Drug Services of Gallatin County; Addendum (Task Order 6F) to Prugh & Lenon's Contract #95-032 for Phase I construction; copier maintenance contract for Justice Court with Terrell's Office Machines, Inc.; and a copier maintenance contract for the Sheriff's Office with Davis Business Machines.

The request for a conditional use permit for Carol Jodar was pulled previous to the hearing.

Commissioner Brown moved to adopt the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a request for a family transfer exemption by Terry Nuss located in COS 140A in Section 9 & 10, T3S, R4E. Terry Nuss has stated the transfer is to deed parcels to her husband Roland L. Nuss, her son Richard Lee Nuss, and her daughter Amber Marie Bates. Staff requested verification from the applicant regarding future use of the newly created tracts before determining whether this meets the criteria for the exemption to subdivision regulations. Deputy County Attorney Susan Swimley asked Jennifer if she was aware of any attempts to transfer this property in the past. She stated she was not aware of any. Applicant Roland Lee Nuss spoke on behalf of the family transfer exemption. He is doing estate planning and trying to keep the agricultural exemption as long as possible on the property. He was asked if he or his son or daughter had any intent to sell the property. He stated no, his children had cattle on the land and their intent was to keep it as is. Commissioner Brown moved to approve the family transfer exemption for the Nuss family. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a request for a family transfer exemption for David Adams described as COS 604, located in Section 4, T13S, R4E. The applicant was requested to provide a letter of explanation regarding their intent for the property. It was unclear whether this proposal met the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act. Deputy County Attorney Susan Swimley asked Ms. Madgic if there were any contacts with the property owner prior to this request for a family transfer. She stated yes, they had talked previously about doing a minor subdivision, then a family transfer between siblings which state law does not allow. Ms. Swimley asked if there were a lot of conditions the minor subdivision could not meet in order to pass subdivision review. There were problems with the width and depth ratio of the lot which would have required a variance. The subdivision was not in a fire district, and there were road considerations. Applicant David Adams spoke in regards to the family transfer exemption. He submitted the requested letter to the Planning Department and Commission. His plans are to build a house on their fifth interest in the land. He met with the planning department and looked at all the options available. The idea of a one-lot minor subdivision appeared to have a lot of insurmountable problems. He understood from Gallatin County Planner W. Randall Johnson that this route was the best way to go to accomplish their goal. It is correct that a surveyor informed him that the procedure would be to put the property in his name, then he would deed it back to his wife and then the remaining interest in the property back to his siblings after the transfer. They were not developers nor intend to sell the property and their intention is to keep the property in the family. The property was gifted to them approximately 20 years ago, and then his parents passed away leaving it all to his siblings and himself. Ms. Swimley stated that Montana law allows for certain parcels of land to be exempt from subdivision review, and this was a discussion for the Commission to help determine if their request was a proper use or to avoid or evade subdivision review. Questions were asked concerning the reason they did not

pursue the minor subdivision, and it was determined that one factor was a sibling was not willing to sign the paperwork or participate in the cost of developing the minor subdivision. Debbie Anderson, land surveyor for the applicant stated she understood the Commission's concern, and believes that Mr. Adams intention was not to evade subdivision review. Ms. Swimley looked at historical transfer, and found it quite clear that it went to 5 siblings, and the applicant wants a definable parcel of property. Her concern is in order to accomplish this he has to deed the property to his wife, and then later back to his siblings. Because of the way the subdivision laws are written he could not accomplish a family exemption between siblings. It was decided that it raised some issues on the proper use, but not enough to find it an evasion. Commissioner Brown moved to grant the family exemption transfer requested for the Adams family. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Olson announced that the Commission received two proposals for the Logan Landfill Liner contract by MSE-HKM and Trec, Inc. The Review Committee has taken them under advisement and the Commission may award the bid in a special meeting after a 48 hour notice to the public is given.

There were no pending resolutions. There being no further business the meeting adjourned at 2:08 P.M.

Unavailable For

Signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 25th DAY OF AUGUST 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 Susan Swimley, and Clerk & Recorder Shelley Vance, Clerk to the Board.

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

The following proceedings were had to wit:

AUGUST 17, 1998

- Commissioner Olson met with Executive Secretary Stacy Johnston to discuss current and pending administrative matters.
- Commissioner Olson met with Extension Agents Todd Kessner and Ron Carlstrom. Todd and Ron reported that Secretary Terry Labert is working out very well and that the Fair was a huge success, despite the heat. Also, the new MSU Extension Director, Dave Bryant, started July 1, 1998.

AUGUST 18, 1998

- Commissioners met with County Attorney Marty Lambert and Deputy County Attorneys Susan Swimley and Gerry Higgins. Items of discussion included the Vincent Kaluza claim, insurance issues, donut hearing on boundary discrepancy per Ron Allen's research, and the status of Oak and Babcock Streets. The Commissioners agreed to pay the Kaluza' claim per Marty Lambert's advice as stated in memo of 8/13/98. Beyond that, Attorney Lambert will pursue indemnification /reimbursement from Missouri River Drug Task Force, Sheriff's budget or insurance. The Commissioners will also direct the Planning office to proceed with correcting Bozeman donut boundary discrepancy; Marty agreed to have Quit Claim Deed and agreement with City of Bozeman ready for joint meeting of the City and County Commissions on August 31, 1998.
- Commissioner Brown, Larry Watson, James Cashell, Ed Blackman, Steve Johnson, Dick Prugh, Roger Curtiss, Jennifer Smith-Mitchell and Rich Daem convened their first meeting as members of the Detention Center Finance Subcommittee. Items of discussion included the need for a new detention center and available funding options (including bonding), the recent formation of a Community Corrections Board, construction timelines, modular detention center design, direct supervised facilities, and possible involvement with other counties, the State and Federal

20 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Government as they involve financing. The Subcommittee will further discuss funding options at the next meeting scheduled for Wednesday, September 9, at 10:00 in the Community Room of the courthouse.

- Commissioner Murdock and Senior Planner Lanette Windemaker met with Marily McWilliams of the Gallatin Conservation District (GCD) and Gordon Hill of the Department of Natural Resources and Conservation (DNRC). The GCD was awarded a grant by the DNRC in the amount of \$21,500 for Digital Orthophoto Quadrangles (mapping), contingent upon securing matching funds from other sources. Commissioner Murdock will meet with other commissioners to discuss and consider matching funds.
- Commissioner Murdock met with Health Officer Stephanie Nelson to discuss priorities of the Gallatin City-County Health Department.
- Commissioner Olson and the Phase I Project Team met. Discussion focused on new requests for department moves during Phase I construction. Bob will work with individual departments to find "best fit" for all.
- Commissioner Olson attended a Planning Committee meeting held at the Law & Justice Center to discuss the floor plan for the new proposed Search & Rescue/EOC building. Other departments represented were DES, Search & Rescue, and Road & Bridge.

AUGUST 19, 1998

- Commissioners attended the staff meeting. Agenda items included Employee Appreciation Dinner discussion, Records Management Committee questionnaire, drug & alcohol testing program, and bricks and mortar updates/presentations on Search and Rescue, 911 and the Detention Center.
- Commissioner Murdock attended a meeting of the Turning Point Initiative Group held at the Holiday Inn in Bozeman. Agenda items included a review of "Core Function Analysis #6: Leadership, Technical Expertise and Administration," strengths, weakness/barriers, and definition of next core function.
- Commissioners traveled to West Yellowstone to attend the regular monthly meeting of the West Yellowstone/ Hebggen Basin Solid Waste District Advisory Board. For detailed minutes, contact Board Secretary Jo Miller at 646-7795 or a copy may be obtained through the Commissioners' office.
- A special public meeting held in West Yellowstone, Montana was called to order by Commissioner Murdock at 7:15 P.M. Also present was County Commissioner Jarvis Brown. Commissioner Murdock announced this was a meeting to discuss the Winter Use Environmental Impact statement for Yellowstone National Park regarding the use of motorized vehicles in the Park, what kind, when and where they would be allowed, not be allowed, the issues which have been ongoing that has involved litigation that has resulted in the process of creating this impact statement. He introduced Paul Kruse, an independent representative hired by five counties adjacent to Yellowstone National Park to participate in the process of developing the environmental statement. He has an extensive background in Yellowstone National Park and Federal land issues.

Paul Kruse stated that this was the first time that the Federal government has involved a configuration of states, granting them co-operating agency status to participate in Federal land use management planning. He reviewed the background of the Federal Planning Project outlining that the Scoping brochure was available at the last informational meeting and that process ended on July 18, 1998. The Scoping process would result in the development of guidelines in which to follow. The Counties filed responses to the proposal submitted by the National Park Service. On the 21st the Park Service will respond to those responses, then finalize the document. The document process is one process of the decision making. On the 26th and 27th of August in Cody, Wyoming the Park Service will be talking about the analysis of all the comments gathered during the EIS process heard from earlier meetings, and the letters received. In the future, issues in the process would cover the economic and socioeconomic data that will effect the citizens in the surrounding communities. That would be the primary focus. Options would be formulated that the Park Service would discuss, set out, and then alternatives would be developed. August 3rd through November 13th, 1998 they would select the preferred alternatives. The draft Environmental Impact Statement would be available by August 1999. At that time, the public can review it, and a comment period would be given. The impact statement process will go into the year 2000. The process is shorter than the usual because of the court case. Mr. Kruse stated the purpose was to hear the issues from the public, implement the concerns to what the counties positions are that are part of the process, and present them to the Park Service. He summarized the three main issues that had been discussed: 1) participation on ID team disciplinary team responsible for writing and drafting the document. 2) Scope of issues to be

expanded along with participation to provide additional expertise emphasized beyond the socio-economic issues provided in the document 3) Dispute resolution which would allow for the process to go quickly when there was an impasse and involuntary efforts didn't resolve it, an arbitrator would be used to move it through in a set amount of time.

Four representatives from the National Park Service were present to hear testimony on the issue. The following people spoke regarding the issue: Jack Clarkston, Clyde Seeley, David McCrae, Bill Howell, Scott Corsley, Renetta Steele, and Jennifer Smith Mitchell.

The issues and concerns raised during public testimony were that the community of West Yellowstone has an interest in the continued use and access of winter use in the Park. If anything that shortens or limits that access is implemented, it would need to have a genuine scientific basis. A common ground between the Park and the surrounding communities should be reached as partners involved in the process, and the outcome of that process. As businessmen, they don't want anything detrimental to happen with this impact statement to decrease the winter opportunities in the Park. They have felt threatened in the past. They need to protect the resources in Yellowstone as well as the visitors quality of the experience. Their hopes are that this statement will lead to the co-existence for protection of the park, and still allow the public to use the park's recreational winter use to the fullest. Other concerns were that the research being done now, such as the bison migration, and the findings made from those studies would not make it into this EIS document because of the rush to complete the statement. They are not in favor of closing roads for doing studies in the Park. They feel before anything is done, they ought to have the true facts and data. The data takes time to get the true results. During discussion, the timelines of the document were discussed, more concerns raised that in the rush the research, input from the communities and others who have a vested interest in the Park, would not make it into the document. Justice would not be done on all the studies if the document was rushed. It was found that they were under pressure because of the law suit, but it was limited to winter use.

Commissioner Murdock stated that the Counties produced a mission statement, "To develop an objective environmental impact statement for the protection and management of the resource and to continue public access". He felt that the issues heard were being covered by the statement. Commissioner Murdock adjourned the meeting.

AUGUST 20, 1998

- Commissioner Olson attended the MACo Fall Leadership Retreat on August 20 & 21, 1998, held at the Holiday Inn in Great Falls, Montana.
- Commissioner Murdock attended the first meeting of the Drug Court Planning Coalition hosted by Alcohol & Drug Services of Gallatin County. The stakeholders discussed goals and objectives, and agreed to planning outline as presented to pursue feasibility of a Gallatin County Drug Court Grant Program. The next meeting is scheduled for September 17, 1998 at 12:00 noon at the Farm Bureau Building.
- Commissioner Murdock met with Sue Harkin of the Bozeman Swim Center to discuss recreational programs available for Gallatin County residents.

AUGUST 21, 1998

- Commissioner Brown 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 claims in the amount of \$267,875.65.
- Commissioners received A101's in the amount of \$61.74.

The following items were on the consent agenda:

- Consideration of a security construction financing exemption requested by William Bruce Taylor and located in the SW1/4 of Section 30, T1N, R5E. Belgrade City-County Planner Jason Karp reported that based on the information submitted, this appears to be a proper use of the exemption.
- Consideration of an agricultural exemption requested by Robert Foster and located in the SW ¼ of Section 2, T1S, R5E. Gallatin County Planner Jennifer Madgic reported that based on the information submitted, this appears to be a proper use of the exemption.

- Consideration of the following contract(s): Crack sealing on Airport Road with Bailey Paving; Legal advertising agreement between Gallatin County and Bozeman Daily Chronicle; Junk vehicle transportation and fluid removal agreement between Art's Towing Service, Inc. and Gallatin County; and Master health contract between the Montana Department of Public Health and Human Services and Gallatin County.

Donald Zarr requested pulling the Foster exemption from the consent agenda. Commissioner Olson stated that the contract regarding crack sealing on Airport Road has not been reviewed by the County Attorney's office. Commissioner Brown moved to adopt the consent agenda excepting the Foster exemption and awarding the contract to Bailey Paving for crack sealing on Airport Road contingent upon the County Attorney's office approving the contract. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported that Robert Foster has applied for an agricultural exemption for a 43 acre parcel known as Lot 2A on the proposed survey. Mr. Foster explained that he has no intention of building any residential structures on the lot. He stated that there is an existing residence on the remainder parcel known as Lot 2B on the proposed survey and the purpose of the exemption is to remove the homesite from the agricultural land. Donald Zarr asked where the house would be located. Commissioner Olson stated that Mr. Foster could not further subdivide this property unless it was mutually agreed upon with the County Commission. Motion by Commissioner Brown to grant the agricultural exemption requested by Robert Foster. Seconded by Commissioner Olson. None voting nay. Motion carried.

On August 11, 1998, the Commission passed Resolution #1998-52 requesting the Election Administrator study the feasibility of a mail ballot election on the question of creating Valley Grove County Water and Sewer District. Gallatin County Clerk and Recorder Shelley Vance reported to the Commission that conducting this election by mail ballot is the most economical and feasible way to conduct the election. Mrs. Vance described the proposed dates and written plan that will be submitted to the Secretary of State for approval to conduct the election by mail ballot. Motion by Commissioner Brown to submit the written plan to the Secretary of State and conduct this election by mail ballot. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that the Commission had received 5 petitions requesting the following property to be annexed into the Bridger Canyon Rural Fire District: Tract 2 of COS 410 in Section 20; Tracts 1 and 2 of COS 1467 in Section 28; Tract A of COS 1728 and Tract B of COS 1746 in Section 29; and Lots 9A and 9B of Aspen Meadow Subdivision in Section 33 located within T1S, R7E, and also the SW1/4 and SE1/4 of Government Lot 1 in Section 6, T2S, R7E. Notice of this public hearing was published in the Bozeman Daily Chronicle on August 9 and 16, 1998. There was no public comment and no protests were received. Motion by Commissioner Brown to approve the annexations. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Olson requested that the County Attorney's office prepare resolutions annexing these properties for the Commission's consideration.

Gallatin County Clerk and Recorder Shelley Vance reported that notice of the public hearing to consider a resolution changing the boundaries of RID #302 Maintenance District for North Western Drive by excluding Lots 5-8 of Block 2 of Kable Subdivision was published in the Bozeman Daily Chronicle on August 13 and 20, 1998, and mailed to the owners of real property and other persons known to the Clerk and Recorder on August 12, 1998, as required by 7-12-2159 M.C.A. Jack Schunke, Morrison-Maierle reported on the request from Betty Jo Atkins and stated that this property does not access nor does the property receive benefit from the district. A letter in support of the change was received from Debbie Arkell, 325 N. Western Drive. There was no public comment. Motion by Commissioner Brown to adopt Resolution #1998-54 changing the boundaries of the maintenance district for Rural Improvement District # 302. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that notice of the public hearing to consider a resolution changing the boundaries of RID #360 Maintenance District for Mystic Heights 2 and 3 and Chief Joseph Meadows Subdivisions by including Tracts A1, A3, and A4 of COS 2002 was published in the Bozeman Daily Chronicle on August 13 and 20, 1998, and mailed to the owners of real property and other persons known to the Clerk and Recorder on August 12, 1998, as required by 7-12-2159 M.C.A. Jack Schunke, Morrison-Maierle reported on the request from Thomas Gibson to include property into the maintenance district. Mr. Schunke explained that according to COS 2002, access to Tracts A3 and A4 are from Nez Perce Drive and that the general practice is to include lots into maintenance districts that receive a benefit. A letter of support to change the boundaries was received from Thomas Gibson, 7590 Nez Perce Drive. Charles Saylor, Mystic Heights 3 Homeowners Association asked where the additional dollars will go if more lots are added to the district. Mr. Schunke explained that assessments are placed into a specific fund for the RID to go towards maintenance on the roads within the RID such as fog sealing and overlays. Charles Kirk, representing his family commented on letters received by the Commission from David Kirk and Diane Kirkpatrick. He explained that Tracts A1 and A3 do not receive a benefit because those tracts have access through Tract A2. He stated that his family was opposed to including Tracts A1 and A3 but supported including Tract A4 which does receive a benefit by accessing Nez Perce Drive. Doug Kirk, owner of Lot A4 stated that he did not object to being included into the maintenance district. There was no further public comment. During board discussion the Commission found, that at this time, Tract A4 of COS 2002 is the only tract that is receiving a benefit. Motion by Commissioner Brown to approve a boundary change to the maintenance district by including Tract A4 of COS 2002. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Olson requested that the County Attorney's office prepare a resolution to include Tract A4 of COS 2002 into the maintenance district.

Gallatin County Clerk and Recorder Shelley Vance reported that notice of the public hearing to consider a resolution changing the boundaries of RID #343 Maintenance District for Pineview Subdivision to include the SE1/4 of the SW1/4 of Section 2, T3S, R5E was published in the Bozeman Daily Chronicle on August 13 and 20, 1998, and mailed to the owners of real property and other persons known to the Clerk and Recorder on August 12, 1998, as required by 7-12-2159 M.C.A. Jack Schunke, Morrison-Maierle reported on the consideration to amend the boundary. There was no public comment. Motion by Commissioner Brown to adopt Resolution #1998-55 changing the maintenance boundaries of RID #343. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that notice of the public hearing to consider a resolution to levy and assess maintenance costs on all RID's in Gallatin County was published in the Bozeman Daily Chronicle on August 13 and 20, 1998, and mailed to the owners of real property and other persons known to the Clerk and Recorder on August 12, 1998, as required by 7-12-2159 M.C.A. Jack Schunke, Morrison-Maierle reported on the proposed levy and assessments and explained what the assessments will cover such as weed spraying, fog sealing, overlays, crack sealing. John Weigand, President of Outlaw Country Homeowners Association explained that when the owners petitioned to have their RID created they told their engineer that they did not want snow removal or weed spraying to be part of the assessment. He explained that their association has contracted with a biotech firm which does weed control with insects and added that some people have planted lawns, trees, and shrubs along the road. Terry Giovinni, Mountain View #6 asked what was covered in their assessment and if the Commission had considered adding more subdivisions into their district because of the high volume of traffic on Sacajawea Drive. Mr. Schunke explained that the increase is due to a planned overlay in 2002 and that no weed spraying or snow removal is scheduled. County Road Superintendent Sam Gianfrancisco explained that a traffic study showed that people from other subdivisions are going in both directions so it was decided that each subdivision would maintain their own roads. Charlie Knoll asked about the Cimarron Subdivision district. Mr. Schunke reported that weed spray is scheduled in the year 2000 and fog seal in 2002. Renae Grantier, Royal/Thorpe RID wanted to know if Wildhorse Trail Road is being included in their district. Mr. Gianfrancisco explained that the road had been constructed privately by the developer and snowplowing and maintenance on Wildhorse Road is not included in the RID. Motion by Commissioner Brown to adopt Resolution #1998-56 to levy and assess a tax on maintenance districts within Gallatin County. Seconded by Commissioner Olson. None voting nay. Motion carried.

- - - -

Gallatin County Planner Jennifer Madgic reported that Eric Tonn has requested a family transfer exemption. Attorney Janice Whetstone representing Mr. Tonn explained that Mrs. Tonn died before estate planning was completed. A survey was prepared August of 1997 but was never recorded. In January of 1998, deeds were signed by Mr. And Mrs. Tonn but not recorded because the survey was not recorded. The Clerk and Recorder suggested that documents be submitted to the County for review to determine if this is an attempt to avoid subdivision review. During board discussion the Commission determined that documents presented indicated that there was not an attempt to avoid subdivision review. Motion by Commissioner Brown to grant the family transfer exemption requested by Eric Tonn. Seconded by Commissioner Olson. None voting nay. Motion carried.

- - - -

Gallatin County Planner Jennifer Madgic reported that Roger and Velma Brownson have requested preliminary plat approval for a two lot minor subdivision on approximately nine acres located in the NW ¼ of Section 18, T2S, R5E. An existing residence is located on Lot 2 and is eligible for a waiver from paying road and fire impact fees according to the Gallatin County Subdivision Regulations. The staff report includes findings addressing the affects on agriculture; agricultural water user facilities; fire protection; law enforcement; emergency medical services; schools; the natural environment; wildlife and wildlife habitat; and public health and safety. The Gallatin County Planning Board reviewed the proposed minor subdivision for compliance with the Gallatin County Master Plan and voted to recommend approval of the proposal on August 11, 1998. The following conditions have been suggested to be completed prior to final plat approval if the Commission approves the subdivision: 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, 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 applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, 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 applicants prior to final plat approval. 7. The applicants shall record the following covenants on or with the final plat: a) *The property owner shall be responsible for the control of County-declared noxious weeds.* b) *Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations.* 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 applicants shall obtain an encroachment permit from the Gallatin County Road and Bridge Department for Lot 1. 9. Thirty feet of Cobb Hill Road, east of the centerline, will need to be dedicated to the public for the entire length of the development. 10. The

applicants shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations. 11. The applicants shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations. 12. The applicants shall clarify and, if necessary, correct the location of the southern-most silo abutting the southern property line of Lot 1. 13. The applicants shall provide an appropriate fire protection method in accordance with the Subdivision Regulations. The subdivider shall have the Rae Fire District review and approve the fire protection method prior to final plat approval. The subdivider shall obtain written verification from the fire district that the requirement has been met. 14. The applicants shall provide a wetlands investigation completed by a certified consultant, using the US 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. 15. The applicants shall provide a floodplain study and the flood boundary shall be delineated on the final plat. 16. The applicants shall have three (3) years to complete the above conditions and apply for final plat approval. Surveyor Dennis Forman with Gaston Engineering stated that the silo abutting the southern property line of Lot 1 will be torn down. There was no public comment. Finding that the proposed minor subdivision meets the requirements of the Montana Subdivision and Platting Act and the Gallatin County Subdivision Regulations motion by Commissioner Brown to approve the preliminary plat as submitted by Roger and Velma Brownson with the conditions as proposed by staff. Seconded by Commissioner Olson. None voting nay. Motion carried.

- - - -

Gallatin County Planner Jennifer Madgic reported that Kurt and Jena McManis have requested preliminary plat approval for a five lot minor subdivision located in the NE ¼ of Section 11, T3S, R4E. The subdivision is commonly called Gallatin Business Park Minor Subdivision. The staff report includes findings addressing the affects on agriculture; agricultural water user facilities; fire protection; law enforcement; emergency medical services; schools; the natural environment; wildlife and wildlife habitat; and public health and safety. The Gallatin County Planning Board reviewed the proposed minor subdivision for compliance with the Gallatin County Master Plan and voted to recommend approval on August 11, 1998. The following conditions have been suggested to be completed prior to final plat approval if the Commission approves the subdivision: 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 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. 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 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. 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 applicants prior to final plat approval. 7. The applicants 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) *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 applicants shall establish a property owners' association for enforcement of the required covenants, including maintenance of the interior road. 9. The applicants shall obtain an encroachment permit from the Montana Department of Transportation for access onto Highway 191. 10. Road name signs shall be required at all intersections. All road names shall be approved by the County Road and Bridge Department. 11. STOP sign(s) will be required at all intersections with State-maintained roads. 12. All interior roads shall be build to county gravel standards and have a 60-foot right-of-way, dedicated to the public. 13. A cul-de-sac, built to county standards, will be required at the end of Lot 4 and into Lot 5. 14. All road work shall be inspected and certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Department in writing. Final approval shall not be given until this documentation is received. 15. A waiver of protest for creation of future RIDs will be required. 16. The applicants shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations. 17. The applicants shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations. 18. The applicants shall provide a fire protection method in accordance with the Subdivision Regulations. The subdivider shall have the Gallatin Gateway Fire District review and approve the method prior to final plat approval. The subdivider shall obtain written verification from the fire district that the requirement has been met. 19. The subdivider shall have three (3) years to complete the above conditions and apply for final plat approval. Applicant Kurt McManis explained his intention to develop this property into a commercial development and stated that he agreed with the conditions as drafted. There was no public comment. Finding that the proposed minor subdivision meets the requirements of the Montana Subdivision and Platting Act, motion by Commissioner Brown to approve preliminary plat approval of Gallatin Business Park Minor Subdivision with conditions as drafted by staff. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Manager of Subdivision and Zoning Review W. Randall Johnson reported that certified letters were mailed to property owners notifying them of the public hearing in addition to notice of the public hearing published in the Bozeman Daily Chronicle regarding the proposed Garden Center Major Subdivision. Mr. Johnson reported that Fluidyne Inc., on behalf of William Martel is requesting preliminary plat approval for a nine lot non-residential major subdivision with five addition tracts to be used for utilities and open space located in the NE ¼ and SE ¼ of Section 11, T2S, R4E. The staff report includes findings which address effects on agriculture; agricultural water user facilities; fire protection; law enforcement; emergency medical services; schools; solid waste; taxation; natural environment; wildlife and wildlife habitat; public health and safety; zoning; geologic hazards; soils; surface and groundwater levels; and traffic. The Gallatin County Planning Board reviewed the proposed subdivision on August 11, 1998 and voted to recommend approval to the County Commission. The following conditions have been drafted by staff for consideration by the Commission 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. Tracts A and C shall be restricted as "Greenbelt" tracts on the final plat. Tract B shall be restricted as a "Fire Fill Site" tract on the final plat. Tracts 1 and 2 shall be restricted as "Wastewater Treatment Area" on the final plat. 3. 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. 4. 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. 5. The subdivider shall obtain written permission from the Beck Border Ditch Company to cross the ditch, and written confirmation that the development will not have any adverse effects on the operation and maintenance of the ditch. 6. The south access to Norris Road shall be within a 60 foot public right-of-way easement, and be constructed to county gravel standards. 7. A traffic safety and emergency plan shall be prepared in cooperation with the Gallatin County Sheriff's Department and the Disaster and Emergency Services Department prior to final plat approval. The plan shall include measures to mitigate access (ingress and egress) and traffic during events at the Valley Ice Garden. 8. Ice Center Lane shall be striped by the developer, and approved by the Gallatin County Road and Bridge Department prior to final plat approval. The striping shall indicate right, through, and left turn lanes. 9. Encroachment permits shall be obtained from the Montana Department of Transportation for access onto

Jackrabbit Lane and Norris Road. Plans for highway improvements, as required by the Department, shall be approved by the Department. The applicant shall receive written approval (access and right-of-way improvement agreement) from the Montana Department of Transportation prior to final plat approval. 10. A pedestrian walkway, located along the east boundary (Jackrabbit Lane) of the subdivision shall be provided. The developer shall either: 1) include a pedestrian walkway as part of the improvements to Jackrabbit Lane (Highway 85) as required by the Montana Department of Transportation, or; 2) install a pedestrian walkway within Tracts A and C, subject to approval by the Gallatin County Road and Bridge Department, to be completed prior to final plat approval. 11. 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. 12. A "No Access" strip is required along Jackrabbit lane. This restriction shall be delineated on the final plat. 13. All interior subdivision roads shall have a sixty (60) foot right-of-way, dedicated to the public, and constructed to county paved road standards. 14. A county standard temporary cul-de-sac shall be constructed at the west end of North Star Lane. 15. 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 standards prior to final plat approval. 16. All road names shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 17. Road name signs are required at all intersections, and stop signs are required at all intersections with state highways. Road signs and stop signs shall be installed or bonded prior to final plat approval. 18. 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. 19. 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"*. 20. 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 and all fire safety provisions have been provided. 21. The subdivider shall submit certified "As Built" plans for all water and sewer installations prior to final plat approval. 22. The subdivider shall record a waiver of right to protest creation of rural improvement districts with the final plat. 23. The subdivider shall make payment of fire protection impact fees in the amount of \$496 per lot (\$4,464 total) prior to final plat approval. 24. The subdivider shall make payment of road impact fees in the amount of \$1,596 per lot (\$14,364 total) prior to final plat approval. 25. A property owners' association for the Garden Center Subdivision shall be created. 26. Covenants for the subdivision shall include the following provisions: a.) Tracts A and C shall only be used as a greenbelt and landscape area. Tract B shall only be used as a fire fill site and as an open space area. Tracts 1 and 2 shall only be used for wastewater treatment facilities and as an open space area. b.) The property owners' association shall be responsible for the operation and maintenance of all interior subdivision roads and Tracts A, B, C, 1, and 2. c.) The property owners' association shall be responsible for the control of noxious weeds within Tracts A, B, C, 1, and 2, and all road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. d.) All structures shall be constructed in compliance with the Uniform Building Codes, and the National Fire Protection Association (NFPA) codes. e.) Property owners of the subdivision are informed that nearby uses may be agricultural. Property 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. f.) All exterior free-standing light fixtures shall not exceed a height of twenty-four (24) feet. 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. 27. Two copies of the covenants, a copy of the preliminary approval document, documents establishing the property owner's 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 of title abstract prior to final plat approval. 28. The

developer shall have three (3) years to complete the above conditions and apply for final plat approval. Mr. Johnson added that a letter dated August 24, 1998, was received from the Montana Department of Transportation addressing mitigation measures regarding the proposed subdivision. A letter was received from Frank Lyons with concerns about traffic congestion, parking, and light pollution. Applicant Bill Martel stated that it appears that some concerns still need to be worked out with the Montana Department of Transportation. He stated that he anticipated full build-out in approximately ten years which may include a motel and restaurant. Mr. Martel stated that he is working hard to build a septic system that could be expanded to serve others in the future because of the serious need for such a system. Don Stueck, 2115 Highland Court and past member of the County Health Board spoke in support of the subdivision. Mr. Stueck requested that condition #10 be re-written because there is no specific time when, or if, the Montana Department of Transportation will require a walkway along Jackrabbit Lane. During board discussion the Commission drafted language to amend conditions 9, 10 and 12. Finding that the proposed subdivision meets the requirements of the Montana Subdivision and Platting Act and the Gallatin County Subdivision Regulations, motion by Commissioner Brown to grant preliminary plat approval of the Garden Center Subdivision with conditions 1-8 as drafted by staff; condition 9 to read as follows: Encroachment permits shall be obtained from the Montana Department of Transportation for access onto Jackrabbit Lane and Norris Road. Plans for highway improvements and/or walkways, as required by the Department, shall be approved by the Department. The applicant shall receive written approval (access and right-of-way improvement agreement) from the Montana Department of Transportation prior to final plat approval; condition 10 to read as follows: If a walkway is not required by the Montana Department of Transportation, a pedestrian walkway shall be installed within Tracts A and C, subject to approval by the Gallatin County Road and Bridge Department, to be completed prior to final plat approval; condition 11 as drafted by staff; condition 12 to read as follows: A "No Access" strip is required along Jackrabbit Lane. This restriction shall be delineated on the final plat except for current access onto Jackrabbit Lane; and conditions 13 through 28 as drafted by staff. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley submitted a resolution of intention calling for the public sale of bonds for the Wheatland Hills Subdivision II, RID #371 paving project. Motion by Commissioner Brown to adopt Resolution No. RID97-371-C. Seconded by Commissioner Olson. None voting nay. Motion carried.

There were no pending resolutions. There being no further business the meeting adjourned at 5:10 P.M.

Unavailable For

Signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 1ST DAY OF SEPTEMBER 1998**

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock and Jarvis Brown, Deputy County Attorney Susan Swimley, and Clerk & Recorder Shelley Vance, Clerk to the Board.

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

The following proceedings were had to wit:

AUGUST 24, 1998

- Commissioner Murdock and Fiscal Officer Ed Blackman attended the Government Finance Officers Association's (GFOA) Benchmarking and Performance Management seminar in Seattle on August 25-26, 1998.
- Commissioners Olson and Brown met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.

- Commissioners Olson and Brown met with Grants Administrator Larry Watson. Topics of discussion included completion of the Home grant and the ribbon-cutting ceremony for HRDC's new Headstart facility.
- Commissioner Brown attended a meeting of the Four Corners Community Planning Advisory Committee. Agenda items included introduction of Committee members, overview of the planning process, and presentation/forwarding of Advisory Committee Recommendations to Gallatin County Planning Board.

AUGUST 25, 1998

- Commissioners Olson and Brown 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. Other topics included a conversation the Commissioners had with Jerry Grimes, Field Manager for the Department of Public Health & Human Services, in regards to what extent the Commission should be overseeing the department. Joan will set up a meeting with the Commissioners and Jerry Grimes to further discuss this issue.
- Commissioners conducted the regular public meeting.
- Commissioner Brown attended a regular nightly meeting of the Gallatin County Planning Board. Minutes of this meeting are available in the County Planning Office.
- Commissioner Olson attended a public property tax meeting hosted by the BSOA Board of Directors and the BSOA Taxation Committee held at Buck's T-4 Lodge in Big Sky, Montana.

AUGUST 26, 1998

- Commissioner Olson participated in the regular monthly meeting of the 911 Admin. Board. Agenda items included update on the search for a 911 Director, dispatch services for MSU/MHP/FWP, COPS Grant, and Relocation of 911 to New Detention Center. The Board will hold a special meeting on September 10th at 2:00 p.m. to screen applications for 911 Director position.
- Commissioners Olson and Brown met with Deputy County Attorney Chris Gray and Weed Supervisor Dennis Hengel to review the current weed law and suggest possible revisions to same to improve noxious weed management and control in Montana.
- Commissioner Olson attended the Logan Landfill Advisory Board meeting. The next meeting is scheduled for September 23, 1998 at the County Courthouse. Minutes of the meeting are on file in the Commissioner's office.

AUGUST 27, 1998

- Commissioner Olson and Road & Bridge Superintendent Sam Gianfrancisco met with Tom Hughes of the Department of Natural Resources & Conservation (DNRC) to inspect areas on the West Gallatin River susceptible to flooding and discussed what measures can be taken to reduce the risk in the future.
- Commissioner Brown attended the Human Resource Development Council's (HRDC) ribbon-cutting ceremony for the opening of their new Headstart Facility located at 52 North 24th Avenue in Bozeman.
- Commissioner Brown participated in the regular monthly meeting of the Local Emergency Planning Committee (LEPC). A presentation was given by the Jefferson County, Colorado LEPC to lend ideas for better risk communication and information for the benefit of local governments, fire departments and the public.
- Commissioner Olson met with Gallatin County resident Vern Sem to address his concerns regarding the impact of a trail being constructed next to his property.

AUGUST 28, 1998

- Commissioners. County Attorney Marty Lambert, Sheriff Bill Slaughter and Attorney Barry O'Connell conducted an execution session regarding litigation pursuant to MCA Sec 2-3-112(2).
- Commissioner Olson and Republican Commission Candidate Jennifer Smith-Mitchell led a discussion on KMMS Radio regarding jurisdiction of the Bozeman "donut" area.
- Commissioners met with Road & Bridge Superintendent Sam Gianfrancisco. Topics of discussion included complaints regarding Jackson Creek/Bridger Canyon, Cottonwood, Thiesen, Harper-Puckett and Sypes Canyon roads. Commissioners have scheduled a meeting on September 14 at 3:30 p.m. with Jackson Creek/Bridger Canyon residents to hear and address their concerns. Commissioners also approved paving first mile of Sypes Canyon Road this fall, with responsible parties (Morrison-Maierle,

30 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

JTL, the Rural Improvement District, and Gallatin County) paying shares to fix the patches and inadequate sub-base problems.

- Commissioners met with Fiscal Officer Ed Blackman. Commissioner Olson inquired as to where the funds should come from to pay for witness transportation for the Greater Yellowstone Coalition vs. Gallatin County lawsuit. Ed will advise and Commissioner Olson will inform County Attorney's office. Mr. Blackman and Commissioner Murdock also reported on the Benchmarking and Performance Management seminar they attended in Seattle.
- Commissioners met with Planning Director R. Dale Beland. Dale briefed the Commissioners on the events/outcome of the Winter Use EIS meeting held in Cody, Wyoming earlier this week.
- Commission received cancellation of taxes in the amount of \$438.03.
- Commission received A101's in the amount of \$31,966.08.

The following items were on the consent agenda:

- Commissioner's daily minutes
- Consideration of a security for construction financing exemption located in the NE ¼ NW ¼ and NW ¼ NE ¼ of Section 17 and SW ¼ of Section 8, T1S, R4E requested by John and Linda Rabel. Belgrade City-County Planner Jason Karp reported that based on the information submitted, this appears to be a proper use of the exemption.
- Consideration of a realignment of common boundary exemption located in the NE ¼ NW ¼ and NW ¼ NE ¼ of Section 17 and the S ½ of Section 8, T2S, R4E requested by John and Linda Rabel and David and Marcelle Quist. Belgrade City-County Planner Jason Karp reported that based on the information submitted, this appears to be a proper use of the exemption.
- Consideration of a relocation of common boundary exemption located in the SW ¼ of Section 31, T2N, R4E requested by Eric and Nancy Pierce. Gallatin County Planner Jennifer Madgic reported that based on the information submitted, this appears to be a proper use of the exemption.
- Consideration of realignment of common boundary exemption located in the NE ¼ of Section 12, T3N, R2E requested by Roberta Moche/Tom Nieman. Gallatin County Planner Jennifer Madgic reported that based on the information submitted, this appears to be a proper use of the exemption.
- Consideration of realignment of common boundary exemption located in the NE ¼ of Section 7, T1S, R4E requested by Eric Nellis and Weidenaar Ranches, Inc. Gallatin County Planner Jennifer Madgic reported that based on the information submitted, this appears to be a proper use of the exemption.
- Consideration of the following contract(s): Agreement between Gallatin County and Deputy Sheriff's Association; Services with Credit Bureau of Bozeman, Inc.; Bill collection agreement with Credit Bureau of Bozeman, Inc.; External audit with Knaub & Company, P.C.; and Administrative services agreement with Intermountain Administrators, Inc.

Motion by Commissioner Murdock to approve the consent agenda excepting the daily minutes which are not available at this time. Seconded by Commissioner Brown. None voting nay. Motion carried.

Alcohol & Drug Services Executive Director Roger Curtis and specialist Cheryl Walter presented the Commission with a proclamation in recognition of National Alcohol and Drug Addiction Recovery month. Motion by Commissioner Murdock to proclaim the month of September 1998 as National Alcohol and Drug Addiction Recovery Month in Gallatin County, Montana. Seconded by Commissioner Brown. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented the Board with a resolution to annex property into the Bridger Canyon Rural Fire District. Motion by Commissioner Brown to adopt Resolution #1998-57. Commissioner Murdock stated that he would abstain from voting because he was not present to hear public testimony last week. Seconded by Commissioner Olson. Commissioners Olson and Brown voting aye. Commissioner Murdock abstained. Motion carried.

Deputy County Attorney Susan Swimley presented the Board with a resolution to change the maintenance district boundaries of RID #360. Commissioner Murdock stated that he would abstain from voting because he was not present to hear public testimony last week. Motion by Commissioner Brown to adopt Resolution #1998-58. Seconded by Commissioner Olson. Commissioners Olson and Brown voting aye. Commissioner Murdock abstained. Motion carried.

Deputy County Attorney Susan Swimley reported that the Gallatin County Attorney has requested assistance from the County Prosecutor Services Bureau of the Department of Justice to assist in the prosecution of the following cases: State v. Vincent Alan Hult; State v. Christopher William Metzler; and State v. Paul C. Geiser, Jr. Resolutions have been provided by the Attorney General's Office. Motion by Commissioner Murdock to adopt Resolutions #1998-59, #1998-60, and #1998-61. Seconded by Commissioner Brown. None voting nay. Motion carried.

There were no pending resolutions. There being no further business the meeting adjourned at 1:45 P.M.

*Unavailable for
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING TUESDAY THE 8th DAY OF SEPTEMBER 1998

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock and 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:

AUGUST 31, 1998

- Commissioners attended a Bozeman Public Schools Staff assembly held at Willson School Auditorium.
- Commissioners Olson and Brown met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioner Olson met with Gallatin County residents Linda and Wayne Werth to address their concerns about Jackson Creek Road. He informed the Werth's of a meeting scheduled for September 14 at 3:30 p.m. with other Jackson Creek residents to address their road concerns and encouraged them to attend.
- Commissioners met with Planning Director R. Dale Beland to discuss the NPR/FGDC Community Demonstration Project. Commissioners approved, in concept, Dale's draft proposal with two assumed ground rules: (1) no county \$ needed; and (2) consistency with County's Valley Plan Program and other land use information needed.
- Commissioners were invited to meet with Fire Chief Aaron Holst and the Hazardous Materials Technician Team leaders to look at the jointly owned City/County Squad. Chief Holst believes the current vehicle is inadequate for transporting hazardous materials equipment and personnel to emergency scenes and is requesting a replacement.
- Commissioners participated in the quarterly joint meeting of the City-County Commissions held at City Hall. Agenda items included Oak and Babcock Streets, 911, city/county joint ventures, legislative meetings, and presentation of Wetlands grant application.
- Commissioners attended the regular monthly meeting of the Open Space Task Force. Detailed minutes of this meeting are on file in the County Planning Office.

SEPTEMBER 1, 1998

- Commissioners Murdock and Brown attended a meeting of the Detention Center Public Relations Subcommittee to determine a public outreach strategy.
- Commissioners met with Deputy County Attorneys Susan Swimley and Chris Gray. Items of discussion included jurisdiction of the Bozeman "donut" and list of priorities for the County Attorney's office.
- Commissioner Olson and the Phase I Project Team met. Other attendees included Data Processing Supervisor Bill Baldus, County Treasurer Jeff Krauss, and Prugh & Lenon representatives Rob Pertzborn and Jamie Lenon. Bill Baldus reported that data lines are being moved when possible and may not be adequate at this time. Rob Pertzborn sent notices of bidding to the local general contractors; pre-bid meeting scheduled for September 16th at 1:30 p.m. Roy Steiner will contact U.S. West for meeting regarding phone equipment. Prugh & Lenon will work with Bill Baldus on the electrical and data. Bill Baldus requested the door to the telephone room not be removed; Bob Isdahl disagrees and feels it should be removed. Decided to wait until construction begins to address telephone room door. Generator will be unhooked in mid-September.

SEPTEMBER 2, 1998

- Commissioners met with County Attorney Marty Lambert, Fiscal Officer Ed Blackman, County Treasurer Jeff Krauss, County Auditor Joyce Schmidt, and Clerk and Recorder Shelley Vance to discuss concerns about external audits, past and future finance committees, and staffing. The three elected officials will schedule a follow-up meeting with the Commissioners.
- Commissioner Olson and Deputy County Attorney Chris Gray traveled to Logan to attend the pre-bid meeting for the expansion of the liner at the Logan Landfill.
- Commissioner Murdock attended the quarterly meeting of the Rural Fire Council held at Three Forks Fire Hall. Next meeting is scheduled for December 2, 1998.

SEPTEMBER 3, 1998

- Commissioners met with Deputy County Attorney Chris Gray and Fairgrounds Supervisor Sue Shockley to discuss various problems at the Fairgrounds. Shooting range fence not installed, rent not paid, outside building maintenance not complete. Bozeman Baseball scheduled a concert without checking with the Fairgrounds Supervisor as previously agreed; also, lease not signed. Fairground's building continues to have computer problems. Commissioners will send a demand letter to Bozeman Rifle Club (cc: FWP, Tim Pool and Kurt Alt). Sue will send letter to Bozeman Baseball siting a demand for performance of terms of lease.
- Commissioner Olson, Fiscal Officer Ed Blackman and Deputy County Attorney Chris Gray met in preparation for meeting with the Van Dykens and their attorney, Mike Lilly, regarding landfill fees.
- Commissioner Olson attended the regular monthly meeting of the Weed Board. Topics of discussion included phasing out of the current weed crews for the year and contemplating changes to the weed laws. Detailed minutes of this meeting are on file in the Commissioners' office.
- Commissioners, Deputy County Attorney Susan Swimley, and Long-Range Planning Manager Lanette Windemaker met with Planning Board Chairman Martha Collins to discuss Planning Board matters. Archie Alexander also attended to discuss Open Space Task Force issues such as (1) when draft of OSTF report can be sent to Planning Board; and (2) final revised report requested to go out on the 15th with Planning Director's technical revisions to be reviewed at September 22 Planning Board meeting.

SEPTEMBER 4, 1998

- Commissioners met with Data Processing Supervisor Bill Baldus. Topics of discussion included new equipment purchases and installation schedule. Reviewed current work plan and discussed Ag Center needs. Bill will correct the problems at the Ag Center ASAP.
- Commissioners met with Facilities and Operations Director Bob Isdahl. Bob reported concerns about the Search & Rescue building and is working with Mike Hoey on this. He also discussed budget vs. spending and various projects. Commissioners approved the transfer of funds for security and alarm system at the Law & Justice Center. Commissioners also approved request by Youth Probation Officer Dave Gates to use the break center in the basement of the Law & Justice Center as a hearing/conference room from 8:30 – 11:30 a.m.
- The following is a list of new employees for Gallatin County: Kristin Coil 6/30/98 District Court II/Crt. Reporter \$1458.12; Eugene Van Hofwegen 7/30/98 Det.Center/Officer \$1,633.86; Rachelle Hockett Det.Center/Officer 8/5/98 \$1,633.86; Ashley Harrington 8/10/98 Cty Atty/Dep Cty Atty.

\$2291.67; Jennifer Kleid 8/20/98 Det. Center/Officer \$1633.86; Todd Mocabee 8/6/98 Det. Center/Officer \$1633.86.

- The following is a list of terminated employees in Gallatin County: Susan Walter Rest Home 7/30/98; Anette Manno Planning 7/31/98; Janna Looby Rest Home 7/31/98; Robert Pearson Sheriff 8/1/98; Kim Buchanan Auditor 8/7/98; Vonnie McGaugh Rest Home 8/11/98; Heather Dickey Rest Home 8/19/98; Alexandria Giambra Rest Home 8/21/98; Heidi Labouvie Rest Home 8/17/98; Kirsten L.D. Graham Rest Home 8/25/98; Lisa Riedel Rest Home 8/19/98; Eugene Van Hofwegen Detention Center 8/3/98; Rachelle Hockett Detention Center 8/3/98; Cliff Abraham Fair 8/14/98; Jaime Derleth Motor Vehicle 8/25/98.
- Commission received applications for cancellation of taxes in the amount of \$1,155.68.

The following items were on the consent agenda:

- Commissioner's Daily Minutes
- A request for final plat approval of the Jensen Minor Subdivision. The County Commission granted preliminary plat approval on July 14, 1998 subject to 7 conditions. After review, based on the information, it appears all conditions have been met to grant final plat approval.
- A request for an exemption to realign a common boundary for the Montana Department of Transportation and Milton and Kyleen Segmiller, located in the amended subdivision plat of Lots 1, 2, and 3 of Tract A of Middle Creek Meadows No. 3. According to the information submitted, this request meets the criteria set forth for the exemption allowed under the Montana Subdivision and Platting Act.
- Consideration of the following contract(s): Predator control agreement between Gallatin County and USDA Wildlife Services; contract with Hall Construction Services for Big Sky Pedestrian/Bike Path CTEP Project; interlocal agreement with Flathead County for Youth Detention Services; service agreement with J&H Office Equipment for Rest Home photocopies; contract for cleaning the Road Department with Nook & Cranny Services; agreement for services with Richard E. West for Junk and Abandoned Vehicle lot caretaker services.

Commissioner Brown moved to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Greg Underhill of MSE-HKM read the three bids received for the Logan Landfill Liner Expansion: Williams Plumbing and Heating of Bozeman \$274,199.10, bid bond enclosed; VanDyken Construction Company of Bozeman \$438,013.00, bid bond enclosed. JTL Group of Belgrade, MT \$193,935.20, bid bond enclosed. The bids will be reviewed and a recommendation made to the Commission by September 9. A special public hearing will be conducted at 4:00 P.M. on September 9, 1998 to hear the recommendation and to award the bid.

Gallatin County Planner Jennifer Madgic reported on a request for a family transfer exemption by Robert M. Naert located in the NE $\frac{1}{4}$ of Section 9, T3S, R4E, Gallatin County, Montana. The parcel is to be transferred to his wife Elizabeth Ann Naert. A letter was received by the applicant Robert M. Naert stating his intentions to deed to his wife for estate planning purposes. He also signed an affidavit with his intentions but it was unclear to the Planning Department. Ron Allen, Allen & Associates, surveyor for the applicant stated he had not done a previous family transfer, outlined the history of the parcel and said his client's intentions was to use it for estate planning purposes with no intentions to sell. There was no public comment. Commissioner Murdock moved to grant the family transfer exemption requested by Mr. Naert. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a request for a family transfer exemption for Nancy Koehler located in the NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 36, T2S, R6E, Gallatin County, Montana. A letter from Nancy Koehler was received explaining that the parcel is to be transferred to Leighton F. Koehler, her husband for estate planning purposes. There was no public comment. Deputy County Attorney Susan Swimley asked the applicant's surveyor Ron Allen, if the applicant ever used a family transfer exemption previously. He stated she has not and that they intended to build a house on

the remainder portion. The Koehler's had done a minor subdivision but it did not involve this particular property. It was noted in the letter from Mrs. Koehler that she has never applied for a family transfer before. Finding Mrs. Koehler has not requested a previous family transfer, Commissioner Brown moved to grant the exemption requested. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a request for preliminary plat approval of the Kieckbusch 2-lot Minor Subdivision located in Lot 2 of Minor Subdivision 112, in the SW ¼ of Section 6, T1N, R4E, Gallatin County, Montana. The applicant is requesting a waiver on Lot 2 regarding road and fire impact fees per the criteria in appendixes D and E of the subdivision regulations for an existing residence. The applicant has requested one variance from Section 6.B.6 of the Gallatin County Subdivision Regulations regarding lot depth-width ratio. The Manhattan City-County Planning Board voted to recommend the variance request and the proposed subdivision. The staff report included criteria on the affects on agriculture; agricultural water user facilities; fire protection; law enforcement; emergency medical services; schools; the natural environment; wildlife and wildlife habitat; and public health and safety. The following conditions were recommended by staff 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. 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, or the creation of a sewer and/or water district. 4. 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. 5. A Memorandum of Understanding shall be signed between the Weed Control District and the applicant prior to final plat approval. 6. The applicant shall record the following covenants on or with the final plat: a) *The property owner shall be responsible for the control of County-declared noxious weeds.* b) *Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations.* c) *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) *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. 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. 8. The applicant shall obtain an encroachment permit from the Gallatin County Road and Bridge Department for Lot 1. 9. The applicants shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations (\$1,596 per lot). 10. The applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations (\$496 per lot). 11. The applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations. The applicant shall have the Manhattan Fire District review and approve the fire protection method prior to final plat approval. The applicant shall obtain written verification from the fire district that the requirement has been met. 12. A 20-foot ditch maintenance easement along both irrigation ditches shall be shown on the final plat. 13. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. The Commission reviewed the applicant's impact fee waiver request and determined it met the waiver criteria in the Subdivision Regulations as outlined in appendixes D and E due to the presence of an existing residence on Lot 2. The Commission reviewed the applicant's variance request and determined that strict compliance would result in undue hardship and was not essential to the public health, safety and general welfare. After discussing additions to the conditions Scott Bell of Morrison-Maierle stated that the proposed

amendments were acceptable. There was no public comment. Finding that granting the variance requested is not detrimental to the public's health, welfare, and safety, Commissioner Murdock moved to grant the variance requested. Seconded by Commissioner Brown. Commissioner Olson abstained. None voting nay. Motion carried. Finding the Kieckbusch Minor Subdivision conforms with the Montana Subdivision and Platting Act, and the Gallatin County Master Plan, Commissioner Murdock moved to approve preliminary plat approval with conditions 1-8 as drafted by staff; insert new condition 9 to read "The final plat shall include a one-foot no-access strip along the southern property boundary of Lot 2", renumber staff condition 9 to become 10; 10 to become 11; 11 to become 12; insert new condition 13 to read "The applicant shall pay a proportionate reimbursement for the existing fillsite in accordance with the Subdivision Regulations"; renumber staff conditions 12 to become 14; and 13 to become 15. Seconded by Commissioner Brown. Commissioner Olson abstained. None voting nay. Motion carried.

Gallatin County Planning Director R. Dale Beland reported on the denial of a land use permit requested by Daniel Delzer to erect/construct a yurt within the Gallatin Canyon/Big Sky Zoning District. Mr. Beland stated that the subject yurt was originally approved as a temporary occupancy in conjunction with plans to build a bed and breakfast on the site. The existing yurt has been in violation of the zoning regulation since May 23, 1998. His denial of the permit is based on the following determinations: The yurt is not a permitted use since it is not a single family dwelling, the fabric side and roof panels are not "permanent" materials, the structural capacity for wind and snow loading is questionable, and no improvements have been assessed on the most recent tax statement. If the Commission determines to grant the appeal, the staff would have to prepare necessary amendments to the Gallatin County Big Sky Zoning Regulations to clarify this issue and prevent further problems of administration. A distinction between allowable "non-traditional" structures and others such as teepees, tents, etc. should be made for policy guidance. If the Commission denies the appeal, the staff requests that the County Attorney be asked to pursue the current zoning violation. Mr. Delzer is requesting the Commission grant an appeal to issue the land use permit. He submitted the structure's blueprints and stated that there is a permitted septic system, the snow load was approved for the area with a 15 year unlimited warranty on the roofing material, the structure had power, plumbed, a satellite dish, was set on concrete piers, and he stated if the issue is a permanent foundation he would do whatever the Commission deemed necessary to satisfy the building codes. Other items discussed were the definition of permanent living facility, determination of a single family dwelling, outside material being permanent building materials for the climate, and HUD safety requirements. Wolf von Lindenau testified he was in favor of allowing the yurt as a permanent structure after researching them. There was no further public comment. During Board discussion, Commissioner Murdock stated that there needs to be a better definition in the zoning regulations. He sees this structure as affordable housing that is in demand in the area. He felt it met the definition of permanent and was in favor of granting the appeal. Commissioner Olson concurred. Commissioner Brown stated that he had reservations about granting the appeal to make a temporary structure permanent. He doesn't think it meets the requirements of Section 6.31 of the regulations. They all were in agreement that the issues raised should be brought to the zoning commission and advisory committee to tighten up language in the zoning regulation. Based on the definition of yurt given by the applicant and information submitted by him, finding it is consistent with the quality of life in the Gallatin Canyon plan strategy 11.2, that it does meet affordable housing goals in the plan by strategy 12.4, that as defined it meets the RCF5 zoning ordinance which allows single family dwellings, and based on the fact that the regulation does not specifically prohibit a yurt, Commissioner Murdock moved to grant the appeal for a land use permit. Seconded by Commissioner Brown. Commissioner Murdock and Olson voting aye. Commissioner Brown voting nay. Motion carried.

Deputy County Attorney Susan Swimley reported that the Commission was to receive the bids for the sale of the bonds for RID #371 for Wheatland Hills and Red Turkey Lane. None were received. If they renounce she will keep them advised of what the next step in the process would be.

Gallatin County Health Officer Stephanie Nelson presented a resolution of intent to amend the pregnancy services for special immunization and woman, infant and children for FY99 budgets to appropriate money not spent in prior fiscal year. Commissioner Brown moved to adopt the Resolution of Intention #1998-63. Seconded by Commissioner Murdock. None voting nay. Motion carried.

 There were no pending resolutions. There being no further business the meeting adjourned at 3:48 P.M.

Unavailable For
Signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING **WEDNESDAY THE 9th DAY OF SEPTEMBER 1998**

The meeting was called to order by Chairman Olson at 4:00 P.M. Also present were County Commissioners Bill Murdock, Jarvis Brown, Deputy County Chris Gray, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

 Commissioner Olson stated this was a meeting to hear the recommendation from MSE-HKM to award the bid for the Logan Landfill Liner Expansion contract. Greg Underhill of MSE-HKM made the recommendation to the Commission after reviewing the bids that JTL Group of Belgrade was the lowest responsible bidder at \$193,935.20. They agreed with the time lines written in the contract. Commissioner Murdock moved to award the bid to JTL Group. Seconded by Commissioner Brown. None voting nay. Motion carried. Mr. Underhill stated they would present JTL Group with the notice of award.

There being no further business the meeting adjourned at 4:07 P.M.

Unavailable For
Signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 15th DAY OF SEPTEMBER 1998**

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock and 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:

SEPTEMBER 7, 1998

All County offices were closed in observance of Labor Day.

SEPTEMBER 8, 1998

Commissioner Murdock attended the Board of Health meeting. Due to scheduling conflicts, meetings will now be held the second Tuesday of every month instead of Wednesday. Detailed minutes of this meeting are on file in the Health Department.

Commissioners met with Personnel Director Kathy Nowierski. Items of discussion included Personnel's move to the third floor scheduled for September 16. Kathy agrees with space approved in Phase I final plans and will configure the office within budget. She will also start working on a new Department Head/Employee Evaluation based on new information, including work plan.

Commissioner Olson met with the Phase I Project Team. It was agreed that Bob will coordinate a Phase I ribbon-cutting ceremony. Roy will put together an informational package to all departments regarding construction.

SEPTEMBER 9, 1998

Commissioner Olson attended a Headwaters Recycling Cooperative meeting in Boulder, MT. Detailed minutes of this meeting are on file in the Commissioners' office. Next meeting is scheduled for October 14, 1998 in Bozeman, Montana.

Commissioner Olson attended a meeting of the Composting Committee held in Boulder, MT. Agenda items included notification of composting project kick-off meeting in West Yellowstone on September 11, discussion of expanded contract with Land & Water Consulting, Inc. the next phase of the project, and update on status of by-laws. Next meeting is scheduled for October 14, 1998 in Bozeman, Montana.

A special meeting was called to order by Chairman Olson at 4:00 P.M. to consider awarding the bid for the Logan Landfill Liner Expansion contract. Also present were County Commissioners Bill Murdock, Jarvis Brown, Deputy County Attorney Chris Gray, Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board, and Greg Underhill of MSE-HKM. After reviewing the bids Mr. Underhill recommended to the Commission to award the bid to JTL Group of Belgrade who was the lowest responsible bidder at \$193,935.20. They agreed with the time lines written in the contract. Commissioner Murdock moved to award the bid to JTL Group. Seconded by Commissioner Brown. None voting nay. Motion carried. Mr. Underhill stated they would present JTL Group with the notice of award. There being no further business the meeting adjourned at 4:07 P.M.

Commissioners Murdock and Brown attended a meeting of the Community Corrections Board. Topics discussed included issues and goals in the field of community corrections.

SEPTEMBER 10, 1998

Commissioner Olson and Deputy County Attorney Chris Gray met with Attorney Mike Lilly and his clients, Dave and Alice Van Dyken, to discuss the Van Dyken's request for increased payments/fees per the current Gallatin County Landfill contract.

Commissioners participated in a regular Zoning Hearing.

Commissioners met with Planning Director R. Dale Beland to discuss enforcement issues and the status of various Planning Department priorities. Mr. Beland reported that the County will offer area residents living on non-priority county roads, a match of up to 35% for road improvements, subject to County budget constraints. Road & Bridge Superintendent Sam Gianfrancisco will provide written policy to the Commission for review and approval.

Commissioners met with Road & Bridge Superintendent Sam Gianfrancisco to discuss possible improvement of railroad crossing @ Kelly Canyon cutoff; complaints about dust and requests to pave Nash Road; cost share for the county road upgrades; Bear Canyon Road access; September 14th meeting with MDOT regarding secondary roads; speeding problems on paved portion of Cottonwood Road; cul-de-sac on Little Coyote and specifications for Chief Joseph roads in Big Sky; Jefferson County dyke; and Theisen Road. Sam will set up a meeting regarding Bear Canyon access. Road Department will conduct speed studies on Walker Road and South 3rd.

Commissioner Olson attended a special meeting of the 911 Admin. Board. Agenda items included screening of applications for Director vacancy, selection of applicants for interview process, scheduling of dates/times to interview candidates, and a review of report on EMI Air-Conditioning System. Interviews are scheduled for October 14th at the Law & Justice Center.

Commissioner Murdock, City Commissioner Joan Rudberg, Planning Director R. Dale Beland, Grants Administrator Larry Watson, and Prugh & Lenon representatives Dick Prugh and Jamie Lenon met to discuss the site selection process for the new jail. Discussion included its relationship to overall public relations efforts and county long-range building planning needs. Bill Murdock and Joan Rudberg will direct Master Plan Committee to analyze future L&J needs and recommend whether or not to plan for a new jail site or remain at present location.

Commissioner Brown attended a keynote lecture, "*Confronting the Corrections Crisis*," given by Nevada's Governor Bob Miller. This was the first event of the conference hosted by the Burton K. Wheeler Center entitled "**Crime and Punishment: The Future of Corrections in Montana.**"

SEPTEMBER 11, 1998

Commissioner Brown attended the all-day conference entitled "**Crime and Punishment: The Future of Corrections in Montana**," hosted by the Burton K. Wheeler Center.

Commissioner Olson attended a meeting in West Yellowstone hosted by Land & Water Consulting, Inc. regarding compost facility development in West Yellowstone. The purpose of the meeting is to

introduce the project and the people working on the project, to provide information about composting municipal solid waste (MSW) and sludge, to discuss potential social and environmental issues of concern, and to answer any questions.

Commissioner Murdock met with Andy Sherafis, new President of the Bridger Canyon Property Owners' Association, to discuss Bridger Canyon issues.

Commissioner Olson met with County Attorney Marty Lambert to review/discuss open range and herd district laws in Montana and to suggest possible changes to these laws this next legislative session.

Received A101's in the Amount of \$38.22.

The following items were on the consent agenda:

- A request for final plat approval for the Bradbury Minor Subdivision located on Lot 1, Block 1, Baker Creek Meadows which is in the NW¼, of Section 5, T1S, R4E. The Commission granted preliminary plat approval on April 14, 1998. Staff reviewed the conditions and according to the information submitted all conditions have been met and they recommend granting final plat approval.
- A request for final plat approval for the Weeks Minor Subdivision located on Tract 2, of COS #1251A in the SW¼ of the SE¼ of Section 33, T1N, R4E. The Commission granted preliminary plat approval on October 7, 1997. Staff reviewed the conditions and according to the information submitted all conditions have been met and they recommend granting final plat approval.
- A request of a realignment of common boundary exemption for Lonnie and Shirley Beck and C. Burris and Richard Blackwood. The parcels are being aggregated to provide legal access from Gooch Hill Road to a tract in COS 1323 and the abandoned Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way. According to the information submitted, this appears to meet the criteria for the exemption allowed under the Montana Subdivision and Platting Act.
- A request of a realignment of common boundary exemption and a family transfer exemption for Darrow & Shiree Clements and Charles Terrell.
- Consideration of the following contracts: Agreement with Jill Abbott/Dietician Services/Counseling/Rest Home; and Medical Director/Dr. Heibert/Rest Home.

Commissioner Brown asked that the request for an exemption for a realignment of a common boundary for Darrow and Shiree Clements and Charles Terrell be moved to the regular agenda for further clarification. Commissioner Murdock moved to adopt the consent agenda with the exception of the family transfer exemption requested by Clements and Terrell. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported that the request for realignment for common boundary exemption for Darrow & Shiree Clements and Charles A. Terrell was two requests. Two tracts are being created to be given to the claimants daughter, Sunny A. Terrell, and his wife, Reta Terrell. One was a common boundary realignment and the second, a family transfer exemption. Ms. Madgic pointed out the transfers and the realignment of the boundaries on the plat map. According to the application: "Each respective owner intends to maintain ownership of all parcels involved and there are no short term or long term plans to sell any of the parcels." She did research the history and it is a correct use of both exemptions. She stated however, that the tract numbers are not correct on the plat map and she has asked Mark Chandler of C&H Engineering to correct it before approval. She asked that the request be continued for one week. Mark Chandler of C&H Engineering accepts the continuation for one week. There was no public comment. Finding that the Engineer agrees with the continuance, Commissioner Murdock moved to continue the exemptions requested until September 22, 1998. Seconded by Commissioner Brown. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on a request for an extension of preliminary plat approval for Bridger Lake Meadows Subdivision Phases 3, 4, 5, and 6. The applicant has requested to amend the Findings of Fact to allow a five year extension of the preliminary plat approval period. The

extension would require the final plat to be filed by October 3, 2003 or the preliminary plat approval would expire. If the long term extension is not approved, the applicant has requested that a one year extension be granted as per Section 3-I of the Gallatin County Subdivision Regulations. The reason for the request is to allow additional time for completion of tree and shrub planting within the subdivision's common areas, and to allow the site to continue to be utilized for grain farming. Section 3-I of the Gallatin County Subdivision Regulations states that the County Commission may at the request of the subdivider, extend its approval period for more than one (1) year if that approval period is included as a specific condition of a written subdivision improvements agreement between the County Commission and the subdivider. The staff recommends that if the extension is granted that page 9 of the subdivision's Findings of Fact and Order be amended to read as follows: *The developer shall submit an improvements agreement and a bond or other reasonable security, in an amount equal to 150% of the estimated cost of the improvements, providing for and securing the construction and installation of the improvements required as conditions of final plat approval within five (5) years of the date of preliminary plat approval as per MCA 76-3-507, and the Gallatin County Subdivision Regulations. Said improvements agreement and security must be submitted for review and approval by the Gallatin County Attorney's Office and be filed with the Gallatin County Clerk and Recorder's Office.* Ron Allen of Allen & Associates spoke in regards to the request of his clients to extend preliminary plat approval. He submitted a letter by Mr. Tooley regarding the proposal. He is exceeding the requirements of landscaping, open space requirements, and the fire regulations. Doug Daniels Assistant Engineer, spoke on the improvements that need to be completed such as roads, streets, and signage, power, cable television, and gas. The request is to continue the vegetation plan and keep the farming operation going until the subdivision is ready for final plat approval. Utilities would deteriorate if installed before they would be used. Also, a financial consideration was considered in that the power gives a rebate on power for the first 5 years. The applicant would forsake the cost because the utilities would not be used in the first 5 years. The applicant Bob Heidecker spoke about the development of his proposal. He stated his main concern is to preserve the wildlife area. He pointed out on an aerial photograph of the stages of the vegetation plan and the wetland area included in the development. The vegetation plan is a massive effort and needs to be finished. If the roads were put in, the farming stops. Commissioner Murdock asked Mr. Heidecker if he agreed to the added condition to put up a bond at 150% of the estimated cost of the improvements. He stated he was in agreement with that condition. There was no public comment. During discussion it was determined that the requested 5 years was asked because the vegetation plan would take that length of time. County Road & Bridge Superintendent Sam Gianfrancesco stated his concern over the 150% bond. They raised it to 150% because it wasn't covering the normal 3 year plan to cover the improvement costs for granting final plat approval. In 5 years the costs may be increased again. The Commission decided that statutorily they could grant an extension of 3 years with the 150% bond, then grant a 2 year extension and adjust the bond at that time. Mr. Heidecker agreed. Commissioner Murdock moved to grant the extension requested for the Bridger Lake Meadows Phases 3, 4, 5, & 6 for three (3) years with the condition in the Findings of Fact and Order amended as recommended by the Belgrade City-County Planning Staff that would read, "The developer shall submit an improvements agreement and a bond or other reasonable security, in an amount equal to 150% of the estimated cost of the improvements, providing for and securing the construction and installation of the improvements required as conditions of final plat approval within 3 years from October 3, 1998 as per MCA 76-3-507, and the Gallatin County Subdivision Regulations. Said improvements agreement and security must be submitted for review and approval by the Gallatin County Attorney's Office. Seconded by Commissioner Brown. None voting nay. Motion carried. After 3 years the applicant may come back and ask for another extension.

The Commission received a request to close off Little Coyote Road in Meadow Village at the Crail Creek drainage because of speed and safety. County Road Superintendent Sam Gianfrancesco reported that Little Coyote Road is a 60 foot dedicated public road. The Road Department has conducted studies of speed which resulted in posting 25 MPH speed limit signs. They have done more studies and found 85% of the people were traveling 36 MPH. The signs have not helped, according to the citizens. If the Commission decides to build a cul-de-sac, the standard size is 100 feet, and additional right-of-way would have to be secured to construct the same. County road standards require the length of roads with cul-de-sacs be between 1000 and 1500 feet. This road far exceeds that standard. The Road Department received between 33-35 phone calls equally in favor of and against the proposal. An additional request was received noting that if Little Coyote Road is closed, that Two Moon Road would have the same concerns with traffic and speed. Mr. & Mrs. S.C. Kurth wrote a letter of support and would like Two Moons to have a cul-de-sac installed at the same time. Gallatin Canyon Rural Fire Chief Robert Stober and Trustees Kirk Dige and Phil Kirk sent written recommendations as it relates to emergency services and Little Coyote Road. The recommendations included installing a "Knox Lock" or electric gate which the fire department would have access to, adequate turn-a-round area for fire trucks, adequate snow removal, and/or a minimum 70 foot

radius on any cul-de-sacs with year round accessibility i.e. clear of snow and parked vehicles at all times. Letters in support of closing Little Coyote Road to through traffic were received from Marilyn Hill; Nancy Mikeson; and the Big Sky Owners Association. Letters in opposition were received from Hank Miller; Ralph and Marvella E. Cole; Don and Sarah R. Tillery; John and Joan Mills; Patricia Boswell; William A. Baxley; and Don Hansen. During discussion alternative methods of slowing the speed and limiting traffic were brought up such as speed bumps (permanent, removable); dips; break away barriers; locked gate; issuing speeding tickets; flashing lights; and using the newest technology in electronic signs and camera's to catch offenders and write tickets. Concerns with safety issues and liability were discussed. They discussed the funding of the proposed cul-de-sac and it was understood that the Big Sky Owners Association would be responsible. Possible funding could come from the RID on improving the road. That would have to be the Commissions decision. Mr. Gianfrancisco stated that he did not believe putting in a cul-de-sac would solve the problems, and possibly making it worse. Traffic studies have been done , and it was found that it just moved the problem to another area. He stated from past experience gates don't work. The following people testified for installation of the cul-de-sac: Marilyn Hill; Mary Wheeler; Barbara Rowley (Mary Wheeler read letter on her behalf); and Russ DeRemer on behalf of the BSOA. The following people spoke against: Bill Schmidt; Jack Crowthers; Maurie Dornburg; Don Hansen; and John Fontana. During Board discussion, Mr. Gianfrancisco stated the need for two accesses being the Spur Road as primary access and Little Coyote Road as the secondary access. His largest concern was closing off a major road. If there was a major fire or earthquake, there would be only one access out. Commissioner Murdock felt a temporary barrier with a trial period of one year would be the best way to approach this issue to determine if it would address the safety concerns of the volume and speed of traffic. Commissioner Olson was in favor of allowing the citizens to try the barrier temporarily if that is what they wanted. Commissioner Brown didn't feel comfortable with the temporary barrier. The subdivision would not have two accesses if this was allowed. The roads were not up to standards making the safety situation worse. The emergency, school, and snowplow vehicles not being able to get through concerned him. Also, the cul-de-sac's length was longer than allowed. He felt there was an alternative solution to build sidewalks to get the pedestrians out of the traffic to address the safety issues brought up. The increased traffic is not going to be fixed by putting in a cul-de-sac. He was not in favor of installing a cul-de-sac or a temporary barrier. Commissioner Murdock moved, directing the County Road Office to work in conjunction with the Big Sky Home Owners Association to put up two temporary barriers and proper signage and develop a management plan for that operation for two years from October 1, putting up one barrier on Little Coyote, and the other one on Two Moons finding that the public safety concerns of traffic, volume, speeding, and the lack of pedestrian ability to move around offset the concerns over the fire and emergency services and buses. Those concerns would be addressed in the management plan. Seconded by Commissioner Olson. Deputy County Attorney Susan Swimley pointed out the motion included closing off Two Moons, and closing that road was not publicly advertised. Commissioner Murdock amended his motion to put up one temporary barrier on Little Coyote, omitting the barrier on Two Moons. He stated the citizens can come back to request a barrier on Two Moons at a later time. Commissioner Olson seconded the amended motion. The motion was discussed as to the proposed barrier if it was temporary or permanent. It was determined that it would be the type of barrier that can be opened for emergency access to serve as an alternative access. The proposal was for installing cul-de-sacs not temporary barriers, or gates. Deputy County Attorney Susan Swimley pointed out the effect would be the same, you would be closing off a road and the notice was for the road you'd be closing. The cost of the barriers was clarified. The RID Maintenance money was budgeted already and could not be used to install a gate. It was determined that the County would put up the gate and the Commission would determine who would pay for it, whether it would come out of the BSOA dues, or RID Maintenance funds. It also was clarified that they were not addressing any temporary turnaround issues, but just putting up a gate temporarily on Little Coyote. Commissioners Murdock and Olson voting aye. Commissioner Brown voting nay. Motion carried. It was stated another public hearing would be held later on the issue of putting a barrier up on Two Moons if needed.

There were no pending resolutions. There being no further business the meeting adjourned at 3:37 P.M.

Unavailable For
Signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 22nd DAY OF SEPTEMBER 1998

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock and 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:

SEPTEMBER 14, 1998

- Commissioner Olson called to order a special meeting of the County Commission at 8:25 a.m. to consider lifting the burning ban imposed on September 2, 1998, as recommended by Rural Fire Chief Brett Waters. Motion by Commissioner Brown to adopt Resolution #1998-64 lifting the open burning ban. Seconded by Commissioner Murdock. None voting nay. Motion carried. Meeting was adjourned at 8:28 a.m.
- Commissioner Murdock attended a demonstration on the courthouse steps opposing raising impact fees for the City of Bozeman.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners had lunch with Jack Buettner, Montana Operations Manager of Luzenac, America and his replacement John Godla.
- Commissioners met with GIS Coordinator Allen Armstrong. Issues discussed included the status of 911 road mapping and other GIS-related matters.
- Commissioners met with residents of Jackson Creek Road, who feel the following improvements need to be made: improve the intersection and erect guardrails, post a 25-mph speed limit for the first ½ mile, "extreme curve" signs, and "deer crossing" signs in stream bottom area. Next spring, they indicated they may want to use mag chloride.
- Commissioner Murdock attended the Fair Board meeting. Detailed minutes are on file at the Ag Center.

SEPTEMBER 15, 1998

- Commissioners met with County Attorney Marty Lambert, Chief Deputy Attorney Susan Swimley, and Deputy Attorney Chris Gray. Items of discussion included West Babcock, the donut, and impact fees. Commission agreed to hire Ron Allen & Associates to survey West Babcock for \$4,650, and will request City-County Planning Board make recommendation on the donut by December 31, 1998. Impact fee review still needs to be done.
- Commissioners and Marty Lambert, Chris Gray and Susan Swimley of the County Attorney's office met with Planning Director R. Dale Beland regarding fire and road impact fees. Commissioners created an Impact Fee Board consisting of Planning Director R. Dale Beland as Chair, Fiscal Officer, Road Superintendent and County Attorney's office. The Board is charged with resolution of the following items: Impact Fee Administrative Manual, request for increased fire impact fees as submitted by the Rural Fire Council; and Ramshorn Subdivision's request for waiver of fire and road impact fees. Commissioners agreed that fire impact fees should remain at present level, subject to periodic review, for all parts of the County including Gallatin Canyon. Commissioners directed Dale to research possible offsets and/or policy changes for Canyon area.
- Commissioner Murdock met with Fiscal Officer Ed Blackman to review performance budgeting information to be presented at the staff meeting on September 16, 1998.
- Commissioner Olson and the Phase I Project Team met. Discussion included un-utilized space in finished basement, mailroom door & lock, and other matters still needing resolution. The Committee recommends the Commission decide how best to allocate unused basement space.

SEPTEMBER 16, 1998

- Commissioners met with department heads and elected officials to discuss RFQ update for Gallatin County lobbyist; performance budgeting; Phase I renovation update; and department updates.

42 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

- Commissioner Olson visited with MSU agricultural student Andy Kellum to discuss how a commissioner's role interplays with local agriculture and the effects agriculture has on the local economy.
- Commissioners Olson and Brown attended the Interagency luncheon at the Baxter Hotel. Other attendees included Bozeman Mayor Al Stiff, City Manager Clark Johnson, Gallatin Development Corp. representative Gene Graf, Bozeman Superintendent of Schools Paula Butterfield, Bozeman Schools Business Manager Steve Johnson, and Dave Smith of the Bozeman Area Chamber of Commerce. Items of discussion included enhanced 911, possibilities for College National Finals Rodeo, bid for MACo conference in Bozeman in the year 2000, and Prevention Needs Assessment Survey sent to Paula Butterfield. Next meeting is scheduled for December 16, 1998.
- Commissioner Murdock met with the Victim/Witness Advisory Board. Topics of discussion included goals for the coming year and Victim/Witness' interaction with the Community Corrections Board. Next meeting is scheduled for October 28, 1998.
- Commissioner Olson attended 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 may be obtained through the Commissioners' office.

SEPTEMBER 17, 1998

- Commissioner Jarvis Brown, Larry Watson, James Cashell, Ed Blackman, Steve Johnson, Dick Prugh, and Roger Curtiss met as members of the Detention Center Finance Subcommittee. Discussed funding sources for the new detention center. Ed Blackman presented the bonding capacity of \$27 million and recommended general obligation bonds over revenue bonds. Larry and Jim will prepare timeline using Gaant chart. Committee requested the Commission ask the judges to involve Youth Probation Officer Dave Gates in detention center planning for juveniles. Commissioner Brown will convene a subcommittee to draft a mission statement and goals for the Detention Center Finance Subcommittee.
- Commissioner Murdock attended a meeting of the Danforth Foundation to discuss outlining goals and work plan for the upcoming year.

SEPTEMBER 18, 1998

- Commissioners met with Grants Administrator Larry Watson to discuss the previous months' work projects, all CTEP projects, Detention Center Project Team progress, CDBG's current status, and other ongoing projects. Letter will be sent to District Court asking for Youth Probation's participation (Dave Gates) in the planning of the new detention center.
- Commissioner Murdock and members of the Detention Center Project Team met to discuss procedures for selecting a national corrections consultant. RFQ's were distributed to team members and recommendation will be made on October 6 at 10:00 a.m.
- Commissioners received A101's in the amount of \$41,342.57.
- Commissioners received claims in the amount of \$377,714.77.

SEPTEMBER 19, 1998

- Commissioner Brown attended a public meeting where Kay Prantis presented and discussed Restorative Justice.

The following items were on the consent agenda:

- Continuation of a request for realignment of common boundary exemption and family transfer exemption for Darrow & Shiree Clements and Charles Terrell continued from September 15, 1998 public hearing.
- Request of a realignment of common boundary exemption for Charles and Nancy Page to reconfigure lots 466-468, and 472 in Rainbow of Bozeman Hot Springs Subdivision located in Section 14, T2S, R4E.
- Request for realignment of common boundary exemption and a family transfer for VanDyke, Fairbanks and Zacher in the NW $\frac{1}{4}$ of Section 12, NE $\frac{1}{4}$ of Section 11, T1N, R3E. The family transfer is to John VanDyke, son of Clarence and Marian VanDyke.
- Request for realignment of a common boundary exemption for Big Sky Owners' Association and Boyne USA, Inc. located in Section 36, T6S, R3E.

According to the information submitted, staff reported that these requests appear to meet the criteria for the exemptions allowed under the Montana Subdivision and Platting Act.

- The following contracts were presented: District Court, Dept. 1 Public Defender contracts with Thomas I. Sabo, Derik Pomeroy, Brock Albin, William A. Bartlett, Todd Hillier; District Court, Dept. 2 Public Defender contracts with Jennifer Wendt Bordy, Brian P. Fay, Helene Orenstein, Gordon H. Williams; Damschen & Associates/Big Sky CTEP Bike/Pedestrian Path; U.S. Environmental Protection Agency-Solid Waste Management Grant; Modification #1 to U.S. Environmental Protection Agency Contract for West Yellowstone Composting Project increases; Agreement with Rest Home Nurses' Union; Otis Elevator; EcoWest, Inc.; Customized Services; and Detention Center physician/Dr. John Heetderks.

Commissioner Murdock moved to adopt the consent agenda. Seconded by Commissioner Brown. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported that sufficient notice was published in the Bozeman Daily Chronicle to receive and open bids for Phase I construction of the Courthouse Project. Rob Pertzborn of Prugh and Lenon read the following bids: Taylor Construction, Montana Contractor's license #6068, a 10% bid bond enclosed, and the bid for \$616,490; Edsall Construction, Montana Contractor's license #1720, 10% bid bond enclosed, and the bid for \$637,000; Rotherham Cooper, Montana Contractor's license # 11341, 10% bid bond enclosed, and bid of \$658,038; Martel Construction, Montana Contractor's license #6068, 10% bid bond enclosed, and bid of \$672,000. Mr. Pertzborn took the bids under advisement to be reviewed and a recommendation would be presented to the Commission Friday, September 24, 1998, at 8:00 A.M.

Commissioner Olson reported that the Bozeman City-County Planning Department has requested that the Bozeman Deaconess Health Services' Proposal to amend the 1990 Bozeman Area Master Plan be opened and tabled indefinitely. A letter was received from Keith G. Swenson, Land Planning and Design Consultants for Bozeman Deaconess Health Services requesting to allow more time for the Planning Board to complete the zoning amendment process.

The following County Board applications were received for consideration: Logan Landfill Advisory Board - application from James W. Hassler. Commissioner Murdock moved to appoint James Hassler to the Logan Landfill Advisory Board. Seconded by Commissioner Brown. None voting nay. Motion carried. City-County Planning Board - application from Lonny Walker re-applying for another 2-year term. Commissioner Murdock moved to appoint Lonny Walker to the City-County Planning Board. Seconded by Commissioner Brown. None voting nay. Motion carried. Pedestrian Traffic Safety Committee - applications from Gregory Kuhl and Kay Newman. Commissioner Murdock moved to appoint Kay Newman to the Pedestrian Safety Committee. Seconded by Commissioner Brown. None voting nay. Motion carried. West Yellowstone/Hebgen Basin Certified Local Government Program Board - The Commission formed this board by joint resolution in November 1997 for the purpose of preserving the historical, governmental, and environmental qualities of the Town of West Yellowstone and the Hebgen Lake Basin. Applications were received from Ken Davis, Paul Shea, Dan Davenport, Susan LaMont, and Catherine Lentz. Commissioner Murdock moved to appoint the five applicants for a two-year term. Seconded by Commissioner Brown. None voting nay. Motion carried.

Commissioner Olson reported receipt of a request submitted by the Gallatin County Fiscal Officer Ed Blackman for a proposed increase to the FY99 operating budget for the Health and Human Services Building from reappropriation of cash balances that would amend the Pregnancy Services, Special Immunizations, and Women, Infants, and Children budgets. There was no public comment. Commissioner Brown moved to approve the reappropriations submitted. Seconded by Commissioner Murdock. None voting nay. Motion carried. Motion by Commissioner Murdock to adopt Resolution #1998-67. Seconded by Commissioner Brown. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported that his office received a request from Nadia Beiser, applicant for High K Major Subdivision, to amend condition 6.1, a condition of preliminary plat approval granted by the Commission on April 21, 1998. She had a personal emergency and asked for it to be continued. There was no public comment. The request is continued until November 10, 1998.

Deputy County Attorney Chris Gray reported that no bids were received by the advertised deadline for the sale of bonds on the Rural Improvement District #371 paving project. On September 16, 1998, a bid to purchase the bonds was received by Montana Municipal Cooperative. It was presented to the bond council. They advised to bring it to the Commission for review, with the contingency that the Fiscal Officer and/or the Treasurer review the bid for the purchase of \$63,000 principal amount in bonds. After the review, the County Attorney's Office would draw up the bid award. Finding it would be in the public's interest and with the legal advice of Deputy County Attorney Chris Gray, Commissioner Murdock recommended awarding the purchase of the bonds to Montana Municipal Cooperative contingent on the review by the Fiscal Officer and/or Treasurer. Seconded by Commissioner Brown. None voting nay. Motion carried.

There will be no public meeting of the County Commissioners on Tuesday, September 29, 1998 as they will be attending the annual MACo convention. There were no pending resolutions. There being no further business the meeting adjourned at 2:02 P.M.

Unavailable For
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING **FRIDAY THE 25th DAY OF SEPTEMBER 1998**

A special meeting was called to order by Chairman Olson at 8:03 A.M. Also present were County Commissioners Bill Murdock and Jarvis Brown, Deputy County Attorney Chris Gray, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Rob Pertzborn of Prugh & Lenon recommended awarding the bid for the Phase I Court House Construction contract to Taylor Construction for \$616, 490.00 after reviewing the bids. It was the lowest most responsible bid. All the bids were over the project budget. Facilities Manager Bob Isdahl reported on three options to award the bid and get the project started and completed on time. 1) to find the money from other sources. 2) reduce the scope of work outlined in the project. 3) use the contingency funds to cover the overage of approximately \$30,000 to see the project through to completion. During discussion, the Commissioners agreed that the combination of the three options would get the job done on time. Finding that the bid from Taylor Construction was the lowest most responsible bid, and recommended by Prugh and Lenon, Commissioner Murdock moved to award the bid to Taylor Construction for \$616,490.00. Seconded by Commissioner Brown. None voting nay. Motion carried. The Notice of Award was presented for signature and would be followed by a Notice to Proceed. The construction would begin the first part of October.

There were no pending resolutions. There being no further business the meeting adjourned at 8:15 A. M.

Unavailable For
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 6th DAY OF OCTOBER 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.

Commissioner Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

SEPTEMBER 21, 1998

- Commissioner Olson appeared as a witness on behalf of Gallatin County in Case #DV-96331, Greater Yellowstone Coalition vs. Board of County Commissioners and Duck Creek Properties, Inc.
- Commissioner Brown attended a meeting with Deputy County Attorney Chris Gray and Data Processing Supervisor Bill Baldus to address issues related to timing of computer upgrades and network hookups for the new Hot Check Program at the County Attorney's office. Writing, training and implementation will begin next Monday and should take about two months.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.

SEPTEMBER 22, 1998

- The Commissioners met, approved and signed a contract between Gallatin County and Big X, Inc. for installation of a 4" fire service line at the courthouse.
- Commissioners Murdock and Brown attended the meeting of the Detention Center Public Relations Subcommittee. Topics of discussion included timelines and the creation, coordination and responsibility for various Detention Center-related public relations efforts.
- Commissioner Brown, R. Dale Beland, Bob Isdahl and Kathy Nowierski convened as meeting as the Master Plan Committee; Commissioner Murdock also attended. Agenda items included the status/relationship of the Detention Center siting process and the Facilities Master Plan process, and a review of the Capital Improvement Program (CIP) effective 6/19/98. The Committee will draft a conceptual master plan illustrating options to assist the detention center task force committees in their public outreach efforts, and Kathy will compile a history of the capital improvement process. A review of the CIP will be presented at the October 21 staff meeting to help elected officials and department heads understand and participate in the process. Larry Watson will prepare and distribute a timeline for the detention center planning process. The Committee agreed to change their name to the Capital Improvement Program Committee or CIP Committee, with the addition of Fiscal Officer Ed Blackman. Next meeting is tentatively scheduled for November 16, 1998.
- Commissioner Olson and the Phase I Project Team met. Topics of discussion included follow-up on loose ends before remodeling begins.
- Commissioners Olson, Murdock and Brown attended a meeting of the Gallatin County Planning Board. Agenda items included presentation of the Open Space Task Force recommendations and regular Planning Board issues. Detailed minutes of this meeting are available in the County Planning office.

SEPTEMBER 23, 1998

- Commissioner Olson participated in the 911 Admin. Board meeting. Agenda items included review/discussion of report on 911 generator and air-conditioning, action regarding dispatch services for MSU and FWP, and presentation of the 911 Budget Report by Bozeman City Manager Clark Johnson and Fiscal Officer Ed Blackman.
- Commissioner Murdock traveled to Big Sky to attend the Groundbreaking Ceremony for the CTEP Big Sky Bike/Pedestrian Path Project.
- Commissioners met as the Welfare Board with Department of Public Health & Human Services Director Joan Davies. Reviewed and approved the Welfare Board report and discussed other matters in family services. Agreed to put wheelchair access doors at the Main Street entrance of Office of Public Assistance (OPA) building. This will be funded 50% by State and 50% by County out of present General Assistance budget, contingent upon written notice to Fiscal Officer and his approval.

46 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

- Commissioners met with Tom Henesh of Morrison-Maierle, Inc. to discuss a proposed trail on South 19th from Cottonwood Road to Hyalite Canyon Road. Tom will solicit public support for a community meeting to determine if there is sufficient interest to proceed with trail planning.
- Commissioner Olson attended the Logan Landfill Advisory Board meeting. There was no quorum. Next meeting is scheduled for October 28, 1998 at the Gallatin County Courthouse.
- Commissioner Murdock met with Gretchen Rupp regarding combining various trails efforts in Gallatin County and pulling together a group of interested parties to discuss same. A meeting was scheduled for October 29th at the Fish, Wildlife and Parks building.

SEPTEMBER 24, 1998

- Commissioner Olson, Deputy County Attorney Chris Gray, and Weed Supervisor Dennis Hengel met with Jefferson County Commissioner Sam Samson to discuss and review changes to the weed law; a resolution to be presented for approval at the annual MACo convention in Helena on September 28, 1998. Also discussed a resolution to clarify the herd district law. All agreed on the proposed changes for both topics; Chris Gray will approve resolution language before submission to MACo.
- Commissioner Murdock met with Gallatin County resident Sean Moran regarding the condition of Cottonwood Road. A mailing will be sent to all area residents inviting them to a meeting on October 7 at the Cottonwood School to discuss the possibility of paving and/or other alternative improvements.
- Commissioners met with Bozeman City Manager Clark Johnson. Topics of discussion included 911 funding and progress, Oak Street right-of-way acquisition, and city/county cooperation in planning.
- Commissioner Brown participated in the Local Emergency Planning Committee (LEPC) meeting. Agenda items included LEPC's website, tier reports, Emergency Assistance Services (EAS) reports, press coverage, conference in Glasgow on terrorism, and availability of grant money.
- Commissioners met with Fiscal Officer Ed Blackman. Agenda items included 911, performance measures and process, and review of monthly financial report. Ed will prepare a letter for signature by the city and county commissioners regarding GAP-related policy for approval by the 911 Admin. Board of revenue, expenditure, and financial reports.
- Commissioners met with Shop Foreman Dave Fowler regarding the Junk Vehicle Program. Dave informed the Commission of the purchase of a new dump truck and an upcoming junk vehicle auction.

SEPTEMBER 25, 1998

- Commissioner Olson called to order a special meeting at 8:08 a.m. The purpose of the meeting was to consider awarding the bid for the Logan Landfill Liner, Phase I. Recommendation was made by Rob Pertzborn of Prugh & Lenon Architects, Inc. to award the project to Taylor Construction in the amount of \$616,490.00, the lowest of four bids received. Commissioner Murdock moved to award the bid to Taylor Construction as recommended; Commissioner Brown seconded the motion; all voted aye.
- 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 Murdock and Brown met with Deputy County Attorney Chris Gray and Rest Home Administrator Connie Wagner to discuss the proposed contract with Mountain Land Rehabilitation, Inc. as it relates to aggrieved local agencies currently providing physical, occupational and speech therapies at the Rest Home. Commissioners decided not to sign the proposed contract, contingent on cogent negotiations to facilitate the remaining terms of contracts with the local agencies.
- The Commissioners met, approved and signed a Montana Community Foundation grant application in the amount of \$5,000 for completion of digital ortho quad maps.

Commissioners A101's in the amount of \$38,851.36.

SEPTEMBER 28 - 29, 1998

- Commissioner Olson attended the 89th Annual MACo Conference in Helena from Sunday, September 27 through Wednesday, September 30, 1998.
- Commissioners Murdock and Brown attended the 89th Annual MACo Conference in Helena from Monday, September 28 through Tuesday, September 29, 1998.
- Commissioner Murdock attended an informational/start-up meeting at the Ag Center to discuss the Fairgrounds' proposed multi-purpose building. Agenda items included the formation of the foundation, project timeline, basic design ideas and funding sources.

SEPTEMBER 30, 1998

- Commissioners Murdock and Brown attended an Open House held at the new office space shared by the Gallatin City-County Health Department and the Office of Public Assistance.
- Commissioner Murdock attended an evening meeting of the Turning Point Initiative Group held at the Holiday Inn in Bozeman. Agenda items included a summary of Phase I, discussion of how task forces will function in Phase 2, and plans for establishing the task forces.

OCTOBER 1, 1998

- Commissioners met with Road & Bridge Superintendent Sam Gianfrancisco. Lee Alt of the Montana Department of Transportation also attended to discuss recent speed studies conducted by the state on Huffine Lane and U.S. 191, south of Four Corners. On the as-yet unposted portion of Huffine Lane, the State has recommended a 55-mph speed limit from Four Corners to Chief Joseph Trail; a 65-mph speed limit from Chief Joseph to Fowler Lane; and a 55-mph speed limit from Fowler Lane up to the currently posted 45-mph speed zone near the Mall. On Highway 191, the State has recommended establishing a speed limit of 55-mph from Violet Road to Cobb Hill Road; and a 45-mph speed limit from Cobb Hill to Four Corners. The Commissioners agreed unanimously with the State's recommendation and sent an urgent letter of agreement to the Transportation Commission, stressing the fact that it is a matter of extremely high priority to have these speed limits set on these highways and to post these limits as quickly as possible. Discussion also included a petition to close Bear Canyon Road through the forest lands, rubberized railroad crossings for 3 crossings in Belgrade and 2 in Manhattan (\$50,000-\$60,000), and Jackson Creek Road speed limits. Commissioners agreed to provide funding for rubberized crossing materials and will consider an emergency speed limit on Jackson Creek Road at October 13, 1998 public meeting. Sam will schedule a ½-day meeting with the Commissioners to review project planning for 1999.
- Commissioners Murdock, Brown and Planning Director R. Dale Beland attended a meeting hosted by Julie LaPeyre of Governor Racicot's office in preparation for the upcoming Winter Use EIS forum in Idaho Falls, October 14-16, 1998.
- Commissioner Olson met with the Weed Board. Topics of discussion included the resolution submitted to MACo regarding changes to the weed law. Detailed minutes of this meeting are on file in the Commissioners' office.
- Commissioners met with Personnel Director Kathy Nowierski. Topics of discussion included status of Personnel Manual and any recommended changes. Kathy will provide alternative actions/policies for letters in personnel files, to be included in final version of Personnel Manual to be adopted at the Commissioners' Public Meeting on October 20, 1998.

OCTOBER 2, 1998

- Commissioners met with Planning Director R. Dale Beland. Dale reported on the status of Planning programs and his recent attendance at a national conference of information technology managers from federal, state and local governments, and how the conference may affect the County. Per Dale's request, the Commissioners approved the hiring of an intern for zoning code enforcement.
- Commissioners held their quarterly meeting with Area IV Agency on Aging. Attendees included Director Joan Taylor, Lloyd Bender, Judy Morrill, Bea Horswill and Mary Martin. Topics of discussion included a possible bill to allow more than twelve (12) area agencies on aging, process for communication and evaluation of aging services, POP tax, Montana AAA network, elderly abuse, registration of home care workers, and city funding for Gallavan. Next meeting is scheduled for January 9, 1999.
- Commissioners met with Gene Gibson of the U.S. Forest Service to discuss possible renewal of the Hyalite Youth Camp Directors lease. Gallatin Empire Lions Club wishes to renew the lease for ten (10) years to run the camp. Commissioners agreed, in principle, to consider ASAP pending public notice and County Attorney review.
- Commissioners, Pat Lewis, Stephanie Nelson and Larry Watson met as the Lobbyist Selection Team to review applications and resumes from lobbyist candidates, and prepare a list of interview questions. Three candidates were selected to be interviewed during first phase of interviews.
- Commissioner Brown attended the Yellow Brick Road Ribbon-Cutting Ceremony hosted by the Bozeman Deaconess Foundation for Gifting, recognizing contributors to the Destination Home Campaign. This campaign is paving the way to better health through the Cancer Treatment Center, the Bozeman Dialysis Center and the Cancer & Health Information Center; all centers were open for viewing during this event.

- Commissioners received A101's in the amount of \$17,886.00.

The following items were on the consent agenda:

- A request received by the Gallatin County Planning Department for a realignment of a common boundary exemption for Kenneth and Barbara Kaufman, Thomas and Cynthia Fournie, Robert and Betsy Parish, and Marc Noel, located in COS 1739, in Sections 22, 23, 26, and 27, T6S, R3E. The adjacent property owners are absorbing Tract 3, which is being eliminated.
- A request received by the Gallatin County Planning Department for a family transfer exemption for Renyold and Linda Lovold creating 2 tracts as a gift for their daughter and son. The location of the property is in Section 30, T7S, R4E.
- A request received by the Gallatin County Planning Department for a family transfer exemption for John and Janet Ethen creating 2 tracts as a gift for their daughter and son. The location of the property is in Section 30, T7S, R4E.
- A request received by the Gallatin County Planning Department for a Mortgage survey exemption for Robert Naert located in Section 9, T3S, R4E.
- A request received by the Belgrade City-County Planning Department for final plat approval of the Sitton Minor Subdivision. 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. The Commission granted preliminary plat approval October 7, 1997.
- A request received by the Belgrade City-County Planning Department for final plat approval of the Leaping Lobster Minor Subdivision located in Tract 4 of COS 668, located in the NW $\frac{1}{4}$ of Section 13, T1S, R4E. The Commission granted preliminary plat approval on March 31, 1998.
- A request received by the Belgrade City-County Planning Department for a realignment of common boundary exemption for Dr. and Ruth Kurtz and Kelvin and Cindy Green located in lots 2 and 3 of the Teepee Subdivision.
- A request received by the Belgrade City-County Planning Department for a family transfer exemption for Lloyd and Lynette Seavey located in COS 290E located in the SE $\frac{1}{4}$ of Section 13, T1S, R4E.
- A request received by the Bozeman City-County Planning Department for a family transfer exemption for Mary Renne creating 2 tracts as a gift to her daughters described as being in portions of Lots 37, 38, 39, 40, 41, 42, and 43 of Bullens Subdivision located in the NE $\frac{1}{4}$ of Section 19, T2S, R6E.
- A request received by the Bozeman City-County Planning Department for a realignment of common boundary exemption for Chris Miller and Marc and Sherrie Pierce described as being lots 113 and 115 of Stonegate Subdivision located in the SW $\frac{1}{4}$ of Section 24, T1S, R5E.

According to the information submitted, these requests appear to meet the criteria for the exemptions allowed under the Montana Subdivision and Platting Act. After reviewing the requests for final plat approval, and according to the information submitted, it appears these requests have met all conditions required to grant final plat approval as recommended by staff. Motion by Commissioner Brown to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Road Superintendent Sam Gianfrancisco reported on a request received by the Commission to put up a temporary barrier on Two Moons Road in Meadow Village Subdivision in Big Sky. The request came after the Commission held a public hearing in Big Sky to discuss safety issues concerning speed and traffic on Little Coyote Road. The public was in favor of installing a temporary barrier there. During that meeting after hearing public testimony and receiving correspondence, a majority of the homeowners were in favor of putting a barrier up on Two Moons Road if one was installed on Little Coyote Road. The Road Department has not done an extensive traffic/speed study on Two Moons Roads. An old study showed that there are less than 200 cars per day coming off Spur Road, and less than 200 cars per day off of Little Coyote Road. Some signs have been posted at 25 MPH. The Road Department has not received any telephone calls in regards to this road. Letters received by the County Commission in support of placing a temporary barrier on Two Moons Road were from Mr. & Mrs. S.C. Kurth and Russ DeRemer representing the Big Sky Owners Association. Letters received in opposition of the barrier were from Kate and Dick Evans. The following gave public testimony: Russ DeRemer spoke on behalf of Big Sky Owners Association reiterating his letter dated August 21, 1998, in support of putting up the temporary barrier on Two Moons Road. There was no more further public comment. During Board discussion, it was

determined that the RID fund could be a possible place to fund the temporary barriers. Mr. Gianfrancisco stated he'd rather see it come from somewhere else as the fees will have to be assessed higher to cover the cost next year, and the budget for this year had already been set. Commissioner Brown stated he was not in favor of placing a temporary barrier up Two Moons due to the transportation reports heard during the public meeting held in Big Sky. Commissioner Murdock agreed that at this time it was not in the public interest to install a barrier on Two Moons Road. He stated that a traffic study could be done and if a problem was found then the issue could be reconsidered at that time. It would not be known if the temporary barrier constructed on Little Coyote Road would effect the traffic and speed on Two Moons Road as the homeowners stated, until it was up and a current speed/traffic study conducted. Commissioner Murdock moved to place a temporary barrier on Two Moons Road at a location to be determined by the Road Department. Seconded by Commissioner Brown. None voting aye. Commissioner Murdock and Brown both voting nay. Motion denied.

Deputy County Attorney Susan Swimley reported on Resolution #1996-56, a petition to abandon a portion of Magenta Road described as: the intersection of Magenta Road and U.S. Highway 191 adjacent to Station 524+16 in Section 23, T2S, R4E, Gallatin County, Montana. On July 23, 1996, the Clerk and Recorder reported there were sufficient signatures as required by Section 7-14-2601, MCA. The Commission appointed a viewing committee to investigate the feasibility of abandoning the road. On September 10, 1996, a public hearing was conducted after notice on the petition and the results of the investigation had been given. The Commission voted unanimously to grant the petition once the following conditions were met: a) That portion of Magenta Road located between State Highway 191 adjacent to Station 524+16 and boundary line of Rainbow Subdivision of Bozeman Hot Springs should be included in the abandonment. b) An amended plat of Rainbow Subdivision of Bozeman Hot Springs showing the changes, specifically an easement to Highway 191 across lots 327 and/or 328, as indicated on the petition shall be completed and recorded with the Clerk and Recorder of Gallatin County. c) An encroachment permit from the State Highway Department for the new road at the intersection of Highway 191 shall be obtained. The petitioners had 2 years to complete the conditions and present them to the County Commission. Jim Shultz from the Snowy River Company spoke in regards to their request to abandon that portion of the road. It was done because the roads in Rainbow Subdivision were not perpendicular and the highway department likes to see them entered at a perpendicular angle. When they made the roads perpendicular it caused the shifting. No further public comment. During discussion, Commissioner Brown and Murdock accepted the clarification made by Mr. Shultz concerning the reason for the abandonment. Commissioner Murdock moved to adopt the resolution that would grant the petition to abandon Magenta Road finding Mr. Shultz has complied with the conditions. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Murdock directed Deputy County Attorney Susan Swimley to prepare the resolution of abandonment.

Deputy County Attorney Susan Swimley reported on the release of a security bond for Gardiner-Simmental RID #355. Morrison-Maierle reported that a majority of the lots are occupied and that Robert N. Boie who secured the RID #355 asked to release the bond. Upon written request, the Board will release to the party posting the security portions of the security as the percentage of thickly populated increases to the next level as established or as the security exceeds the amount required to pay the total annual bond and interest assessments for the district. The Board may waive or reduce the amount of security required when all of the following conditions exist: 1) a minimum of 50 percent of the district is thickly populated 2) 90% of the lots in the district are held in separate and individual ownership; 3) the district is established with less than 10% of the property owners protesting creation of the district; 4) the board finds that waiving the security will result in little or no risk to Gallatin County. There was a question of delinquent taxes in the RID. Jack Schunke with Morrison-Maierle spoke on the delinquent tax assessments. Anthony Wayne Oil Corporation was one of the parcels who were delinquent. He checked, and found the land was leased and that they would send a check for the delinquent taxes. The State of Montana Department of Lands was the record owner of the other parcel with a delinquent tax assessment. The security bond was for \$44,813.90, and posted on April 21, 1992. Morrison-Maierle Inc., has field verified that 14 of the 24 lots have improvements and are occupied. Commissioner Murdock asked Mr. Schunke if it was his opinion a minimum of 50% of the district was thickly populated, that 90% of the lots were held in separate ownership, and 10% or less of the property owners protested the creation of a district. He answered yes to all of the questions. Clive Rooney, Bureau Chief for the State Lands spoke in regards to the delinquent taxes. They were in the process of changing the use of the parcel from agricultural to commercial. After the process was completed and annexed into the City they would pay the outstanding RID being assessed. He stated that undeveloped State lands by statute were exempt from taxation, and RID assessments are taxes and it should be

considered exempt. There was no further public testimony. Road and Bridge Superintendent Sam Gianfrancisco stated that they have assessed state lands in the past, and if not, that would change their whole RID policy. The assessment would be considerable if state lands were not included. They decided to look into the RID policy for future RID projects. During Board discussion they determined that the risk was low to the County to release the bond because property values were high and less chance of default and property taken back for failure to pay. Treasurer Jeff Krauss stated concern with the state land parcel being delinquent, because if they fell behind and did not pay, they could not make one of their bond payments. After getting updated on the state lands plan to convert to commercial use, he was in favor of releasing the bond. Finding that waiving the security bond would pose little or no risk to the County, the provisions and criteria outlined in the RID were met, and based on the recommendation by the Treasurer, Commissioner Brown moved to release the security bond. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley reported on a resolution to award the sale of bonds for RID #371. The Board on August 25, 1998, adopted Resolution #RID 97-371-C providing for the public sale of \$63,000 in Rural Improvement District #371 Bonds to finance the costs of improvements for the benefit of the RID. Notice of the sale was published in accordance with Sections 7-12-2172, 7-7-4252 and 17-5-106, MCA. Pursuant to notice of the sale, zero sealed bids for the purchase of the Bonds was received. Following the specified time, one bid was received. The bid was opened, analyzed and considered. The purchase price, interest rates and net interest cost under the terms of the bid were determined. The bid of Montana Municipal Cooperative of Bozeman, Montana to purchase the Bonds of the County was determined to comply with the terms of the Notice of Sale. The bid of the purchaser was accepted by the board and the sale of the Bonds was awarded to Montana Municipal Cooperative of Bozeman. This Resolution authorizes and directs to execute a purchase contract with the purchaser with respect to the bonds. The Board shall prescribe the form and security for the bonds in a subsequent resolution.

Gallatin County Planner W. Randall Johnson reported on a request by Gaston Engineering, on behalf of Tim Mitchell, for an amendment to the preliminary plat approval of the North Fork Creek Subdivision. The proposed amended plat would divide Lot 1 (9 acres) of the North Fork Creek Subdivision into eight (8) lots averaging one-half acre in size. The development also includes over four (4) acres of common open space, and will be serviced by existing central water and sewer facilities. The North Fork Creek Subdivision is located in the Southeast One-Quarter (SE1/4) of Section thirty-five (35), Township Six South (T6S), Range Three East (R3E), M.P.M., Gallatin County, Montana. Lot 1 of the subdivision is located adjacent to Highway 64 (Big Sky Spur Road), approximately 3 miles west of Highway 191. The North Fork Creek Subdivision received final plat approval by the County Commission on March 7, 1997. The subdivision consists of six (6) lots averaging 6.5 acres in size, and approximately 68 acres of parkland/open space. The applicant has now made application to re-subdivide Lot 1 into eight (8) individual lots. The applicant has requested a variance from Section 7.A.(8) of the Gallatin County Subdivision Regulations, which requires a second means of access for a major subdivision. According to the applicant, Big Sky Spur Road is a controlled access highway, and only one access is permitted at the location of the proposed subdivision. Because of the short length of the interior cul-de-sacs, a second access is not essential to the public health and safety. 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. Staff reviewed the following criteria: agriculture; agricultural water user facilities; local services such as fire; law enforcement; emergency medical; schools and other services; natural environment; wildlife and wildlife habitat; and the public health and safety. 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 subdivider shall obtain written permission from the Big Sky County Water & Sewer District No. 363 to connect to the District's central water and sewer system. 4. The Subdivision interior road names shall be submitted the Gallatin County Road & Bridge

Department for approval. 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 the interior subdivision roads. 6. Interior road shall have a 60 foot dedicated right-of-way, and the cul-de-sacs shall have a 50 foot radius dedicated right-of-way. The roads shall be constructed to county gravel standards. 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. Street signs and a stop sign shall be installed or bonded prior to final plat approval. 9. 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. 10. 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". 11. 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. 12. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 13. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 14. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 15. The following covenants shall be applied to the amended plat: a. Place title to 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. 16. 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. 17. The developer shall have three (3) years to complete the above conditions and apply for final plat approval. The Gallatin County Planning Department received a letter in opposition from Jerry and Becky Pape dated October 6, 1998. The Planning Department received a letter from the Montana Department of Transportation reporting on the environmental impact statement on U.S. 191 done for the subdivision. It states that access and sight distance should be appropriate and have little impact on the road. A letter from the Big Sky Water & Sewer District was read verifying adequate water supply in the subdivision. The Hidden Village Well #1 had been connected in the subdivision. The subdivision complies with zoning regulations, the clustering standards, and meets all safety requirements. The letter from the water provider states there is adequate water. In the past, the subdivision has had problems with leakage and contamination, but they have been corrected. Prior to final plat approval it will be inspected for water quality by the Big Sky Water & Sewer District and the State Department of Environmental Quality. Dennis Foreman of Gaston Engineering, representing the applicant, stated he is in agreement with all the conditions. He stated the original subdivision was approved for 10 overnight cabin sites, and since then had been rezoned to residential cluster housing, taking it out of commercial zoning. Attorney David Weaver, representing the Hidden Village Home Owners' Association stated the home owners object to the subdivision on the basis there does not exist sufficient capacity in the existing water and sewer system provided by the Big Sky Water and Sewer District #363 for either domestic use or fire protection systems. Water currently was unavailable for the system, and it would be doubling its use. Hidden Village had run out of water 3 times this past summer. On behalf of the association they asked that the preliminary plat of the amended plat be denied. As an alternative he asked that the Commission

consider some revisions to the suggested conditions, as presented in a letter to the Commission dated October 6, 1998. The first revision would be condition #3 of the staff report, page 7-9. 3. The subdivider shall obtain a written statement from the Big Sky County Water & Sewer District # 363 that in addition to all existing demands to the existing water and sewer system, there exists sufficient capacity in the existing central water and sewer system for the proposed increase in use set forth in this application as well as written permission from the Big Sky County Water & Sewer District #363 to connect to the district's central water and sewer. He also recommended condition #11 be revised 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 review and approve the water supply prior to final plat approval. The subdivider shall obtain written verification from the fire district that the proposed water supply for fire protection, in addition to existing demands, has sufficient capacity or the proposed increase in use set forth in the application and that such required water supply has been provided. In addition, the HVOA requests that the Commission require the subdivider to provide written statements from both the Big Sky Water & Sewer District and the fire district that the subdivider has complied with the Gallatin County Subdivision Regulation, Section 6(E)(3) regarding fire protection requirements as a condition of final plat approval. Section 6 (E)(3) requires that subdivisions with public water supply systems shall meet standards set forth by the National Fire Protection Association for hydrant systems. They requested that documentation of such compliance be provided prior to final plat approval. Commissioner Murdock asked Mr. Morgan if the association withdraw their objections if they revised the conditions. Mr. Morgan stated no, not at this time, possibly once final plat was approved and they satisfied with the conditions. There was no further public comment. During Board discussion the Commissioners discussed changing the conditions as recommended by the Hidden Village Home Owners Association. They asked Mr. Foreman if the applicant would object to those revisions. He stated he had a problem with the language used in condition #3, requiring specific language be written in order to satisfy the condition. It has held up final plat approval on previous subdivisions and he does not want to appear in front of the Commission again to amend the plat if they can't get the exact language requested. He had no problem with the language provided by staff and feels it adequately covers what is required of the developer. Mr. Johnson stated he had no problem with putting the word capacity in condition #11 as suggested, as that was the intent of the condition. The Commission found that the revision to condition #11 is already written in the subdivision regulations requiring the subdivision to comply with the National Fire Protection Association. Commissioner Brown moved to grant the variance request for the single access, finding it reasonable and not a safety issue. Commissioner Murdock seconded the motion, finding strict compliance would result in undue hardship and is not essential to the public health, safety, and general welfare, based on the letter from the Montana Department of Transportation. None voting nay. Motion carried. In discussion to the amendment in condition #3, Mr. Foreman agreed to the language as suggested and written by Mr. Weaver, representative of the Hidden Village Home Owners' Association. Commissioner Brown moved to grant preliminary plat approval of the amended plat of North Fork Creek Subdivision with the 17 conditions as provided by staff, amending condition # 3 to read, "3. **The subdivider shall obtain a written statement from the Big Sky County Water & Sewer District # 363 that in addition to all existing demands to the existing water and sewer system, there exists sufficient capacity in the existing central water and sewer system for the proposed increase in use set forth in this application as well as written permission from the Big Sky County Water & Sewer District #363 to connect to the district's central water and sewer.**" Seconded by Commissioner Murdock, finding it is in the public interest, is consistent with the Montana Subdivision and Platting Act, conforms with the Gallatin Canyon/Big Sky Zoning Regulations, and the Gallatin County Master Plan. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Planning Director R. Dale Beland reported on a resolution of intent to adopt the Phase I revisions to the Gallatin County Plan. The Gallatin County Plan was adopted on June 1, 1993, by Resolution #1993-14. Section 76-1-601, et seq., MCA establishing the requirements for revision to the Gallatin County Plan, and that the Gallatin County Planning Board, after notice, conducted a public hearing on September 22, 1998, to consider public comments on the proposed Phase I revisions to the Plan. The Gallatin County Planning Board, after deeming the changes to be in the public interest, adopted Planning Board Resolution #PB-1998-01 on September 22, 1998, and recommended adoption of the proposed Phase I revisions to the Gallatin County Plan. No policy changes are planned for Phase I revisions. Those would take place in Phase II. They have had no public comment on these revisions. The Resolution of intent states that on October 20, 1998, a public hearing would be held to adopt the Phase I revisions to the Gallatin County Plan. Commissioner Brown moved to adopt Resolution of

Intent #1998-69, adopting the Phase I revisions to the Gallatin County Plan. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman presented a resolution of intent to amend the junk vehicle grant fund FY 99 budgets to reduce the appropriation based on actual grant allocation. The grant from the State of Montana for the Junk Vehicle Program had been approved at \$57,347 instead of the \$63,702 estimated in the FY 99 Budget. Also he reported the State of Montana has decided to change the method of accounting for the cash balance in the Junk Vehicle Fund. Instead of the county refunding any cash balance, from the previous year, the state will be reducing the amount paid. These two items required this amendment to the Junk Vehicle Program Budget. Notice of the public hearing was published in the Bozeman Daily Chronicle on October 7, 1998, to hear public comment on the proposed \$20,642 adjustment. That hearing will be held on October 13, 1998, to hear public comment on the proposed changes. Commissioner Brown moved to adopt the Resolution of Intent #1998-70. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:25 P.M.

*Unavailable For
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING TUESDAY THE 13th DAY OF OCTOBER 1998

The meeting was called to order by Chairman Phil Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jarvis Brown, Deputy County Attorney Susan Swimley, and Clerk & Recorder Shelley Vance, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

The following items were on the consent agenda:

- Daily minutes of October 5 - 9, 1998
- Variance request by Jedediah and Elizabeth Hogan for a development on hillside property in the Gallatin Canyon/Big Sky Zoning District
- Request for preliminary plat approval of the five lot Mary Reilly Minor Subdivision located in Section 1, T3S, R5E.
- Request for final plat approval of the Brownson Minor Subdivision located in the NW1/4 of Section 18, T2S, R5E. The Commission granted preliminary plat approval on August 25, 1998. Gallatin County Planner Jennifer Madgic reported that the conditions for final plat approval have been met.
- Relocation of common boundary exemption requested by John C. Worley and John F. and Karen L. Blackwood located in Section 33, T1S, R7E. Gallatin County Planner Jennifer Madgic reported that the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.
- Family transfer exemption requested by Frances E. McCartney to her daughter Kathleen Fisher located in Section 1, T2S, R4E. Gallatin County Planner Jennifer Madgic reported that the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.
- Family transfer exemption requested by John B Cummings to his daughter Alison Lu Cummings located in NE1/4, Section 23, T3S, R4E. Gallatin County Planner Jennifer Madgic reported that the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.
- Family transfer exemption requested by Lester Duane Ypma to his daughters Kimberly Ypma and Kathleen Kleingartner for two parcels located in NE1/4, Section 21, T1N, R3E. Gallatin County Planner Jennifer Madgic reported that the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.

- Consideration of the following contracts: renewal of lease agreement with Hyalite Youth Camp, Inc.; modification to Contract No. 95-032 with Prugh & Lenon Architects P.C.; modification #1 to CTEP contract with Montana Department of Transportation for Big Sky Bike/Pedestrian Path; amendment to Breast and Cervical Screening Grant to Health Department; addendum to lease agreement between Gallatin County and the Community Clinic.

Chairman Olson announced that the variance request by Jedediah and Elizabeth Hogan would be continued until October 20, 1998; the daily minutes for October 5-9, 1998 are not available; the addendum to the lease agreement between the County and the Community Clinic is not available. He requested consideration of the Mary Reilly Minor Subdivision be placed on the regular agenda for discussion and added that the request for preliminary plat approval of the Woodland Heights Minor Subdivision has been pulled from the regular agenda. Motion by Commissioner Murdock to approve the consent agenda excepting the Hogan variance request, approval of daily minutes, and Community Clinic lease agreement. Seconded by Commissioner Brown. None voting nay. Motion carried.

On behalf of Gallatin County Planner Jennifer Madgic, Planner Randy Johnson entered the staff report regarding preliminary plat approval of the five lot Mary Reilly Minor Subdivision located in Section 1, T3S, R5E into the record. The staff report included the effects on agriculture; agricultural water user facilities; local services; natural environment; wildlife and wildlife habitat; and public health and safety. The report included the following proposed conditions: 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, 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, 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 35-foot setback along both sides of the Mystic Lake Irrigation Ditch from the high water mark shall be shown on the final plat. 7. A Memorandum of Understanding shall be signed between the Weed Control District and the applicant prior to final plat approval. 8. The applicant shall record the following covenants on or with the final plat: a) *The property owner shall be responsible for the control of County-declared noxious weeds.* b) *Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations.* 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.* 9. The applicant shall obtain an encroachment permit from the Gallatin County Road and Bridge Department for Lot 1. 10. A one-foot no-access strip shall be designated along the west side of Lot 5. 11. The applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations (\$1,596 per lot). 12. The applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations (\$496 per lot). 13. The applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations and the Sourdough Rural Fire District. The applicant shall have the Sourdough Volunteer Fire

District review and approve the fire protection method prior to final plat approval. The applicant shall obtain written verification from the fire district that the requirement has been met. 14. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. During board discussion the Commission considered the proposed conditions. Finding the subdivision to be consistent with the Hyalite Zoning District and County Subdivision Regulations, motion by Commissioner Murdock to adopt preliminary plat approval of the Mary Reilly Minor Subdivision with the conditions as proposed by staff and adding condition 8f to read as follows: "All fences bordering agricultural lands shall be maintained by lot owners in accordance with state law." Seconded by Commissioner Brown. None voting nay. Motion carried.

Motion by Commissioner Murdock to appoint Kai Anderson and David Cook as trustees of the Clarkston Fire Service Area to replace William Workman and James Jones. Their terms will expire April 6, 1999. Seconded by Commissioner Brown. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported Wes Jardstrom is requesting preliminary plat approval of a two lot minor subdivision located in the NE ¼ of Section 29, T1S, R5E. The staff report included evaluation of primary criteria which included effects on wildlife and wildlife habitat; public health and safety; local services; natural environment; agriculture; and agriculture water user facilities. Mr. Karp reported that the applicant is requesting a variance from completing an environmental assessment and a variance allowing an additional lot without a second access. The Belgrade City-County Planning Board recommended granting the two variances and approval of the preliminary plat 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, 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 and the Belgrade Rural Fire District for review and approval prior to construction. g) Lot owners in the Jardstrom Minor Subdivision shall participate with the lot owners of Minor Subdivision No. 220 for the shared maintenance of Kirsha Lane. h) (If the variance is granted) Further subdivision of Lot 5B is prohibited unless the second access is provided and an environmental assessment is submitted with the preliminary plat. i) Any covenant with 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. A second access approved by the Gallatin County Road Department shall be provided to the subdivision *unless the variance is granted*. 11. If the variance is granted, the final plat shall show a sixty foot wide road easement from Kirsha Lane to the south boundary of Lot 5B as shown on the preliminary plat. 12. 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. 13. 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 maintaining the Valley Grove fill site. 14. The developer shall be responsible for paying a proportionate reimbursement of the cost of paving Valley Center Road to the Belgrade City-County Planning Office, which will reimburse the lot owners in Valley Grove Subdivision Phase 3. The proportion shall be calculated using the prescribed method in Section 7-H-C of the Gallatin County Subdivision Regulations. Mr. Karp stated that 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. Gallatin County Road Superintendent Sam Gianfrancisco explained that he supports the variance request to not supply a second access, due to the fact that the developer has not been able to acquire access from adjoining landowners. Based on the recommendation from the Belgrade City-County Planning Board, motion by Commissioner Murdock to grant the variance which waives the environmental assessment. Seconded by Commissioner Brown. None voting nay. Motion carried. Finding that allowing the additional lot without a second access will not be detrimental to the public health, safety, and welfare, motion by Commissioner Murdock to grant the variance. Seconded by Commissioner Brown. None voting nay. Motion carried. Finding this minor subdivision meets the requirements of the Montana Subdivision and Platting Act, motion by Commissioner Murdock to grant preliminary plat approval of the Jardstrom Minor Subdivision with conditions #1 through 5b as presented by staff; condition 5c amended to read: "All fences bordering agricultural lands shall be maintained by the lot owners in accordance with State law."; conditions #5d through 5g as presented by staff; condition #5h amended to read: "Any further subdivision of Lot 5B is prohibited unless the second access, approved by the County Road Department, is provided and an environmental assessment is submitted with the preliminary plat."; conditions #5i through 9 as presented by staff; delete condition #10; renumber conditions #11 through 14 and approve as provided by staff; and add an additional condition #14 to read: "Stop signs and roadway signs are required at the intersection of Kirsha Lane and Valley Center Road." Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman explained that this is the public hearing on the Commissioner's resolution of intention to amend the Junk Vehicle Grant fund budget. There was no public comment. The Commission will consider a resolution amending this budget next week.

Gallatin County Planner Director Dale Beland presented the Open Space Task Force's Report and reported that the Gallatin County Planning Board voted in support of the report. Nick Salmon, coordinator of the Open Space Task Force and member of the County Planning Board described their concerns with agriculture, wildlife, recreation, and suburban sprawl. He described certain strategies in the report which include market based strategies and preservation. Archie Alexander, member of the task force and County Planning Board reported on 4 key issues the task force is recommending the Commission do regarding open space. They include the formation of the open lands board, continue public outreach, contact local legislators, and hire a coordinator to continue with the goals of the Open Space Task Force. Carmen McSpadden, member of County Planning Board and task force requested the Commission follow through with the recommendations of the task force, especially the formation of the lands board and hiring a coordinator. Ray Rasker, member of task force stated support of the recommendations and informed the Commission that the Trust for Public Lands group will donate dollars for lobbying and assist in a public poll once the open space lands board is formulated. Bill Brewster, Tom Milesnick, Grace Morgan, Dick Flikkema, Terry Lonner and Patrice Mascola spoke in support of the recommendations. The Commission thanked the members of the task force for their service and agreed the need to support agricultural land and proceed with Phase II. Motion by Commissioner Murdock to accept the Opens Space Task Force Report, as presented. Seconded by Commissioner Brown. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented the board with a resolution of intention to consider adopting the authority provided for under the "Open-Space Land and Voluntary Conservation Easement Act". Ms. Swimley reported that there are specific questions regarding authority, funding, and the true purpose of the creation of an Open-Space Lands Board that the Commission still needs to determine prior to creating this board. During public comment Open-Space Task Force members Nick Salmon, Carmen McSpadden, Archie Alexander, Terry Lonner, and Ray Rascor encouraged the Commission to create the Open-Space Lands Board and adopt a resolution creating the authority provided for under the Open-Space Land and Voluntary Conservation Easement Act, Sections 76-6101 through 76-6-110, M.C.A, and hire a coordinator. During board discussion the Commission determined that they need more information regarding this board. Issues such as if the board has the authority to purchase bonds, own conservation easements, transfer development rights, and the true function of this board needs to be determined. Motion by Commissioner Murdock to adopt Resolution of Intention #1998-71. Seconded by Commissioner Brown. The public hearing on this issue was set for October 27, 1998. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley submitted a resolution concerning the Commission's decision to abandon a portion of Magenta Road. Motion by Commissioner Murdock to adopt Resolution #1998-68. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman submitted a resolution of intention to amend the DUI Task Force FY 99 budget and General Fund (Data Processing) FY99 budget to appropriate unanticipated state grant money. Motion by Commissioner Brown to adopt Resolution of Intent #1998-72. Seconded by Commissioner Murdock. None voting nay. Motion carried. DUI Task Force revenue account 2415-000-33-50-25 shall increase to \$4,624.00; DUI Task Force expense account 2415-000-4201-00-220 shall increase from \$1,500.00 to \$5,929.00; General fund revenue account 1000-000-34-33-75 shall increase from \$9,360.00 to \$11,286.00; General Fund expense account 1000-205-4105-80-235 (camera) shall increase to \$699.00 and General Fund expense account 1000-205-4105-80-940 (file server) shall decrease from \$45,050.00 to \$1,000.00.

Gallatin County Fiscal Officer Ed Blackman requested the Commission approve the trade in of a 1988 Chevrolet truck (Identification number 1GCDK14K8JE135616) on behalf of the County. Motion by Commissioner Murdock to approve the trade-in. Seconded by Commissioner Brown. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:50 p.m.

Unavailable For
Signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING TUESDAY THE 20th DAY OF OCTOBER 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 Clerk & Recorder Shelley Vance, Acting Clerk to the Board.

Commissioner Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

The following items were on the consent agenda:

- Daily minutes for the weeks of October 5-9 and 12-16, 1998
- Consideration of a variance requested by Jedediah and Elizabeth Hogan for development on hillside property in the Gallatin Canyon/Big Sky Zoning District.
- Final plat approval of Theisen Minor Subdivision. Gallatin County Planner Jennifer Madgic reported that preliminary plat approval was granted on May 26, 1998, and all conditions have been met.
- Final plat approval of Ecton Minor Subdivision. Gallatin County Planner Jennifer Madgic reported that preliminary plat approval was granted on April 22, 1997, and all conditions have been met.
- Family transfer exemption located in the NE1/4 of Section 18, T1N, R3E, requested by Dick and Martha Vanderby to their son Dwayne Vanderby. Gallatin County Planner Jennifer Madgic reported that this application meets the criteria allowed under the Montana Subdivision and Platting Act.
- Family transfer exemption located in Section 17, T1S, R6E, requested by Dennis Block to his wife Betty Jane Block. Gallatin County Planner Jennifer Madgic reported that this application meets the criteria allowed under the Montana Subdivision and Platting Act.
- Final plat approval of the Spain Homestead Park Minor Subdivision. Bozeman City/County Planner Jody Olsen reported that preliminary plat approval was granted on September 2, 1997, and all conditions have been met.
- Modification to agreement with Department of Transportation and Montana Rail Link for grade crossing signals at Logan

Gallatin County Planner Jennifer Madgic requested that the final plat approval of the Theisen Minor Subdivision be placed on the regular agenda. Deputy County Attorney Chris Gray requested the contract with Department of Transportation and Montana Rail Link be continued. Commissioner Murdock reported that there were no daily minutes for October 5-9 and 12-16 to consider. Motion by Commissioner Brown to approve the consent agenda excluding minutes, final plat approval of Theisen Minor Subdivision, and the contract. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported that an original condition given at the time of preliminary plat approval required that Theisen Road be paved or a rural improvement district be established prior to final plat approval of the Theisen Minor Subdivision. On the advice of Deputy County Attorney Susan Swimley, by statute the applicants are allowed to enter into an improvements agreement. Ms. Swimley stated that the agreement has been approved and bond has been posted. There was no public comment. Ms. Madgic reported that all conditions of preliminary plat approval have been met. Motion by Commissioner Brown to grant final plat approval of the Theisen Minor Subdivision. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Roger Curtis submitted a proclamation declaring the week of October 23-31, 1998, as National Red Ribbon Week for the Commission to consider. Also present and supporting the proclamation were Director of Alcohol and Drug Services Cheryl Walter, Mike Clayton of Bozeman Public Schools, Allison Counts of the Belgrade Public Schools and students Marko Erickson, President of Belgrade Montana Teen Institute program Erin Strickland, Senior Class President Jacob Dolan, and President of Bozeman Montana Teen Institute Casey Vaskie. Motion by Commissioner Brown to proclaim October 23 - 31, 1998, as Red Ribbon Week. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman submitted a resolution to amend the FY 99 budget for Junk Vehicle Grant fund due to a reduction in the amount allocated. Motion by Commissioner Brown to adopt Resolution #1998-73. Seconded by Commissioner Murdock. None voting nay. Motion carried. Junk Vehicle revenue account 2430-000-33-50-70 shall be reduced from \$63,702.00 to \$43,060.00 and Junk Vehicle expense accounts shall be adjusted as follows: 2430-217-4308-00-360 from \$1,000.00 to \$1,803.00; 2430-217-4308-00-365 from \$-0- to \$500.00; 2430-217-4308-00-390 from \$900.00 to \$600.00; 2430-217-4308-00-801 from \$21,645.00 to \$-0-; 2430-217-4308-00-905 from \$8,086.00 to \$-0-.

Gallatin County Planning Director Dale Beland submitted a resolution to revise the Gallatin County Plan. Mr. Beland reported that the Gallatin County Planning Board is recommending the adoption of the proposed Phase I revisions. Notice of this public hearing was published in the Bozeman Daily Chronicle on October 9 and 16, 1998. There was no public comment. Motion by Commissioner Brown to adopt Resolution #1998-74. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Grants Administrator Larry Watson reported on the solicitation of qualifications for professional architectural, engineering, and land surveying services the County has requested. Sixteen engineering firms, six architectural firms, and eight land surveying firms responded to the request. Three County staff members evaluated the responses for statutory requirements and required licenses. This information will be used to assist departments and the Commission in selecting appropriate consultants. The committee has recommended a mailing list be adopted in its entirety to include all who responded. Terry Threlkeld from Allied Engineering informed the Commission that corporation registrations need to be filed with the Department of Engineering Board. Motion by Commissioner Brown to adopt the entire list to include Architectural services from Prugh & Lenon Architects; George Mattson Architects; Cikan Architects; Taylor Architects; Richard M. Shanahan Architects all of Bozeman; CTA Architects/Engineers of Billings; Engineering Services from Damschen & Associates, Helena; MSE-HKM Engineering, Billings; CTA Architects/Engineers, Billings; Associated Construction Engineering, Inc. Belgrade; and Bozeman companies including Fluidyne Inc.; Allied Engineering Services Inc.; Kerin & Associates P.C.; Thomas Dean & Hoskins Inc.; Stensrud & Associates/JC Consulting; Gaston Engineering, Resource Technologies Inc.; TREC Inc.; MT Structural Consultants; Morrison-Maierle Inc.; Van Dyken Engineering; Bronco and Associates Inc; Land Surveying services from MSE-HKM Engineering in Billings and Bozeman companies including Morrison-Maierle, Inc., Gaston Engineering, Stensrud & Associates/JC Consulting, Thomas Dean & Hoskins Inc., Kerin & Associates, P.C., Allied Engineering Services Inc. and Fluidyne Inc. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Commissioner Murdock announced that Personnel Director Kathy Norwierski has requested the consideration of amendments to the Gallatin County Personnel Policy and Manual be continued until November 17, 1998. There was no public comment. Motion by Commissioner Brown to continue this consideration until November 17, 1998. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Bozeman City/County Planner Jody Olsen reported that Ronald Laden, applicant of Aajker Creek Subdivision is requesting modification to conditions of preliminary plat approval that was granted on March 4, 1997. The Bozeman City/County Planning Board reviewed this request on October 6, 1998, and has recommended granting the modifications. The modifications include changing the subdivision's name from Aajker Creek Subdivision to Shakira Subdivision; amending condition 7b) to read "Provisions for the maintenance of all subdivision roads and parks."; strike condition 11 and have it read "In exchange for requested additional density bonuses, a pedestrian/bicycle trail shall be constructed by the developer through the public park and Lot 10 as shown on the revised Preliminary Plat dated 18 August 1998. The trail shall connect Harper Puckett Road with Valley Center Road as shown on the revised preliminary plat. On the final plat, a public trail easement shall be shown across Lot 10 for the public trail. The trail shall be five (5) feet wide and shall comply with County improved trail standards. The developer shall plant a combination of deciduous and evergreen trees in the public park along the public trail from the creek to Valley Center Road. In addition, the developer shall install trees in the area where the creek intersects the public park"; strike condition 22 and have it read "A minimum thirty-five (35) foot setback shall be provided from the mean high water mark on each side of Aajker Creek through the subject property. A minimum of five feet of the required setback immediately adjacent to Aajker Creek shall be left in a natural vegetative state. No structures, parking, fences or other similar improvements shall be located in this setback." Applicant Ronald Laden asked the commission to consider that trail be for pedestrian and not require the bicycle portion due to the rural area of this subdivision and asked about the maintenance of this trail. He also asked the Commission to consider moving the dedicated parkland boundary and fences over the creek. Planner Olsen was not able to report on how the City/County Planning Board responded to these requests because these requests were

not made until today. Deputy County Attorney Susan Swimley advised that if the plat is to be modified to include park dedication and not receive cash in lieu of parkland then the plat must be corrected. There was no public comment. Deputy County Attorney Susan Swimley advised that if the Commission determines this to be a major change request then this needs to go back to the City/County Planning Board. If it is determined to be a minor change then the Commission may consider the requests. Commissioner Murdock asked Mr. Laden if he would be willing to meet with Planner Olsen to see if some of these concerns regarding parkland and fences along the creek could be worked out and continue the request for modifications until November 10, 1998. Mr. Laden agreed to the continuation. Motion by Commissioner Brown to continue until November 10, 1998. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:00 P.M.

*Unavailable for
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING TUESDAY THE 27th DAY OF OCTOBER 1998

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 Clerk & Recorder Shelley Vance, Acting Clerk to the Board.

Commissioner Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

OCTOBER 5, 1998

- Commissioner Brown attended Bozeman Fire Department's annual Fire Prevention Breakfast held at the Fairgrounds.
- Commissioner Murdock met with the Paul, Janet and Packy Cronin to discuss potential zoning for Section 17 in the Big Sky area.
- Commissioner Jarvis Brown attended the Detention Center Finance Subcommittee meeting.
- The Commissioners met, approved and signed a contract between Gallatin County and Taylor Construction for the Phase I Courthouse Remodel.
- Commissioners met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners met with Facilities & Operations Director Bob Isdahl to review completed, current and pending projects. Bob has agreed that Facilities will assume the responsibility of groundskeeping at the Law & Justice Center.
- Commissioners met with Clerk and Recorder Shelley Vance to discuss a procedure for reviewing and approving the Commissioner's minutes. Commissioners will review and approve old minutes piecemeal and forward to Shelley within two weeks.
- Commissioners met with GIS Coordinator Allen Armstrong to discuss a new employee, making GIS data available to the public, completion of Emergency Services Zone (ESZ) boundary map, this month's proposed projects, and possible additional city funding of GIS work. Allen will find a person to help with E911 mapping and will contact Bozeman City Manager Clark Johnson regarding funding for same.
- Commissioner Murdock attended a meeting of the Fair Board.

OCTOBER 6, 1998

- Commissioner Olson was in Helena from October 6-9, 1998 participating in a course entitled, "Orientation to Montana Disaster & Emergency Services (DES)" held at the State DES Emergency Coordination Center.

- Commissioners Murdock and Brown met with Chief Deputy County Attorney Susan Swimley and Deputy County Attorney Chris Gray to discuss the status of County legal issues and a request by Road Superintendent Sam Gianfrancisco to post an emergency speed limit on Jackson Creek Road. Susan Swimley advised that a speed study must be conducted first. This item will be pulled from the Commissioners' October 13 public meeting agenda and tabled until a speed study has been conducted.
- Commissioner Murdock met with the Detention Center Project Team to review proposals submitted by eight corrections consultants. Three finalists were selected and will be interviewed on October 26, 1998.

OCTOBER 7, 1998

- Commissioner Murdock met with Planning Board member Archie Alexander to discuss issues pertaining to the Open Space Task Force report.
- Commissioners Murdock and Brown met with Sheriff Bill Slaughter to discuss performance measures, Big Sky contract, West Yellowstone Deputy, vehicles, and public safety mill levy.
- Commissioners Murdock and Brown met with Data Processing Supervisor Bill Baldus to discuss personnel matters, status of various data processing matters, and department head evaluations.
- Commissioner Murdock met with Planning Director R. Dale Beland to discuss his concerns regarding issues pertaining to the Open Space Task Force report.
- Commissioners Murdock and Brown attended a meeting of the Detention Center Citizens' Advisory Committee to discuss timelines, the need to coordinate efforts with various committees, and getting the detention center on the list for county lobbyist discussion.
- Commissioners Murdock and Brown and Road & Bridge Superintendent Sam Gianfrancisco met with residents of the Cottonwood Community to discuss paving the gravel portion of Cottonwood Road and exploring cost shares.

OCTOBER 8, 1998

- Commissioners Murdock and Brown participated in a regular Zoning Hearing.
- Commissioners Murdock and Brown met with Chief Deputy County Attorney Susan Swimley to discuss the sale of bonds for Wheatland Hills II RID #371. Motion by Commissioner Brown to adopt Resolution #RID-97-371-E to authorize the execution of sale of bonds. Seconded by Commissioner Murdock. None voting nay. Motion carried.
- Commissioners Murdock and Brown met with department heads to review their 1999 legislative needs.
- Commissioners Murdock and Brown met with Grants Administrator Larry Watson to review the status of current and pending grants.
- Commissioner Murdock attended a meeting of the Community Corrections Board to discuss the budget, mission statement, goals, and objectives.

OCTOBER 9, 1998

- Commissioners Murdock and Brown attended the MOU meeting to discuss Department of Energy's Clean Cities Program, Yellowstone National Park's Winter Use EIS, Southwest Montana Composting project and the Big Sky Fire Plan.
- Commissioners Murdock and Brown, Deputy County Attorney Chris Gray, and Road & Bridge Superintendent Sam Gianfrancisco met with Willow Creek residents Mike Lane and Walt Steingruber to examine two different dikes on the north side of the Jefferson River. Two maps and one contract for dike maintenance were reviewed; an earlier maintenance contract could not be located. Commissioners will pursue possible maintenance of the dike near Lane's property.
- The Commission received September 1998 payroll report totaling \$903,238.55 from County Auditor Joyce Schmidt; Report of Claims in the Amount of \$473,407.57 from County Fiscal Officer Ed Blackman; and County landfill receipts and miscellaneous A101 receipts in the amount of \$27,000.50.
- The following is a list of new employees for the month of September 1998: 9/1/98 Kate McInnerney Rest Home; 8/31/98 Linda Izzo Grants, Fiscal; 9/2/98 Suzanne Gorder Rest Home; 9/1/98 Mareah Curtis Clerk of Court; 8/10/98 Vicki Kucharski Rest Home; 9/1/98 John Shepard Planning; 9/1/98 Mark Andersen Fair; 9/3/98 Robert Burns Sheriff; 9/8/98 Linda Everhard Treasurer; 9/8/98 Kim Buchanan Treasurer; 9/9/98 Ruth Anne Stanton Clerk of Court; 9/14/98 Heidi Henry Justice Court;

9/8/98 Matt Putzier County Attorney; 9/16/98 Paul Lewis Sheriff; 9/10/98 Cheryl Anderson Rest Home; 9/2/98 Lindsey Nelson Rest Home; 9/8/98 Sandra Rivers Rest Home; 9/1/98 Zachary Dekay Rest Home; 8/26/98 Kathy Vandercrook Rest Home; 8/17/98 Christina Bakke Rest Home; 9/8/98 Nichole Smith Rest Home; 9/14/98 Heidi Benowitz Rest Home; 9/14/98 Laura Moorhead Rest Home; 9/4/98 Teri Dieter Rest Home; 9/9/98 Leslie Myhre Rest Home; 9/18/98 Shelley Nilsson Rest Home.

- The following is a list of terminated employees for the month of September, 1998: Jody Boggio Rest Home 8/28/98; Jessica Brinkerhoff Rest Home 9/10/98; Leandria Burt Rest Home 9/9/98; Monica Calvin Det. Center 9/3/98; Crystal Gohde Rest Home 9/1/98; Angela Jones Rest Home 9/3/98; Cheryl Klompfen Det. Center 9/6/98; Charlotte Moore Rest Home 8/30/98; Brad Snyder Det. Center 8/26/98; Amanda Welch Rest Home 9/6/98; Alice Jandt Rest Home 9/14/98; Jose Cifuentes Rest Home 9/13/98; Charissa Sutton Rest Home 9/18/98; Mareah Curtis Clerk of Court 9/25/98.

OCTOBER 12, 1998

- County offices were closed in observance of Columbus Day.

OCTOBER 13, 1998

- Commissioner Brown attended a meeting of the Detention Center Public Relations Subcommittee to discuss timelines, progress on brochure, limitations on public employees promoting bond levies, and budget needs.
- Commissioner Murdock attended the Board of Health meeting.
- Commissioners and Road & Bridge Superintendent Sam Gianfrancisco met with members of the Ponderosa Pines Landowners Association to discuss the poor condition of Clarkston Road and what might be done to make it better. It was decided that the Homeowners Association and the Road Department will work together toward a plan to upgrade the road.
- Commissioner Olson and the Phase I Project Team met to discuss the need to review the funding to Prugh & Lenon; rebates from Montana Power for new fixtures; and planning for power outages.

OCTOBER 14, 1998

- Commissioner Murdock attended the Alternatives Workshop for the Winter Use Plans and Environmental Impact Statement for Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway held in Idaho Falls, October 14-16, 1998.
- Commissioner Olson attended the 911 Administrative Board meeting to interview five candidates for the 911 Communications Services Director position.
- Commissioner Brown attended a meeting of the Transportation Coordinating Committee.

OCTOBER 15, 1998

- Commissioner Olson and DES Deputy Director Mike Hoey flew over the Jefferson Dike near Willow Creek to determine if a dike south of Mike Lane's property would fail.
- Commissioner Olson attended a meeting of the Drug Court Planning Coalition to discuss drug & alcohol treatment.
- Commissioners Olson and Brown met with Jim Hassler to discuss his role as a newly-appointed member of the Logan Landfill Advisory Board.
- Commissioner Brown and Chief Deputy County Attorney Susan Swimley attended a meeting to review the Open Lands & Conservation Easement Act.
- Commissioner Olson attended a meeting of the Hyalite Zoning District Advisory Committee.

OCTOBER 16, 1998

- Commissioner Jarvis Brown met with the Detention Center Finance Subcommittee to discuss financing and operation of a new detention center and determine and recommend to the County Commissioners: (1) size of bond issue; (2) sources of construction financing; and (3) sources of operational funding.
- Received County landfill receipts and miscellaneous A101 receipts in the amount of \$28,062.20.

OCTOBER 19, 1998

- Commissioner Olson was on vacation from October 19 – 23, 1998.

- Commissioners Murdock and Brown met with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners Murdock and Brown met with Extension Agents Todd Kessner and Ron Carlstrom to discuss legislative concerns, abuse of the 4-H skateboard facility at the Fairgrounds, farm management training, pesticide applicator licenser training, farm support programs, meat packing, youth work, and dikes near Willow Creek.
- Commissioner Murdock met with Terry Lonner regarding Open Space Task Force concerns.
- Commissioners Murdock and Brown and members of the Lobbyist Selection Team interviewed candidates Mona Jamison, Ellen Engstedt, and Carl Schweitzer for the lobbyist position. Following the interviews, Commissioners Murdock and Brown discussed the selection teams' recommendation. Motion by Commissioner Murdock to enter into negotiations with Mona Jamison. Seconded by Commissioner Brown. None voting nay. Motion carried.

OCTOBER 20, 1998

- Commissioner Murdock attended a meeting of the Turner Youth Initiative.
- Commissioners Murdock and Brown met with County Attorney Marty Lambert, Chief Deputy County Attorney Susan Swimley and Deputy County Attorney Chris Gray to discuss the Winter Use EIS MOU, Jefferson Dike contract, Hebgen Lake Refuse District contract, personnel issues and computer problems at the Law & Justice Center.
- Commissioner Murdock and Bob Isdahl met to discuss project representative issues as the Phase I project team.

Commissioner Brown attended the ground breaking ceremony for The Bozeman Area Chamber of Commerce located at the southeast corner of 19th Avenue and Baxter Lane.

OCTOBER 21, 1998

- Commissioners Murdock and Brown held a staff meeting to receive a report by the Capital Improvements Program Committee, a presentation by Jenny Martin of Montana Shares and Carol Townsend of United Way regarding annual fund drives, update the staff on the lobbyist selection process, and hear department updates.
- Commissioners Murdock and Brown met with the Software Procurement Committee. The Committee unanimously recommended that Systems Consultants, Inc. be awarded the contract for the purchase of integrated financial software and the computer/server on which to run the software. The commissioners accepted the recommendation and Commissioner Murdock signed the contract.
- Commissioners Murdock and Brown attended a meeting of the West Yellowstone/Hebgen Basin Solid Waste District Advisory Board.

OCTOBER 22, 1998

- MSU student Gregg Stubbs interviewed Commissioner Murdock.
- Commissioners Murdock and Brown met with Bozeman City Manager Clark Johnson to discuss landfill issues, 911, and a possible pavilion at the Fairgrounds for hockey and the farmer's market.
- Commissioners Murdock and Brown met with Larry Watson to draft a list of proposed legislative items to be discussed during negotiations with Mona Jamison.

OCTOBER 23, 1998

- Commissioner Murdock met with Jim Elias and Debbie Degon of Gallatin Valley Land Trust to discuss various issues of mutual interest to GVLT and Gallatin County.
- Received County landfill receipts and miscellaneous A101 receipts in the amount of \$5,828.00; and report of claims from County Fiscal Officer Ed Blackman in the amount of \$342,821.24.

The following items were on the consent agenda:

- Daily minutes for the weeks of October 5-9, 12-16, and 19-23, 1998
- Final plat approval of the High K Ranch Minor Subdivision. Belgrade City-County Planner Jason Karp reported that preliminary plat approval was granted on October 28, 1997, and all conditions have been met.

- Family transfer exemption located in the SW1/4 of Section 3, T3S, R5E, requested by Jim Dahlin to his wife Debra Dahlin. Bozeman City-County Planner Jody Olsen reported that this application meets the criteria allowed under the Montana Subdivision and Platting Act.
- Consideration of Resolution #1998-75 approving a variance for the development on hillside property in the Gallatin Canyon/Big Sky Zoning District requested by Jedediah and Elizabeth Hogan.
- Final plat approval of the Mt. Ellis Minor Subdivision. Gallatin County Planner Jennifer Madgic reported that preliminary plat approval was granted on June 9, 1998, and all conditions have been met.
- Family transfer exemption located in the SE1/4 of Section 4, T1N, R3E, requested by Arnold and Janis Dyk to their daughter Sara Platisha. Gallatin County Planner Jennifer Madgic reported that this application meets the criteria allowed under the Montana Subdivision and Platting Act.
- Family transfer exemption located in the NW1/4 of Section 23, T2S, R7E, requested by Warren McMillan to his wife Darleen McMillan. Gallatin County Planner Jennifer Madgic reported that this application meets the criteria allowed under the Montana Subdivision and Platting Act.
- Relocation of common boundary exemption located in the SW1/4 of Section 19, T1N, R1E, requested by Gary and Ann Lower and Myrina Campbell. Gallatin County Planner Jennifer Madgic reported that this application meets the criteria allowed under the Montana Subdivision and Platting Act.
- Relocation of common boundary exemption located in the W1/2 of Section 18, T1S, R6E, requested by Gordon and Donna Gollehon. Gallatin County Planner Jennifer Madgic reported that this application meets the criteria allowed under the Montana Subdivision and Platting Act.
- Consideration of a contract between USDA/Forest Service grant in support of the Gallatin Plan

Gallatin County Planner Jennifer Madgic requested that the family transfer exemption requested by Arnold and Janis Dyk be moved to the consent agenda for November 10, 1998, and the family transfer exemption requested by Warren McMillan be moved to the regular agenda on November 10, 1998. Chairman Olson announced that the contract between USDA/Forest Service in support of the Gallatin Plan has been removed from consideration. Motion by Commissioner Murdock to adopt the consent agenda excepting the family transfer exemptions requested by Arnold and Janis Dyk and Warren McMillan and the USDA/Forest Service contract. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Olson announced that the consideration of preliminary plat approval of the Nevin Minor Subdivision has been withdrawn by the applicant.

The following trustees of the Gallatin County Libraries reported on increased work hours, additional automation, and joint agreements between the libraries in an effort to provide additional services to residents: Jean Nelson - West Yellowstone Library, Ilene Casey and Ann Koentopp - Belgrade Library, Joe Menn, and Alice Meister - Bozeman Library and Gallatin County Library long range planning committee Chairman Ron Farmer.

Chief Deputy County Attorney Susan Swimley reported on a resolution the Commission requested to be drafted that would give the Commission the authority provided for under the "Open-space Land and Voluntary Conservation Easement Act", for the purpose of creating an open-space lands board. The resolution gives the County Commission authority to create an open-space lands board who will serve at the will of the Commission, with a budget adopted by the Commission, whose board is not autonomous, does not have the authority to condemn land but who will have the authority to pursue legislation to preserve open space. Nick Salmon, Grace Morgan, Carmen McSpadden, Archie Alexander, Terry Lonner, and Ray Rascor spoke in support of the resolution. They requested the Commission turn the recommendations of the Open Space Task Force into the Open Space Lands Board by creating the authority through the adoption of the resolution today. Based on testimony and support of the Gallatin County Planning Board, motion by Commissioner Murdock to adopt Resolution #1998-76. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on the consideration of a resolution to amend budgets for the DUI Task Force fund and General Fund Data Processing to appropriate unanticipated

state grant money. The resolution includes the following amendments: Account 2415-000-33-50-25 from \$0.00 to \$4,624.00; Account 1000-000-34-33-75 from \$9,360.00 to \$11,286.00; Account 2415-000-4201-00-220 from \$1,500.00 to \$5,929.00; Account 1000-205-4105-80-235 from \$0.00 to \$699.00; Account 1000-205-4105-80-940 from \$45,050.00 to \$1,000.00. There was no public comment. Motion by Commissioner Murdock to adopt Resolution #1998-77. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that notice of this public hearing to consider a petition to create a rural improvement district within Harvest Hills Subdivision was published in the Bozeman Daily Chronicle on November 1 and 8, 1998, and mailed to record owners and contract purchasers on October 30, 1998. Mrs. Vance stated that between November 2 and 16, 1998, eight protest letters representing eight lots were received. There are 61 lots in the proposed district which constitutes 13% of the owners of lots protesting the creation of the district. One protest letter was received after the close of the protest period. Motion by Commissioner Murdock to accept the petition based on the certification and report of protests from the Clerk and Recorder. Seconded by Commissioner Olson. None voting nay. Motion carried. Rick Kerin, Kerin and Associates, described the proposed improvements and reported on criteria including how this RID could benefit property, assessment methodologies equitable and consistent with the benefit, method of financing, estimated market value of property, diversity of property ownership, comparison of special assessments, property taxes, market value, and delinquencies. There was no public comment. Finding that this RID meets the criteria as stated in testimony received today, motion by Commissioner Murdock to pledge the rural revolving fund to secure this RID and to adopt Resolution #RID98-372-A. Seconded by Commissioner Olson. 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 10th DAY OF NOVEMBER 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 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:

OCTOBER 26, 1998

- Commissioner Murdock and the Detention Center Project Team interviewed the three corrections consultants who had been selected as finalists at their meeting on October 6, 1998. Project Team recommended Integrus be chosen and will work with Prugh & Lenon to negotiate contract.
- Commissioner Olson, Deputy County Attorney Chris Gray, and Tim Hudson met to discuss modifications to the Agreement for Services for Compost Facility Feasibility between Gallatin County and Land & Water Consulting, Inc. They spoke with Water Resource Engineer Denise DeLuca regarding these changes and she will provide a revised contract to be considered at the November 4th meeting of the Composting Committee.
- Commissioner Murdock attended the Board of Health Retreat held at the Holiday Inn. Agenda items included by-laws and variance policy.
- Commissioner Olson attended a meeting of the Extension Advisory Board held at AgriBasics in Belgrade. Agenda items included updates from 4-H Agent Todd Kessner, Ag Agent Ron Carlstrom and input on future programming.

OCTOBER 27, 1998

- Commissioners Olson and Murdock met with the Finance Committee (Jeff Krauss, Shelley Vance, and Joyce Schmidt). Discussion focused on how to improve, if possible, the financial decision-making for Gallatin County. The next meeting is scheduled for December 4, 1998 @ 10:30 a.m. and subsequent meetings will be held on the first Friday of every month thereafter.
- Commissioners Olson and Murdock and Department of Public Health & Human Services Director Joan Davies met as the Welfare Board. The Welfare Board report was reviewed and approved as submitted. Joan also reported that Jim Smith of First West is optimistic that the County's share of Julie Jacobsen's issue (\$17,263.21) will be reimbursed by insurance. Commissioners will write an apology letter to Jerry Grimes for missing their meeting with him on October 26; new meeting has been scheduled for 8:30 a.m. on December 11th at Joan's office.
- Commissioners conducted the regular public meeting.
- Commissioner Olson and the Phase I Project Team held their regular weekly meeting. Topics of discussion included setting a meeting with contractors for progress report and relay details of future needs; meeting scheduled for November 6th in the basement of the courthouse. Will plan to schedule date for people to tour project in the near future.

OCTOBER 28, 1998

- Commissioner Olson participated in the regular monthly meeting of the 911 Admin. Board. Detailed minutes can be obtained through the Communication Services (911) Department.
- Commissioner Olson appeared as a witness for the defense in the case of Gallatin County, State of Montana vs. Barbara Burt.
- Commissioners Murdock and Brown attended the regular monthly meeting of the Victim/Witness Advisory Board. Next meeting is scheduled for November 24, 1998.
- Commissioners Murdock and Brown attended a meeting of the Software Procurement Committee. The Committee unanimously recommended that Systems Consultants, Inc. be awarded the contract for the purchase of integrated financial software and the computer/server on which to run the software. The commissioners accepted the recommendation and Commissioner Murdock signed the contract.
- Commissioners canvassed votes from the mail ballot election to create the Valley Grove Water & Sewer District.
- Commissioners met with Lobbyist Mona Jamison to discuss their list of proposed legislative items. Also in attendance were Executive Secretary Pat Lewis, Sheriff Bill Slaughter, Youth Probation Officer Dave Gates, County Attorney Marty Lambert, and Grants Administrator Larry Watson.
- Commissioner Olson attended the regular monthly meeting of the Logan Landfill Advisory Board. Next meeting is scheduled for December 23, 1998 at the Gallatin County Courthouse.

OCTOBER 29, 1998

- Bill and Sally Laughlin dropped in to let the Commission know there had been another accident on Jackson Creek Road. They inquired as to why there is no work being done on the intersection, and the "curve" signs and speed limit signs have not been put up as promised at the meeting with the Commission on September 14, 1998. Commissioner Olson explained the County Attorney's decision not to impose an emergency speed limit until a speed study has been conducted; Phil will check with Road & Bridge Superintendent regarding intersection progress.
- Commissioners Murdock and Brown attended a ½-day session of the NSDI Community Mapping Demonstration Project to discuss GIS and Community Participation support for the Gallatin Plan.
- Commissioners conducted an annual performance evaluation of a County employee.
- Commissioners held their regular monthly meeting with Fiscal Officer Ed Blackman. Topics of discussion included financial trends in Gallatin County, survey questions for Gallatin County residents, graphical presentations of Gallatin County taxes in local newspapers, and funding for courthouse renovation. The Commissioners recommended moving forward with Phase II of courthouse renovation. Will direct Deputy County Attorney Chris Gray to draft contract for Phase II; Larry Watson will monitor contract compliance. Ed was encouraged to visit with Larry Watson about high-tech training facilities in Phase II; Phase I Committee will continue into Phase II.
- Commissioner Olson met with the Phase I Project Team to monitor the progress of the contractor.
- Commissioner Brown and Gallatin County Planner John Shepard attended a meeting hosted by the City of Bozeman, Gallatin County, U.S. Forest Service, Gallatin Valley Land Trust, and Montana

Fish, Wildlife & Parks to discuss various trails efforts in Gallatin County. The possibility of more open space in the Sundance Subdivision was discussed. Each of the five agencies provided representatives who gave brief talks and were available to answer questions after the presentations.

- Commissioner Murdock attended a meeting of the Gallatin County Council of Governments to discuss upcoming legislative issues.

OCTOBER 30, 1998

- Commissioner Olson met with Bob Ross, Executive Director of the Mental Health Center in Billings, to discuss local resistance to the opening of a mental health group home on W. Villard. A meeting with local residents is schedule for November 5, 1998 @ 6:00 p.m. at the group home.
- Commissioner Murdock met with Fairgrounds Supervisor Sue Shockley to discuss CNFR possibilities, Bozeman City Manager Clark Johnson's desire to build pavilion at the Fairgrounds, city license fees, and lease updates on the baseball fields and shooting range.
- Commissioner Olson attended 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 applications for cancellation of taxes in the amount of \$1,194.70.
- Commissioners received claims in the amount of \$11,879.50.

The following items were on the consent agenda:

- A request for final plat approval of the Dehaan Minor Subdivision #2 by Belgrade City-County Planner Jason Karp, located in COS #1863 in the NW¼ of Section 4, T1S, R4E. The Commission granted preliminary plat approval on June 16, 1998. All the conditions to grant final platt approval appear to have been met.
- A request for confirmation of a charter for National Spatial Data Infrastructure's (NSDI) Reinvention Laboratory: "Mapping Our Course for the Future" by R. Dale Beland, Gallatin County Planning Director.
- A request for final plat approval of the Morton Minor Subdivision by Gallatin County Planner Jennifer Madgic, located in the W½ of Section 3, T2S, R7E. The Commission granted preliminary plat approval on December 30, 1997. All the conditions to grant final plat approval appear to have been met.
- A request for a boundary relocation exemption for Michael and Kathryn Seeburg and Elizabeth Ringer by Gallatin County Planner Jennifer Madgic, located in the NE¼ of Section 34, T2S, R4E.
- A request for a boundary relocation exemption for Loret and Dee Mast by Gallatin County Planner Jennifer Madgic, located in Section 2, T2S, R6E.
- A request for a boundary relocation exemption and aggregation of lots for Bruce and Carol Wilson by Gallatin County Planner Jennifer Madgic, located the Middle Creek Meadows Subdivision #1, lots 4 and 8 in the SW¼ of Section 12, T2S, R4E.
- A request for consideration of a grant proposal for the U.S. Forest Service for advanced mapping for public participation in support of the Gallatin County Plan by County Planning.
- A request for a family transfer exemption for Arnold and Janis Dyk by Gallatin County Planner Jennifer Madgic, located in the SE¼ of Section 4, T1N, R3E.

According to the information submitted, the exemption requests appear to meet the exemptions allowed under the Montana Subdivision and Platting Act. Motion by Commissioner Brown to adopt the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on a continued request from the developer of the High K Subdivision that was postponed at the public hearing on September 22, 1998. The developer had requested to amend a condition of preliminary plat approval for a major subdivision which requires the developer to file a covenant with the subdivision which prohibits large animals (horses, cows, llamas, etc.) within the subdivision, specifically condition 6-1. The provision for horses was discussed at length during the April 21, 1998, public hearing before the Commission. They found that the soil in the area had limitations for supporting animals. Based on the County Extension agent's indication that a minimum of 5 acres was required to support a horse or other large animals, the Commission required a covenant prohibiting horses and other large animals within the subdivision. The applicant has indicated that the

western half was designed with horses in mind and the Commission's decision to prohibit horses in the subdivision severely affects the marketability of the larger lots. The applicant is proposing to allow the homeowner's association to deal with nuisance animals should a problem arise. The Planning staff recommended that if the Commission votes to amend the required covenants as requested by the developer that a covenant be included which gives the homeowner's association the power to require horses to be removed from a lot if a nuisance exists. A condition of nuisance would include excessive noise, foul odors, creation of dust, unsightly hay, straw, or manure piles, etc. Notice of the public hearing was given to all surrounding property owners and published in the newspaper. The Commission received a letter from the by the Belgrade City-County Planning Board stating, that they did not forward a recommendation regarding the request because the condition was imposed by the Commission. The Planning Board agreed that if the County Commissioners felt that horses need to be limited in future subdivisions, the regulations should be amended to address the issue for the future creation of subdivisions and guidelines for developers. A letter was received from Ron Carlstrom, Agricultural Agent for the Gallatin County Extension Office concerning large animals on acreage, containing information on grazing large animals and their impact. A letter also was received from High-K LLC, the applicant, regarding their request that it is a hardship for the developers, as it severely affects the marketability of the larger lots. A letter opposing the amendment was received by Gerald Witmer. The applicant Nadia Baiser spoke requesting the Commission to reconsider the covenant for the western half of the property, stating they developed the property with 2-3 acre lots that would accommodate one horse. The decision by the Commission was made after a conversation with an extension agent that stated the lot would not feed the animals. She agrees that a horse would have to be supplemented by hay, and that most horses in Gallatin County do have to be supplemented. She presented an analysis by the engineer of the project, showing one horse and a one acre lot and the effects of the soil regarding nitrates from the manure produced by the horse. It showed that one horse will not affect the soils if put on one acre. Their proposal was one horse on 3-5 acres. She said the Commission's previous decision was made without benefit of the study that they now have. Clint Little of MSE KKM Inc., engineer for the project, answered questions presented by the Commission. It was determined he didn't do the analysis taking into consideration that there can be a residence, a building, and the large animal on the one acre sight, therefore the septic system with the drainfield might be impacted if the residential area wasn't controlled. He stated there was a mechanism of building footprints that would limit the area the buildings could be put on. Ms. Baiser stated she would be willing to rewrite the amendment to clarify the maximum lot coverage for the footprint of the building to be put on the plat. There was no public comment. Director of the Gallatin Environmental Health Department Tim Rourke spoke regarding Ms. Baiser's testimony concerning the sanitation review. He stated that the High-K Major Subdivision had not been approved by either the Gallatin County Health Department or the State Department of Environmental Quality. He mentioned a two month study that was approved and to be done by the Local Water Quality District that would study large animals and the effects of nitrates on small ranchettes in the Royal Arabian and Ross Creek Subdivisions. The Royal Arabian site lies above the proposed High-K Major Subdivision. He urged the Commission to make a decision after the study was conducted and use the findings and recommendations made by the study. Ms. Baiser stated that they could not wait as the phase they are requesting the amendment to was not the section of the subdivision that had concerns over the nitrate levels. They had buyers waiting on its approval. She added that they were requesting this covenant amendment on only 24 lots on the west side, not the total subdivision. During Board discussion, both Commissioners felt reluctant to overturn a unanimous decision made in good faith where public health issues were a concern. Commissioner Brown still felt that the public health and safety issues were not answered to his satisfaction. Commissioner Olson stated that by reducing the number of lots considerably from 79 to 24 lots, with larger lot sizes, and with the additional language in the proposed amendment and by adding building footprints to the plat, he would be in favor of voting for the amendment. The new language to the proposed amendment they discussed would read, "Pets including one large animal may be kept for the personal use of each lot owner. A limited number of domesticated animals may be kept on each lot exclusively for the personal use or consumption of residents of that lot and/or in conjunction with 4-H type projects, except that no more than 1 large animal may be kept on any lot two acres or less, and no more than one large animal may be kept on any one lot provided they do not create a nuisance. A condition of nuisance includes excessive noise, foul odors, creation of dust, unsightly hay, straw or manure piles. Determination of whether or not a nuisance exists shall be made by a majority vote of the adjoining lot owners and the Declarants, and in the event of a tie vote the President of the Owner's Association shall cast the deciding vote. Conditions for eliminating the nuisance shall be presented to the lot owner and if he/or she fails to comply within thirty days the animals shall be removed until the conditions are met. A minimum of one acre of fenced land without any structures above or below ground is required to be dedicated on each lot for the maintenance of one large animal per lot." Commissioner Brown was not in favor of amending the language during the meeting. He felt it changed with each person that spoke and mistakes have been made that are not in the public's interest. Motion by

Commissioner Brown to grant the amendment. Seconded by Commissioner Olson. Commissioner Olson voting aye. Commissioner Brown voting nay. The amendment was denied.

Gallatin County Fiscal Officer Ed Blackman reported on receiving a letter from the Sourdough Rural Fire District requesting that \$5,125 designated as operating reserve in the FY 99 budget be reallocated into their operating budget, amending it. The fire district has expenses anticipated for Capital Outlay that would be funded from the reallocation of operating reserves. This change will not affect the FY 99 mill levy. He presented a resolution of intention to amend the Sourdough Rural Fire District FY99 budget as follows: Revenue Acct # 7205-000-10-1000 the Sourdough Fire District Operating Reserve original budget of \$7,000 be adjusted at \$5,125. The adjusted budget being \$1,875. Expense Acct #7205-000-5920-02-855 the Sourdough Fire original budget of \$131,680 be adjusted at \$5,125. The adjusted budget being \$136,805. Public notice will be published in the Bozeman Daily Chronicle on November 14, 1998, for the public hearing on November 24, 1998, to receive public comment on the proposed increase. Motion by Commissioner Brown to adopt Resolution #1998-78, the intent to amend the Sourdough FY99 budget. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Olson announced that the report by Bozeman City-County Assistant Director Debbie Arkeil on an amendment to the Master Plan to the Parks, Open Space and Trails Plan would be opened and continued until December 22, 1998. Commissioner Brown moved to open and continue the amendment until December 22, 1998. Seconded by Commissioner Olson. None voting nay. Motion carried.

Bozeman City-County Planner Jodie J. Olsen reported on a request for modifications to the conditions of an approved preliminary plat for Aajker Creek Major Subdivision continued from the public hearing on October 20, 1998, after directing the Planning staff to investigate the following issues: 1. Whether part of the land shown as dedicated parkland on the modified preliminary plat (dated August 18, 1998) could be removed from the dedicated parkland, and enough parkland acreage to satisfy the parkland dedication for the subdivision. The certificate for cash-in-lieu of park land dedication has been removed from the preliminary plat. In regards, to the fence issue, the Gallatin County Planning Office indicated that in the unincorporated parts of the county, agricultural fences can be placed within the 35 foot watercourse setback. Agricultural uses predominate in unincorporated Gallatin County and agricultural fences near and across watercourses are common and are often a necessity. Therefore, recommended new condition #22 should read as follows: A 35-foot setback shall be provided from the ordinary high water mark on each side of Aajker Creek. A minimum of five feet of the required setbacks immediately adjacent to the ordinary high water mark shall be left in a natural vegetative state. No structures, parking or other similar improvements shall be located within said 35-feet. The revised preliminary plat dated November 4, 1998, has been revised to reflect the concerns the County Attorney's Office had regarding certificates, the labeling of the PUE/ditch maintenance easements and the public trail easement. The developer Ron Laden was present to answer questions. He reminded the Commission a name change request was also submitted, changing the name from Aajker to the Shakira Subdivision. Commissioner Brown was in favor of the amendment that facilitates farming. Commissioner Olson concurred. Commissioner Brown moved to adopt the amendments as proposed and presented by staff. Seconded by Commissioner Olson. None voting nay. Motion carried.

Bozeman City-County Assistant Director Debbie Arkeil reported on a request by Robert and Gina Barham for preliminary plat approval of the Barham Minor Subdivision located in Lot 5 of Hyalite Foothills #2 in Section 15, T3S, R5E. The proposal is to subdivide Lot 5 into 2 lots for residential use. The Bozeman City-County Planning Board found it complied with the subdivision requirements and recommends to approve 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 be accompanied by all appropriate documents, required certificates, Department of Environmental Quality approval, and a platting certificate. One clothback (or equivalent) and one mylar copy 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 Waiver of Right to Protest RIDs shown on the preliminary plat. 3. Covenants shall be filed with the final plat that, at a minimum, include the following: a. That all county declared noxious weeds will be controlled.

b. That any new residential dwellings constricted 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 use 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 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. 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. 4. Encroachment permits shall be obtained from the County Road Department for access from each lot onto Cougar Drive at the time the lots are developed. 5. All new 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 and labeled as utility easements. 6. Applicable fire (\$496 per lot) and road impact fees (\$1596 per lot) shall be paid for the ONE new lot prior to final plat approval. 7. A signed Memorandum of Understanding for the control of noxious weeds must be signed by the County Weed Control Officer and submitted with the final plat. 8. The developer shall have one year from the date of preliminary approval to complete the above conditions and apply for final plat approval. Discussion centered around fire protection and the new requirement of installing a sprinkler system in any structure being built. Rick Gustine, Surveying stated that the applicant has no problems with the conditions as stated. Gallatin County Road and Bridge Superintendent Sam Gianfrancisco asked that condition #4 be stricken from the record. Encroachment permits would not be required on an existing subdivision. There was no public comment. Commissioner Brown moved to grant preliminary plat approval of the Barham Minor subdivision with the conditions as presented by staff with the removal of condition #4 referring to encroachment permits. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a request received by Warren McMillan for a family transfer exemption to transfer a parcel to his wife, Darleen McMillan located in the S½, NW¼ of Section 23, T2S, R7E. The staff needed more clarification from the applicant regarding the exemption. She reviewed the history of the parcel. Mr. McMillan had tracts prior to 1983 where he deeded the tracts to himself, and one of the tracts sold. A Supreme Court Decision made it void. He is trying to find a solution to be able to convey the piece he sold under contract for deed. He is using the family transfer exemption as a solution. The Planning Department makes a determination as to the proper use of the exemption by the applicants intent for the use of the land on the application filed in their office. Mr. McMillan signed a document where he states he has no intended use to sell or divide the property. He has a 60 acre tract, split in 2 - 30's. According to the application Tract 1 will be given to his wife. Tract 2 may also be used for a building site. Ms. Madgic believes that Tract 2 is the one he is trying to sell. Deputy County Attorney Susan Swimley read from the Attorney General's Opinion regarding the family transfer exemption and the determination of the appropriateness of the exemption. In applying the rule, the local governing body should evaluate all relevant circumstances in assessing the claimant's intent. These circumstances might include, the nature of the claimant's business, whether the claimant is in the business of dividing and selling land, the prior history of the particular tract in question, whether this claimant has engaged in prior exempt transactions involving the tract, and the proposed configuration of the tract after the allegedly exempt transactions are completed. The exemptions in section 76-3-207 (1), MCA, were not provided to allow a developer to create a division of land which is for all intents and purposes nothing less than an unreviewed subdivision. Rather, they were provided to deal with "exceptional circumstances under which, in the Legislature's judgment, full plenary subdivision review is unnecessary. The Commission needs to make a determination whether this is an attempt to evade or avoid subdivision law. Prior to 1993 when the law changed, Mr. McMillan had given a contract for deed in good faith. It was legal under the law at the time, the judges ruling came after that time. The Attorney General's Opinion stated that a property owner could not deed the twenty acre parcels without a survey to himself. The Court said it was not appropriate, making the deed void. Mark Chandler of C&H Engineering, surveyor for Mr. McMillan, spoke on his behalf. He stated that on March 5, 1993, the deeds were recorded for Tracts 1 and 2, deeded in his own name. On April 6, 1993, a law was passed limiting the deed transfer of 160 acres of allocate parts effective immediately. In June 1993, a contract was recorded on Tract 2 to the Smiths. Title insurance issued on Tract 2 by American Land Title Company was based on deeds of record at the time. On July 12, 1994, the

case of Rocky Mountain verses Ravalli County was upheld. It ruled that deeds from one person to the same person had no effect. After that ruling, the Clerk and Recorder's Office of Gallatin County erased the previous parcel lines for this particular parcel and others that had divided land and deeded it to themselves. After that, they went to the Clerk and Recorder's Office and they informed Mr. McMillan that without a survey, Tract 2 does not exist. Mr. Chandler stated that it was his fault that Mr. McMillan signed the statement of intent the way that he did, it was an oversight, and he didn't review it close enough. Warren McMillan testified that he already sold Tract 2, but he had no intent to sell the remainder parcel. Deputy County Attorney Susan Swimley asked Mr. McMillan if he ever made a statement that he didn't plan on selling it. He responded, no, he always intended to sell it. During Board discussion they determined that Tract 1 is the family transfer, not the one that was sold, and his wife would be deeded that piece. The remainder is the one that had been under contract for deed and can be used in this type of exemption. They discussed options, should the exemption request be denied for the applicant. It would have to go through minor subdivision review. Other options of putting an agricultural exemption, or aggregate and a boundary relocation exemption. It was determined that any of these options besides going through a subdivision review would be considered an avoidance or evasion of subdivision review, no matter how you looked at it. Commissioner Brown stated it seemed to him that this request didn't meet the conditions of the family transfer. Ms. Madgic did state she discussed going through subdivision review with the applicant, although the lots are odd shaped and don't meet the subdivision regulations. Gallatin County Road and Bridge Superintendent Sam Gianfrancisco commented on the difficulty dealing with land owners in trying to get roads up there dedicated to the public. A variance would have to be requested for a minor subdivision. Commissioner Olson asked if Mr. McMillan would agree to amend his application and come back to the Commission with a request for a realignment of a common boundary for the exemption. Mr. McMillan agreed. They discussed the fees and found there was no fee for exemptions. Commissioner Brown moved to grant the family transfer request for Warren McMillan. Seconded by Commissioner Olson. Commissioner Olson and Brown voting nay. None voting aye. The request was denied.

Gallatin County Planner Jennifer Madgic reported on a request by C&H Engineering on behalf of Thomas Morgan, for preliminary plat approval of the Morgan Minor Subdivision, creating 2 lots on approximately 30.2 acres, which is located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 15, and in the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 22, T2S, R3E. No variances are requested. She reported there is an existing residence on Lot 1; therefore, this lot qualifies for an impact fee waiver in according with the Gallatin County Subdivision Regulations. The subdivision was reviewed for the following criteria and effects on agriculture; agriculture water user facilities; fire and emergency services; the natural environment; wildlife and wildlife habitat; roads; public health and safety. Staff found it meets the requirements of the Montana Subdivision and Platting Act, and is in compliance with the local subdivision regulations, and that it has legal and physical access to the proposed subdivision provided by Norris Road and Wierda Way. The Planning staff recommend preliminary plat approval with 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. 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, 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. The applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, 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. Road name signs are required at all intersections. Road name signs must be approved by the County Road and Bridge Department. 7. The interior road shall be built to county standards and have 60 feet of right-of-way dedicated to the public. 8. A cul-de-sac, built to county standards, shall be required at the west end of the proposed road. 9. All road work shall be inspected and certified by a licensed engineer. Such inspection and certification must be provided to the County Road and Bridge Department in writing. 10. A property owners' association

shall be formed for maintenance of the interior road. 11. The property owners of the Morgan Minor Subdivision shall join the homeowners' association of the Wierda Minor Subdivision for the joint maintenance of Wierda Way. 12. The point with the existing easement and the proposed new road, will need to be an "S" curve approved by the County Road and Bridge Department. 13. A Memorandum of Understanding shall be signed between the Weed Control District and the applicant prior to final plat approval. 14. The applicant shall record the following covenants on or with the final plat: a) *The property owner shall be responsible for the control of County-declared noxious weeds.* b) *Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations.* 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 fences bordering agricultural lands shall be maintained by the property owners' association, in accordance with state law.* 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.* 15. The applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations (\$1,596 per lot). 16. The applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations (\$496 per lot). 17. The applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations and the Amsterdam Fire Department. The applicant shall have the Amsterdam Fire District review and approve the fire protection method prior to final plat approval. The subdivider shall obtain written verification from the fire district that the requirement has been met. The applicants shall have three (3) years to complete the above conditions and apply for final plat approval. There was no notice required, but the Planning Department sent out courtesy notices to adjoining land owners. During discussion the topography of the parcel was shown, and found that there were no canals or ditches that ran through the property. Gallatin County Road and Bridge Superintendent Sam Gianfrancisco stated that the topography of the land with the sloping made it nearly impossible to put a road in, but the road that would be dedicated to the public would meet the standards, and that the undeveloped land had adequate access. Therefore a waiver was not needed. Mark Chandler of C&H Engineering stated the applicant was agreeable to all 18 conditions. There was no public comment. Commissioner Brown moved to approve the Morgan Minor Subdivision with the 18 conditions as presented by staff, finding it is consistent with the Gallatin County Subdivision Regulations and the Montana Subdivision and Platting Act. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4:05 P.M.

*Unavailable for
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING TUESDAY THE 17TH DAY OF NOVEMBER 1998

The meeting was called to order by Chairman Olson at 1:34 P.M. Also present were County Commissioners Bill Murdock and 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:

The following items were on the consent agenda:

- A request received by Gallatin County Planner Jennifer Madgic for final plat approval of the Worts Minor Subdivision located in the NE¼ of Section 1, T1N, R4E. The Commission granted preliminary plat approval on June 30, 1998. After review, according to the information submitted, all conditions for granting final plat approval have been met.
- A request by Gallatin County Planner Jennifer Madgic for a family transfer exemption for William R. Jones located in the NE¼ of Section 25, T2N, R4E.
- A request by Gallatin County Planner Jennifer Madgic for a relocation of a common boundary exemption for Art and Alice Perry and T.H. Crawford, III, located in Section 3, T1N, R4E.
- A request by Belgrade City-County Planner Jason Karp for a relocation of a common boundary exemption for John and Linda Rabel located in the N½ of Section 17, T1S, R4E.

According to the information submitted these requests for exemptions appear to meet the criteria set forth by the subdivision regulations allowed under the Montana Subdivision and Platting Act.

- Consideration of the following contracts: Morrison-Maierle for FY'99 RID Maintenance; Library Services with City of Three Forks; and Grand Teton and the Yellowstone Parks Winter Use EIS Agreement.

Motion by Commissioner Murdock to adopt the consent agenda. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman asked that the resolution to consider approving a tax abatement for Luzenac America, Inc. be opened for discussion and then continued until the public hearing on November 24, 1998. A certified letter was not sent as required by State statutes. There was no public comment. Motion by Commissioner Murdock to continue the consideration of a tax abatement for Luzenac America until November 24, 1998. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on a resolution authorizing participation and execution of documents relating to the INTERCAP loan from the State of Montana Board of Investments for \$495,000 for the Courthouse Phase I remodel project. In December of 1996 the process started when the Commission authorized the borrowing of the funds for the Phase I project. It pays for the majority of the Phase I infrastructure, upgrading electrical, heating, and basement area. Upgrades will go throughout the building. The loan was for 7 years without penalty for early payoff. The interest is variable at 4.55% through February of 1999. The interest rate changes on an annual basis at the Federal fund rate. There was no public comment. Finding that public meetings have previously been held discussing the need for the INTERCAP loan and it was budgeted for accordingly, Commissioner Murdock moved to adopt Resolution #1998-79, authorizing the INTERCAP loan from the State of Montana for \$495,000. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on a resolution to amend the number of mills levied for the Northside Rural Fire District FY 99 budget. The State of Montana Department of Revenue notified the Commission that the certified mill value was in error. The original certified mill value would generate \$2,735 per mill, compared to the corrected mill value of \$1,373. The original budget required \$54,197 in taxes coming from 19.82 mills. The amended certified taxable value requires the collection of \$54,197 in taxes coming from 39.47 mills. The corrected taxable value has been received after the mailing of all tax bills, requiring the immediate issuance of new tax bills, with the corresponding holding in abeyance of all affected tax payments until new tax bills are issued. The resolution would amend the Northside Rural Fire District mills for the FY 99 budget from 19.82 mills to 39.47. The total amount of taxes to be collected will not change from the original amount of \$54,197. He reported that the County Treasurer stated that CI 75 does not affect the change because CI 75 begins with the 99 tax mills, not 98 tax mills and this would be a correction of the original error. Based on the advice of the Fiscal Officer and the Deputy County Attorney, and finding that this would not raise the total amount of taxes, Commissioner Murdock moved to adopt Resolution #1998-80, to amend the Northside Rural Fire District mills in the FY 99 budget. Seconded by Commissioner Brown. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley reported on the consideration brought before the Commission of a resolution to create Harvest Hills RID #372. She asked that after hearing the report by the Clerk and Recorder on the protests received, that the Commission pass on the protests, to make a decision to whether or not there is enough protests to not create the district. She advised not to proceed further, specifically into passing the resolution to create the Rural Improvement District if there were not sufficient protests to stop the creation. After speaking with bond council, the legislation requires to obligate the Rural Revolving Fund to back any bonds to be sold in creating the district. Findings have been made prior to the election to obligate that fund, but with the passage of CI 75, it is unclear as to whether or not an election has to be held in order to obligate that fund. Until the issue is resolved, bond council advises the Commission to take no further action. Gallatin County Clerk and Recorder Shelley Vance reported that notice of the resolution of intention passed on October 27, 1998, by the Commission and notice of today's public hearing was published in the Bozeman Daily Chronicle on November 1 and 8, 1998. In addition, notices were mailed to all record owners and contract purchasers on October 30, 1998, within the proposed district. The protest period ran from November 2 through November 16, 1998, at 5:00 P.M. The Clerk and Recorder's Office received 8 protest letters representing 8 lots within the proposed district. There are 61 total lots in the district. The protests constitute 13% of the owners of lots in the proposed district protesting the creation of the district. After the protest period deadline, one protest was received. If accepted by the Commission, total protests would increase to 15% of the lot owners protesting the creation of the RID. During Board discussion, it was determined that when the issues were resolved, it would be re-noticed and the public would have an opportunity to speak on the resolution to create the district. No public testimony on protesting the district would be heard, all protests were required to be in writing. No one in the public withdrew their protest. Commissioner Murdock moved to accept the 8 protests received during the protest period resulting in 13 % of the lot owners protesting creating of the district. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Personnel Officer Kathy Nowierski reported on amendments made to the Gallatin County Personnel Policy and Manual. On May 15, 1998, approximately 45 manuals were distributed to all elected officials, department heads and union representatives. Memos were sent to all County employees, including those covered by negotiated labor agreements. Forms were attached for suggested recommendations. Recommendations were reviewed and incorporated as appropriate. The process included policies and procedures. The last amendment to the manual was made in 1994. A disclaimer notice would be added to the manual, which notes that the County Commission has the authority to amend the policies and procedures at any time. After approval, the document would be printed. The expected date of distribution is for the week of November 30, 1998. Commissioner Brown moved to accept the amendments made to the Gallatin County Personnel Policy and Manual. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Jason Giard and Rob Buckvitch with the Montana Department of Transportation reported on the speed limit studies conducted on Huffine Lane, US 191 (South of Four Corners) and Cottonwood Road at the request of the Gallatin County Commission. Mr. Giard reported on the engineering and traffic investigation conducted on Primary 50 from milepost 81.9 (Four Corners) to milepost 87.0 (Bozeman), known as Huffine Lane. All studies reviewed travel lanes, school/pedestrian crossings, sight distance, speed (day and night), accident history, residential/commercial development, and the bicycle/pedestrian traffic on the roadway. The first study was conducted on Huffine Lane. The field data was collected in November 1997 and in April 1998. Ten locations using both radar and automated traffic counters were used. They found the pace of traffic ranged from 46 mph to 56 mph entering the developed areas of Four Corners to Bozeman and 61 mph to 71 mph near milepost 84. The predominant speed on the road was 56 mph to 66 mph. They concluded that Huffine Lane does have special operational characteristics defined by traffic volumes and operational patterns that are typically not associated with a rural section of road. These characteristics include high traffic volumes, short trip lengths and access demands that create a complex driving task for motorists. The accident history indicates that motorists are handling the characteristics with minimal amount of problems. The accident rate of 1.55 per million vehicle miles is comparable to most rural routes that do not have this intense operational character. From the information collected they concluded that the existing running speeds are favorable for the operational and environmental characteristics of the route. For Huffine Lane they recommended the following: A daytime 65 mph speed limit. The nighttime 55 mph speed limit would remain in effect within the boundaries of the 65 mph zone.

The above recommendation also proposes to increase the daytime truck speed limit from 60 mph to 65 mph. Mr. Giard asked the Commission to consider the increase to encourage uniform travel speeds and signing practices. The Commission needs to concur before it can be increased. If they do not, the truck speed limit would remain 60 mph as posted. The report on Highway 191 south of Four Corners was done starting at Four Corners proceeding south approximately 1.9 miles. Concerned citizens felt this area needed a special speed limit. Based on the investigation they found that special operational conditions do exist. They recommended a 55 mph speed limit 400 feet south of Violet Road. A 45 mph speed limit beginning 1,850 feet north of Cobb Hill Road to slow the speed down when approaching the main intersection of Four-Corners. The study done by the State Department of Transportation on Cottonwood Road had been completed, but the final recommendations by them was not available today. The following letters were received in favor of lowering the speed limits on Huffine Lane, US 191, and Cottonwood Road: Concerned Citizens and Monforton School Parents dated October 26, 1998, with signatures representing 26 citizens; Teachers of Monforton School dated November 4, 1998, representing all the teachers at Monforton School; Monforton School Board of Trustees dated October 20, 1998; Jay and Kathryn Josephs dated October 30, 1998, including letters and signatures representing 24 residents signed by : Randell W. and Diane M. Todd; Jacquie L. Hudson; Gene and Donna Lesser; Virginia J. L. Moss; M. Sharp; Carolyn and Bruce Miller; Ruth A. and Tim Breigenzer; Barbara Escher; Barbara Schwisow; Rexa Moffett; Majorie V. and Willie Benner; Priscilla L. and Kenneth C. Walcheck; Lois J. and Richard H. Robbins; Mark and Kathy Tyers. The following members of the public gave public testimony on their concerns to lower the speed limit on Huffine Lane, US 191, and Cottonwood Road: Donna Fuller; LeeAnn Cole; Ann Johnson; Max Amberson; Mike Pierre; Martha Collins; Mary McLaughlin; Dave Potts; Deb Sillars; Michael Powers; Roger Mortenson; John Sandmeyer; Betty Adams; Jay Joseph; Martha Kauffman; and Kay Bogen. The representatives from the State of Montana Department of Transportation were asked if they took into consideration the time of day the traffic was the heaviest, as parents drive their children to school with the buses, work traffic, teachers, and staff arriving at the school in the morning, at lunch, and after school was dismissed, and during all the activities. They also asked if the weather conditions, specifically in the winter when conditions were the most hazardous were taken into consideration. Mr. Giard said one study was done in November, but traffic speeds were set to drive in favorable weather conditions. He stated they typically monitored long periods, including the highest traffic hours. The concerns raised by the public were the safety of the children walking, riding, traveling with parents in cars, in buses, to and from Monforton School. They observed the traffic traveling dangerous speeds with the high volume of vehicles mixed with children walking and trying to get to school. In winter the traffic speeds mixed with the conditions of the roads have made it a dangerous situation for everyone using the road because of the high density of population in the area, the many accesses along the road, with the high volume of traffic using excessive speed coming in and out of Bozeman. The consensus of the testimony stated was that they would like to see the speed limit posted at 55 mph along Huffine Lane and a step-down starting at Cobb Hill when entering the Four Corners area, and a 45 mph speed limit from Four Corners to Violet Road. If not, they'd like to see at least a 65mph speed posted with a step down of 55 mph at the top of Cobb Hill Road, slowing traffic down before getting to the school turn off. They discussed installing flashing lights to warn traffic of the school bus stops along Huffine Lane. Mr. Giard stated a measure to deal with this would be to install turnoffs on the highway for the buses. He also said that they could specifically look at the locations of the bus stops and find an alternative off of the road to remove the children from the road completely. It was determined that Monforton School was not close enough to post a speed limit for a school. Mr. Giard said the Highway Commission would meet on these road issues in January and make a determination after receiving the Commissions response and the testimony from the public. In Board discussion, the Commissioners concurred that something must be done, that the public's health welfare and safety was in jeopardy. They agreed to draft a letter to the Highway Commission to be heard in January requesting a posted speed limit of 55 mph with the step downs discussed at Cobb Hill and Violet Road. County Road and Bridge Superintendent Sam Gianfrancisco suggested bringing an alternative speed limit of 65 mph after discussions with members of the Transportation Department. His concern was that getting a posted speed limit for that 8 mile stretch would be denied if they go against the recommendation. The Highway Commission does not like to go against the Legislature, or against recommendations made by their engineers. It also would raise the speed limit for trucks to 65 mph. They agreed, that they would present an alternative of 65 mph. At least, by presenting an alternative they might be successful at gaining a posted speed limit in the areas of concern. Mr. Giard agreed that if the Commission wanted to get their request accepted by the Highway Commission, they might want to consider asking for the recommendations given by the engineering study of a 65 mph limit with the step downs. He can't recommend a 55 mph speed limit on all of Huffine Lane. Commissioner Murdock agreed to draft the letter. The letter they draft may not be exactly as discussed, but would follow the recommendations made during the hearing. They also would ask that the State Highway Commission treat this as a high priority, concerning the safety of the public, and get the speed limits implemented as quickly as possible after their decision is made.

A resolution was presented to amend resolutions #1998-44 and #1998-53 regarding the closure of the County's offices on November 27, 1998. The resolution was amended to add the following offices: Justice Court; Weed Department; Extension; Planning; Environmental Health; GIS; Grants; and the Fiscal Office. The Commissioner's Executive Secretary Pat Lewis testified that all offices had been contacted and notified of the office closure. The ones not listed in the resolution would be open or on call which technically, they would be working. Commissioner Murdock moved to adopt Resolution #1998-81, to amend the offices closed on November 27, 1998. Seconded by Commissioner Brown. None voting nay. Motion carried.

There being no further business the meeting adjourned at 4: 03 P.M.

*Unavailable for
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING TUESDAY THE 24th DAY of NOVEMBER 1998

The meeting was called to order by Chairman Phil 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.

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

The following proceedings were had to wit:

NOVEMBER 2, 1998

- Commissioners met with Personnel Director Kathy Nowierski to review and discuss final changes/edits to the Gallatin County Personnel Policies and Procedures Manual before adoption of same at the public meeting on November 17, 1998.
- Commissioners held their regular weekly meeting with Executive Secretaries Pat Lewis and Stacy Johnston to discuss current and pending administrative matters.
- Commissioners held their regular monthly meeting with Facilities and Operations Director Bob Isdahl. Agenda items included the status of Facilities' budget and activities, basement storage allocation, and Victim/Witness space on third floor of Law & Justice Center. Commissioners will finalize Bob's job description. Bob will confirm timelines with judges for use of Law & Justice lunchroom for youth probation interviews.
- Commissioners and Executive Secretary Pat Lewis interviewed three candidates to fill a 3-month temporary position covering an existing employee's maternity leave.

NOVEMBER 3, 1998

- All County offices were closed due to the General Election.

NOVEMBER 4, 1998

- Commissioner Brown and County Attorney Marty Lambert met with Data Processing Supervisor Bill Baldus and staff to discuss continuing computer hardware problems, possible networking of computers, and software training. Participants need to have the prerequisites before taking classes. Computers will be networked to the printer using Jet Direct cards. Phase-out dates of the five DOS programs still in use are WordPerfect & Calendar Creator (Nov. 30, 1998), Case File & Request for Prosecution (Jan. 1, 1999), and Hot Check program after Windows version is operational.

- Commissioner Olson attended the regular monthly meeting of the Headwaters Recycling Cooperative held at Wheat Montana in Three Forks. Detailed minutes of this meeting are on file in the Commissioners' office. Next meeting is scheduled for December 9, 1998 in Boulder, Montana.
- Commissioner Olson attended the regular monthly meeting of the Composting Committee, also held in Three Forks. Agenda items included grants and by-laws update, a report by the Scope of Services Committee on the next phase of the project with Land & Water Consulting, status of Land & Water's progress on Phase I, review of modifications to Agreement for Services between Gallatin County and Land & Water Consulting, and review of amended MOU by all parties of the Southwest Montana Composting Project. Next meeting is scheduled for December 9, 1998 in Boulder, Montana.
- Commissioner Murdock met with Earl Peace to discuss priorities and focus for community corrections.
- Commissioner Murdock met with Roy Steiner to discuss future duties of the Project Representative.

NOVEMBER 5, 1998

- Commissioner Murdock invited MSU student Gregg Stubbs to spend a day at the Commissioners' office job shadowing.
- Commissioners met with Road & Bridge Superintendent Sam Gianfrancisco to review his department's priorities. They are as follows: chip sealing on Airport Road; gravel/mag chloride on Thiesen, Cottonwood, Jackson Creek and Willow Creek roads will be completed this year; paving on portions of Cameron Bridge, Baseline, Nash and Reese Creek pending successful cost share negotiations and overall budget; gravelling scheduled for Clarkston, Buffalo Jump and Lower Madison roads and connectors. Sam will work with Deputy County Attorney Chris Gray to draft an agreement between Gallatin, Broadwater, and Jefferson counties clarifying responsibility for repair and maintenance of Jefferson Dike; last agreement signed in 1960. Sam will confirm with Jefferson and Broadwater counties what they are willing to provide regarding materials, manpower and equipment to repair the dike, and will provide cost estimates for final consideration by the Commission at monthly meeting on December 3rd. Sam will continue to work on easement at Jackson Creek Road intersection, and will work with Chief Deputy County Attorney Susan Swimley to develop new criteria for determining speed limits on roads over which County has jurisdiction.
- Commissioner Olson attended the Healthier Communities Action Meeting at Bozeman Deaconess Hospital; lunch was provided. Phil proposed having Sandra Hartman, Foundation Director for the Region III Mental Health Center in Billings, attend the December 3rd mtg. and discuss how the foundation may help Gallatin County; Phil will contact her regarding same. Much discussion also took place regarding start-up of the mental health group home on West Villard, including concern that local residents may try to prevent the opening. For detailed minutes of this meeting, contact Sandy Martin at 585-1097.
- Commissioner Murdock attended a meeting of the Danforth Foundation.
- Commissioner Olson attended the regular monthly meeting of the Weed Board. Detailed minutes of this meeting will be forthcoming from the Weed Board Secretary.
- Commissioner Murdock attended a meeting of the Detention Center Advisory Committee. Items of discussion included construction timelines and committee coordination. Next meeting is scheduled for December 3, 1998 at 2:00 p.m. in the Community Room.

NOVEMBER 6, 1998

- A special meeting of the County Commissioners was called to order at 8:40 a.m. by Commissioner Phil Olson. Present were Commissioners Phil Olson, Bill Murdock, and Jarvis Brown; Deputy County Attorney Susan Swimley, and Deputy Clerk and Recorder Eric Semerad. The purpose of the meeting was to consider determination of proper ownership of property containing an abandoned portion of the old Targhee-Yellowstone section of a National Forest Road, near West Yellowstone.

Mr. Semerad stated that this portion of road was dedicated as a county road prior to 1966, and quoted language from the Gallatin County Commissioners' official minutes of a meeting of the Commissioners on March 21, 1966, in which the Commission voted to abandon that portion of the road, which runs through Ms. Nellie McNeill's property. At the time, the Commission instructed then-County Attorney Page Wellcome to draft the necessary deeds to return ownership of land contiguous to the

abandoned portion to the appropriate landowners. These deeds were never prepared or filed by County Attorney Wellcome.

Ms. McNeill, through her attorney, Dave Penwell, has requested that the County sign a Quit Claim Deed which would transfer the ownership of this property from Gallatin County to Ms. McNeill.

Commissioner Murdock moved the following: Finding that the road was abandoned on March 21, 1966; and finding that the County Attorney was instructed to prepare necessary deeds to restore the road right-of-way to appropriate property owners; and finding that no record of these deeds has been found, a motion was made to restore the right-of-way to property owners along the abandoned portion of the road as follows:

If more than one individual owns land contiguous to the abandoned portion, one-half of the right-of-way would go to the landowner on one side, and the second half would go to the landowner who owns property on the other side.

Commissioner Brown seconded the motion; there was no discussion. Motion was approved unanimously. Deputy County Attorney Susan Swimley will prepare the necessary paperwork.

Meeting was adjourned at 8:53 a.m.

- Commissioners Murdock and Brown held their regular monthly meeting with Planning Director R. Dale Beland. Topics of discussion included the Gallatin Plan (formerly Valley Plan Project), GIS mapping, NSDI, Bozeman City-County Planning donut jurisdiction, zoning and subdivision regulations, and meeting of the Impact Fee Committee (Ed Blackman, Susan Swimley and Dale Beland).
- Commissioners held their regular monthly meeting with Personnel Director Kathy Nowierski. Topics of discussion included personnel matters, the Gallatin County Personnel Policies and Procedures Manual, and confusion over proposed department(s) and building closings the day after Thanksgiving, November 27, 1998.
- Commissioner Olson, Commissioner Brown and Bob Ross, Executive Director of the Mental Health Center in Billings, met with local residents concerned about the opening of a mental health group home in their neighborhood on West Villard. Bob Ross addressed such issues as admission criteria and supervision. Bob will provide names of all staff members and a telephone number at the group home to all attendees of the meeting.
- Commissioners received A101's in the amount of \$61,598.25.
- Commissioners received claims in the amount of \$426,931.13.
- Commissioners received payroll in the amount of \$912,404.50.

NOVEMBER 9, 1998

- Commissioner Olson attended a meeting of the Montana Association of Counties' Ag Committee in Helena, all day, regarding resolutions passed by MACo in regard to upcoming legislation.
- Commissioner Murdock attended an all-day meeting in Helena of the Montana Association of Counties' DEQ Task Force.
- Upon his return to Bozeman, Commissioner Murdock attended the regular monthly meeting of the County Fair Board. Minutes of this meeting are available in the office of the County Fairgrounds.
- Commissioner Brown met with Personnel Specialist Cynde Hertzog and Fiscal Officer Ed Blackman regarding Resolution 1998-53, regarding the proposed closure of the Courthouse and the Law and Justice Center on November 27, 1998, the day after Thanksgiving. It was decided that Ms. Hertzog and Mr. Blackman would draft a memo to department heads clarifying the status of the November 27 building closures, as well as the fact that this day is not considered a County holiday and would thus require employees to take vacation time or leave without pay.

NOVEMBER 10, 1998

- Commissioner Murdock attended the regular monthly meeting of the Board of Health. Minutes of this meeting are available in the Environmental Health Office.
- Commissioner Olson met with applicant Warren McMillan and Engineer Mark Chandler of C&H Engineering regarding a family transfer exemption scheduled for that afternoon's public meeting.
- Commissioner Murdock attended the Regional Organizing Meeting of the Greater Yellowstone-Teton Clean Cities Coalition in West Yellowstone. In attendance were representatives from Idaho, Wyoming and Montana. Topics included the development of a sustainable alternative fuel marketplace which would require expanding the area of the Clean Cities Program to incorporate as

much of the Greater Yellowstone-Teton ecosystem as possible. Discussion also centered on how communities can achieve designation as a "Clean City" in order to participate in the Program.

- Commissioners Olson and Brown conducted the regular weekly public meeting.

NOVEMBER 11, 1998

- All County offices were closed in observance of Veterans' Day.

NOVEMBER 12, 1998

- Commissioner Murdock attended the Rocky Mountain Association of Fairs Conference in Great Falls, from November 11-13.
- Commissioners Olson and Brown attended a Zoning Hearing. Minutes of this hearing are kept in the Gallatin County Planning Office.
- Commissioner Olson attended a regular luncheon meeting of the Drug Court Coalition. Commissioner Olson met with Scott Gillilan and Tonya Stevens of Confluence Consulting, regarding the County's participation in the Southwest Montana Composting Committee. Mr. Gillilan and Ms. Stevens were inquiring as to the possibility of private industry participating in committee meetings. Commissioner Olson told them they were welcome to come to any and all meetings of the Committee.

NOVEMBER 13, 1998

- Commissioners Olson and Brown had their regular monthly meeting with Data Processing Supervisor Bill Baldus. Items discussed the County Attorney's office computer needs. There is still some old DOS software in place in that office which needs to be replaced, and it has been scheduled for replacement. Also discussed was the Rest Home fire alarm system and generator backup for the telephone system. A meeting with TRI was held to discuss a possible replacement for "T1" lines - the current T1 contracts expire next summer. The Commissioners were informed that the Data Processing Department will have a retreat in December, to review department progress and work plan with all departmental employees, many of whom are newly hired.
- Commissioners Olson and Brown had their regular monthly meeting with GIS Coordinator, Allen Armstrong. Mr. Armstrong reported that the parcel mapping project was going well. ESRI donated a software package that saved the County over \$7,000.00. It was also reported that the map for 911 has been sent to U.S., West for compatibility. The Commissioners requested that Allen give them suggestions for how to express appreciation for ESRI's donation of software. It was decided that Commissioner Olson would check with the Clerk & Recorder's Office to determine the possibility of final plat information the Clerk and Recorder's Office is recording being made available electronically to the GIS Department mapping program..
- Commissioners Olson and Brown, along with Chief Deputy County Attorney Susan Swimley met with members of the Happy Acres Homeowners' Association (near Cayuse Trail) regarding the possibility of having Cayuse Trail Road dedicated to the public. The Association informed the Commissioners that they will still pursue this possibility, which would require obtaining the signatures on a petition of all remaining homeowners on the road.
- Commissioners Olson and Brown met with Personnel Officer Kathy Nowierski and Executive Secretary Pat Lewis to discuss November 27 office and building closures, and the appropriate method for correcting a resolution passed in August which did not include all County offices which would be closed. It was decided that Ms. Lewis would do a memo to all staff, public notices, and a revised resolution for the November 17 public meeting, with correct information regarding the closures.
- The following is a list of new employees for the month of October 1998: 9/2/98 Lindsey Nelson Rest Home/Diet-Hskpr \$6.81/hr.; 8/26/98 Kathy Vandercook Rest Home/Diet-Hskpr \$6.81/hr.; 9/16//98 Virginia Zanella Planning/AdminSecI \$7.69/hr.; 9/16/98 Helen Motter GIS/Technician \$10.33/hr.; 9/18/98 Alana Smith DetCenter/DetOff \$1633.86/mo.; 9/28/98 James Holcevar Sheriff/Dep \$2,424.02 mo.; 10/5/98 Valerie Coble ClkofCrt/CrtClerkI \$1491.18 mo.; 9/16/98 Mary Robbins Health/PHNI \$13.49/hr.; 9/25/98 Brian Woods Rest home/Diet-hskpr \$6.81/hr.; 9/8/98 Sandy Rivers Rest Home/CNA \$7.69/hr.; 9/1/98 Zachary DeKay Rest Home/CNA \$7.69/hr.; 9/19/98 Jason Schieno Sheriff/DetOff \$1633.86 mo.; 10/9/98 Cynthia Crayton LWQD/Tech \$12.09/hr.; 10/16/98 Deena Westfall Road/AdminSecI \$1,338.06 mo.; 10/21/98 Amanda Hamilton ClkofCrtClkI \$1491.18 mo.

- The following is a list of terminated Employees for the month of October 1998: Kathleen Betts Rest Home 9/25/98; Rosemary Visser 911-Com 9/30/98; Christina Bakke Rest Home 9/30/98; Laura Moorhead Rest Home-Temp 10/1/98; Leah LaLiberty Rest Home 9/28/98; Rodney Frieling Weed-Temp 8/27/98; Tyler Heupel Weed-Temp 8/25/98; Jasper Howell Weed-Temp 8/28/98; Carolyn Johnson Weed-Temp 8/13/98; Nick Moes Weed-Temp 8/13/98; Mariah Stowe Rest Home 8/25/98; Jeremy Webb Rest Home 8/19/98; Barb Thompson Rest Home 10/16/98; Brian DeMartin Weed-Temp 10/1/98; Melissa Compton Rest Home 10/1/98; Marlene Eickelberg Health 5/97.

The following items were on the consent agenda:

- A request received by Belgrade City-County Planner Jason Karp for a construction financing exemption for security by Margaret Larsen being a portion of Parcel #4 of COS #1909 in the SW¼ of Section 4, T1S, R5E.
- A request received by Gallatin County Planner Jennifer Madgic for a one year extension of the preliminary plat for Spencer Smith Minor Subdivision to allow more time to complete the conditions. The County Commission granted preliminary plat approval on November 28, 1995, with an expected expiration date of November 28, 1998.
- A request received by Gallatin County Planner Jennifer Madgic for a boundary realignment exemption for Firehole Ranch, Inc., located in Sections 7 and 8, T12S, R4E.
- A request received by Gallatin County Planner Jennifer Madgic for a boundary realignment exemption for Ronald and Marlys Klompfen and Wytana Properties, Inc. located in Sections 3 and 4, T1N, R3E.
- A request received by Gallatin County Planner Jennifer Madgic for a boundary realignment exemption for Alma Investment and Algin Smith located in Sections 9 and 10, T13S, R4E.
- A request for final plat approval for the Smith Minor Subdivision in the SW¼ of Section 3, T2S, R5E.

According to the information submitted, the exemptions requested appear to meet the criteria allowed and set forth in the Montana Subdivision and Platting Act. After review, and according to the information submitted, all conditions appear to have been met to grant final plat approval of the Smith Minor Subdivision. Commissioner Brown moved to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

AIDS Director coordinator Ellen Noble from the Five Rivers Chapter of the American Red Cross read a proclamation declaring December 1, 1998, as "World AIDS Day". The global spread of HIV infection and AIDS necessitates a worldwide effort to increase communication, education and action to stop the spread of HIV/AIDS. The 1998 "World AIDS Day" theme "Be a force for change" challenges young people around the world to recognize the crucial role they play in the ever-changing course of the AIDS pandemic; aims to motivate young people to get involved in reducing the spread of HIV; and encourages them to have compassion for and lend support to those affected by HIV/AIDS. It is the 11th moratorium for the AIDS Day awareness. Commissioner Murdock moved to proclaim December 1, 1998, as "World AIDS Day" in Gallatin County. Seconded by Commissioner Brown. None noting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on a request received by Russ Estes, Belgrade Commercial Park, Inc. for a reduction in the amount of road impact fees and final plat approval for a 44.7 acre, 39-1 acre lot residential subdivision. The subdivision is located within the Belgrade Commercial Park Subdivision. The property is described as the amended plat of lots 3 through 9 of Block 1 of Belgrade Commercial Park Subdivision, located in the NW 1/4 of Section 34, T1N, R4E, P.M.M. Gallatin County, Montana. The Gallatin County Commission reviewed the Vista Meadows Subdivision, granting preliminary plat approval on May 5, 1998. The applicant submitted an independent fee calculation prepared by a traffic consultant to determine the appropriate amount of road impact fees for this subdivision. Based on the traffic consultant's report, staff has concluded that this subdivision will have limited impact on County roads, therefore a partial waiver of road impact fees of 90% is recommended. Based on the staff recommendation, the applicant has submitted 10% of the required road impact fees (\$6,224.40) to Gallatin County. The County Commission has two determinations to make with this application: A determination whether the road impact fee amount submitted by the developer (90% of the required amount with no reductions) is satisfactory due to the fact that this subdivision will have limited impact on County roads; and a determination whether to grant final plat approval of the Vista Meadows Subdivision based on the applicant meeting the conditions as required by the preliminary plat approval. If the Commission approves

the 90% reduction in road impact fees as recommended by staff, the applicant will have demonstrated compliance with each of the conditions as required by the preliminary plat approval. The applicant Russ Estes was present to answer any questions. There was no public comment. County Planning Director R. Dale Beland reported on the review, requesting the waiver of road impact fees. Specific waivers defined in Section 9.1 of the regulation only include situations where there is an existing use or an agricultural covenant. Section 9.2 allows full or partial waiver when a subdivider has provided a contribution towards the costs of capital facilities and/or equipment. Mr. Beland concluded there were no specific waivers per Section 9.1 that apply to the tract. The alternative option, submitting an independent fee calculation study for the proposed development prepared by qualified traffic engineers and/or economists was submitted and reviewed. He did not agree that there are zero impacts on County roads, therefore the County should waive all road impact fees. He did however, recognize the special access circumstances of the tract in relation to the county road in which would be limited impact on the County road. He determined that a partial waiver of road impact fees of 90% is suggested, with payment of 10% or \$6,224.40 required. Road and Bridge Supervisor Sam Gianfrancisco had discussed the reduction in fees with Mr. Beland and felt in this case the reduction of 90% was appropriate by the way the regulation was written, but in the future would like to take a better look at the waivers and variances that are being allowed and tighten up the regulations. Based on the staff report and testimony heard that the road impact fee was satisfactory, and finding the subdivision would have limited impact on the County roads, Commissioner Murdock moved to accept the recommendation made by staff for a reduction in road impact fees presented for the Vista Meadows Subdivision. Seconded by Commissioner Brown. None voting nay. Motion carried. Based on staff recommendations that all conditions have been met for the Vista Meadows Subdivision, Commissioner Murdock moved to grant final plat approval. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that on November 6, 1998, a petition was received on behalf of the County Commission to annex property into the Bridger Canyon Rural Fire District. The legal description of the land is the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, T1S, R7E. She examined and certified, pursuant to Section 7-33-2125 MCA, that the property in question is adjacent to the fire district; and that the petition contains the signatures of owners of 50% or more of the area of the privately owned lands included within the area to be annexed into the fire district; who constitute a majority of the taxpayers who are freeholders of such area; and whose names appear upon the last completed assessment roll. The Board of Trustees of the fire district have accepted the property for annexation. The process when considering a piece of property for annexation requires a public hearing that has to be held no later than 4 weeks from the date of accepting the petition and notice must be published in the paper, taking public comment, then act on the petition. Since CI-75 affects this petition, the Commission has to make a decision whether to hold a public hearing and follow the process established by state law. Before the petition can be annexed it will have to be taken to the vote of the people. During Board discussion, Deputy County Attorney Susan Swimley stated under a strict reading of CI-75 it requires a vote of the people for any new tax. Annexing this property is imposing a new tax, so an election would have to be held, maybe two, one for the person who says they want to be annexed, and also maybe the district to say they will accept this property for annexation. It was decided, since they don't know the impact of CI-75 at this time, and until they get some answers, they don't feel comfortable proceeding but a hearing would have to be conducted on the petition to follow state law. Commissioner Murdock moved to accept the petition as presented by the Clerk and Recorder and set the public hearing date for December 22, 1998. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported on a petition received to abandon a portion of Lone Mountain Trail shown and dedicated on the plat of Meadow Village Subdivision First Filing which lies south of the southerly right-of-way line of the Lone Mountain Access Road described on a Bargain and Sale deed conveyed to the State of Montana Highway Commission recorded in Film 10 Page 1353. The strip of dedicated right-of-way petitioned for abandonment varies in width from 2 feet to zero and is located in the S $\frac{1}{2}$ of Section 36, T6S, R3E. Ms. Vance certified that she examined the petition and it contained the signatures of at least 10 qualified freeholders in Gallatin County. After receiving the petition, she found the petition doesn't include a legal description of the portion of road they are trying to abandon. She noted there was concern should the Commission accept the petition at this time. She stated that John Brown, an attorney with Cok, Wheat, Brown, and Garrity Law Firm brought the petition to her and explained that the boundary of a Bargain and Sale Deed granted to the State Highway Commission and the boundary on the Meadow Village First and Second filings do not coincide with one another. The discrepancies of the overlapping boundaries was the portion of road to be abandoned to clear title of the

property. She did not feel it should be up to the County to write the legal description of that portion of road to be abandoned. Deputy County Attorney Susan Swimley concurred that without at least having an exhibit that shows you the specifics of what is going to be abandoned, it makes it impossible for a viewing committee to view the area and make a determination. Road and Bridge Superintendent Sam Gianfrancisco also was concerned and felt it was inappropriate to abandon a portion of the road without the specifics to be abandoned. He did not see how the small discrepancies could cause a title problem. He also requested that they physically mark on the ground the portions of road to assist the viewing committee. During Board discussion, the Commission agreed they needed a correct legal description written as an exhibit. Finding they do not have a specific description of the portion of road to be abandoned on Lone Mountain Road, Commissioner Murdock moved to deny accepting the petition at this time until there is an exhibit that depicts the area and legally describes the portion of road to be abandoned, and encourages the applicant to contact the Clerk and Recorder, Road Superintendent, and the County Attorneys Office. Seconded by Commissioner Brown. None voting nay. Motion carried. The petition was denied.

Gallatin County Fiscal Officer Ed Blackman reported on a resolution to amend the Sourdough Rural Fire District FY 99 Budget to appropriate operating reserve for current year expenses. On November 10, 1998, the Commission passed Resolution #1998-78, notifying the public of a hearing on amending the budget for the Sourdough Rural Fire District. As requested by the Board of Trustees, the County Commission would make a determination, finding it is in the best interests of the residents of the county that the budget be amended to allow for the reappropriation within the operating reserve to the FY 99 operating budget. Therefore be it resolved, that the County FY 99 Budget is amended as stated: **Revenue-account # 7205-000-10-1000** (Sourdough Fire District Operating Res. Original budget: \$7,000. The adjustment: \$5,125 The adjusted budget: \$1,875. **Expense Account # 7205-000-5920-02-855** (Sourdough Fire) original budget: \$131,680. Adjustment: \$5,125. The adjusted budget: \$136,805. There was no public comment. Commissioner Brown moved to adopt Resolution #1998-83 amending the Sourdough Rural Fire District FY 99 Budget. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on a resolution appropriating revenues received into the FY 1998 Gallatin County budget for the Big Sky Resort Tax, grants, INTERCAP loan, and the RID refunding bond. The residents of the Big Sky Resort Tax District voted during FY 98 to create an autonomous district, with all revenues tracked and accounted outside of the county system; and, whereas the Law Library Fund received additional donations from members of the local bar than were anticipated; and, whereas the Alcohol liquor tax apportionment was greater than anticipated; and, whereas the Economic Development CDBG fund received additional revenues resulting from the first loan from the fund; and, whereas, the grants were awarded during FY 98 for Historic Preservation, Violence Against Women, Juvenile Probation Intensive Supervision, CTEP for County Courthouse, Big Sky Area, Fort Ellis, Home Grant and Community Development Block Grant; and, Whereas, interest expenses in the Rest Home Bond accounting were greater than budgeted; and, whereas, a RID refunding bond was issued that required additional expenditures from current available cash in individual RID Bond Funds, to decrease the cost to residents of 12 Rural Improvement Bond accounts; and, whereas the county has taken the first step in a Capital Improvements Plan, by funding several projects from Intercap loans an existing budgets in other funds; and, whereas, costs to the Churchill Lighting District were greater than anticipated; and, whereas, the approved County Budget did not anticipate the foregoing expenses and revenues; and, whereas, state law (7-6-2218, MCA) allows counties to appropriate moneys received from the state or federal government after the adoption of the final operating budget; and, whereas, the costs associated with the loans and bond issuance are allowed during a fiscal year. Now therefore be it resolved, by the Gallatin County Commissioners that the budget is amended, effective June 30, 1998 as follows:

FY 98 Budget Increase Adjustments based on 06/30/98 13th period					
Account Number	Description	Deficit	Budget	Increase (Decrease) in Budget	Adjusted Budget
Big Sky Resort Tax					
2100-218-4700-00-350	Close out of fund	(691,415)	900,000	691,415	1,591,415

voters approved separate district not under county jurisdiction

Law Library

2225-000-3650-05	Contributions		15,000	2,445	17,445
2225-000-4103-30-323	Publications	(2,441)	15,000	2,445	17,445
				-	

Alcohol

2350-000-3350-10	Liquor Tax Apportionment		56,281	16,886	73,167
2350-000-4405-40-351	Medical Services	(16,886)	86,281	16,886	103,167
				-	

Economic Development

2393-000-3610-10	Interest	-	2,000	735	2,735
2393-000-4701-00-220	Supplies	(731.00)	-	735	735
				-	

Historic Preservation

2700-201-4603-00-397	Outside Services	(1,364.00)	-	1,364	1,364
2700-000-3351-05	Grants		-	1,364	1,364
				-	

Violence Against Women Grant

2915-209-4201-43-110	Salaries	(43,131)	-	43,135	43,135
2915-209-4201-43-235	Operations	(5,670)	-	5,670	5,670
2915-209-4201-43-940	Capital	(2,742)	-	2,745	2,745
2915-000-3340-10	Grants		-	51,398	51,398
2915-000-3610-10	Interest		-	152	152
				-	

Intensive Supervision Grant

2918-208-4203-40-110	Salaries	(22,426)	-	22,426	22,426
2918-208-4203-40-235	Operations	(4,922)	-	4,922	4,922
2918-208-4203-40-940	Capital	(2,268)	-	2,270	2,270
2918-208-4904-00-620	Interest	(177)	-	177	177
2918-000-3340-10	Grants		-	21,855	21,855
2918-000-3830-30	Operating Transfer In		-	7,940	7,940
				-	

Rest Home Bond

3030-000-4901-00-620	Interest Expense	(1,060)	56,893	1,100	57,993
3030-000-36-10-10	Interest	-	1,000	1,100	2,100
				-	

RSID Refunding Bond

3510-000-4903-00-620	Interest Expense	(277,242)	-	277,242	277,242
3510-000-38-30-00	Bond proceeds/tr in	-	-	277,242	277,242
				-	

Capital Projects Fund

4010-000-4904-00-620	Purchased Services	(2,304)	-	2,305	2,305
4010-201-4201-00-910	Insurance	(311,201)	-	311,205	311,205
4010-206-4112-31-397	Capital Outlay	(238,162)	-	238,165	238,165
4010-000-38-10-70	Interacap Loan		-	300,000	300,000
4010-000-38-30-00	Courthouse		-	220,403	220,403
4010-000-38-31-00	Annex Transfer		-	31,272	31,272
				-	

Outlaw Subdivision - Construction

4270-000-4302-30-930	Capital	(117,766)	-	117,770	117,770
4270-000-38-10-30	Bond Proceeds		-	117,770	117,770
				-	

CTEP Projects

4310-000-4904-00-620	Interest	(33)	-	33	33
4310-219-4704-30-397	Outside Services	(533)	-	533	533
4310-219-4704-50-397	Outside Services	(23,086)	-	23,086	23,086
4310-219-4704-52-397	Outside Services	(7,852)	-	7,852	7,852
4310-000-33-10-50	Courthouse		-	23,086	23,086
4310-000-33-10-52	Big Sky		-	7,852	7,852
4310-000-33-10-54	Fort Ellis		-	566	566
				-	

Home Project

4410-219-4705-00-397	Outside Services	(5,026)	-	5,030	5,030
4410-219-4705-00-920	Capital	(183,484)	-	183,485	183,485
4410-000-4904-00-620	Interest	(150)	-	150	150
4410-000-33-10-10	Grant (include rec.)		-	188,665	188,665
				-	

CDBG

4420-219-4701-00-220	Supplies	(168)	-	170	170
4420-219-4701-00-397	Outside Services	(118,919)	-	118,920	118,920
4420-000-33-10-10	Grant		-	119,090	119,090

Churchill Lighting					
8120-000-4302-63-340	Utilities	(41)	3,500	41	3,541
8120-000-3630-40	Penalty and Interst		-	41	41
Mountain Subdivision					
8639-000-5203-00-750	Transfer for Refund	(25,194)	-	25,194	25,194
Sourdough Ridge RID					
8640-000-5203-00-750	Transfer for Refund	(10,555)	-	10,555	10,555
Rocky Creek Road RID					
8641-000-5203-00-750	Transfer for Refund	(1,324)	-	1,324	1,324
Clover Creek Meadows RID					
8644-000-5203-00-750	Transfer for Refund	(6,014)	-	6,014	6,014
Riverside Water Tower RID					
8646-000-5203-00-750	Transfer for Refund	(13,744)	-	13,744	13,744
Thorpe / Mountain View RID					
8649-000-5203-00-750	Transfer for Refund	(22,803)	-	22,803	22,803
Gardner Simmental RID					
8658-000-5203-00-750	Transfer for Refund	(1,886)	-	1,886	1,886

There was no public comment. Commissioner Murdock moved to adopt Resolution #1998-84, appropriating revenues received into the FY 98 budget. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on a resolution amending the FY 1998 budget as of June 30, 1998, to change individual line items within departments and funds. Whereas, Section 7-6-2325, MCA, allows the County Commission to approve a resolution at a regular or special meeting that transfers or revises the budget within the classifications set forth in state law (Section 7-6-2314 (1) (a) through (c)), provided that no salary shall be increased above the amount appropriated. Whereas, Section 7-6-2321 (1) and (2), MCA, requires the County Commission to approve claims only if adequate funds are available within individual department budgets; and whereas, Gallatin County budgets are based on appropriations for each department, then to activity level (Personnel, Operations, Debt Service and Capital) and then to line item, with expenditures tied to the appropriate line item. Therefore, be it resolved by the Board of County Commissioners of Gallatin County to amend the FY 98 County Budget by transferring budgetary authority between and among classifications and line items as follows:

**FY 98 Budget
Adjustments based on
06/30/98 13th period**

Account Number	Description	Deficit	Budget	Increase (Decrease) in Budget	Adjusted Budget
Tax Appeal Board					
1000-220-4105-00-210	Supplies	(458)	-	460	460
Superintendent of Schools					
1000-232-4116-00-235	Salaries	(640)	2,545	640	3,185
1000-232-4116-00-397	Contracted Services	-	2,960	160	3,120
Auditor					
1000-204-4105-31-370	Travel	-	273	(160)	113
Miscellaneous					
1000-900-4112-00-350	Salaries & Wages	-	50,000	(1,100)	48,900
GENERAL FUND			55,778	-	55,318
CHANGE TO BUDGET					

Employer					
Contributions					
1050-232-4116-00-140	Superintendent of Schools	(30)	8,164	30	8,194
1050-201-4101-00-140	Commission	-	22,617	(30)	22,587
District Court #1					
2180-208-4103-32-395	Jury & Witness	-	80,000	(27,900)	52,100
2180-208-4203-00-397	Contracted Services	-	15,700	(3,765)	11,935
				(31,665)	
District Court #2 -					
Indigent Defense					
2180-280-4103-36-350	Professional Services	(15,685)	35,000	15,685	50,685
2180-280-4103-36-352	Legal Services	(15,980)	92,500	15,980	108,480
				31,665	
P.I.L.T.					
2761-209-4201-41-350	Legal Services	(124.00)	5,000	125	5,125
2761-218-4105-55-397	Outside Services	-	60,000	(125)	59,875

There was no public comment. Commissioner Brown moved to adopt Resolution #1998-85, amending the budget to change individual line items within departments and funds. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

Gallatin County Fiscal Officer Ed Blackman reported on the consideration of a tax abatement for Luzenac America, Inc. continued from the November 17, 1998 public hearing. The school districts received notice and certified mailing of the notice. John Overstreet of the Three Forks School District stated he had no problem with granting the tax abatement. Mr. Blackman recommended not granting the tax abatement because of CI-75. He contacted Ron Crowley of Luzenac America and told him he'd be making that recommendation to the Commission. He reported that since Luzenac and Montana Talc are outside the Tax Increment Finance District the reductions in future taxes will affect the Three Forks School District, Three Forks Fire, Willow Creek School, Willow Creek Fire and Gallatin County mill values. Until procedural clarification is made with CI-75, Mr. Blackman can not recommend any tax abatements. The County Attorney advises not granting any tax abatements to continue the revenue stream, because a decision made today may adversely effect future revenues. If you grant a tax abatement now, you might have to conduct an election to go back to the normal amount to be accessed. It is still unclear. During the discussion, they found that if they grant the tax abatement, they can not rescind it, they get it through the term. The only way to rescind it is if the business failed to pay taxes. It was discussed to grant it, then if CI-75 effects it, put it to a vote of the people at that time. County Attorney Susan Swimley stated that once you take that action, it is done. Commissioner Murdock moved to deny the request for a tax abatement for Luzenac & Montana Talc as recommended by the Fiscal Officer and the County Attorney opinion, based on the CI-75 initiative and its uncertainties. Seconded by Commissioner Brown. None voting nay. Motion carried.

- - - -

A resolution was presented declaring the territory of the Valley Grove County Water Sewer District. After receipt of the petition and hearing, the Gallatin County Commissioners held an election by mail ballot on October 27, 1998, for the purpose of determining whether the Valley Grove Water and Sewer District shall be organized. The majority of votes cast were in favor of organizing the district. Section 7-13-2214, MCA, requires the board of Commissioners in the county where the proposed district is located to enter an order on its minutes declaring the territory enclosed in the boundaries of the district duly organized as a county water and sewer district. Commissioner Murdock moved to adopt Resolution #1998-86, ordering and declaring the territory of the Valley Grove County Water and Sewer District. Seconded by Commissioner Brown. None voting nay. Motion carried. The Clerk and Recorder will mail this resolution to the Secretary of State.

- - - -

There being no further business, the meeting adjourned at 2:45 P.M.

*unavailable for
signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 1st DAY OF DECEMBER 1998

The meeting was called to order by Chairman Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jarvis Brown, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. Commissioner Olson introduced Yurii B. Shvetsov, a guest of the Commission. He is a student from Russia attending Montana State University working on his PHD in Mathematics.

The following proceedings were had to wit:

NOVEMBER 9, 1998

- Commissioner Olson attended a meeting of the Montana Association of Counties' Ag Committee in Helena, all day, regarding resolutions passed by MACo in regard to upcoming legislation.
- Commissioner Murdock attended an all-day meeting in Helena of the Montana Association of Counties' DEQ Task Force.
- Upon his return to Bozeman, Commissioner Murdock attended the regular monthly meeting of the County Fair Board. Minutes of this meeting are available in the office of the County Fairgrounds.
- Commissioner Brown met with Personnel Specialist Cynde Hertzog and Fiscal Officer Ed Blackman regarding Resolution 1998-53, regarding the proposed closure of the Courthouse and the Law and Justice Center on November 27, 1998, the day after Thanksgiving. It was decided that Ms. Hertzog and Mr. Blackman would draft a memo to department heads clarifying the status of the November 27 building closures, as well as the fact that this day is not considered a County holiday and would thus require employees to take vacation time or leave without pay.

NOVEMBER 10, 1998

- Commissioner Murdock attended the regular monthly meeting of the Board of Health. Minutes of this meeting are available in the Environmental Health Office.
- Commissioner Olson met with applicant Warren McMillan and engineer Mark Chandler of C&H Engineering regarding a family transfer exemption scheduled for that afternoon's public meeting.
- Commissioner Murdock attended the Regional Organizing Meeting of the Greater Yellowstone-Teton Clean Cities Coalition in West Yellowstone. In attendance were representatives from Idaho, Wyoming and Montana. Topics included the development of a sustainable alternative fuel marketplace which would require expanding the area of the Clean Cities Program to incorporate as much of the Greater Yellowstone-Teton ecosystem as possible. Discussion also centered on how communities can achieve designation as a "Clean City" in order to participate in the Program.
- Commissioners Olson and Brown conducted the regular weekly public meeting.

NOVEMBER 11, 1998

- All County offices were closed in observance of Veterans' Day.

NOVEMBER 12, 1998

- Commissioner Murdock attended the Rocky Mountain Association of Fairs Conference in Great Falls, from November 11-13.
- Commissioners Olson and Brown attended a Zoning Hearing. Minutes of this hearing are kept in the Gallatin County Planning Office.
- Commissioner Olson attended a regular luncheon meeting of the Drug Court Coalition.
- Commissioner Olson met with Scott Gillilan and Tonya Stevens of Confluence Consulting, regarding the County's participation in the Southwest Montana Composting Committee. Mr. Gillilan and Ms. Stevens were inquiring as to the possibility of private industry participating in

committee meetings. Commissioner Olson told them they were welcome to come to any and all meetings of the Committee.

NOVEMBER 13, 1998

- Commissioners Olson and Brown had their regular monthly meeting with Data Processing Supervisor Bill Baldus. Items discussed the County Attorney's office computer needs. There is still some old DOS software in place in that office which needs to be replaced, and it has been scheduled for replacement. Also discussed was the Rest Home fire alarm system and generator backup for the telephone system. A meeting with TRI was held to discuss a possible replacement for "T1" lines – the current T1 contracts expire next summer. The Commissioners were informed that the Data Processing Department will have a retreat in December, to review department progress and work plan with all departmental employees, many of whom are newly hired.
- Commissioners Olson and Brown had their regular monthly meeting with GIS Coordinator, Allen Armstrong. Mr. Armstrong reported that the parcel mapping project was going well. ESRI donated a software package that saved the County over \$7,000.00. It was also reported that the map for 911 has been sent to U.S., West for compatibility. The Commissioners requested that Allen give them suggestions for how to express appreciation for ESRI's donation of software. It was decided that Commissioner Olson would check with the Clerk & Recorder's Office to determine the possibility of final plat information the Clerk and Recorder's Office is recording being made available electronically to the GIS Department mapping program..
- Commissioners Olson and Brown, along with Chief Deputy County Attorney Susan Swimley met with members of the Happy Acres Homeowners' Association (near Cayuse Trail) regarding the possibility of having Cayuse Trail Road dedicated to the public. The Association informed the Commissioners that they will still pursue this possibility, which would require obtaining the signatures on a petition of all remaining homeowners on the road.
- Commissioners Olson and Brown met with Personnel Officer Kathy Nowierski and Executive Secretary Pat Lewis to discuss November 27 office and building closures, and the appropriate method for correcting a resolution passed in August which did not include all County offices which would be closed. It was decided that Ms. Lewis would do a memo to all staff, public notices, and a revised resolution for the November 17 public meeting, with correct information regarding the closures.

NOVEMBER 23, 1998

- Commissioners Murdock and Brown met with a contingent of interested citizens for a presentation by a representative from the US Department of Agriculture explaining different farm bill conservation programs; i.e., Wetland Reserve Program, Debt for Nature, Emergency Watershed Program, and the Farmland Protection Program. The next meeting of the Department of Natural Resources and Conservation Committee will be Friday, December 18, 1998, at 8:00 am.
- All Commissioners met with Roger Curtis, Joe Driske, and Cheryl Walters of Alcohol & Drug Services regarding the County's 4-Year Alcohol and Drug Services Plan. Discussion involved where the Plan is headed and how the 'Drug Court' will help in the "big picture." Also discussed was the need to have participation in the showcase presentations and training at Stillwater, Oklahoma.
- The Detention Center Project Team met today to discuss the proposal submitted by Prugh & Lenon/Integrus. It was moved to have Larry Watson, Grants; Chris Gray, Deputy County Attorney; Jim Cashell, Detention Center; and Ed Blackman, Fiscal Officer, negotiate contract terms for less than proposed and report back to the project team with a recommendation.
- Commissioner Olson met with Earl Peace to discuss the progress of the Community Corrections Board and the future direction the Board might take.

NOVEMBER 24, 1998

- All Commissioners, as well as Rob Pertzborn, Jamie Lenon, Dale Beland, Larry Watson, Kathy Nowierski, Bob Isdahl, Jim Cashell, and Ed Blackman, met as the CIP Committee to discuss items and costs involved in updating the Law & Justice Center, excluding structural modifications, parking and landscaping. Also discussed was the relationship of the Law & Justice Center space to the proposed Detention Center and a perceived need for more City of Bozeman building space. It was questioned whether the needs assessment will be geared only toward the new Detention Center, or will the present

Law & Justice Center be included? The safety/security of the 911 quarters and the advantages of locating these quarters next to the Detention Center were discussed, as well as the need for any new facility to be expandable, especially in light of CI-75. Decisions reached included: 1) The Committee needs to program for expanded Law & Justice Center over a 20-30 year time horizon; 2) The City of Bozeman should be included in joint use and planning of the facility; 3) Need to determine architectural fees, security costs, structural costs and 20-year expansion costs for the existing Law & Justice Center. It was decided that Personnel Officer Kathy Nowierski will compile and disseminate study summaries regarding the Law & Justice Center (1991 & 9-1-1 studies). Lenon & Prugh will be asked to determine the costs of doing a structural analysis of the Law & Justice Center.

- Commissioner Murdock met with members of the Victim/Witness Advisory Board. Minutes of this meeting are available from Gloria Edwards, Victim/Witness Program Director.
- Commissioner Olson met with Bob Isdahl, Facilities Director, to discuss progress of the Phase One Remodel Program. Bob reported that gate hold-opens for the basements stairs would cost \$500; and Commissioner Olson mentioned the Commission's approval of the Committee's recommendation regarding increased payment. Also discussed was the signage on the entry doors warning of construction noise, etc. A tour day for the basement will be scheduled in the near future. The decision was made to approve purchase of the gate hold-opener; also, Bob will produce signs for entry doors regarding the construction hazards. The need for the Commission to formalize appointment of the Phase I Committee to proceed to Phase II was discussed and will be completed.

NOVEMBER 25, 1998

- Commissioners Murdock and Brown met with Joan Davies, County Director of Public Assistance, to discuss the Board and to approve the monthly report.
- Commissioner Murdock met with Tony Rasch, a resident of the Harvest Hills subdivision. Mr. Rasch stated his opposition to the paving of Harvest Hills with an R.I.D. Mr. Rasch suggested that the Commission send a non-binding request to Harvest Hills Home Owners Association requesting that a covenant requiring a two-thirds approval of residents for capital projects be followed. He pointed out that this procedure was ignored when the petition was circulated.
- Commissioners Olson and Murdock, Deputy County Attorney Chris Gray; Sheriff Bill Slaughter; Madison County Commissioner Ted Coffman; and Madison County Sheriff Lee Edmiston, as well as Carol Collins, Big Sky Resort Tax Advisory Board Member, and Mona Jamison, Board Attorney, met to discuss terms of the new Interlocal Agreement between Gallatin County, Madison County and the Big Sky Resort Tax District for provision of law enforcement services.
- Commissioner Brown, Don Sprague, Orval Hadley, Kathy Sparks, Susan Callaghan, Neal Hansen, Becky Powell, Steve Fenter, Mike Griffith, and others comprising the Missouri-Madison Steering Committee, met in Helena to approve meeting minutes of January 21, 1998. Discussion was held on the US Bank Trust report, the revolving fund, amended MOU, PP&L acquisition, and the Canyon Ferry recreation development project. Elvin Fitzhugh reported on the Missouri-Madison license (expected near the end of 1999) and the status of the North Shore Conservation Easement along 8 miles of shoreline near Great Falls. The bank resolution was clarified to require any two authorized signatures.
- Commissioners Olson and Murdock met with Deputy County Attorney Chris Gray, Larry Watson, Grants Administrator; and Ed Blackman, Fiscal Officer, for the monthly Fiscal report. The progress of the Detention Center contract was discussed with the architect.
- November 26-27, 1998: The Courthouse was closed for the Thanksgiving Holiday.

The following items were on the consent agenda:

- A request received by the Bozeman-City County Assistant Planning Director Debbie Arkell for a family transfer exemption for Leroy and Doris Amunrud located in the NE¼ of Section 2, T3S, R5E.
- A request received by Gallatin County Planner Jennifer Madgic for a boundary relocation exemption for Robert S. Foster located in S½ of S½ of Section 2, T1S, R5E.
- A request received by Gallatin County Planner Jennifer Madgic for a family transfer exemption for Art and Alice Perry located in N¼ of Section 3, T1N, R4E.

- The following contracts were presented for signature: Cikan Architects (911 Center Breakroom/Grants), Teamsters Local #2; Big Sky Path/Pedestrian Path (CTEP Project); and Otis Elevator.

According to the information submitted, the exemption requests appear to meet the criteria allowed under the Montana Subdivision and Platting Act. Motion by Commissioner Murdock to adopt the consent agenda. Seconded by Commissioner Brown. None voting nay. Motion carried.

Francie McLean of the Gallatin County DUI Task Force read a proclamation declaring "Drunk and Drugged Driving Prevention Month", for December in Gallatin County that calls upon all citizens, government agencies, business leaders, hospitals, schools, and public and private institutions in Gallatin County to promote awareness of the impaired driving problem, to support programs and policies to reduce the incidence of impaired driving, to promote safer and healthier behaviors regarding the use of alcohol and other drugs, and to provide opportunities for all to participate in reducing impaired driving this December holiday season and throughout the year. Cheryl Walter, Alcohol and Drug Services spoke regarding the proclamation, emphasizing the importance of the proclamation to keep a focus on drunk and drug driving awareness. Commissioner Brown moved to proclaim, "December 1998 National Drunk and Drugged Driving Prevention Month." Seconded by Commissioner Murdock. None voting nay. Motion carried.

The following applications were received for the Open Lands Board: Bill Brewster; Michael Lane; Terry Lonner; Robert J. Dewit; Archie Alexander; Carmen McSpadden; Tom Milesnick; Valorie H. Drake; Jack Jorgenson; Joyce Schmidt; John Vincent; Brian Leland; James L. Madden; Joanne Jennings; Susan Higgins; Mike Finkel; David Barbisan; Renee Gavin; Grace Morgan; Ray Rasker; and Nicholas P. Salmon. Commissioner Brown nominated Bob Dewitt. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Murdock nominated Tom Milesnick. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Murdock nominated Michael Lane. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Murdock nominated Archie Alexander. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Brown nominated Carmen McSpadden. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Murdock nominated Bill Brewster. Seconded by Commissioner Brown. None voting nay. Motion carried. Commissioner Brown nominated Terry Lonner. Seconded by Commissioner Murdock. None voting nay. Motion carried. The Commission reopened the requests for applications to the Open Space Board because of the small amount of large land owners needed to be successful in its mission. By resolution, the Board can consist of up to 15 people. They would like to leave the rest of the appointments until after the second group of applicants are received. They also would like to give the new Commissioner coming on board in January the opportunity to participate in future appointments. Commissioner Murdock moved to close the nominations at this time. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Planner Jennifer Magic reported on a request received for preliminary plat approval for the Westra Minor Subdivision, a one lot minor subdivision of approximately 20 acres legally described as a tract of land located in the SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 14, T2S, R3E. No variances are being requested. There is an existing residence on the property qualifying that lot for a waiver from paying impact fees. According to Section 76-3-621 (3)(a) MCA, park dedication and/or cash in lieu of park dedication is not required for a minor subdivision. The subdivision was reviewed for agriculture; water user facilities; local services (fire protection; law enforcement; emergency medical; and schools); natural environment; wildlife and wildlife habitat; and public health and safety. The following conditions are recommended by the staff for 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. Gallatin City-County Environmental Health Department and the Gallatin County Health Officer's approval shall be obtained for the subdivision. 3. 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. 4. The applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local

improvement districts, 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 owner shall be responsible for the control of County-declared noxious weeds. b) Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations. 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 fences bordering agricultural lands shall be maintained by the property owners' association, in accordance with state law. 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. A 60-foot-wide easement along High Line Canal shall be shown on the final plat. 9. The applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations. 10. The applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations. 11. The applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations and the Amsterdam Fire Department. The applicant shall have the Amsterdam Fire District review and approve the fire protection method prior to final plat approval. Written verification from the fire district will be required. 12. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Ms. Madgic stated that condition #2 in the staff report should be deleted as this condition was not needed because the lot is over 20 acres and is not required to be reviewed by the Montana State Department of Environmental Quality. She also stated that condition #9 and #10 could be deleted because of the waiver from paying impact fees with the existing residence on the property or it could stay as written in the staff report, and at the time of final plat it would be noted that those conditions were met in the findings of fact by a waiver. Ron Allen of Allen & Associates, surveyor for the applicant spoke giving the background of the ownership of the land. The applicant wants to give the lot to her daughter, but holds the land in a trust which makes her unable to use the family transfer exemption. He stated the applicant was in agreement with all the conditions as presented. Road and Bridge Superintendent Sam Gianfrancisco stated he was in agreement with the conditions concerning the roads, but would leave conditions #9 and #10 in for clarification that those requirements were reviewed and met. During Board discussion, the Commission decided not to delete conditions #9 and #10, to keep it consistent. There was no public comment. Commissioner Murdock moved to grant preliminary plat approval of the Westra Minor Subdivision, finding it meets the criteria set forth in the Montana Subdivision and Platting Act, subject to the conditions presented by staff, deleting condition #2, making 11 conditions to meet for final plat approval. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Treasurer Jeff Krauss reported on the following securities while the Commission followed along and reviewed them for error.

The following are quarterly securities submitted by the County Treasurer for the quarter ending March 31, 1998. \$42,302,062.97 is on deposit in various banks in bonds and interest money.

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45 91

BANKS	ACCOUNT	BANK	OUTSTANDING		TREASURER
*****	NUMBER	BALANCES	CHECKS	DEPOSITS	BALANCES
*****	*****	*****	*****	*****	*****
	**		*		
FIRST BANK BOZEMAN, MT	4130018	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Norwest Bank, Bozeman Branch	712386	\$4,447,961.87	(\$21,436.42)	\$387,129.08	\$4,813,654.53
	20491	\$0.00	\$0.00	\$0.00	\$0.00
	315503	\$0.00	(\$20,366.97)	\$0.00	\$20,366.97
AMERICAN BANK	280102436	\$36,068.30	\$0.00	(\$76.91)	\$35,991.39
VALLEY BANK OF BELGRADE	108103	\$37,944.73	\$0.00	(\$18,398.55)	\$19,546.18
MANHATTAN STATE BANK, MANHATTAN	4100013	\$16,416.49	\$0.00	(\$1,989.93)	\$14,426.56
SECURITY BANK, THREE FORKS	5200116	\$10,835.86	\$0.00	(\$1,166.94)	\$9,668.92
FIRST SECURITY BANK, WEST YELLOWSTONE	700351	\$14,778.14	\$0.00	(\$6,047.09)	\$8,731.05
BIG SKY WESTERN BANK	101710	\$4,002.98		\$6.70	\$4,009.68
FISCAL AGENT	N/A	\$100.00	\$0.00	\$0.00	\$100.00
		-----	-----	-----	-----
	TOTALS	\$4,569,108.37	(\$41,803.39)	\$359,456.36	\$4,927,495.28
				Cash	\$556,643.03
				School Investments	\$10,922,618.08
				County Investments	\$25,895,306.58
				-----	-----
				TOTAL Cash on Hand	\$42,302,062.97

Norwest Bank

<u>Description of Security</u>	<u>Cuspid Number</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

<u>Description of Security</u>	<u>Cuspid Number</u>	<u>Expiration</u>	<u>Amount</u>
US T Note	912827L67	7/31/98	199,874.00
Gallatin Co. Go	363694CP3	6/1/03	101,746.00
US T Note	9128272R2	4/30/99	100,906.00

- - - -

The following are quarterly securities submitted by the County Treasurer for the quarter ending June 30, 1998. \$44,558,100.00 is on deposit in various banks in bonds and interest money.

BANKS	ACCOUNT	BANK	OUTSTANDING		TREASURER
*****	NUMBER	BALANCES	CHECKS	DEPOSITS	BALANCES
*****	*****	*****	*****	*****	*****
FIRST BANK BOZEMAN, MT	4130018	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Norwest Bank, Bozeman Branch	712386	\$5,000,121.57	(\$1,366,583.92)	\$1,148,985.48	\$4,782,523.13
	20491	\$0.00	\$0.00	\$0.00	\$0.00
	315503	\$0.00	\$0.00	\$0.00	\$0.00
AMERICAN BANK	280102436	\$51,766.00	\$0.00	\$0.00	\$51,766.00
VALLEY BANK OF BELGRADE	108103	\$50,551.50	\$0.00	\$0.00	\$50,551.50
MANHATTAN STATE BANK, MANHATTAN	4100013	\$24,916.90	\$0.00	\$0.00	\$24,916.90
SECURITY BANK, THREE FORKS	5200116	\$4,656.45	\$0.00	\$0.00	\$4,656.45
FIRST SECURITY BANK, WEST YELLOWSTONE	700351	\$11,372.11	\$0.00	\$0.00	\$11,372.11
BIG SKY WESTERN BANK	101710	\$35,962.99	\$0.00	\$0.00	\$35,962.99
FISCAL AGENT	N/A	\$100.00	\$0.00	\$0.00	\$100.00

TOTALS \$5,180,447.52 (\$1,366,583.92) \$1,148,985.48 \$4,962,849.08

Cash \$651,528.51
 School Investments \$10,802,122.47
 County Investments \$28,141,599.94

 TOTAL Cash on Hand \$44,558,100.00

Norwest Bank

Description of Security	Cuspid Number	Expiration	Amount
FNMA #338315	31375LYL3	3/1/26	\$4,100,000.00
FNMA #190048	31368HBR3	10/1/23	\$1,749,000.00

American Bank

Description of Security	Cuspid Number	Expiration	Amount
US T Note	912827L67	7/31/98	200,000.00
Gallatin Co. Go	363694CP3	6/1/03	101,986.00
US T Note	9128272R2	4/30/99	100,687.00

The following are quarterly securities submitted by the County Treasurer for the quarter ending September 30, 1998. \$38,326,003.65 is on deposit in various banks in bonds and interest money. _

BANKS	ACCOUNT NUMBER	BANK BALANCES	OUTSTANDING CHECKS	DEPOSITS	TREASURER BALANCES
US Bank, Bozeman	4130018	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Norwest Bank, Bozeman Branch	712386	\$5,476,968.44	(\$22,019.82)	\$117,501.91	\$5,572,450.53
	20491	\$0.00	\$0.00	\$0.00	\$0.00
	315503	\$0.00	\$0.00	\$0.00	\$0.00
AMERICAN BANK	280102436	\$104,770.41	\$0.00	\$0.00	\$104,770.41
Valley Bank of Belgrade	108103	\$2,086.42	\$0.00	\$0.00	\$2,086.42
Manhattan State Bank, Manhattan	4100013	\$1,921.58	\$0.00	\$0.00	\$1,921.58
Security Bank, Three Forks	5200116	\$61,775.99	\$0.00	\$0.00	\$61,775.99
First Security Bank, W. Yellowstone	700351	\$2,007.80	\$0.00	\$0.00	\$2,007.80
BIG SKY WESTERN BANK	101710	\$2,092.78	\$0.00	\$0.00	\$2,092.78
FISCAL AGENT	N/A	\$100.00	\$0.00	\$0.00	\$100.00

\$5,652,723.42 (\$22,019.82) \$117,501.91 \$5,748,205.51

Cash \$164,953.55
 School Investments \$11,157,598.78
 County Investments \$21,255,245.81

TOTAL Cash on Hand \$38,326,003.65

Norwest Bank

Description of Security	Cuspid Number	Expiration	Amount
FNMA #338315	31375LYL3	3/1/26	\$4,100,000.00
FNMA #190048	31368HBR3	10/1/23	\$1,749,000.00

American Bank

Description of Security	Cuspid Number	Expiration	Amount
Gallatin Co. Go	363694CP3	6/1/03	103,008.00
US T Note	9128272R2	4/30/99	100,875.00
FHLMC	3134A2HU5	6/15/01	100,781.00
FHLB	3133M4RZ8	1/700	200,062.00

Commissioner Murdock moved to accept the Security reports for March 31, 1998, June 30, 1998, and September 30, 1998 as reported by the Treasurer. 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 8th DAY OF DECEMBER 1998

The meeting was called to order by Acting Chairman Murdock at 1:30 P.M. Also present were County Commissioner Jarvis Brown and Deputy Clerk and 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:

The following items were on the consent agenda:

- A request received by Belgrade City-County Planner Jason Karp for a common boundary relocation exemption for Michael Delaney located in the SE¼ of Section 15 and the SE¼ of Section 16, T1S, R4E.
- The following contracts were presented: Manhattan Library Agreement and the West Yellowstone Library Agreement.

According to the information submitted, the exemption requested appears to meet the criteria allowed under the Montana Subdivision and Platting Act. Motion by Commissioner Brown to adopt the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Janet Pannell of the Gallatin Development Corporation presented a resolution for consideration to designate Gallatin County as a participant in the certified cities program to endorse the Gallatin Development Corporation as the Certified Community lead organization for Gallatin County, which has been designated as a Montana Certified Community; and authorizes it to complete recertification requirements on behalf of the community. The County would voluntarily comply with recertification requirements established by the Montana Certified Communities Program in exchange for preferential information, referrals, and other incentives from the Montana Department of Commerce. With this pledge to cooperate in achieving the requirements, it will entitle the community to be certified for three additional years. There was no public comment. Commissioner Brown moved to adopt Resolution #1998-87, authorizing participation in the Certified Cities Program. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on a resolution of intent to amend the Breast and Cervical Cancer Grant, Partnership Grant, Pregnancy Services, Follow Me and Maternal Child Health Grants for their FY 99 budgets to appropriate monies as contracted with the State of Montana. Whereas, the State of Montana changed the funding formulas and reimbursement process for the grants when the final contracts for FY 99 were negotiated. The proposed changes include the reduction of \$4,094.31 in administrative fees. These costs are for services provided by the General Fund to the individual grants. The amended budgets show full administrative costs with the County contributing \$4,094.31 to these grants. The direct out of pocket expense, i.e. external auditor will be paid by the individual grants. The public hearing date is set for December 22, 1998, and notice will be published in the Bozeman Daily Chronicle on December 12 and 18, 1998, to hear public comment. There was no public comment.

94 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Commissioner Brown moved to adopt Resolution #1998-88, the intent to amend the FY 99 budgets for the Breast and Cervical Cancer Grant, Partnership Grant, Pregnancy Services, Follow Me and Maternal Child Grant to appropriate monies as contracted by the State of Montana. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on a resolution of intent to amend the FY 99 budget for the Amsterdam Rural Fire District budget by appropriating loan revenues and budgeted capital outlay/capital reserves for the purchase of a fire truck and apparatus. The amendment would allow the district to expend \$200,000 for a fire truck and apparatus. The source of funds for this purchase is a loan from the Manhattan State Bank and the capital outlay/capital improvement accounts within the current budget. The public hearing date is set for December 22, 1998, and notice will be published in the Bozeman Daily Chronicle on December 12 and 18, 1998 to hear public comment. There was no public comment. Commissioner Brown moved to adopt Resolution 1998-89, the intent to amend the FY 99 budget for the Amsterdam Rural Fire Department. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 1:46 P.M.

*Unavailable For
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING TUESDAY THE 15th DAY OF DECEMBER 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:

NOVEMBER 30, 1998

- Commissioners Olson and Brown met with members of the Joint City-County Commission at City Hall. Among items discussed were: The Victim/Witness Program, presented by Gloria Edwards, program Director; the need for more usable work space and possible air conditioning for the remodeled portion of the Law & Justice Center; the pending right-of-way survey on West Babcock Street; joint City-County Health Board appointments (establishing residency and term expiration dates of members); and the use of Public Access television coverage of public meetings being pursued by the City. A possible CTEP Project coordination between City and County was also discussed.

DECEMBER 1, 1998

- All Commissioners met with Deputy County Attorneys Susan Swimley and Chris Gray to discuss the drafting of a letter to the Pioneer Museum regarding the storage space contract. They also discussed the Douma situation at the Logan landfill; the status of the West Babcock Street property owners; CI-75 issues; the status of the City's 'donut area' study regarding control of building permits; the Nixon Gulch Road right-of-way. Also on the agenda was Harvest Hills covenant enforcement; the need for a Logan Landfill Advisory Board; the bond counsel opinions; and Buffalo Horn Road. Sam Gianfrancisco, Gallatin County Road & Bridge Department; Jim Kalatowski, Department of State Lands; and, Gene Gibson, United States Forest Service, have been requested to follow up on the Buffalo Horn Road question.
- Commissioner Murdock, Stephanie Nelson, Interim Health Officer, and Ed Blackman, Fiscal Officer, met to create a format for the Health Department budget. Also discussed was the scheduling of a

monthly review by the Health Department Board. The meeting participants agreed upon a format for monthly financials from the Health Department to be presented to the Commission.

- Commissioner Olson was “shadowed” all day by a Russian student attending MSU, met with Bob Isdahl, Facilities Director; and Roy Steiner, Project Representative; to discuss the status of Phase I of the construction project. It was reported that the finances appear to be close to budget and also that Phase II needs to be started just as soon as Phase I has been completed. It was decided by the attendees to instruct the contractor not to finish the ceiling and possibly the interior walls of the small room south of the stairwell and to request credit back as this room will not be finished until Phase IV. December 4, 1998, at 9:30am was scheduled as the monthly meeting with the contractor.

DECEMBER 2, 1998

- Commissioners Murdock and Brown, along with Sheriff Bill Slaughter and Detention Center Captain Jim Cashell, met to discuss budget issues; i.e., vehicle maintenance (on-budget) and jail medical needs (over-budget.) Captain Cashell gave an explanation as to why that has occurred and indicated there is a good possibility for reimbursement of some of these costs. Sheriff Slaughter indicated his budget is adequate on I leads. It was decided that the Commissioners and Sheriff Slaughter will monitor maintenance expenses on the re-built patrol car to ascertain if this is a cost-effective method. The Public Safety Mill Levy will be discussed at next month's meeting.
- The Commissioners met with State Lobbyist Mona Jamison; County Attorney Marty Lambert; Deputy County Attorney Susan Swimley; Planning Director Dale Beland; and Planner Lanette Windemaker, in order to discuss various topics of pending legislation/concern. These included: the Victim/Witness Bill; Cluster Subdivision Bill; and Herd District Bill. Various contacts agreed to provide Mona Jamison with certain information on these respective bills. The Cluster Bill needs extensive re-writing; the Herd District Bill will be amended for procedural clarification only; and the Victim/Witness Bill will be drafted by Marty Lambert and Mona Jamison next week.
- A Special Meeting was called to order by Commissioner Phil Olson to consider a Security for Construction Exemption requested by Frederick E. and Stacy M. Ossorio, located in Section 22, T6S, R3E. Gallatin County Planner Jennifer Madgic reported to the Commission that this exemption meets the criteria of the Montana Subdivision and Platting Act. Motion was made by Commissioner Murdock to grant the mortgage exemption; seconded by Commissioner Olson. None voted nay, motion carried unanimously, and the meeting was adjourned.

DECEMBER 3, 1998

- Commissioner Olson met with members of the Community Corrections Committee, Earl Peace, Lee Copenhagen, and District Court Judge Thomas Olson to review the statute regarding community corrections. It was ascertained that there appears to be no problem inherent in the program as perceived nor in the statute. It was agreed that the Community Corrections Committee was an essential part of the total law enforcement area which includes detention centers and other programs such as pre-release.
- Present at the monthly meeting of the Road & Bridge Department were Commissioners Brown and Murdock and Sam Gianfrancisco, Superintendent. Issues discussed were road priorities and the progress being made on the transportation plan being compiled by Sam. He stated this plan will not need the \$60,000 allocated in the County budget this fiscal year and that he will pursue state and federal funding for the next fiscal year to complete the treasurer's plan. Sam also stated that \$20-30,000 in County funds will be needed. It was decided that Sam would attend to the following items: contact Montana Power Company regarding moving the power poles (at a reasonable cost) at the intersection of Theisen and Dry Creek roads can be re-aligned. Also, the 'potholes' on W. Davis will be repaired, even though Sam insists that W. Davis was graded as shown on the grading stubs and that he was actually on-site during one of the gradings. Apparently, the problem with this area is the lack of road mix—it contains only pit run.
- The Weed Board meeting was convened by Commissioner Olson. Attending were: Gordie Hill, Dennis Hengel, GC Weed Superintendent; Bob Noworski, Fred Tubb, Leo Schlenker, Bob Hoffman, Kay Moore, Craig Morgan, and Fred Bell. Items of discussion included: Noxious weed legislation (gravel pit materials weed-free and gas tax distribution); weed district shop (water and sewer connections completed); and, bonding proposals for subdivisions referencing noxious weed control, revegetation, and CI-75. Fred Bell distributed a list of items the Montana Association of Realtors would be able to provide to assist in the public awareness of noxious weed problems.

- Commissioner Murdock met with Ed Blackman, Fiscal Officer, and members of the Detention Center Advisory Team to discuss the pending Prugh and Lenon contract. It was recommended by the members that this contract be approved in its revised form. Approval will be placed on the Consent portion of the Commissioners' agenda for December 15, 1998.

DECEMBER 4, 1998

- Commissioner Murdock met with Jon Hudson, who presented his resume to the other Commissioners and inquired as to job opportunities were available within County government. His resume has been forwarded to the Health officer.
- All Commissioners and Dale Beland, Planning Director, met to discuss ongoing planning issues such as the Community Participation Program. A proposal regarding this group has been prepared by the Planning Department; and dates and methods for its presentation were discussed.
- The Finance Committee, comprised of Shelley Vance, Clerk and Recorder; Joyce Schmidt, County Auditor; and Jeff Krauss, County Treasurer, met with the Commissioners to discuss the timely submission of annual financial statements required by the Department of Commerce. Included in this statement are reconciliation's for: taxes receivable, payroll expenses, and claims. The need for an accounting procedure manual for each of the three pertinent departments was put forward, as well as the need for a timely information system for accounting and management of public information. It was Decided that the duty of reconciling years' end taxes received will be transferred from the Auditor to the Clerk and Recorder for fiscal year 1999. The Treasurer will reconcile the cash in that office with the Clerk and Recorder's monthly cash balance. Jeff Krauss reported that problems have been encountered with the tax billing procedure review because of inaccuracies in the addresses received from the state.
- Commissioner Murdock met with Alice Meister, Library Director, who presented tentative plans for an expanded Bozeman library. Ms. Meister asked if the County would consider placement on this library on County land. Commissioner Murdock stated it was a possibility, as the County is presently looking into long-term 'bricks and mortar' needs and locations within the County and that he would discuss this matter with the other Commissioners.
- Commissioner Brown, as well as Julie Hitchcock, Gordon Brittan, and other interested parties in 9 Montana cities, attended a videoconference on the MSU conference regarding the future of corrections in Montana. Rick Day, Director of Corrections, presented 11 priorities for use of the \$29M budget increase requested by the Department of Corrections. Barry Krisberg discussed Montana crime statistics, which indicate that the state as a low rate of violent crimes and an average rate of property crimes with very lengthy prison sentences imposed.
- Commissioner Murdock attended a multi-disciplinary presentation on various biological studies showing cause-and-effect relations from human activities in the Greater Yellowstone area.
- Commissioners received claims in the amount of \$398,604.84.
- Commissioners received A101's in the amount of \$6,771.56 (11-13) & \$52,700.00 (11-16).
- The following list of terminated employees were received by the Commission: Bob Johnson Sheriff Dept. 10/29/98; Stephanie Wike Rest Home 11/6/98; John Ansley Weed-Temp 10/30/98; Carmen Berryhill Rest Home 11/9/98; Kerri Fleming LWQD-Temp 11/12/98.

The following items were on the consent agenda:

The following contracts were brought before the Commission for consideration: Mona Jamison/Lobbying Services; Terrell's Copier Maintenance/Justice Court; Terrell's Copier Maintenance/Planning Dept.; and Prugh & Lenon Architects/County Detention Center. Commissioner Murdock moved to adopt the consent agenda with the exception of the Prugh & Lenon Architect contract pulled and continued until the public hearing on December 22, 1998. Seconded by Commissioner Brown. None voting nay. Motion carried.

The first reading of an ordinance to reduce the speed limit to 45 miles per hour on Cottonwood Road from its intersection with Kent Spur approximately 6.5 miles to the intersection of Cottonwood and Highway 191, was read by Commissioner Brown. County Road Superintendent Sam Gianfrancisco reported on the speed study which showed the appropriate speed for that section was 45 miles per hour. It is a gravel road

and a section of it is located in front of a public school and has a number of drive ways which enter the road. Commissioner Murdock moved to adopt Ordinance #98-05, to reduce the speed limit to 45 mile per hour on that portion of Cottonwood Road as read into the record. Seconded by Commissioner Brown. None voting nay. Motion carried. The second reading will be at the public hearing on December 29, 1998. A copy of the ordinance will be posted by the Clerk and Recorder.

Gallatin County Planner Jennifer Madgic reported on a request received by Dennis Foreman of Gaston Engineering on behalf of Betty J. Adams, applicant, for preliminary plat approval for the Huffine Lane Business Park. It is a five-lot minor subdivision located in the SW¹/₄, SE¹/₄ of Section 12, T2S, R4E, PMM Gallatin County, Montana. No variances are being requested. The minor subdivision was reviewed for agriculture; agricultural water user facilities; local services (i.e., fire; law enforcement; emergency medical; and schools); natural environment; wildlife and wildlife habitat; public health and safety; compliance with the Montana Subdivision and Platting Act; compliance with local subdivision regulations; and provision of legal and physical access to each parcel within the subdivision and the required notation of that access on the applicable plat and any instrument transferring the parcel. There is an existing lot residence on Lot 2; therefore that lot qualifies for an impact fee waiver in accordance with the Gallatin County Subdivision Regulations. Impact fees would apply to lots 1, 3, 4, and 5. The park dedication and/or cash-in-lieu of park dedication is not required for a minor subdivision. If the Commission decides to approve the subdivision, the following conditions are recommended 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 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, 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 applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, or the creation of a sewer and/or water district. 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. Road name signs are required at all intersections. Road name(s) and road sign(s) must be approved by the County Road and Bridge Department. 7. A Stop sign shall be required at the Huffine Lane (Highway 191) intersection. 8. All necessary encroachment permits shall be obtained from the Montana Department of Transportation for access onto Huffine Lane (Highway 191). 9. The proposed cul-de-sac shall be built to county standards, with 60-feet of right-of-way, dedicated to the public. 10. All road work shall be inspected and certified by a licensed engineer. Such inspection and certification must be provided to the County Road and Bridge Department in writing. 11. A property owners' association shall be formed for maintenance of the interior road. 12. A Memorandum of Understanding shall be signed between the Weed Control District and the applicant prior to final plat approval. 13. The applicant shall record the following covenants on or with the final plat: a) The property owner shall be responsible for the control of County-declared noxious weeds. b) Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations. 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. 14. The applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations (\$1,596 per lot). 15. The applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations (\$496 per lot). 16. The 100-year floodway of Hyalite (Middle) Creek shall be delineated on the final plat. 17. A 40-foot-wide ditch maintenance easement shall be provided for the Lower Middle Creek Canal and shown appropriately on the final plat. 18. The applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations and the Belgrade Rural Fire Department. The Belgrade Rural Fire District shall review and approve the fire protection method prior to final plat approval. The applicant shall submit a final plat to the Belgrade Fire District and shall obtain written verification from the district that all requirements have been met. 19. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Ms. Madgic requested a change in condition #16 of the staff report, changing the word floodway to floodplain. Mark Fasting of Gaston Engineering stated the applicant Betty Adams and her realtor Rob Gilbert were present to answer questions. Betty Adams stated she would abide by the all conditions. There was no public comment. During Board discussion, Commissioner Olson stated that the covenant listed as #2 in the draft covenants submitted by the applicant's realtor regarding fences was not listed in the staff report. The Commission discussed replacing the staff report covenants with the draft conditions prepared by the realtor. Commissioner Murdock asked Bryan Connelley, Assistant Fire Chief if the covenants written by the applicant would be accepted by the Belgrade Rural Fire Department. He stated that he would approve the covenant regarding compliance with the Uniform Building Code because they were stricter standards than the local subdivision regulations, although it would be above what is required and more costly to the developer. His concern was in condition #13 c., concerning the automatic fire sprinkler is only available for residential not commercial buildings. Only one lot in the minor subdivision is residential. Mr. Gilbert stated he was not aware when he drafted the document that by adding the covenant using the language "all structures shall be built in compliance with the Uniform Building Codes" that it would be a more costly fire protection system. Therefore, he would agree to using the conditions and covenants as presented in the staff report. Mr. Connelley clarified that the buildings would already be built to the Uniform Building Code to obtain the building permits, but the flow requirements of the pressurized fire hydrant system would be the difference in what is required between the local regulations and the Uniform Building Code pertaining to fire protection. They agreed they could add a condition to the staff report regarding fence maintenance. Finding that the Huffine Lane Business Park Minor Subdivision is consistent with the Gallatin County Master Plan, and that the Planning Board reviewed and recommended approval, Commissioner Murdock moved to grant preliminary plat approval with the following amended conditions to be completed prior to final plat approval: Conditions #1-12 as written and presented in the staff report, revising condition #13 of the covenants, keeping items c and e, deleting a, b, and d replacing with the draft covenants 1, 2, 4, 5, and 6 which were submitted by the applicant as follows: 1. Noxious weed control: the control of County declared noxious weeds shall be the responsibility of the owners association. 2. Fence maintenance : all fences bordering agricultural lands shall be maintained by the association, in accordance with state law. 4. Road maintenance: all public roads shall be maintained by the association. A plan for the long-term road maintenance and road maintenance while construction of the subdivision occurs shall be adopted by the Board of Directors of the association. 5. Construction area reclamation: the areas disturbed during construction shall be reseeded with vegetation types approved by the County Weed Control Officer and controlled for noxious weeds. 6. Agricultural practices: property owners of the subdivision are informed that nearby uses may be agricultural. Property owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies an 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. Amend condition #16 , changing the word "floodway" to "floodplain". Conditions #17-19 as written and presented. Seconded by Commissioner Brown. None voting nay. Motion carried.

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

Unavailable For

 Signature
 CHAIRMAN APPROVAL

Shelley Vasice

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 15th DAY OF DECEMBER 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:

NOVEMBER 30, 1998

- Commissioners Olson and Brown met with members of the Joint City-County Commission at City Hall. Among items discussed were: The Victim/Witness Program, presented by Gloria Edwards, program Director; the need for more usable work space and possible air conditioning for the remodeled portion of the Law & Justice Center; the pending right-of-way survey on West Babcock Street; joint City-County Health Board appointments (establishing residency and term expiration dates of members); and the use of Public Access television coverage of public meetings being pursued by the City. A possible CTEP Project coordination between City and County was also discussed.

DECEMBER 1, 1998

- All Commissioners met with Deputy County Attorneys Susan Swimley and Chris Gray to discuss the drafting of a letter to the Pioneer Museum regarding the storage space contract. They also discussed the Douma situation at the Logan landfill; the status of the West Babcock Street property owners; CI-75 issues; the status of the City's 'donut area' study regarding control of building permits; the Nixon Gulch Road right-of-way. Also on the agenda was Harvest Hills covenant enforcement; the need for a Logan Landfill Advisory Board; the bond counsel opinions; and Buffalo Horn Road. Sam Gianfrancisco, Gallatin County Road & Bridge Department; Jim Kalatowski, Department of State Lands; and, Gene Gibson, United States Forest Service, have been requested to follow up on the Buffalo Horn Road question.
- Commissioner Murdock, Stephanie Nelson, Interim Health Officer, and Ed Blackman, Fiscal Officer, met to create a format for the Health Department budget. Also discussed was the scheduling of a monthly review by the Health Department Board. The meeting participants agreed upon a format for monthly financials from the Health Department to be presented to the Commission.
- Commissioner Olson was "shadowed" all day by a Russian student attending MSU, met with Bob Isdahl, Facilities Director; and Roy Steiner, Project Representative; to discuss the status of Phase I of the construction project. It was reported that the finances appear to be close to budget and also that Phase II needs to be started just as soon as Phase I has been completed. It was decided by the attendees to instruct the contractor not to finish the ceiling and possibly the interior walls of the small room south of the stairwell and to request credit back as this room will not be finished until Phase IV. December 4, 1998, at 9:30am was scheduled as the monthly meeting with the contractor.

DECEMBER 2, 1998

- Commissioners Murdock and Brown, along with Sheriff Bill Slaughter and Detention Center Captain Jim Cashell, met to discuss budget issues; i.e., vehicle maintenance (on-budget) and jail medical needs (over-budget.) Captain Cashell gave an explanation as to why that has occurred and indicated there is a good possibility for reimbursement of some of these costs. Sheriff Slaughter indicated his budget is adequate on I leads. It was decided that the Commissioners and Sheriff Slaughter will monitor maintenance expenses on the re-built patrol car to ascertain if this is a cost-effective method. The Public Safety Mill Levy will be discussed at next month's meeting.
- The Commissioners met with State Lobbyist Mona Jamison; County Attorney Marty Lambert; Deputy County Attorney Susan Swimley; Planning Director Dale Beland; and Planner Lanette Windemaker, in order to discuss various topics of pending legislation/concern. These included: the Victim/Witness Bill; Cluster Subdivision Bill; and Herd District Bill. Various contacts agreed to provide Mona Jamison with certain information on these respective bills. The Cluster Bill needs

100 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

extensive re-writing; the Herd District Bill will be amended for procedural clarification only; and the Victim/Witness Bill will be drafted by Marty Lambert and Mona Jamison next week.

- A Special Meeting was called to order by Commissioner Phil Olson to consider a Security for Construction Exemption requested by Frederick E. and Stacy M. Ossorio, located in Section 22, T6S, R3E. Gallatin County Planner Jennifer Madgic reported to the Commission that this exemption meets the criteria of the Montana Subdivision and Platting Act. Motion was made by Commissioner Murdock to grant the mortgage exemption; seconded by Commissioner Olson. None voted nay, motion carried unanimously, and the meeting was adjourned.

DECEMBER 3, 1998

- Commissioner Olson met with members of the Community Corrections Committee, Earl Peace, Lee Copenhagen, and District Court Judge Thomas Olson to review the statute regarding community corrections. It was ascertained that there appears to be no problem inherent in the program as perceived nor in the statute. It was agreed that the Community Corrections Committee was an essential part of the total law enforcement area which includes detention centers and other programs such as pre-release.
- Present at the monthly meeting of the Road & Bridge Department were Commissioners Brown and Murdock and Sam Gianfrancisco, Superintendent. Issues discussed were road priorities and the progress being made on the transportation plan being compiled by Sam. He stated this plan will not need the \$60,000 allocated in the County budget this fiscal year and that he will pursue state and federal funding for the next fiscal year to complete the treasurer's plan. Sam also stated that \$20-30,000 in County funds will be needed. It was decided that Sam would attend to the following items: contact Montana Power Company regarding moving the power poles (at a reasonable cost) at the intersection of Theisen and Dry Creek roads can be re-aligned. Also, the 'potholes' on W. Davis will be repaired, even though Sam insists that W. Davis was graded as shown on the grading stubs and that he was actually on-site during one of the gradings. Apparently, the problem with this area is the lack of road mix—it contains only pit run.
- The Weed Board meeting was convened by Commissioner Olson. Attending were: Gordie Hill, Dennis Hengel, GC Weed Superintendent; Bob Noworski, Fred Tubb, Leo Schlenker, Bob Hoffman, Kay Moore, Craig Morgan, and Fred Bell. Items of discussion included: Noxious weed legislation (gravel pit materials weed-free and gas tax distribution); weed district shop (water and sewer connections completed); and, bonding proposals for subdivisions referencing noxious weed control, revegetation, and CI-75. Fred Bell distributed a list of items the Montana Association of Realtors would be able to provide to assist in the public awareness of noxious weed problems.
- Commissioner Murdock met with Ed Blackman, Fiscal Officer, and members of the Detention Center Advisory Team to discuss the pending Prugh and Lenon contract. It was recommended by the members that this contract be approved in its revised form. Approval will be placed on the Consent portion of the Commissioners' agenda for December 15, 1998.

DECEMBER 4, 1998

- Commissioner Murdock met with Jon Hudson, who presented his resume to the other Commissioners and inquired as to job opportunities were available within County government. His resume has been forwarded to the Health officer.
- All Commissioners and Dale Beland, Planning Director, met to discuss ongoing planning issues such as the Community Participation Program. A proposal regarding this group has been prepared by the Planning Department; and dates and methods for its presentation were discussed.
- The Finance Committee, comprised of Shelley Vance, Clerk and Recorder; Joyce Schmidt, County Auditor; and Jeff Krauss, County Treasurer, met with the Commissioners to discuss the timely submission of annual financial statements required by the Department of Commerce. Included in this statement are reconciliation's for: taxes receivable, payroll expenses, and claims. The need for an accounting procedure manual for each of the three pertinent departments was put forward, as well as the need for a timely information system for accounting and management of public information. It was Decided that the duty of reconciling years' end taxes received will be transferred from the Auditor to the Clerk and Recorder for fiscal year 1999. The Treasurer will reconcile the cash in that office with the Clerk and Recorder's monthly cash balance. Jeff Krauss reported that problems have been encountered with the tax billing procedure review because of inaccuracies in the addresses received from the state.

- Commissioner Murdock met with Alice Meister, Library Director, who presented tentative plans for an expanded Bozeman library. Ms. Meister asked if the County would consider placement on this library on County land. Commissioner Murdock stated it was a possibility, as the County is presently looking into long-term 'bricks and mortar' needs and locations within the County and that he would discuss this matter with the other Commissioners.
- Commissioner Brown, as well as Julie Hitchcock, Gordon Brittan, and other interested parties in 9 Montana cities, attended a videoconference on the MSU conference regarding the future of corrections in Montana. Rick Day, Director of Corrections, presented 11 priorities for use of the \$29M budget increase requested by the Department of Corrections. Barry Krisberg discussed Montana crime statistics, which indicate that the state as a low rate of violent crimes and an average rate of property crimes with very lengthy prison sentences imposed.
- Commissioner Murdock attended a multi-disciplinary presentation on various biological studies showing cause-and-effect relations from human activities in the Greater Yellowstone area.
- Commissioners received claims in the amount of \$398,604.84.
- Commissioners received A101's in the amount of \$6,771.56 (11-13) & \$52,700.00 (11-16).
- The following list of terminated employees were received by the Commission: Bob Johnson Sheriff Dept. 10/29/98; Stephanie Wike Rest Home 11/6/98; John Ansley Weed-Temp 10/30/98; Carmen Berryhill Rest Home 11/9/98; Kerri Fleming LWQD-Temp 11/12/98.

The following items were on the consent agenda:

The following contracts were brought before the Commission for consideration: Mona Jamison/Lobbying Services; Terrell's Copier Maintenance/Justice Court; Terrell's Copier Maintenance/Planning Dept.; and Prugh & Lenon Architects/County Detention Center. Commissioner Murdock moved to adopt the consent agenda with the exception of the Prugh & Lenon Architect contract pulled and continued until the public hearing on December 22, 1998. Seconded by Commissioner Brown. None voting nay. Motion carried.

The first reading of an ordinance to reduce the speed limit to 45 miles per hour on Cottonwood Road from its intersection with Kent Spur approximately 6.5 miles to the intersection of Cottonwood and Highway 191, was read by Commissioner Brown. County Road Superintendent Sam Gianfrancisco reported on the speed study which showed the appropriate speed for that section was 45 miles per hour. It is a gravel road and a section of it is located in front of a public school and has a number of drive ways which enter the road. Commissioner Murdock moved to adopt Ordinance #98-05, to reduce the speed limit to 45 mile per hour on that portion of Cottonwood Road as read into the record. Seconded by Commissioner Brown. None voting nay. Motion carried. The second reading will be at the public hearing on December 29, 1998. A copy of the ordinance will be posted by the Clerk and Recorder.

Gallatin County Planner Jennifer Madgic reported on a request received by Dennis Foreman of Gaston Engineering on behalf of Betty J. Adams, applicant, for preliminary plat approval for the Huffine Lane Business Park. It is a five-lot minor subdivision located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 12, T2S, R4E, PMM Gallatin County, Montana. No variances are being requested. The minor subdivision was reviewed for agriculture; agricultural water user facilities; local services (i.e., fire; law enforcement; emergency medical; and schools); natural environment; wildlife and wildlife habitat; public health and safety; compliance with the Montana Subdivision and Platting Act; compliance with local subdivision regulations; and provision of legal and physical access to each parcel within the subdivision and the required notation of that access on the applicable plat and any instrument transferring the parcel. There is an existing lot residence on Lot 2; therefore that lot qualifies for an impact fee waiver in accordance with the Gallatin County Subdivision Regulations. Impact fees would apply to lots 1, 3, 4, and 5. The park dedication and/or cash-in-lieu of park dedication is not required for a minor subdivision. If the Commission decides to approve the subdivision, the following conditions are recommended 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 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, 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 applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, or the creation of a sewer and/or water district. 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. Road name signs are required at all intersections. Road name(s) and road sign(s) must be approved by the County Road and Bridge Department. 7. A Stop sign shall be required at the Huffine Lane (Highway 191) intersection. 8. All necessary encroachment permits shall be obtained from the Montana Department of Transportation for access onto Huffine Lane (Highway 191). 9. The proposed cul-de-sac shall be built to county standards, with 60-feet of right-of-way, dedicated to the public. 10. All road work shall be inspected and certified by a licensed engineer. Such inspection and certification must be provided to the County Road and Bridge Department in writing. 11. A property owners' association shall be formed for maintenance of the interior road. 12. A Memorandum of Understanding shall be signed between the Weed Control District and the applicant prior to final plat approval. 13. The applicant shall record the following covenants on or with the final plat: a) The property owner shall be responsible for the control of County-declared noxious weeds. b) Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations. 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. 14. The applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations (\$1,596 per lot). 15. The applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations (\$496 per lot). 16. The 100-year floodway of Hyalite (Middle) Creek shall be delineated on the final plat. 17. A 40-foot-wide ditch maintenance easement shall be provided for the Lower Middle Creek Canal and shown appropriately on the final plat. 18. The applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations and the Belgrade Rural Fire Department. The Belgrade Rural Fire District shall review and approve the fire protection method prior to final plat approval. The applicant shall submit a final plat to the Belgrade Fire District and shall obtain written verification from the district that all requirements have been met. 19. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Ms. Madgic requested a change in condition #16 of the staff report, changing the word floodway to floodplain. Mark Fasting of Gaston Engineering stated the applicant Betty Adams and her realtor Rob Gilbert were present to answer questions. Betty Adams stated she would abide by the all conditions. There was no public comment. During Board discussion, Commissioner Olson stated that the covenant listed as #2 in the draft covenants submitted by the applicant's realtor regarding fences was not listed in the staff report. The Commission discussed replacing the staff report covenants with the draft conditions prepared by the realtor. Commissioner Murdock asked Bryan Connelley, Assistant Fire Chief if the covenants written by the applicant would be accepted by the Belgrade Rural Fire Department. He stated that he would approve the covenant regarding compliance with the Uniform Building Code because they were stricter standards than the local subdivision regulations, although it would be above what is required and more costly to the developer. His concern was in condition #13 c., concerning the automatic fire sprinkler is only available for residential not commercial buildings. Only one lot in the minor subdivision is residential. Mr. Gilbert stated he was not aware when he drafted the document that by adding the covenant using the language "all structures shall be built in compliance with the Uniform Building Codes" that it would be a more costly fire protection system. Therefore, he would agree to using the

conditions and covenants as presented in the staff report. Mr. Connelley clarified that the buildings would already be built to the Uniform Building Code to obtain the building permits, but the flow requirements of the pressurized fire hydrant system would be the difference in what is required between the local regulations and the Uniform Building Code pertaining to fire protection. They agreed they could add a condition to the staff report regarding fence maintenance. Finding that the Huffine Lane Business Park Minor Subdivision is consistent with the Gallatin County Master Plan, and that the Planning Board reviewed and recommended approval, Commissioner Murdock moved to grant preliminary plat approval with the following amended conditions to be completed prior to final plat approval: Conditions #1-12 as written and presented in the staff report, revising condition #13 of the covenants, keeping items c and e, deleting a, b, and d replacing with the draft covenants 1, 2, 4, 5, and 6 which were submitted by the applicant as follows: 1. Noxious weed control: the control of County declared noxious weeds shall be the responsibility of the owners association. 2. Fence maintenance : all fences bordering agricultural lands shall be maintained by the association, in accordance with state law. 4. Road maintenance: all public roads shall be maintained by the association. A plan for the long-term road maintenance and road maintenance while construction of the subdivision occurs shall be adopted by the Board of Directors of the association. 5. Construction area reclamation: the areas disturbed during construction shall be reseeded with vegetation types approved by the County Weed Control Officer and controlled for noxious weeds. 6. Agricultural practices: property owners of the subdivision are informed that nearby uses may be agricultural. Property 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. Amend condition #16 , changing the word "floodway" to "floodplain". Conditions #17-19 as written and presented. Seconded by Commissioner Brown. None voting nay. Motion carried.

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

*Unavailable for
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 22nd DAY OF DECEMBER 1998

The meeting was called to order by Commissioner Olson at 1:30 P.M. Also present were County Commissioners Bill Murdock, Jarvis Brown, Deputy County Attorney Susan Swimley, 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:

DECEMBER 7, 1998

- All the Commissioners met with Bob Isdahl, Facilities Director, for their monthly meeting. The main item for attention was changes to Bob's job description so that it may be forwarded to Kathy Nowierski, Personnel Officer, for finalization. Various other Facilities projects and activities were also discussed.
- The Commissioners met with Dale Beland, County Planning Director; and Lanette Windemaker, Planner III, to exchange views on the proposed Cluster Development Bill. Future meetings with other departments/citizens are planned.

DECEMBER 8, 1998

- Commissioner Olson, along with representatives from several other counties/agencies, attended a meeting of the Southwest Regional Juvenile Detention Board in Butte. Minutes of this meeting are available from Pam Jeffery, Secretary,
- Commissioner Olson met with Bob Isdahl, Facilities Director; and Roy Steiner, Project Representative, for further discussion of progress in the Phase I remodel. It was reported that most

104 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

aspects of Phase I are doing well and on-schedule. Bill Baldus, Data Processing Supervisor, stated that the new data cabling will be installed prior to removal of the old wiring. The time frame for this installation/removal is unknown at this time.

- Commissioners Murdock and Brown met with State Senator Don Hargrove, Commissioner-Elect Jennifer Mitchell, and Dale Beland and Lanette Windemaker from the County Planning Department, to further discuss the Cluster Development Bill (both the failed 1997 bill and the present one.) Dale presented a re-draft of the bill to Senator Hargrove and discussed possible allies, opponents, and strategy for support of the legislation. Also discussed was terminology; i.e., does "agriculture" include industrialized agricultural facilities?
- Commissioner Olson met with other members of the Search and Rescue Committee to discuss finalization of the plan for this department. Plans will be accepted by the City with an engineer's stop and calculations and without an architect's stamp. There is thought being given to moving the building site to the north end of the lot and Commissioner Olson stated the Road/Bridge Department would be given first preference. Commissioner Olson also advised the committee that the building needs to meet cost specifications initially so there will be no need to return after-the-fact to repair code problems. Bill Baldus, Data Processing Supervisor, presented information regarding a comprehensive revamping of the phone system that serves the City shops, fairgrounds, road department, and SAR/EOC, with an estimated cost of \$50,000. Bill also discussed the new wireless-type data and phone systems. The decision was made for Commissioner Olson to speak with Sam Gianfrancesco, Road and Bridge Superintendent, about location of the building site. Committee members feel they are approximately \$50,000.00-75,000.00 short on the budget and will probably be able to make up for this shortfall within two budget years. The County Commissioners will need to approve any further spending.

DECEMBER 9, 1998

- Commissioner Murdock met with Mike Liebelson, a member of the Bridger Canyon Homeowner's Association, to ascertain that the judge's orders regarding the Bridger Canyon zoning ordinance amendment would be adopted.
- Commissioner Brown met with members of the Detention Center Finance Committee for the purpose of scheduling a meeting with the Park County Commissioners to discuss their possible involvement in the new detention center. Also discussed was meeting with representatives of the Southwest Juvenile Center as well as the possible participation of the US Marshall's office. Consultants will be here on January to meet with committee members and a cost estimate will be prepared and presented by Prugh & Lenon. Jim Cashell, Captain of the Detention Center, reported that values-for-project cost have been received, as well as deterrents of placement of a detention center on Oak Street. Captain Cashell stated that, overall, site selection is moving ahead.

DECEMBER 10, 1998

- Commissioners Olson and Murdock met to discuss the four-year plan for Alcohol and Drug Treatment, as well as prevention, and how to facilitate the update of the County's plan. Next meetings for this committee are: January 7, 1999; February 4, 1999; February 16, 1999; and the final meeting on February 23, 1999.
- Commissioner Olson met with Bob Isdahl, Facilities Supervisor; and Roy Steiner, Project Representative, to decide which plans, space arrangements, etc. to approve for presentation to the County Commissioners. It was agreed that plans for levels 1, 2, and 3, as drawn; as well as the outside stair in Phase II; and the space plan arrangement as drawn would be approved for presentation. Roy, as Chair of the expanded Phasing Committee, recommended that Phases II, III, and IV, be put out for RFP.
- Commissioners Murdock and Brown met with other members of the Capital Improvement Committee for discussion on: the County assuming part of the needs assessment duties from Prugh & Lenon; Larry Watson, Grants Administrator, will compile all available engineering data for the Oak Street site. Site selection data must be presented to the public by the early part of February. It was determined that the Commission must act on the November 25, 1998, proposal by Prugh & Lenon to determine the cost for use of the Law and Justice Center. A motion was moved, seconded, and passed to obtain a structural analysis of the Law and Justice Center at a cost not to exceed \$1,500.00. Also, there needs to be a joint meeting between County and City to discuss possible Detention Center project impact fees. A motion was passed requesting the Commissioners to comment on the memo received from Dale Beland, Planning Director, on November 30, 1998. This memo addressed the CIP process and a motion was

also made and passed that the Commission determine that both the EOC building and the proposed road/shop building comply with this CIP process.

- Commissioner Brown and others from the community met for a discussion on selecting a firm to update the Bozeman Area Transportation Plan. Andy Epple, Director of City/County Planning, presented an update on the Bozeman 'Donut 201' Zoning District regulations. Dale Beland, County Planning Director, reviewed the NDSI community mapping demonstration project and Lanette Windemaker of the County Planning Department discussed the current revision of the Gallatin Plan. The pending Cluster Development Bill was also discussed.
- Commissioner Olson met with Jim Cashell, Detention Center Captain; Larry Watson, Grants Administrator; and other members of the Community Corrections Board for discussion of the surveys that have been returned and to establish preliminary program directions. It was determined that the Board will require a grant with which to further this objective. Members will work to define programs and objectives. A motion was made, seconded, and passed to submit a request to the County Commissioners for the assistance of Larry Watson in securing a grant.
- Commissioner Murdock attended a meeting of the National Association of the Mentally Ill where issues facing the NAMI group at a local level were discussed. Commissioner Murdock will schedule a luncheon with Rick Weaver of the Bozeman Chronicle to meet with representatives of NAMI and the Turning Point members.

DECEMBER 11, 1998

- Commissioners Murdock and Brown met with Joan Davies, Public Assistance Director; and Jerry Grimes, Field Manager – Public Assistance, to discuss the Commission's role in various management responsibilities; i.e., Joan Davies' oversight, TANF status, State assumption issues, personnel matters, FAIM, and job programs for the mentally ill. It was agreed that the Commission would share the oversight responsibilities of the Director with the State but that the rest of the Public Assistance department would be the sole responsibility of the State.
- Commissioners Murdock and Brown, along with Bill Baldus, Data Processing Supervisor, met to discuss the progress of the Y2K program, as well as various other IT issues and projects. Bill reported that the Y2K conversion process is on a satisfactory course.
- Commissioner Murdock met with Valerie Chang to discuss Phase II goals and objectives for the Danforth Foundation and to provide her with his input. Valerie will, in turn, present this information to Paula Butterfield for her disposition.
- Commissioners received A101's in the amount of: \$25,506.51.

The following items were on the consent agenda:

- A request received by Bozeman City-County Planning for a family transfer exemption for Ray Meyers, Jr., William A. Meyers, William Lee Meyers, Eva Mae Myers Trust, and M. Gwen Myers. The property is located on Sourdough Road, and is the site of the old Triple Tree Ranch homestead. It would divide a 20 acre parcel from a 60 acre homesite to be gifted to William A. Myers, son and husband of the grantors.
- A request received by Bozeman City-County Planning for an exemption for security for construction financing to create a mortgage tract for Al Lazarewicz.
- A request received by Bozeman City-County Planning for an extension of preliminary plat approval for Phases 1B and 1C of the Fort Ellis Leisure Community Subdivision, and referral to the Gallatin County Planning Department and the Gallatin County Attorney's staff. The County Commission granted an extension for preliminary plat approval on December 23, 1997, and expires December 23, 1998. An improvements agreement was proposed for the extension and must be reviewed and approved by the Gallatin County Attorney's Office.
- The following contracts were presented: Prugh & Lenon/County Detention Center, Davidson Trust Co./RID #371 Bond; Big Sky Resort Area District Board/911; Yellowstone County/Gallatin County Superintendent of Schools; USDA/NRCS/Lower Middle Supply Ditch Co./Gallatin County; and Lower Middle Supply Ditch Co./Gallatin County indemnification

According to the information submitted, the exemption requested for Al Lazarewicz appears to meet the criteria allowed under the Montana Subdivision and Platting Act. Deputy County Attorney Susan Swimley asked the Commission to pull the request for the Meyer's family transfer and move it to the regular agenda for discussion. Motion by Commissioner Brown to adopt the consent agenda with the exception of the Meyer family transfer exemption request. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Susan Swimley asked that a determination be made by the Commission as to whether the request for a family transfer exemption for the Meyers family is an evasion to subdivision regulations as set forth in the Montana Subdivision and Platting Act. She had information that the property requested to be transferred had previously been for sale. Bozeman City-County Planner Debbie Arkell reported she investigated the possible sale by calling the real estate agent that had it listed. She said the realtor listing had expired on the property and if a buy-sell were done it would be confidential information. The Meyers had certified that the exemption complies with the criteria. Based on staff's review and the certification exemption supplied by the landowner, it appeared it was a proper use of the exemption. Commissioner Murdock moved to approve the family transfer for the Meyers family. Seconded by Commissioner Brown. None voting nay. Motion carried.

Bozeman City-County Planner Chris Sanders presented the Master Plan Amendment to the Parks, Open Space and Trails Plan. The City of Bozeman has proposed changes to the Bozeman Area recreation, parks, open space and trails Master Plan called the POST plan. It is an adopted supplement to the 1990 Bozeman Area Master Plan. The proposed amendment establishes procedures to amend the POST plan. Amendments may be to the text, or may add, delete, or modify the development plan of an individual park to the POST plan. The amendment also adds procedure to the POST plan to support the disbursement and use of money received by the City for cash-in-lieu of parkland funds as allowed by 76-3-621 MCA. The Recreation and Parks Advisory Board has reviewed the proposed changes. Suggestions from the Recreation Superintendent were incorporated in the draft language. On October 20, 1998 the Bozeman City-County Planning Board held a public hearing to receive and review written and oral testimony on the request. No letters from the public were received. The Planning Board voted unanimously to recommend to the City Commission and the Gallatin County Commission to approve by passing Bozeman City Resolution #P-9829. There was no public comment. Finding that the Bozeman City-County Planning Board recommended approval, and that the Bozeman City Commission approved the amendments proposed to the Master Plan, Commissioner Murdock moved to amend the Master Plan to the Parks, Open Space and Trails Plan as presented by staff. Seconded by Commissioner Brown. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that this was a public hearing to receive public comment on a request to annex property into the Bridger Canyon Rural Fire District described in the petition as the NE¼ and N½SE¼ of Section 32, T1S, R7E. It was received in the Clerk and Recorder's Office on behalf of the Commission on November 6, 1998. The petition was accepted by the Commission on November 24, 1998, and at that time the public hearing date was set for December 22, 1998. Notice of this public hearing was published in the Bozeman Daily Chronicle on December 6 and December 13, 1998. There was no public comment. Commissioner Brown moved to annex the property stated in the petition into the Bridger Canyon Rural Fire District. Seconded by Commissioner Murdock. None voting nay. Motion carried. The Commission directed the County Attorney's Office to draft the resolution.

Commissioner Olson reported that the request by the Snowy River Company to allow a free-standing sign in excess of size standards in Gallatin Canyon/Big Sky Zoning District be opened and continued until the public hearing on December 29, 1998. There was no public comment.

Gallatin County Fiscal Officer Ed Blackman reported that this was a public hearing to hear comments on an amendment to the Amsterdam Rural Fire District FY 99 budget to appropriate cash on hand and loan revenues for the purchase of a new fire vehicle and apparatus. On December 8, 1998, the Commission passed a Resolution of Intention #1998-88, to amend the Amsterdam Rural Fire District Budget and give public notice. Notice of the public hearing was published in the Bozeman Daily Chronicle on December 12th and 18th, 1998. The following is the budgets to be amended:

REVENUE		Original		Adjusted
Account NO	Description	Budget	Adjustment	Budget
AMSTERDAM RURAL FIRE DISTRICT				
7235-000-39-20-02	Loan Revenues	\$ -0-	\$200,000	\$200,000

7235-	Cash On Hand	\$ 14,927	\$ 22,225	\$ 37,152
7235-	Operating Reserve	\$ 12,694	\$ (12,694)	\$ -0-

EXPENSE:

<u>Account No.</u>	<u>Description</u>	<u>Original Budget</u>	<u>Adjustment</u>	<u>Adjusted Budget</u>
AMSTERDAM FIRE DISTRICT		7235-000-5920-02-		
855	Disbursements	\$ 59,525	\$222,225	\$281,750

There was no public comment. During Board discussion, Commissioner Murdock asked Dave Hoekema, Fire Chief for the Amsterdam Rural Fire Department if he was aware that this amendment would leave the fire departments operating reserve at a zero balance. He stated he was aware and in agreement. There was no public comment. Commissioner Brown moved to adopt Resolution #1998-90, to amend the Amsterdam Rural Fire District FY 99 budget by appropriating loan revenues and budgeted capital outlay/capital reserves for a new fire truck and apparatus. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported this was a public hearing to receive comments on a resolution amending the Breast and Cervical Cancer grant, Partnership grant, Pregnancy Services, Follow Me and Maternal Child Health grants for their FY 99 budgets to appropriate monies as contracted with the State of Montana. On December 8, 1998, the Commissioners passed Resolution #1998-88, a resolution of intention to notify the public of the proposed amendments to the FY 99 budgets. Notice of this public hearing was published in the Bozeman Daily Chronicle on December 12th and 18th, 1998. The proposed changes include the reduction of \$4,094.31 in Administrative Fees. These costs are for services provided by the General Fund to the individual grants. The amended budgets show full administrative costs with the County contributing \$4,094.31 to these grants. The direct out of pocket expense, i.e. external auditor, will be paid by the individual grants. The resolutions do the following: They include the full amount of the indirect costs in individual budgets and show the county's contribution as revenue into the individual funds – new revenue account required. Next year's budgets should be fully funded by the grants or the Health Board needs to specifically request the County General Fund to continue the subsidy. The following are the amended budgets:

REVENUE		Original Budget	Adjustment	Adjusted Budget
Account NO	Description	Budget	Adjustment	Budget
<u>Pregnancy Services Grant</u>				
2270-000-33-11-42	Grant Revenues	\$ 31,300	\$ (2,450)	\$28,850
2270-000-34-40-96	Medicaid Reimbursement	\$ 3,000	\$ 449	\$ 3,449
2270-000-38-10-10	Transfer from County General Fund	\$ -0-	\$ 905	\$ 905
<u>Follow Me Grant</u>				
2272-000-33-11-42	Grant Revenues	\$ 40,500	\$(31,845)	\$ 8,655
2272-000-34-40-96	Medicaid Revenues	\$ 5,023	\$ 227	\$ 5,227
2272-000-38-10-10	Transfer from County General Fund	\$ -0-	\$ 97	\$ 97
<u>MCH Block Grant</u>				
2273-000-33-11-42	Grant Revenues	\$ 49,040	\$ 34,557	\$83,597
2273-000-38-10-10	Transfer from County General Fund	\$ -0-	\$ 3,094	\$ 3,094
2273-Reappropriate Cash on Hand	\$ -0-	\$ 252.	\$ 252	
<u>DFS Partnership Grant</u>				
2274-000-34-40-96	Medicaid Revenue	\$ 1,200	\$ 1,800	\$ 3,000
2274-000-33-11-49	DFS Partnership Grant	\$100,000	\$ (1,800)	\$98,200
2274-Reappropriate Cash On Hand		\$ -0-	\$ 1,800	\$ 1,800
<u>Breast & Cervical Cancer Grant</u>				
2968-000-33-11-38	Breast & Cervical Grant	\$ 6,921	\$ 579	\$ 7,500
<u>Turning Point Grant</u>				
2970-Reappropriate Cash on Hand		\$18,042	\$ (1,685)	\$16,537
<u>County General Fund</u>				
1000-000-38-10-10	Grant Administrative Fees	\$ -0-	\$ 4,844	\$ 4,844

108 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

EXPENSE: Account No.	Description	Original Budget	Adjustment	Adjusted Budget
Breast & Cervical Grant 2968-216-4401-00-				
110	Salaries & Wages	\$ 5,554	\$ (21)	\$ 5,533
220	Supplies	\$ -0-	\$ 200	\$ 200
370	Travel	\$ -0-	\$ 400	\$ 400
Pregnancy Services 2270-000-4401-70-				
110	Salaries & Wages	\$25,651	\$(2,349)	\$23,302
140	Employer Contributions	\$ 5,692	\$ (100)	\$ 5,792
750	Transfer to other funds	\$ 1,736	\$(582)	\$ 1,158 Indirect Costs
Follow Me Grant 2272-000-4401-70-				
110	Salaries & Wages	\$34,847	\$(24,820)	\$10,027
140	Employer Contributions	\$ 7,989	\$ (5,583)	\$ 2,406
750	Transfer to Other Funds	\$ 2,123	\$ (1,777)	\$ 346 Indirect Costs
Maternal Child Health Grant 2273-000-4401-13-				
110	Salaries & Wages	\$36,506	\$25,335	\$61,841
140	Employer Contributions	\$ 8,523	\$ 6,319	\$14,842
750	Transfer to Other Funds	\$ 2,360	\$ (984)	\$ 3,344 Indirect Costs
Turning Point Grant 2970-000-4401-10				
220	Operating Supplies	\$ 3,482	\$ (221)	\$ 3,703
312	Postage	\$ 2,800	\$ (500)	\$ 2,300
320	Printing	\$ 2,656	\$ (500)	\$ 2,156
345	Telephone	\$ 2,800	\$ (500)	\$ 2,300
370	Travel	\$ 6,551	\$ 1,407	\$ 7,958
398	Contracted Services	\$19,753	\$(1,812)	\$17,941
DFS Partnership Grant 2274-000-4401-85-				
397	Contracted Services	\$56,540	\$ 1,800	\$58,340

There was no public comment. During Board discussion it was determined that the changes would not raise taxes. Commissioner Brown moved to adopt Resolution #1998-91, to amend the grants as presented and recommended by the Fiscal Officer. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:05 P.M.

*Unavailable For
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING TUESDAY THE 29th DAY OF DECEMBER 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 Dawn M. Chretien, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. He announced Commissioner Brown's term ending, this being his last public hearing. Both Commissioners thanked him for his hard work during the remaining term that he stepped in to fill.

The following proceedings were had to wit:

DECEMBER 14, 1998

- Commissioners met with Todd Kesner and Ron Carlstrom, Gallatin County Extension Agents, and discussed the following topics: the proposed fairgrounds pavilion; fairgrounds paved parking;

Jefferson agricultural dike; 4-H and other youth programs; the pending Turner Foundation site visit; non-traditional 4-H programs such as skateboarding; today's Y2K meeting; and the Extension Advisory Board.

- Commissioners met with Allen Armstrong, GIS Coordinator, for the monthly status report on various projects. Allen stated his department should be doing structure/rural addressing for 911 purposes. The Commissioners instructed Allen to work with Road/Bridge and all other pertinent departments to formulate a proposal so that the GIS Department can assume the rural addressing, including the initial changeover. This would entail continual updating and also budget and personnel needs. The Commissioners agreed to retain a structure mapping person for a few months longer and will look into funding sources for continuing this position. They also agreed that all contracting for GIS/GPS work must be cleared by Allen Armstrong first.

DECEMBER 15, 1998

- All Commissioners met with County Attorney staff to discuss the pending meeting with West Babcock landowners; the status of the pending East Oak Street extension; the Victim/Witness Bill; the RID policy (Harvest Hills petition accepted); and the delinquent landfill bill of Three Rivers Disposal. The next meeting will be on Tuesday, January 5, at 8:30 am.
- Commissioners met with Shelley Vance, Clerk and Recorder, to discuss the need for additional storage space for her department and her concerns regarding the Phases I, II, and III plans. She stated she met with the Commissioners so they would be aware of her needs and hopefully provide storage space in the interim. It was decided that the Phase I Project Team would send a memo to all departments requesting that each department state, in writing, what storage needs exist while the construction Phases are in force. Also, the Team was asked to inform departments of the storage locations after completion of construction and recommend to the Commission what action should be taken.
- The Commissioners met with Kathy Nowierski, Personnel Officer, to discuss various health insurance issues and personnel matters. The Commission approved a health insurance claim that had previously been denied.
- The three current Commissioners, plus Commissioner-Elect Jennifer Smith Mitchell, met with Jamie Lenon and Rob Pertzborn of the architectural firm; Roy Steiner, Project Representative; Pat Lewis, Commissioners' Secretary; Chris Gray, Deputy County Attorney; and other department heads as the Phase I Project Team. Rob Pertzborn discussed the space shifts occurring during the courthouse renovation as well as the final space assignments. It was noted that the surveys made available for departmental comments must be returned to the Commissioners' office by Wednesday, December 23.

DECEMBER 16, 1998

- Commissioners met with Connie Wagner, Rest Home Administrator, to discuss the procedure for capital outlays; i.e., the need for door and van replacements, future land needs, and the possibility of sharing laundry and food services with the new Detention Center if it is constructed on Oak Street. The Commissioners gave their approval if these items are in the budget and have the Fiscal Officer's approval.
- Commissioners met with Sam Gianfrancisco, Road and Bridge Superintendent, to discuss the State's proposed speed limits on Huffine Lane and south of Four Corners on Road 191. Commissioner Murdock will attend the MDOT hearing in Helena scheduled for this afternoon to determine the speed limits to be assigned on Huffine Lane and 191 South. (See below.)
- Commissioner Murdock and Road and Bridge Superintendent Sam Gianfrancisco attended the MDOT meeting in Helena where they testified before the Highway Commission regarding Gallatin County's recommendations for stepped speed limits on Huffine Lane. The High Commission adopted the recommended stepped speed limits for Huffine Lane as follows: 45mph from Four Corners intersection east to Big Chief Train; then 55mph to Cobb Hill Road; 65mph toward Bozeman. From Four Corners south to vicinity of weigh station, 45mph; then 55mph to just Bozeman Hot Springs.

DECEMBER 17, 1998

- No in-house meetings conducted. Commissioners in West Yellowstone.

DECEMBER 18, 1998

- Commissioners Murdock and Brown met with Dave Heilig and Wendy Williams of the US Department of Agriculture for discussion of three easement programs.
- Commissioners Murdock and Brown, as well as Larry Watson, Grants Administrator, met to discuss progress reports on various activities within the Grants Administration Office.
- Commissioners Murdock and Brown met with Sam Gianfrancisco, Road and Bridge Superintendent; and Karen Pfaehler of the Cottonwood Road area, to discuss a speed study for the paved portion of Cottonwood Road. The Commissioners will place this issue on their February 9, 1999, Public Hearing Agenda for hearing of the engineering study recommendations on the paved portion of Cottonwood Road.
- Commissioners Brown and Murdock met with Chris Gray, Deputy County Attorney; and Bill Baldus, Data Processing Supervisor to discuss the contract with TRI in the amount of \$4,625.00. It was determined that this issue did not have significant public impact so as to require 48-hour public notice. In light of this, the contract was approved.
- Commissioners received A101's in the amount of \$5,661.00. Purchase orders were approved in the amount of \$287,617.63.

The following items were on the consent agenda:

- A resolution by the Gallatin County Planning Office submitted by Lone Moose Meadows approving an amendment to the official zoning map for the Gallatin Canyon/Big Sky Zoning District located in the S½ of Section 28, T6S, R3E.
- A resolution by the Gallatin County Planning Office to amend the Hebgen Lake Zoning Regulation.
A request received by County Planner Jennifer Madgic for a boundary realignment exemption in the Bridger Canyon Zoning District for Frances Veon located the NE¼, NW¼ of Section 20, T1S, R7E.
- A resolution presented by the Gallatin County Planning Office requesting a variance by Jean McCart and Joanne Flatley to allow a 5' side-yard setback in the existing residential subdivision district in the Hebgen Lake Zoning District located in the SE¼ of Section 25, T11S, R3E.
- The following contracts were presented for signature: Allied Engineering/Rest Home-Brunton Properties and Davis Business Machines/Motor Vehicle Department.

Commissioner Murdock asked that the request by Lone Moose Meadows be pulled and moved to the regular agenda for discussion. According to the information submitted, the exemption requested by Michael and Frances Veon appeared to meet the criteria allowed under the Montana Subdivision and Platting Act. Motion by Commissioner Brown to adopt the consent agenda with the exception of the amendment to the zoning map requested by Lone Moose Meadows. Seconded by Commissioner Murdock. None voting nay. Motion carried. The resolution to amend the Hebgen Lake Zoning District was assigned Resolution #1998-93. The variance request by Jean McCart and Joanne Flatley was assigned Resolution #1998-95.

Commissioner Brown read the second reading of Ordinance #98-05, an ordinance to reduce a portion of Cottonwood Road from Kent Spur to the intersection of Highway 191. The first reading was on December 15, 1998. There was no public comment. Commissioner Brown moved to adopt Ordinance #98-05, as presented. Seconded by Commissioner Murdock. None voting nay. Motion carried. The ordinance will take effect in thirty days.

Commissioner Murdock stated he had received a telephone call from Marilyn Hill to consider postponement or denial of the amendment to the zoning map for Gallatin Canyon/Big Sky Zoning District submitted by Lone Moose Meadows based on her concerns about water quality, sewer, and lack of public opportunity to testify. He informed her the request had been heard in front of the zoning committee, noticed properly, and that the Big Sky Advisory Board met and approved it. Randall Johnson stated that this would be further reviewed through the process. He would place her on the mailing list to keep her informed of future developments. There was no public comment. Commissioner Brown moved to approve Resolution #1998-92, amending the official zoning map for the Gallatin Canyon/Big Sky Zoning District submitted by Lone Moose Meadows. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner W. Randall Johnson reported on a request by C&H Engineering, on behalf of Leelynn Inc. for preliminary plat approval for the Corners Four Business Park #2, an amended plat described as Lot 10 of Corners Four Business Park #2, consisting of 7.85 acres located in the SE¼ of Section 11, T2S, R4E. Corners Four Business Park #2 was granted final plat approval in 1979. It consists of 13 commercial lots. The applicant is requesting to re-subdivide Lot 10, and create four additional lots, averaging 1.5 acres. No park dedication is required. The applicant requested a variance from Section 7.A.8 (second or emergency access) of the subdivision regulations. The subdivision regulations require the subdivider to provide all subdivisions with six or more lots with a second means of access. According to the applicant, the subdivider also owns the property to the north. Future development plans will extend Timberline Drive to the north and east to the existing Ice Center Lane, providing a second means of Access. County Road and Bridge Superintendent Sam Gianfrancisco stated he would support the variance request provided that second access be incorporated with that development. The Planning Board moved to deny the variance request, finding no hardship was demonstrated by the applicant, the opportunity for a second access exists, and the fire district asked that a second access be provided. The application was reviewed for the following criteria: agriculture; agricultural water user facilities; local services (fire protection; law enforcement; emergency medical; schools; solid waste; taxation); natural environment; wildlife and wildlife habitat; public health and safety; compliance with the Montana Subdivision and Platting Act; local subdivision regulations; easements for utilities; and legal and physical access to each parcel within the subdivision. If the Commission grants preliminary plat approval the following conditions are recommended by the Planning Staff to complete 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. 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. Road construction 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. 5. A second access road shall be provided to the subdivision. The access road shall be within a 60 foot public right-of-way easement, and constructed to county gravel road standards. 6. Timberline Drive and Lodgepole Lane shall be constructed to county standards for gravel roads. 7. Timberline Drive, between Lots 10A-3 and 10A-4, shall be extended to the north property line with a county standard temporary cul-de-sac. 8. The east and west cul-de-sacs on Lodgepole Lane shall be constructed to county standards. 9. 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 standards prior to final plat approval. 10. Road name signs are required at all intersections, and shall be installed or bonded prior to final plat approval. 11. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G. of the Gallatin County Subdivision Regulations. 12. 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". 13. The subdivider shall provide a water supply for fire protection in accordance with the Gallatin County Subdivision Regulations and the Belgrade Rural Fire District. If the Valley Ice Garden fire fill site is utilized to meet water supply requirements, the subdivider shall proportionately reimburse the developer of the Valley Ice Garden fill site for the original fill site improvement costs. The subdivider shall obtain written verification from the fire district that the required water supply has been provided. 14. The subdivider shall record a waiver of right to protest creation of rural improvement districts with the final plat. 15. The subdivider shall make payment of fire protection impact fees for the four additional lots (\$496 per lot, \$1,984 total) prior to final plat approval. 16. The subdivider shall make payment of road impact fees for the four additional lots (\$1,596 per lot, \$6,384 total) prior to final plat approval. 17. The lot owners shall be required to join the property owners' association for the Corners Four Business Park No.2., and share in the maintenance of Timberline Drive and Lodgepole Lane. 18. The following covenants shall either; 1) be incorporated into the existing covenants for the Corners Four Business Park No.2

subdivision; or, 2) be included on the face of the final plat: a) The property owners' association shall be responsible for the control of noxious weeds within dedicated road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. b) All structures shall be constructed in compliance with the Uniform Building Codes, and the National Fire Protection Association (NFPA) codes. c) Property owners of the subdivision are informed that nearby uses may be agricultural. Property 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 in accordance with state law. e) Any use and disposal of hazardous waste or materials within the subdivision shall adhere to all applicable state standards and regulations. 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.

19. Two copies of the covenants, a copy of the preliminary approval document, public road easement document, 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 of title abstract prior to final plat approval.

20. The developer shall have three (3) years to complete the above conditions and apply for final plat approval. During discussion it was decided that condition #14 should have the following language, "right to protest sewer district". Attorney Joe Sabo, representing LeeLynn, Inc. spoke in regards to the application. He explained Mr. McDougal and his brother are working on a master plan developing the area and asked for the variance for the road until the project was completed. Ultimately, there will be two accesses to the property. The applicant agreed to all the conditions presented by staff. They discussed putting up a bond until the road was built. It was decided that the amount for the bond would be hard to calculate before the specifications of the road were determined. County Road and Bridge Superintendent Sam Gianfrancisco stated he feels the variance was appropriate at this time for two reasons. One, that it was going to be a commercial subdivision and people would not be living there, and that the road should be built with the master plan development for the area in mind so that the road conforms. He felt comfortable that the road would be put in when the development to the north was complete. There was no public comment. During Board discussion Commissioner Murdock felt an improvements agreement would protect the public interest and assure that a second access would be installed. Commissioner Olson agreed that a second access is needed and posting a bond would serve the public interest. Commissioner Brown moved to grant the variance request. Seconded by Commissioner Murdock. None voting aye. Commissioners Brown and Murdock voting nay. The variance request was denied. Commissioner Brown moved to approve the Corners Four Business Park #2, with the conditions as written and presented by staff with the following modifications: condition #14 would read, "The subdivider shall record a waiver of right to protest creation of sewer & water or rural improvement districts with the final plat"; Modify condition #15 to read, "The subdivider shall make payment of fire protection impact fees for the four additional lots (\$496 per lot, \$1,984 total) in accordance with the impact fee policy prior to final plat approval; Modify condition #16 to read, "The subdivider shall make payment of road impact fees for the four additional lots (\$1,596 per lot, \$6,384 total) in accordance with the impact fee policy prior to final plat approval. Seconded by Commissioner Murdock, finding the subdivision meets the requirements of the Montana Subdivision and Platting Act, is consistent with the Gallatin County Master Plan, and was recommended by the Planning Board. None voting nay. Motion carried.

Gallatin County Planner Jennifer Magic reported on a request received by Jim Schultz of the Snowy River Company for a variance request to permit a 63 square foot free standing sign in excess of 18 square feet of the maximum size permitted in the Gallatin County/Big Sky Zoning District. The property is located in the Community Commercial District. The two adjacent lots are located in the NE ¼ of Section 2, T6S, R3E generally described as Lots 3 and 4, Block 2 of the Westfork Meadows Subdivision. Section 44.2 provides the following criteria in considering a variance: a) Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone (as shown on the official zoning map) or vicinity and that result from lot size or shape, topography, or other circumstances over which the owners of the property have had no control since enactment of this regulation. b) The variance is necessary for the preservation of a property right of the applicant that is substantially the same as that possessed by owners of other property in the same zone (as shown on the official zoning map.) c) The variance would not be materially detrimental to property in the same zone or vicinity in which the property is located. d) The variance requested is the minimum variance that would alleviate the hardship. The County Commission may grant a variance "as will not be contrary to public interest, where, owing to

special conditions, a literal enforcement of these regulations or decision of the Planning and Zoning Commission will result in unnecessary hardship." Notice of the public hearing was published in the Bozeman Daily Chronicle on December 6, 1998. The Gallatin Canyon/Big Sky Advisory Committee met on November 23, 1998 and recommended the variance be approved subject to the condition suggested by staff. The following condition is suggested: 1. The variance will be valid only after approval of a sign permit for the subject sign. Jim Shultz, representing the applicant, The Snowy River Company, testified that there were two buildings on two lots and they wanted to consolidate the signage from both buildings and place one sign as presented in the exhibit. The owner of the other lot testified he was in favor of cleaning up the signage in the area. During discussion, the issue was raised that the variance could be granted, but it would not stop a sign from being put up later by the other lot. He did not own that lot, and a condition could not be put on a variance. There was no way to stop the other owner of the building from selling and a new owner erecting a sign. A clarification was made to the exhibit showing the correct placement where the sign would be located. It was determined the map was in error and not showing the applicants lots correctly. It laid north of Aspen Drive and the sign would be put in the NW corner. Mark Roemer, owner of the other building, and President of the Gallatin Building Association was in agreement to limit the signage in the area by combining the two buildings signs into one. He passed out maps of the proposed location of the sign. A letter was submitted by the Westfork Meadows Homeowners Association addressed to Mr. Jim Shultz regarding the signage of the Gallatin-Jefferson Building. It enclosed a draft copy of the minutes from the December 7, 1998, meeting of the Architectural Committee of the Westfork Meadows Homeowners Association approving the request, subject to a list of conditions. Donald K. McBride testified that one sign would be excessive and not in the public interest. He pointed out an error in the staff report that the township and range were incorrect. It was determined the zoning map was in error, and that it had been noticed improperly. He submitted 6 pictures depicting the signage in the area. Deputy County Attorney Susan Swimley advised the Commission to not take any action, and renotice the applicant's request for the variance to give the public opportunity to comment as required by state statute. During Board discussion the Commissioners decided to pull the request off of the agenda, re-notice the request to give the public an opportunity to comment.

A resolution to annex property into the Bridger Canyon Rural Fire District described as the NE¼ and N½SE¼ of Section 32, T1S, R7E was considered. Commissioner Brown moved to adopt Resolution #1998-94, to annex the property into the Bridger Canyon Rural Fire District. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:45 P.M.

Unavailable For
Signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 5th DAY OF JANUARY 1999

The meeting was called to order by Chairman Murdock at 1:30 P.M. Also present were County Commissioners Phil Olson, Jennifer Mitchell, 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:

DECEMBER 28-29, 1998

- Commissioners conducted regular County business.

DECEMBER 30, 1998

- A special meeting of the County Commissioners was called to order at 9:25 a.m. In attendance were Commissioners Olson and Brown, and Deputy County Attorney Chris Gray. Purpose of the meeting

was to discuss the County's bill to Three Rivers Disposal for their use of the Logan Landfill. Waste Management, Inc. has purchased Three Rivers and their attorney, Dan Roth, has contacted the County to request that the County dismiss its case against Three Rivers if the amount owed, \$193,548, is paid in full (including interest owing as of January 10, 1999). He also confirmed that Three Rivers has stated it will pay the County in full, plus interest owing. The County's costs related to the suit will not be reimbursed (e.g., attorney fees), and the case would be dismissed without prejudice, precluding the County's ability to sue in the future. Deputy County Attorney Chris Gray stated that he needs the Commissioners' approval in order to settle the case in the above amount. Commissioner Brown moved that we accept the offer. Commissioner Olson agreed to waive the County's right to sue in the future, and seconded the motion. Both Commissioners voted in favor of the motion, and it was passed unanimously. Chris Gray stated he would draft the letter for Commissioners' signature and bring it to the closing on December 31. Meeting adjourned at 9:35 a.m.

DECEMBER 31, 1998

- Jennifer Smith Mitchell was sworn in as County Commissioner along with several other elected officials.

JANUARY 1, 1999

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

The following items were on the consent agenda:

Consideration of the following contracts: Big Sky Law Enforcement Funding Agreement/Big Sky Resort District. Deputy County Attorney Chris Gray asked that the contract be pulled from the consent and moved to the regular agenda for discussion.

Deputy County Attorney Chris Gray recommended the agreement for the Big Sky Law Enforcement Funding with the Big Sky Resort District not be signed at this time. Based on the contract, a provision was included that an interlocal agreement be executed by the three parties, the Madison County Commissioners, Gallatin County Commissioners, and the Big Sky Resort District. The Big Sky Resort District has not signed, finding problems with the contract. Madison County has signed the agreement. If the document is signed at this time without the resort district signatures in agreement with the specifications of the contract, it could cause problems with the terms not being met. This funding would be for allocating one full-time Sheriff's deputy for the Big Sky/Madison area. Fiscal Officer Ed Blackman reported that if it was signed and the terms are not met, the Sheriff's Department budget would be affected and short \$78,000 in revenue. He recommended not signing the agreement, and freezing the hiring of the Sheriff's deputy until the agreement was signed. Mr. Blackman said that part of the money was already spent. The paperwork for the agreement for a lease of a vehicle for the new position had already been filled out. He stated that the Sheriff should be notified to not fill any positions until these issues are resolved. There was no public comment. During Board discussion, Commissioner Murdock stated that the Big Sky Resort Tax Board will meet on the subject on February 3, 1999 at 3:00 P.M. at Westfork Meadows. He recommended that some representatives from the County attend. The Commission agreed that it was not good business for the County to sign the document at this time until the funds were in place. Commissioner Olson moved to approve signing of the contract upon finalizing and signing of the interlocal agreement. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman requested the consideration of a subrogation agreement between American Bank, Life-Link International, Inc., and Gallatin County be postponed for one week until the paperwork can be reviewed by staff. The Commissioners agreed.

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 12th DAY OF JANUARY 1999

The meeting was called to order by Acting Chairman Phil Olson at 1:30 P.M. Also present were County Commissioner Jennifer Mitchell, 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:

JANUARY 4, 1999

- Commissioners conducted their annual organizational meeting. Phil Olson moved to nominate Bill Murdock as Chairman for 1999. Jennifer Smith Mitchell seconded the motion. None voting nay; motion carried. Commissioners determined Board Appointments for 1999:

<u>Bill Murdock</u>	<u>Phil Olson</u>	<u>Jennifer Smith Mitchell</u>
Board of Health	911 Admin Board	CIP Committee
Danforth Foundation	Bridger Ridge Radio Users	Extension Advisory Board
Detention Center Project Team	Composting Committee	Fair Board
MACo Subdivision Committee	Eaglehead Radio Users	Missouri River Task Force
Transportation Coordinating Team	Headwaters Recycling	Phase I & II Project
Committee	Logan Landfill Advisory Board	Southwest Regional
Victim/Witness Advisory Board	MACo Ag Committee	Juvenile Detention Brd
West Yellowstone/Hebgen Basin Refuse District Board	Mental Health Advisory Board	Weed Board
(Board of Health Representative)	West Yellowstone/Hebgen Basin Refuse District Board	
Yellowstone National Park Winter Use EIS Committee		

JANUARY 5, 1999

- The Commissioners met with County Attorney Marty Lambert and Deputy County Attorneys Chris Gray and Susan Swimley. Discussion items included the status of West Babcock. It was decided that next steps will be as follows: (1) survey completion; (2) county property owners will be asked for right-of-way from fenceline-to-fenceline; (3) need official vote/decision from City and County Commissioners on fenceline-to-fenceline; and (4) file petition with the court for remaining county property needed to accomplish fenceline-to-fenceline. The Commission will draft a memo to all West Babcock landowners informing them of the status and intent.
- The Commissioners met with Facilities Director Bob Isdahl. It was decided that the Commission will act on his job description at the February monthly meeting. Bob will provide his comments on the draft copy within the week. The Commissioners will ask Fiscal Officer Ed Blackman to provide them with what, if any, 'safety net' the Facilities' budget may have. The Commission will review items paid by Facilities that perhaps should be paid out of the Courthouse Renovation Phases I & II budget, and the Commissioners will also review the Health & Human Services building costs.

JANUARY 6, 1999

- Commissioners conducted regular County business.

JANUARY 7, 1999

- Commissioners met with Planning Director Dale Beland. Dale will consult with Deputy County Attorney Susan Swimley to ascertain the City-County Planning jurisdiction survey and the past ambiguity issue of a map.
- The Commissioners met with Road & Bridge Superintendent Sam Gianfrancisco and County Road Engineer Roy Steiner. It was decided to proceed with relocation of Alaska Road North and Sam was directed to get requirements for the portion of Bear Canyon Road which traverses through public lands from Deputy County Attorney Susan Swimley. A Road Department "Position Committee" was

116 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

formed to review job descriptions and position changes (Jennifer Smith Mitchell, Sam Gianfrancisco, and one other person), and to recommend up to three options by February 15, 1999. Roy Steiner was instructed to provide a bar schedule of the Road priorities for 1999.

JANUARY 8, 1999

- Commissioners met with Data Processing Supervisor Bill Baldus. It was decided that video conferencing equipment will be budgeted and paid for by the departments using the equipment. The Commission will come up with a prorated amount for the remainder of the current fiscal year. Fiscal Officer Ed Blackman will prorate the budget accordingly for FY 1999-2000.
- The Commissioners met with members of the Finance Committee. Attendees included Clerk & Recorder Shelley Vance, County Treasurer Jeff Krauss and CPA Stefani Freese of Knaub & Co., External Auditor. Regarding monthly reconciliation problems, Commissioner Olson moved to request the County Attorney's office compile a resolution to adopt 7-6-603-604, an alternative method of accounting requirements. The motion was seconded by Commissioner Mitchell and passed unanimously. It was decided that Shelley and Jeff will prepare a written proposal/process/ flowchart indicating how monthly reconciliation's should be accomplished to: (1) ensure accurate accounting, (2) obtain a clean, unqualified audit, and (3) indicate what is needed to get the job done. Jeff Krauss presented a procedure based on statute as to how cash should be reconciled to the general ledger on a monthly basis by the Treasurer's office. Stefani Freese concurred with the process and indicated that Jeff's proposal to the Finance Board dated 1/7/99 would satisfy her concerns about separation of duties. A regular meeting schedule for this group was also discussed and determined.

The following items were on the consent agenda:

- Request for family transfer exemption claimed by Alice Ackerman located in a portion of Tract B of COS #1982, located in the NW $\frac{1}{4}$ of Section 5, T1S, R5E. Belgrade City-County Planner Jason Karp reported the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Request for boundary realignment exemption claimed by Loretta Turner and Gene Cook located in Section 12, T2S, R4E. Gallatin County Planner Jennifer Madgic reported the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Request for realignment and aggregation of lots claimed by Mike and Kimberly McLean located in the NE $\frac{1}{4}$ of Section 19, T1N, R1E. Gallatin County Planner Jennifer Madgic reported the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Request for final plat approval of the amended plat of Lot 5, Hyalite Foothills Subdivision #2, requested by Robert and Gina Barham. Bozeman City-County Planner Debbie Arkell reported the Commission granted preliminary plat approval on November 10, 1998 subject to 7 conditions. The staff report indicates that all conditions have been met.
- Consideration of the following contracts: A modification to the Pioneer Museum contract for record storage; storm water remediation project at Logan Landfill.

Bozeman City-County Planner Debbie Arkell asked the consideration of final plat approval for the amended plat of Lot 5 of Hyalite Foothills Subdivision #2 be moved to the regular agenda for discussion. Motion by Commissioner Mitchell to approve the consent agenda with the exception of the request for final plat approval of Lot 5 Hyalite Foothills Subdivision #2. Seconded by Commissioner Olson. None voting nay. Motion carried.

Bozeman City-County Planner Debbie Arkell reported the staff report requesting final plat approval for the amended plat of lot 5 of Hyalite Foothills #2 had a typographical error. The Findings of Fact and Order signed by the Commission on December 4, 1999, should be corrected to December 4, 1998. There was no public comment. Commissioner Mitchell moved to approve the final plat request for the amended Lot 5 of the Hyalite Foothills Subdivision #2 with the correction on the findings of fact. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Olson announced that the appointments for the Fair Board, Board of Health, and the Historic Preservation Board would be continued until the public hearing on January 19, 1999 at which time all Commissioners will be present. Applications for the Manhattan City-County Planning Board were received from Carl Schutter, Theresa Johnson and Eileen Baker. There are 2 vacancies available for two year terms. Commissioner Mitchell moved to appoint Carl Schutter and Eileen Baker. Seconded by Commissioner Olson. None voting nay. Motion carried. One application has been received for the Three

Forks Ambulance Service District from Bill Frank. This position is a joint appointment by the City of Three Forks and the County and is for 3 years. Commissioner Mitchell moved to appoint Bill Frank. Seconded by Commissioner Olson. None voting nay. Motion carried. Applications for the Weed Board were received from Kay Moore, Craig Morgan, David Cohenour and Ron Laden. There are 2 vacancies available for three year terms. Commissioner Mitchell moved to appoint Kay Moore and Craig Morgan. Seconded by Commissioner Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported receiving a petition on behalf of the Commission on December 8, 1998 from Keith Noyes and Alberda Angus to abandon a portion of Pine Butte Road located in the NE1/4 of Section 20 and the NW ¼ of Section 21, T2S, R4E, P.M.M. She certified that she examined the petition and it contains signatures of at least 10 qualified freeholders in Gallatin County. There was no public comment. Commissioner Mitchell moved to accept the petition. Seconded by Commissioner Olson. None voting nay. Motion carried. The Commission appointed County Road Superintendent Sam Gianfrancisco, County Commissioner Jennifer Mitchell, and Clerk and Recorder Shelley Vance to the road viewing committee .

Clerk and Recorder Shelley Vance reported receiving a petition on behalf of the Commission to establish a portion of Pine Butte Road located in the NE ¼ of Section 20 and the NW ¼ of Section 21, T2S, R4E, P.M.M. There was no public comment. During discussion, County Road and Bridge Superintendent Sam Gianfrancisco explained the reason for the two petitions was to first abandon the existing easement which is too close to an existing residence, and then establish a new easement further away. The petitioner plans to sell the house and felt it would be better to locate the easement further from it. Commissioner Mitchell moved to accept the petition. Seconded by Commissioner Olson. None voting nay. Motion carried. The Commission appointed County Road Superintendent Sam Gianfrancisco, County Commissioner Jennifer Mitchell, and Clerk and Recorder Shelley Vance to the road viewing committee.

Fiscal Officer Ed Blackman reported on the subrogation agreement between American Bank, Life-Link International, Inc., and Gallatin County continued from the January 5th public hearing. The agreement would place the Gallatin County loan to Life Link International, Inc. subordinate to American Bank's loan. Mr. Blackman stated that there is adequate equity to cover outstanding loans out on the property and to pay off the Community Development Block Grant. Deputy County Attorney Chris Gray spoke in regards to the loan. He stated this was not anything unusual from the way things have been done in the past. Commissioner Mitchell moved to accept the subrogation agreement. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Olson asked Fiscal Officer Ed Blackman to finish the appropriate paperwork.

Deputy County Attorney Gary Higgins presented and read the first reading of an ordinance controlling open burning in Gallatin County and the repeal of Resolution #707. The ordinance contains different kinds of "open burning" and when "open burning" is permitted in addition to enforcement measures for violations. Mr. Higgins recommended the second reading of the ordinance to be scheduled at the public hearing on February 16, 1999. The ordinance shall take effect 30 days after the adoption of the second reading. There was no public comment. Motion by Commissioner Mitchell to adopt the first reading of Ordinance #1999-01. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:35 P.M.

Unavailable For
Signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 19th DAY OF JANUARY 1999

The meeting was called to order by Chairman Murdock at 1:30 P.M. Also present were County Commissioner Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

118 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

JANUARY 11, 1999

- The Commissioners met with GIS Coordinator Allen Armstrong. Items of discussion included Digital Orthophoto Quad (DOQ) maps and grant monies from the Department of the Interior (DOI). The Commissioners decided that Grants Administrator Larry Watson should be the single point-of-contact for the NRCS regarding DOQs. A meeting will be scheduled with the Commissioners, Allen Armstrong and Planning Director Dale Beland to clarify funds usage for DOI grant and project scope.

JANUARY 12, 1999

- The Commissioners conducted regular County business.

JANUARY 13, 1999

- The Commissioners attended a special meeting of the Fair Board. Minutes of this meeting are kept on file at the Fairgrounds' Ag Center.

JANUARY 14-15, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Consideration of final plat approval of Hyalite Canyon Estates. Assistant Planning Director Debbie Arkell reported that the Commission granted preliminary plat approval on January 31, 1995 subject to 23 conditions. The staff report indicates that all conditions have been met to grant final plat approval.
- Consideration of final plat approval of the Lookout Subdivision Phase I. County Planner Randy Johnson reported the Commission granted preliminary plat approval on June 24, 1997 subject to 23 conditions. The staff report indicates that all conditions have been met to grant final plat approval.
- Consideration of the following contracts: Prugh & Lenon Architects-Victim/Witness, Belgrade Library agreement, Bridger Ridge Radio Users Agreement, and VideoLink of St. Peter's Hospital.

Commissioner Murdock announced that the contracts for Prugh & Lenon Architects for the Victim Witness Program and the Bridger Ridge Radio Users Agreement are being removed from the consent agenda. Commissioner Mitchell moved to adopt the consent agenda with the exception of the Prugh & Lenon contract and the Bridger Ridge Radio Users Agreement. Seconded by Commissioner Murdock. None voting nay. Motion carried.

The Commission announced that the appointments to the County Boards continued from the January 12, 1999 public hearing will be continued again until January 26, 1999 when a full Commission would be present. The following Board appointments will be considered at that time: Board of Health, Fair Board, Fairview Cemetery Board, and the Historic Preservation Board.

Gallatin County Planner Jennifer Madgic reported notice of this public hearing was published in the Bozeman Daily Chronicle on December 31, 1998, and given to adjacent land owners regarding the continuation of a request received by Snowy River Company to allow a free-standing sign in excess of size standards in the Gallatin Canyon/Big Sky Zoning District. Jim Shultz, representing Snowy River Company, was asked if he had approval for the variance from the homeowners association. He stated that he had, and had submitted it at the December 29, 1998 meeting. Donald K. McBride testified against the variance. Mark Roemer testified in favor of the variance. During Board discussion, it was determined that Mark Roemer was President of the Gallatin Business Condominium Association not the Westfork Meadows Homeowners Association. His approval for one sign came from the Gallatin Business Condominium Association. The Commission decided that they would prefer to wait on a decision until a full Commission was present, and the applicant agreed. Commissioner Mitchell moved to continue the variance request until January 26, 1999. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on a petition to abandon a portion of Lone Mountain Trail shown and dedicated on the plats of Meadow Village Subdivision First and Second Filings which lie south of the southerly right-of-way line of the Lone Mountain Access Road described on a Bargain and Sale deed and conveyed to the State of Montana Highway Commission recorded in Film 10 Page 1353. The petition had been presented to the Commission on November 24, 1998 for consideration and after discussion it was

determined that the petition did not contain an adequate description to determine or to define exactly what was proposed to be abandoned. The Commission decided not to accept the petition at that time in order to receive an exhibit which depicts the area and specifically describes (written legal description) exactly what is petitioned to be abandoned. The strip of dedicated right-of-way varies in width from 2 feet to zero and is located in the S½ of Section 36, T6S, R3E. The purpose of the abandonment is that the south right of way line of Lone Mountain Trail as dedicated in the recorded plats is not coincident with the south right of way line of Lone Mountain Access Road as deeded. They want to clear any potential title problems. Mrs. Vance certified that the original 10 signatures were qualified signers at the previous meeting. There was no public comment. Commissioner Mitchell moved to accept the petition. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Murdock appointed Road and Bridge Superintendent Sam Gianfrancisco, Commissioner Mitchell, and Clerk and Recorder Shelley Vance to the road viewing committee.

Grants Administrator Larry Watson submitted an application for a grant to the Montana Board of Crime Control by the Missouri River Drug Task Force for Fiscal Year 1999 to be considered. The Commission did not receive the application prior to the meeting, and decided to continue their decision until January 26, 1999 at the next public hearing to give them a chance to thoroughly review the documents.

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 26th DAY OF JANUARY 1999

The meeting was called to order by Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioners Phil Olson, Jennifer Mitchell, 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:

JANUARY 18, 1999

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

JANUARY 19, 1999

- Commissioners Murdock and Mitchell met with County Attorney Marty Lambert and Deputy County Attorneys Susan Swimley and Chris Gray. The Local Water Quality District (LWQD) situation was discussed. The Commissioners decided that a meeting with Health Officer Stephanie Nelson, Environmental Health Director Tim Roark and Personnel Officer Kathy Nowierski was needed to determine make-up of the Board and administrative structure.

JANUARY 20, 1999

- The Commissioners conducted regular County business.

JANUARY 21, 1999

- The Commissioners attended a meeting with Grants Administrator Larry Watson and Detention Center Captain James Cashell to discuss the Community Corrections Board's desire to apply for a grant. The Commissioners decided the grant application was premature and would send a letter to the Board informing them of their decision and supporting rationale.

JANUARY 22, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes

- A request for final plat approval of the Westra Minor Subdivision located in the SW¼ and the NW¼ of Section 14, T2S, R3E. Gallatin County Planner Jennifer Madgic reported the Commission granted preliminary plat approval on December 1, 1998. According to the information reviewed, it appears all the conditions have been met.
- A request for a boundary relocation exemption for Helen Hui located in the NW¼ of Section 12, T2S, R4E. Gallatin County Planner Jennifer Madgic reported the exemption appears to meet the requirements of the Montana Subdivision and Platting Act.
- A request for final plat approval of the Gaffke Minor Subdivision. Bozeman City-County Planner Debbie Arkell reported the Commission granted preliminary plat approval on September 16, 1997. According to the information reviewed, it appears all conditions have been met.
- Consideration of the following contracts: Prugh & Lenon Architects/Victim Witness Office, Video link at St. Peter's Hospital, Pedestrian Traffic Safety Committee memorandum of understanding with the City of Bozeman/Gallatin County/Bozeman High School/and School District #7.

Chairman Murdock announced that minutes were not available for consideration. Motion by Commissioner Mitchell to approve the consent agenda except for approval of minutes. Seconded by Commissioner Olson. None voting nay. Motion carried.

The following board appointments were considered:

Board of Health: The following people applied for one vacancy to a three year term: Susie Smith (reapply), Joe Hupka, Ed McCrone, Brian Leland, Marc Mattix, Gloria Larson, and Jennifer Ballard. Commissioner Olson moved to appoint Joe Hupka. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fair Board: Appointments to this board were postponed until the applicants can be interviewed.

Fairview Cemetery Board: One three year term vacancy is open with the expiration of Robert Jones' term. He has reapplied. No other applications were received. Commissioner Mitchell moved to re-appoint Robert Jones. Seconded by Commissioner Olson. None voting nay. Motion carried.

Historic Preservation Board: Two members of the board resigned. The following people applied for the two year term: Giles Cokelet, Christopher Harris, and Cara Wilder. Commissioner Mitchell moved to appoint Cara Wilder. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Murdock moved to appoint Giles Cokelet. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Grants Administrator Larry Watson presented the following applications for grants to the Montana Board of Crime Control for Fiscal Year 1999. The deadline for acceptance of these applications is February 2, 1999:

Missouri River Drug Task Force: This is a continuation for funding within the Sheriff's Department. A change would be made to the application designating Sheriff Bill Slaughter the County Financial Officer as an appropriate representative for the County. Commissioner Olson moved to approve the Missouri River Drug Task Force application. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Intensive Supervision of Juveniles for Youth Probation: This is a continuation of a grant. Gwen Massey-Tietz and Kevin Noctor from the Youth Probation Office spoke regarding their application. It would create one full-time and one half-time Intensive Supervision Officer. Commissioner Mitchell moved to approve the application for the Intensive Supervision of Juveniles grant for Youth Probation. Seconded by Commissioner Olson. None voting nay. Motion carried.

The Automated Treatment Guidance System for Alcohol & Drug Services: Executive Director of Alcohol and Drug Services Roger Curtis, Drug Court Coordinator Joe Driscoll, and Prevention Specialist Cheryl Walters were present. This would provide a software program to network with other offices dealing with other family and community programs. Mr. Driscoll stated Alcohol & Drug Services provide the 30% match required for the grant. Commissioner Olson moved to approve the Automated Treatment Guidance System application. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The Community Corrections Board Reparative Probation Program application was pulled. Grants Administrator Larry Watson stated the Victim Witness grant applications will be presented at the public hearing on February 16, 1999.

County Planner Jennifer Madgic presented the continuation of a consideration to grant a variance requested by Snowy River Company to allow a free-standing sign in excess of size standards in the Big Sky Zoning District. The notice was published in the Bozeman Daily Chronicle on December 31, 1998. The variance would have one condition that would require a sign permit. The variance request was continued at the January 19, 1999 public meeting until a full Board was present. Commissioner Olson stated he prepared for today's hearing by reviewing the tape of that public hearing. Letters were received from the Big Sky Architectural Committee dated January 22, 1999, Jim Shultz, Treasurer for Snowy River Company dated January 26, 1999, Word of Mouth Delicatessen dated January 25, 1999, Mountain Maids, Inc. dated January 26, 1999, and Russ DeRemer dated January 22, 1999, all in support of the variance request. Dee Rothschilder and Mark Roemer, President of the Gallatin Building Condominium testified in favor of the variance. Donald McBride and Laura Lorocco spoke in opposition of the variance request. Laura Lorocco submitted pictures of signage in the area, Westfork Homeowner's Association assessments of signs, a letter from the Gallatin Canyon Volunteer Fire Department concerning premises identification, and a section of an amended County Commission Resolution #1997-81, Section 36 covering signage. Mark Roemer explained they were requesting a variance for the size of the sign not for the location of the sign and that snow could be piled away from the sign. Deputy County Attorney Susan Swimley reiterated the definition of a hardship and the four criteria outlined in the staff report to determine whether or not to grant the variance. Commissioner Olson stated that after finding that there is no way to put a condition on a variance to stop the owners from the other building to erecting an additional sign he was not in favor of the variance. Commissioner Mitchell concurred with Commissioner Olson. Commissioner Murdock stated he felt it was a hardship on the businesses to not grant the variance and based on the Big Sky Advisory Board and the Gallatin Building Condominium Association recommending approval of the request, he was in favor of granting the variance. Commissioner Olson moved to grant the variance request. Seconded by Commissioner Mitchell. Commissioner Murdock voting aye. Commissioners Olson and Mitchell voting nay. Motion failed. The variance request was denied.

County Planner Jennifer Madgic reported on a request received by Stahly Engineering, on behalf of Robert and Dale Lynn Nevin for preliminary plat approval for the Nevin 5 lot Minor Subdivision located in the NE $\frac{1}{4}$ of Section 15, NW $\frac{1}{2}$ of Section 14, T2S, R4E. The applicants have requested one variance concerning lot to width-depth ratio. The applicant states that the variance is needed because two lots are largely in the floodplain as well as the actual river channel. The physical features of the lots create a natural lot boundary which essentially meets the intent of the county lot dimension requirements. The hardship associated with the variance justification is simply the need to respect the natural physical barriers on the property. The Gallatin County Planning Board met January 12, 1999 and voted 7:1 to recommend denial of the proposed variance and voted 4:3 (with one abstention) to recommend denial of the proposed Nevin Minor Subdivision. The Board cited the following as justification for variance denial: no hardship found, applicant creating hardship with lot design, odd shape of Lot 2 necessitates septic easement on Lot 3, concern expressed for responsibility of septic failure. The Board cited the following as justification for subdivision denial: non-compliance with Master Plan (specifically leapfrog development) no efforts made to cluster development, effects on prime agricultural land, effects on environment, wildlife and water quality; as well as potential adverse effects of future subdivisions. The staff report written by Ms Madgic contained comments on the following criteria: Agriculture; agricultural water user facilities; local services including water supply and sanitary facilities, fire protection, law enforcement, emergency medical, and schools; natural environment; wildlife and wildlife habitat; public health and safety; compliance with the survey requirements of the Montana Subdivision and Platting Act; compliance with the local subdivision regulations; and provision of legal access to each parcel within the subdivision and the required notation of that access on the plat and instruments transferring the parcel. The staff report recommended that the following conditions be met 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 Environmental Health Department for any sanitary provisions on all proposed lots. Department of Environmental Quality approval shall be obtained for Lot 2. 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) 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. c) 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) Lots 1, 2 and 3 may not fence off the river. f) Lots 2 and 3 shall utilize sand filtration septic systems which must be pumped every three years. g) Development shall be contained to designated building envelopes shown on the final plat. If options are provided, development shall be contained to one option or the other. 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 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. 9. The applicant shall reach an agreement with Montana Fish, Wildlife and Parks regarding provision of river access. A written agreement from Fish, Wildlife and Parks regarding this access shall be provided. 10. Written confirmation shall be obtained from the Kughen Ditch Company stating that the proposed development will not create any adverse impacts on the operation and maintenance of the ditch. 11. Encroachment permits shall be obtained from the County Road and Bridge Department for access to proposed lots off of River Road. 12. River Road, from the intersection with Norris Road to the south property line of the property, shall be paved to county standards prior to final plat approval. A one year written warranty, from the contractor, is required. The warranty must be submitted to the County Road and Bridge Department prior to final plat approval. 13. River Road, through the subdivision, shall be dedicated to the public with a 60-foot right-of-way. The dedicated right-of-way must be outside of the river bank area and 100-year floodplain. 14. 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. 15. The applicant shall make payment of road impact fees in accordance with the Subdivision Regulations. 16. The applicant shall make payment of fire protection impact fees in accordance with the Subdivision Regulations. 17. All requirements of the Gallatin Gateway Rural Fire District shall be met prior to final plat approval. The fire district shall approve all fire protection measures prior to final plat approval. 18. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. The following letters were received in opposition of the Nevin Minor subdivision: Two letters from The Greater Yellowstone Coalition, Kathryn L. Kelley, Patrick A. Byorth of the Montana Fish Wildlife & Parks, Alexander V. Zale, Ruth Hahn, James W. Storey, Chuck, Kathy and Katelyn Kohlbeck, William H. and Marjorie E. Williams, Don and Reba Regli, Francis J. Kelly, Deloris L. Kelly, Gale H. Pike, Craig Harmel, Pheobe E. Reed, Montana Land Reliance, Kughen Ditch Company, and Joe Gutkoski of the Montana River Action Network. The letters raised concerns with environmental and ecological issues, pollution issues concerning water quality, floodplain issues, wildlife habitat, traffic, public access to the river, open space, leapfrog development, prime agricultural land, degradation of the river, enforcement of covenants dealing with dogs, erosion and seepage of ditch banks, and statements that the proposal was against the Gallatin County Master Plan for the area. Applicant Bob Nevin spoke on behalf of his proposal stating his intentions for the area were to encourage wildlife habitat. He bought the large piece of land with the intention of creating this minor subdivision and was encouraged and told it wouldn't be a problem to get approved for a minor subdivision. Financially, he needed to sell the other lots to afford to live on his own lot. The following members of the public spoke in opposition with the same concerns as stated in the letters: Kathryn Kelly, Joe Gutkoski, Jim Larson, Paul Rubright, and Patrick Byorth. Terry Threlkeld, an engineer from Allied

Engineering was asked to give his professional opinion by Kathryn Kelley. He stated that he was neither for or against the proposal and was comparing work done from the ice garden project and the consultants report which covered the nitrates in the soil, the test sites, the non degradation issues. He found the values were within acceptable state standards. Mike Kvasnick spoke in favor of the proposed minor subdivision. Mr. Nevin stated that his property is being treated as public property not private in which everyone wants to tell him what to do but no one is willing to take the responsibility and liability issues of opening access for public fishing. Road and Bridge Superintendent Sam Gianfrancisco reported on 3 traffic studies done which resulted in trips per day exceeding county standards and requires the paving of the road. He said that the applicant didn't request a variance from paving. He stated that the road is a petitioned 60 foot road with part of the easement in the river which is why there is a condition to rededicate the 60 foot outside of the river. Tim Rourke, Gallatin County Environmental Health Director, was asked by the Commission to answer questions concerning the water issues and drain fields. He could not comment at this time because the information was not made available to him. He stated that lots over 20 acres would not be reviewed and lots under 20 acres would go through The State Department of Environmental Quality. He stated that the septic system that the proposal calls for, if properly installed and maintained, is a high class system. The Commission asked Planner Randy Johnson if the variance would still be required if lot lines were slightly changed. Mr. Johnson reported that calculations would need to be done before he could answer that question. Finding that the river running through some of the lots reduces the usable area of the lots, motion by Commissioner Olson to grant the variance regarding the depth to width ratio of lots. Seconded by Commissioner Mitchell. During board discussion Commissioner Murdock stated that he could not make a finding that strict compliance with the subdivision regulations would result in an undue hardship. He stated that strict compliance of the subdivision regulations is essential to the public, health, safety and general welfare and the hardship is created by a proposed line on a map that does not exist yet, and therefore he could not support the motion. Commissioner Mitchell agreed with Commissioner Murdock. Commissioner Olson voting aye. Commissioners Murdock and Mitchell voting nay. Variance denied. Commissioner Murdock asked the applicant if he would be willing to reduce the number of lots from 5 lots to 3 lots and continue the decision for one week. Chief Deputy County Attorney Susan Swimley advised that due to the decision of the variance that the Commission could continue to consider this subdivision and include a condition that says either lots 2 and 3 be re-designed to meet the depth to width ratio or that a line is eliminated and the application become a 4 lot minor. She explained that because of the vote on the variance the Commission has called into question the boundary line between lots 2 and 3 and she advises that the Commission take this one step at a time. She also stated that if Mr. Nevin agreed to the elimination of lot lines south of lot 1 and south of lot 2, that the Commission could proceed. Commissioner Murdock asked Mr. Nevin if he would agree to continuing a decision for a week and consider any of the proposals suggested by the Commission to reduce lots. Mr. Nevin explained that based on the proposed conditions he will be required to spend \$100,000 to pave a road, put in a parking lot for fishing access, and now asking him to eliminate 2 lots will be cost prohibitive. He stated that he might be willing to remove the line between lots 2 & 3 and have a 4 lot minor, but could not reduce the lots to a total of 3 lots. Commissioner Olson asked Tim Rourke, Director of the Environmental Health Department, if he could assess the impact of septic systems on this property. Mr. Rourke stated that he hadn't had an opportunity to review the application in its current form. During board discussion Commissioner Mitchell identified wetlands, ditches, and fishing access as some items that need to be mitigated. There is lack of housing on sites which helps but does not mitigate all problems. She can't find any measures to mitigate these problems. Commissioner Murdock made the following findings regarding this subdivision which does not comply with the master plan: riparian buffer zones in new subdivisions and encourage them elsewhere for habitat preservation and to prevent stream bank erosion; all construction to be setback from streams in order to prevent water quality degradation and stream bank erosion; require buffer zones around important wildlife habitat areas, especially riparian zones; encourage developers and their agents to submit innovative plans to encourage cluster development; encourage location and clustering of new developments adjacent to paved roads. Motion by Commissioner Mitchell to deny the subdivision. Seconded by Commissioner Murdock. Commissioner Mitchell and Murdock voting aye. Commissioner Olson voting nay. Motion carried.

County Planner Jennifer Madgic reported on a request received by Ron Allen of Allen & Associates on behalf of Verna Green for preliminary plat approval for a two lot minor subdivision located in the SW¼ and the NW¼ of Section 33, T1S, R6E. The staff report included review of the following criteria: Agriculture, agricultural water user facilities, local serves such as water supply and sanitary facilities, fire protection, law enforcement, emergency medical, schools, the natural environment, wildlife and wildlife habitat, public health and safety, compliance with the survey requirements of the Montana Subdivision and Platting Act, compliance with the local subdivision regulations, and provision of legal access to each parcel

within the subdivision and the required notation of that access on the plat and instruments transferring the parcel. The staff recommends the following conditions be met 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) 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. 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) 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. 5) A Memorandum of Understanding shall be signed between the Weed Control District and the applicant prior to final plat approval. 6) The applicant shall establish a property owners' association for enforcement of the required covenants. 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) 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. c) 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. 8. The 100-year floodway of Bridger Creek shall be delineated on the final plat. 9. A 40-foot-wide ditch maintenance easement shall be provided and shown appropriately on the final plat. 10. 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. 11. The applicant shall obtain an encroachment permit from the Montana Department of Transportation for Tract B-2. 12. The applicant shall make payment of road impact fees in accordance with the Subdivision Regulations. 13. The applicant shall make payment of fire protection impact fees in accordance with the Subdivision Regulations. 14. The applicant shall provide a water supply for fire protection in accordance with the Subdivision Regulations. The applicant shall have the Bridger Canyon Fire Chief 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. 15. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Ron Allen, Allen and Associates spoke on behalf of applicant Verna Green. He stated the applicant was in agreement with all the conditions as outlined in the staff report. He explained the natural boundary of the two lots was Bridger Creek running westerly through the property and pointed out access to both lots. There was no public comment. Finding that the Green Minor Subdivision meets the criteria of the Montana Subdivision and Platting Act, and is in compliance with the Bridger Canyon Zoning District, Commissioner Mitchell moved to grant preliminary plat approval with the 15 conditions as presented by staff. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

County Planner Randall Johnson presented a resolution amending the Bridger Canyon Zoning Regulations. Notice of the public hearing was published in the Bozeman Daily Chronicle on December 27th and the 30th, 1998. A joint public hearing was held on January 14, 1999 with the Bridger Canyon Planning and Zoning Commission and the Gallatin County Commission. At that hearing the Planning and Zoning Commission

passed a resolution recommending that the Gallatin County Commission adopt the proposed amendments. The amendments would change the following sections of the regulations: Bridger Canyon Zoning Regulations, Section 13.9 (b) (2) transfer of development rights, Bridger Canyon Zoning Regulations, Section 13.10.4, Bridger Bowl Base Area Plan, Appendix A, Bridger Bowl Basin Area Plan, Description of Base Area, Bridger Bowl Base Area Plan, commercial/overnight accommodations, and the Bridger Canyon General Plan and Development Guide. Commissioner Olson moved to adopt Gallatin County Resolution # 1999-01 to amend the Bridger Canyon Zoning Regulations. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Deputy County Attorney Susan Swimley presented a resolution establishing the daily rate for incarceration at the Gallatin County Detention Center for Fiscal Year 1998-1999. The daily rate for incarceration at the detention center established pursuant to MCA 46-18-403, and effective as of July 1, 1998, is \$51.05. Commissioner Mitchell moved to adopt Resolution #1999-02. Seconded by Commissioner Olson. None voting nay. Motion carried.

- - - -

The Commission received a resolution, prepared by Fiscal Officer Ed Blackman, establishing the open space lands fund and setting the revenue and expense budget for the Open Space Lands Board. The Open Space Lands Board Fund budget for FY 99 would be set as follows:

Fund Name: OPEN SPACE LAND Fund #2255 Dept.# 000

<u>EXPENSES</u>	<u>DESCRIPTION</u>	<u>FY99 BUDGET</u>
4800-1-110	Salaries	\$1,030.
140	Employer Contr	288.
210	Supplies	400.
345	Telephone	250.
366	Bldg. Maint.	0.
370	Travel	500.
397	contracted serv.	\$7,181.
510	Insurance	0.

Total \$9,649.

<u>REVENUES</u>	<u>DESCRIPTION</u>	<u>FY99 BUDGET</u>
3830-27	Transfer frm PILT	\$6,399.
3830-22	Transfer frm Planning	3,250.
3330-10	Federal Grants	0.
3340-10	State Grants	0.

Total \$9,649.

Commissioner Olson moved to adopt Resolution 99-03 to establish the open space lands fund and setting the revenue and expense budgets for the Open Space Lands Board. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

There being no further business the meeting adjourned at 5:20 P.M.

*Unavailable for
signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 2nd DAY OF FEBRUARY 1999

The meeting was called to order by Chairman Murdock at 1:30 P.M. Also present were County Commissioner Phil Olson, 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:

JANUARY 25-29, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for an agricultural exemption for James D. & Shirley Morton located in Section 33, T2S, R5E. County Planner Jennifer Madgic reported that the application appears to meet the criteria for this exemption allowed under the Montana Subdivision and Platting Act.
- A request for a boundary realignment exemption for Bill Muhs located in the NE¼, SE¼, Section 19, T1N, R7E. County Planner Jennifer Madgic reported that the application appears to meet the criteria for this exemption allowed under the Montana Subdivision and Platting Act.
- A request for a family transfer exemption for David L. Nunes located in the W½, E½ of Section 33, T2S, R4E. County Planner Jennifer Madgic reported that the application appears to meet the criteria for this exemption allowed under the Montana Subdivision and Platting Act.
- A request for a mortgage exemption for John & Karen Sackett located in the NW¼, N½, SW¼ of Sections 33 & 34, T1S, R7E. County Planner Jennifer Madgic reported that the application appears to meet the criteria for this exemption allowed under the Montana Subdivision and Platting Act.
- The following contracts were brought before the Commission for consideration: Industrial Towel/Rest Home, VanDyken Engineering/911 backup generator/Grants, Northside Fire District Lease, Pager People, VanDyken & Sons/Logan Landfill. The 911 breakroom remodel contract will be continued until the public hearing on February 9, 1999. Deputy County Attorney Chris Gray asked that the contract with the Pager People and the contract with VanDyken & Sons be pulled and discussed on the regular agenda.

Commissioner Olson moved to approve the consent agenda with the exception of the 911 breakroom remodel contract, the Pager People contract, and the modification of the Logan landfill contract with VanDyken & Sons. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

Deputy County Attorney Chris Gray recommended that the contract with the Pager People that was signed by Captain Provonost of the Gallatin County Sheriff's Department, be acknowledged by the Commission by initialing the contract by his signature when approving the contract. He also made a recommendation that the contract with VanDyke and Sons for the modification to the landfill be signed with a contingency that the County provide its part of the consideration of the contract to the retroactive payments back to September be paid simultaneously upon approval. Commissioner Olson moved to approve the Pager People contract by initializing and approving the signature of Captain Provonost, and the contract with VanDyken & Sons landfill modification be approved with the contingency of the retroactive payment. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

Commissioner Murdock announced that the Commission will hear testimony regarding a speed limit on Cottonwood Road. He reminded the public that the County Commission has only an advisory capacity in setting speed limits on Cottonwood Road. Cottonwood Road is a State secondary highway and is regulated by the State Highway Commission. County Bridge and Road Superintendent Sam Gianfrancisco and Lee Ault of the Department of Transportation reported that previous to the reasonable and prudent law they asked to do a speed limit study and were allowed by the Department of Justice to put a 30 MPH advisory school speed limit after the study was completed. At this time there is no speed limit. A new speed study was done and the recommendation from the team who did the study was 55 mph all the way on Cottonwood Road until the school where it would be lowered to 45 MPH. According to state statute, the County Commissioners have the authority to lower that recommended speed by 20%. Flashing variable lights have been agreed upon. The State will furnish the lights and the County will install them, no matter what the decision is on the speed limit at the school. In arriving at the following recommendations, emphasis was placed on the traffic operations and student crossing activity associated with the Anderson School. The speed profile shows that this area is having the greatest influence on the travel speeds. The traffic stream pace is (33 mph - 43 mph) in front of the school with an 85th percentile speed of 50 mph. From an operational standpoint this supports a 45 mph speed limit. On the remainder of the route a 55 mph speed limit beginning at the intersection with Huffine Lane and continuing south to a point approximately 200 feet south of the intersection of Happy Acres. A 45 mph speed limit beginning 200 feet south of the intersection with Happy Acres and continuing south .850 miles to a point where Secondary 345 designation changes its alignment from Cottonwood Road to South 19th Avenue. They also recommended installation of a "Stop Ahead" advance warning sign 500 feet south of the intersection with Huffine Lane for northbound traffic. Mr. Ault asked that the Montana Department of Transportation receive all comments in writing within the next 60 days so they can bring them to the Highway Commission hearing with their recommendations. The following letters were received by the County Commission: Doug McSpadden, Marty Westland, Diane Whiton, Kurt and Jena McManis, A.W. Layton, Jen'e M. Daniel, and Ceicli

Young. The following members of the public testified: John Daniel, Sandy Cline, Sam Procnier, Jason Snider, Alli Rodrique, Shae Saunders, Erica Silbernagel, Katie Colton, Katelyn Schreiner, Matt Schreiner, Peter Mortenson, Max Stephens, Mitch Thompson, Cheryl Johannes, Chris and Fran Farr, Holly Wilson, Karen Pfaehler, Michelle Procnier, Kathrin Olson, Susan and Ross MacPherson , and Carmen McSpadden. Students from Anderson school submitted letters and they were read into the record. The following students from Anderson School testified: Peter, Kayla Babbitt, Colton Rau, Grant R. McWilliams, Will, Mike Protz, Paul Armstrong, Scott Kundert, Katelyn Schreiner, Jeremy Lang, Jesse, Steven Hoyt, Kathryn Guinn, Sean Walker Mcspadden, and Savanna Mackenzie. A 4th grade class letter signed by their teacher Mrs. Kinna and her students as follows: Sam Procnier, Colter, Megan Aafedt, Jessie Young, Jason Snider, Mrs. Kinna, Kevin McSpadden, Britta Garbe, Bill Cameron Combs, Steven Bobbitt, Brittney Markham, Maura Riley, and K. Nichols. Commissioners Murdock and Olson stated they both received approximately 20 telephone calls regarding the speed limit on Cottonwood Road. All of the letters and telephone calls received stated that they would like to see the speed limit lowered to 15 mph or 25 mph, or kept as it is now at 30 mph at Anderson School. The concerns they voiced were issues of safety of the students and the public traveling to and from the school. The road is narrow with deep ditches, has wildlife prevalent in the area, is treacherous in winter with ice and adverse weather conditions encountered throughout the seasons, and has a heavy traffic flow mixed with heavy trucks using the road to avoid the scales. Children ride, walk, bike on the road to and from school, mixing the vehicles and citizens using the highway during peak times traveling at high speeds that makes it an unsafe situation for all. During Board discussion, both Commissioners agreed with the public testimony that a lower speed limit by the school should be set. The State Transportation Department recommends 45 mph, but may come down after discussing the issue further to 40 mph. If the State Transportation Department recommended 40 mph, that would be the speed needed to give the County Commission authority to lower their recommendation by the 20% allowed by state statute to 30 mph. They agreed to recommend a 45 mph speed limit south of Happy Acres to 19th Avenue and from Huffine Lane to Stucky Road, a 55 mph speed limit on the remainder except for 40 mph at Anderson School. The Commission will draft a letter based on the public testimony with their recommendations and send it to the State Highway Commission to be heard at their next meeting. Mr. Ault said he would contact them with the hearing date. The Commission also would like to form a committee comprised of Commissioners Olson and Murdock, Road and Bridge Superintendent Sam Gianfrancisco, and a couple representatives from Anderson School to meet and attend the State Highway Commission hearing to show support of the community.

Clerk and Recorder Shelley Vance requested consideration of a resolution to adopt the Competitive Sealed Proposal procedure for the Clerk and Recorder's documenting indexing and imaging system for Gallatin County. The current indexing program that has been in use for 10 years is not 2000 year compliant. Gallatin County may use a competitive sealed proposal process, commonly called Requests for Proposals (RFP's), pursuant to Resolution 1994-16, if it is determined in writing that competitive sealed bidding is not advantageous to Gallatin County. The Clerk and Recorder found that the bidding process is not advantageous to purchase the document indexing and imaging software needed by the County because 1) discussions would be made with individual vendors concerning availability of training, services, and software capabilities. 2) Offerers may need to revise their proposals based on information unique to the vendor. 3) The award needs to be based upon comparative evaluation of availability of services, quality, compatibility with current hardware and other contractual factors to determine the most advantageous offering. 4) Prices, although important, are not the primary consideration for purchasing the software. Mrs. Vance met with Deputy Attorney Chris Gray, Data Processing Manager Bill Baldus, and Clerk and Recorder Chief Deputy Eric Semerad to review the draft Request For Proposals document. It will be ready and mailed out by next week. The system has to be up and running by October 1, 1999, but she stated she wanted to get it up and running by July 1, 1999. She clarified to the Commission, that by statute, even with the new imaging software that they would still be required to do microfilming. It wouldn't solve the storage problem for the Clerk and Recorder's Office, but the system would increase the efficiency of the office. Commissioner Olson moved to adopt Resolution #1999-04 to use the competitive sealed proposal procedure for the document indexing and imaging system. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting adjourned at 3:43 P.M.

*Unavailable For
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK/ATTEST

PUBLIC MEETING

TUESDAY THE 9th DAY OF FEBRUARY 1999

The meeting was called to order by Chairman Bill Murdock at 1:33 P.M. Also present were County Commissioner Jennifer Mitchell, 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:

FEBRUARY 1-3, 1999

- The Commissioners conducted regular County business.

FEBRUARY 4, 1999

- The Commission held a special meeting to sign the Agreement with MSE-HKM for Logan Landfill Liner Expansion 1-C. Also present were Deputy County Attorney Chris Gray and Executive Secretary Pat Lewis. Commissioner Olson made a motion to approve the contract, with the understanding that the certificate of insurance would be filed within 10 days; Commissioner Murdock seconded the motion. Motion was approved unanimously. The Commissioners then signed and approved the contract.

FEBRUARY 5, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for a one-year extension of the preliminary plat for the Ryan Minor Subdivision. County Planner Jennifer Madgic reported that preliminary plat approval was granted by the Commission on February 27, 1996. If the extension is granted, the new expiration date will be February 27, 2000.
- Consideration of remodel of 911 break room contract.

The 911 break room remodel contract submitted by the Grants Administrator was pulled from the consent agenda. Motion by Commissioner Mitchell to approve the consent agenda with the exception of the 911 contract. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Commissioner Murdock reported that the Open Lands Board was created for the preservation and protection of agricultural lands and open space in the County. Seven members were initially appointed. It was decided to expand the board membership to its maximum of fifteen people. Appointments will be made consisting of a cross-section of people both philosophically and geographically to represent the interests of Gallatin County. The terms will be determined in the by-laws which are in the process of being written. The initial board would like to complete the by-laws with a full board membership. The Commission encouraged applicants who didn't get appointed to the board to stay involved. There was no public comment. The following people applied for the Open Lands Board positions: Joe P. Axtell, David Barbisan, Valorie H. Drake, Ranger J. Dykema, Mike Finkel, Nancy A. Flikkema, Renee Gavin, Susan Higgins, Joanne Jennings, Jack Jorgenson, Delbert Kamerman, Jason Kimm, Tom Simkins, Ron W. Laden, Verna Lou Landis, Greg D. Leep, Brian Leland, James L. Madden, John J. McKenna, Jr., Grace K. Morgan, Ray Rasker, Nicholas P. Salmon, Joyce Schmidt, Carl Schutter, and John Vincent. All the applications were reviewed and discussed by the Commission previous to the hearing. They reached a consensus on the eight appointments. There was no public comment. Commissioner Mitchell moved to appoint the following people to the Open Lands Board: Carl Schutter, Tom Simkins, Ray Rasker, Ranger Dykema, Greg Leep, Delbert Kamerman, Nancy Flikkema, and Verna Lou Landis. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Bozeman City-County Planner Terese Berger presented a request for final plat approval of the Shakira Major Subdivision. On March 4, 1997 the County Commission conditionally approved the 10-lot major subdivision, formerly known as the Aajker Creek Subdivision, subject to 21 conditions. On November 10, 1998, the County Commission considered modifications to the preliminarily approved plat, including realigning the public trail easement, providing a public park, and changing the name to Shakira Subdivision, and conditionally approved the modifications with amendments to 4 of the previous

conditions of approval. The Planning Office has reviewed the conditions of approval, and based on that review, has determined that final plat approval can be granted. The applicant has entered into an Improvements Agreement and financially guarantees the construction of the pedestrian/bicycle trail and the installation of trees in and along the trail and public park. Deputy County Attorney Susan Swimley reviewed the improvements agreement and approved it. There was no public comment. It was determined during Board discussion that according to subdivision regulations, the method of reimbursement for proportionate share should be improved by working with the departments. Commissioner Mitchell moved to approve the Shakira Major Subdivision with the improvements agreement to financially guarantee the construction of the pedestrian bicycle trail and the installation of trees along the trail and park as presented by staff. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Grants Administrator Larry Watson announced the Community Development Block Grants (CDBG) funding is available to the public. A second hearing will be held on March 16, 1999 to hear any proposed economic development applications to be presented to the Montana Department of Commerce. The CDBG is a federally funded grant program designed to help communities with development needs. The program is administered nationally by the Department of Housing and Urban Development (HUD) and locally by the Montana Department of Commerce. He reported on the three types of funding categories under Montana's CDBG Program. They are 1) economic development 2) public facilities 3) housing. They each have different deadlines and requirements and are evaluated according to established criteria for each project category. The application deadline for Housing is October 15, 1999. Eligible entries can apply up to \$400,000 in funding requiring a 25% match. \$1.7 million dollars are available in the Montana CDGB Housing Project category. These funds are most often used to make low or no interest loans to low and moderate income families to allow them to rehabilitate homes in substandard condition. The public facilities program deadline is May 28, 1999. Communities can apply for up to \$500,000 in funding requiring a 25% match. Cities, Towns, and Counties are eligible to apply. In 1999, approximately \$3.2 million dollars are available. These funds are most often combined with other federal, state, or local funds to make public improvements affordable to low and moderate income families. The public facility awards are intended to assist communities in providing appropriate and long-term solutions to serious deficiencies in public facilities which are detrimental to the public health and safety and detract from further community development, or which are necessary to meet other essential community needs. It also encourages community participation in the financing of public facility projects in proportion to local financial resources and capacity to share project costs. 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. In 1999, the category is funded at \$2.4 million dollars. Loans will be given at approximately 6% interest with a maximum term of seven years. The application must be sponsored by a unit of local government. Gallatin County can sponsor one application each year from each CDBG category. Multiple applications can be submitted in the same year for economic development projects but the total for the year cannot exceed \$400,000. The other incorporated communities in Gallatin County can also sponsor an application. It is designed to assist new, expanding, or relocating businesses by making appropriate long-term, fixed rate financing available at reasonable interest, and by providing public improvements in support of economic development activities. Because of the limited resources, the highest priority is placed on projects which will have the greatest potential for creating long term employment opportunities for low and moderate income Montanans and for providing other long term economic benefits to Montana's communities. Eligible activities that fall within the category include: land acquisition for project specific sites, public facilities and other improvements in support of economic development such as water and sewer lines, and access roads, loans for acquisition, construction, rehabilitation, or installation of commercial and industrial buildings, facilities, equipment, or working capital, employee training, and grants or loans from communities to nonprofit entities. The following members of the public testified: Steven Stewart, Barbara Duncan, Norma Stewart, Suzanne George, Don Heck, Bee Gantert, Kely Polloneh, Lynda Upton, Mary Elizabeth Besgqritz, David King, Dan Springer, Patrick Murtagh, Anna Mae Cline, Ronald Cline, Perry Hofferber, John Mitchell, letters received: Sandra R. Kingma, Jack W. Greenway, David and Mary Heap, and the Manager of the Rae Water and Sewer District David A. King. The public testimony supported a grant from the CDBG public facilities program to assist the Rae Water & Sewer District's need to replace their waste water system and provide financial relief to the low to moderate income families in the district who find it a hardship to pay the already high assessment for water and sewer. The amount of funds sought are between \$275,000 and \$375,000, depending on the outcome of the DNRC grant funding applied for earlier. The District has applied for nearly \$500,000 in TSEP funds. During Board discussion, the Commission supported the application for the Rae Water & Sewer District and the public testimony heard regarding

130 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

water quality and economic concerns. Other public hearings on the CDGB grant programs available would be noticed and held. It was noted that other competitors for the funding may still apply.

Gallatin County Human Resource Director Ann Drenk presented a proposal for a breast and cervical cancer screening program for the County. The first step toward the proposal was forming a coalition to develop a needs assessment, then a budget for the program targeting low income woman and the under insured woman ages 50-64 years old. It would fill a need in Gallatin County that focuses on a specific age group. There was no public comment. During Board discussion, Commissioner Mitchell stated after researching this proposal further, she was in support of the grant given the amount of public involvement. Commissioner Murdock supported the grant. Commissioner Murdock moved to approve the breast and cervical health program grant. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

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 16th DAY OF FEBRUARY 1999

The meeting was called to order by Acting Chairman Phil Olson at 1:35 P.M. Also present were County Commissioner Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Clerk & Recorder Shelley Vance, Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

FEBRUARY 8-10, 1999

- The Commissioners conducted regular County business.

FEBRUARY 11, 1999

- The Commissioners met with Shop Foreman Dave Fowler of the Road & Bridge Dept. to discuss his tour of the Department of Energy's facility in Idaho Falls. The Commission agreed to contribute \$5,000 toward the Clean Cities program. Dave will schedule a "Clean Cities" presentation for a Tuesday public meeting agenda in the near future.
- The commissioners of both Gallatin and Jefferson counties met in Three Forks to discuss repair of the Jefferson Dike and who is financially responsible for those repairs according to the current agreement. Both counties mutually agreed that Jefferson County would lead and supervise the project. Chris Gray will assist the Jefferson County Attorney in drafting a new agreement involving Jefferson, Broadwater, and Gallatin Counties. Bob Lane will submit a bid for work to Jefferson County. Commissioners from both counties agreed to share blasting costs.

FEBRUARY 12, 1999

- The Commissioners conducted regular County business.

* * * * *

- Landfill Receipts for January 1999: \$253,573.58.
- A101's for January 1999: \$67.78.
- Payroll for January 1999: \$932,699.45.
- Clerk & Recorder's Fees Collected for January 1999: \$51,655.65.
- New Hire Report for January 1999: 911 – Susan Walker; COMMISSIONERS – Jennifer Smith Mitchell; CORONER -- Duncan McNab, F. Ray Ruffato, Sarah White; DETENTION CENTER – Lorna Greer; REST HOME -- Jan Zimmerman, Juan Kelly.
- Terminated Employees' Report for January 1999: REST HOME – Teri Dieter 1/6/99, Sharon Wolf 12/26/98, Chom Im Lavergne 12/30/98, Jennifer Richards 12/30/98, Lori Warnell 1/11/99, Leslie

Myhre 1/13/99, Heidi Benowitz 1/12/99, Sadie James 1/14/99, Lindsey Nelson 1/18/99, Amanda Welch 1/18/99; DISTRICT COURT #2 – Kristi Eayrs 12/31/98; DETENTION CENTER – Todd Mocabee 1/3/99, Rebecca Boudreau 1/15/99; CLERK OF COURT – Mary Ann Hostetler 12/31/98, Robin Meador 1/4/99.

- Received & Approved Applications for Cancellation of Taxes for January 1999: \$8,967.55.
- Approval of Claims for January 1999: \$1,288,165.04.

The following items were on the consent agenda:

- Minutes
- Request to amend the preliminary plat for High K Subdivision by Belgrade Planner Jason Karp
- Final plat approval of Crail Creek Minor Subdivision. County Planner Jennifer Madgic reported that the Commission granted preliminary plat approval on March 28, 1995, was granted a one-year extension on March 10, 1998, and granted a change to conditions on August 4, 1998, and that all conditions for final plat approval have been met.
- Agricultural exemption requested by Anne M. Olson in the S1/2 of Section 2, T1S, R5E. County Planner Jennifer Madgic reported that the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.
- Family sale exemption requested by Dean and Cecilia Mann to Douglas Dean Mann and Scott William Mann. Assistant Bozeman City/County Planner Joni Killebrew reported that the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.
- Final plat approval of the High K Corner Minor Subdivision. Belgrade City/County Planner Jason Karp reported that the Commission granted preliminary plat approval on December 9, 1997, and that all conditions for final plat approval have been met.

Commissioner Olson announced that there are no minutes for consideration and the request to amend preliminary plat for High K Subdivision will be removed from the consent agenda and placed on the regular agenda. Motion by Commissioner Mitchell to approve the consent agenda as amended. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Mitchell reported that the Commission has received applications to serve on the County Fair Board from Dale Nerlin, Harvey Welch, David W. Cohenour, and Lolain Dobbs. There are two openings on this board at this time. Motion by Commissioner Mitchell to reappoint Dale Nerlin to the Fair Board and take other applicants into consideration for the additional appointment at a later date. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Olson announced that a contract for GIS Services with GIAC has been requested to be removed from consideration by County Planning Director R. Dale Beland, and the 911 Breakroom Remodel contract has been continued. It was published that the following contracts would be considered at this public hearing: Medical Review Consultants; Terrell's Office Machines; Open Lands Board for coordinating services with Jim Elias. There was no public comment on any of the contracts. The Commission will review the contracts and consider taking action at a later date.

Don Hanson, Deputy Sheriff, explained the Montana Board of Crime Control application for the Operation Freedom From Fear Grant in which he is the primary investigator within the Sheriff's Department. There was no public comment. Motion by Commissioner Mitchell to approve the application. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gloria Edwards, Victim/Witness Director, explained the application to the Montana Board of Crime Control for the Victim/Witness Assistance Grant which includes application for remodeling of Gallatin County's Victim/Witness work area. Gallatin County's match for the grant is a City/County share of 25% of the total grant. There was no public comment. Motion by Commissioner Mitchell to approve of the application. Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City/County Planner Jason Karp reported that the Commission granted preliminary plat approval for the High K Subdivision on April 21, 1998. Applicant Nadia Beiser, representing High-K L.L.C., is requesting that the preliminary plat for High K Subdivision be modified to eliminate Phase B and to decrease the density in other phases of the subdivision. The reason for the request is the existing

environmental conditions on the site would not allow the subdivision to be developed in its present configuration with individual wells and septic systems on each lot. Mr. Karp explained that if the plat is modified, Phase B will not be part of the subdivision and conditions placed during preliminary plat approval will need to be reviewed. The Belgrade City/County Planning Board conducted a public hearing on January 27, 1999, and voted to recommend that the plat be modified as proposed by the applicant subject to adding the following conditions; 32. Road R-4 from the eastern boundary of Phase # to Royal Road shall be constructed to Gallatin County Standards, and be a public easement conforming to the following prior to final plat approval of Phase E: 1) The easement shall be approved by the County Attorney. 2) The easement shall be recorded with the Clerk and Recorder. 3) The easement shall clearly grant to the public an unrestricted right of ingress and egress from a public road to the property to be subdivided. 4) Documented proof of maintenance of the easement must be provided. 33. The lot 22 designation on the modified preliminary plat over the former Phase B site shall be removed from the plat and the former Phase B site shall not be included in the subdivision. Clint Litle, MSE-HKM Engineering stated that the decrease in lots is due to high nitrate levels. After many soils tests it has been determined that the nitrate levels are from dairy waste. Mr. Litle also indicated that there would not be a problem in identifying the irrigation ditch on phases C & D of the final plat. County Road Superintendent Sam Gianfrancisco indicated that the proposed amendments would meet County Road concerns. There was no public comment. Finding that the modification will meet public health, safety, and welfare issues, and finding this request meets Gallatin County Subdivision Regulations, motion by Commissioner Mitchell to grant the modification request with the additional conditions as presented by staff. Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City/County Planner Jason Karp reported that the Commission granted preliminary plat approval of the Byron Subdivision on May 27, 1997. The developer is requesting that condition 8h be removed from the original conditions. The developer has indicated that he intends to construct the second access to Spooner Road. The second access will put the subdivision within the 1 mile driving distance of City of Belgrade fire hydrants, thus meeting subdivision regulations requirement that an approved fire protection water supply be provided. The developer has been granted permission by the Belgrade City Council to utilize the City water system to meet County fire requirements. The Belgrade Zoning Ordinance and Airport Zoning restrict some of the adjoining areas to commercial uses. The developer has stated that his intentions are not to restrict the subdivision to commercial use only, just to make that option available. The following conditions were presented for consideration: 8h amended to "All structures must meet fire flow requirements as outlined in the current adopted edition of the uniform fire Code unless alternative provisions are approved by the Fire Chief. 8k. Site plans of all lots must be submitted for review and approval by the Belgrade Rural Fire District. 8l. All commercial structures must submit plans to the Montana State Building Codes Bureau and the Belgrade Rural Fire District for review and approval. 11. amended to "A 60 foot public easement across Lot 4 shall be dedicated to the public, constructed to Gallatin County Standards and be approved by the County Road Department and the County Attorney's Office and filed with the Clerk and Recorder." Applicant Richard Byron and Surveyor Mark Chandler were available to answer questions of the Commission. County Road Superintendent Sam Gianfrancisco stated that the request appears to meet County standards within the County Subdivision Regulations. There was no public comment. Motion by Commissioner Olson to approve the requested amendments with conditions presented by staff finding that they comply with the Gallatin County Subdivision Regulations and are in the public health, safety, and welfare. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Belgrade City/County Planner Jason Karp reported that C&H Engineering, on behalf of John Pratt, is requesting consideration of an improvements agreement and final plat approval of the Old Place (formerly Valley Home) Subdivision Phase I. The Commission granted preliminary plat approval on May 27, 1997. Two temporary gravel cul-de-sacs are required to be constructed at the ends of North Old Place Lane and Chisler Drive, and a wider turning radius must be paved at the intersection of Topaz Road and Old Highway 10 to fully satisfy conditions # 11, 14, and 17. The developer has submitted an improvements agreement with financial security in the amount of 150% (\$1,800) of the estimated cost of the required improvements. The Commission needs to determine whether or not to enter into the improvements agreement and accept the financial security in addition to granting final subdivision plat approval. If the Commission accepts the improvements agreement then the conditions required at preliminary plat approval have been met. There was no public comment. Motion by Commissioner Mitchell to accept the improvements agreement. Seconded by Commissioner Olson. None voting nay. Motion carried. Finding that all conditions have been met, motion by Commissioner Mitchell to grant final plat approval of Old Place Subdivision Phase I. Seconded by Commissioner Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported notice of public hearing to consider abandonment of a portion of Lone Mountain Trail as described in Road Petition #790 published in the Bozeman Daily Chronicle on February 14, 1999. Notice of hearing and the road viewers report were 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 February 10, 1999. Mark Chandler, C & H Engineering and Surveying, explained the purpose of the requested road abandonment. There was no public comment. Motion by Commissioner Mitchell to grant the petition to abandon. Seconded by Commissioner Olson. None voting nay. Motion carried. Chief Deputy County Attorney Susan Swimley stated that she will prepare a resolution to abandon the road for the Commission to take action on.

Fiscal Officer Ed Blackman submitted a resolution of intent to amend the Belgrade Rural Fire District FY99 budget by appropriating impact fees for the purchase of a building at Four Corners. Commissioner Mitchell asked if the County impact fees are ruled to be illegal will the fire district need to give the money back to the people who paid the fees? Chief Deputy County Attorney Susan Swimley will research the question and try to have an answer by March 15, 1999. Brett Waters, Fire Chief of Belgrade Rural Fire District described the request and stated that the loan request is secured. There was no public comment. Motion by Commissioner Mitchell to adopt Resolution #1999-05. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Gerry Higgins and Commissioner Olson conducted the second reading of Ordinance #1999-01. Mr. Higgins explained that the ordinance is intended only as a fire control ordinance and the repeal of Resolution #707, and is not intended to preserve air quality. He stated that the State Department of Environmental Quality is concerned that the ordinance could be interpreted as an air quality ordinance. Fiscal Officer Ed Blackman and County Treasurer Jeff Krauss submitted a request that the ordinance be amended to allow 100% of permit money be deposited with the County Treasurer. The County Treasurer would distribute the permit fees to the appropriate funds. Gallatin County Rural Fire Chief Brett Waters explained the coordination of 911 Dispatch and the permit process. Ken Hapner, 6746 Gooch Hill Road, Bozeman, testified that the ordinance has everything to do with air quality. Mr. Hapner proposed the following changes to the ordinance: add someone from the medical profession and a meteorologist to assist in making determinations of appropriate burning times, amend page 9 item 4 to add that all fires shall start in the earlier part of the day and will be complete out by sunset, consider adding a wind speed to assist with the ventilation of smoke, allow open burning from March through October instead of November, and establish incentives to convince people not to do open burning. Mr. Higgins explained that most of Mr. Hapner's requests are governed under the State Department of Environmental Quality. During board discussion the Commission considered the current proposed ordinance and new amendments. Motion by Commissioner Mitchell to approve the second reading of Ordinance 1999-01. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman submitted a resolution to amend the Community Clinic grant fund for FY98. Mr. Blackman reported that revenue was received from a United Way donation in the amount of \$771.00. There was no public comment. Motion by Commissioner Mitchell to approve Resolution 1999-06 which will increase FY98 Community Clinic revenue budget by \$771.00. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 3:55 P.M.

*Unavailable for
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

FEBRUARY 22, 1999

- Commissioners Murdock and Mitchell called a special meeting to discuss a contract between the Open Lands Board and Jim Elias, consultant. The Commissioners unanimously approved the signing of the contract, with the contingency that it will not be signed and in effect until the Open Lands Board adopts its by-laws. The Board did so at their meeting later that same day, and the Commissioners signed the contract on February 23, 1999.

FEBRUARY 23, 1999

- The Commissioners conducted regular County business.

FEBRUARY 24, 1999

- The Commissioners met with Fiscal Officer Ed Blackman, wherein they approved the creation of the Insurance Fund for liability, property, casualty, etc., premiums and deductibles.

FEBRUARY 25-26, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- The following reviewed contracts: Medical Review Consultants/Rest Home, Terrell's Office Machines/Planning, Westfork Owners Association Snow Removal/Road Department, agreement for receipt of the Big Sky Resort Tax Funds/Sheriff's Department, and the Big Sky Law Enforcement agreement between Big Sky Resort Area District and Madison County/Sheriff's Department.
- A request for a family transfer exemption for William and Deborah Trawick located in the NW¼ of Section 4, T1S, R4E. County Planner Jennifer Madgic reported the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.
- A request for a family transfer exemption for Harvey J. Shein located in Section 24, T7S, R3E. County Planner Jennifer Madgic reported the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.
- A request for a boundary relocation exemption for Lynn Campion & C. Spencer Smith located in Section 17, T1N, R4E. County Planner Jennifer Madgic reported the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.

Commissioner Murdock announced that there were no minutes for consideration. County Attorney Susan Swimley asked that the request for a family transfer exemption for the Trawicks be pulled from the consent agenda for discussion. Commissioner Murdock pulled the request for the family transfer exemption for Harvey J. Shein for discussion. Commissioner Olson moved to adopt the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley reported that the affidavit submitted by William and Deborah Trawick requesting a family transfer exemption stated that the division of land was a gift to the daughter with no long term plans to sell, and that the daughter intended to build a residence on the lot. The affidavit indicates that the tract will be kept for a future homesite for the daughter. The deed transfers from William and Deborah Trawick to William R. Trawick as Custodian for Kathryn R. Trawick, a minor child. After verifying with the Clerk & Recorder's Office that the daughter was eleven years old, she asked why would they be transferring property for a future homesite at this time. The affidavit indicates that the gift to the daughter for a future homesite makes it appear the daughter is old enough to possess property on her own. If it is for estate planning purposes, she questioned why they didn't state it in the affidavit. Mark Chandler of C&H Engineering, representative for the applicant stated that the reason for the transfer was for estate planning purposes. He also stated he was unaware that the daughter was eleven years old, but did know she was a minor child. Commissioner Murdock asked Mr. Chandler if he thought the Trawick's were evading subdivision regulations. He stated not to his knowledge. Chief Deputy County Attorney Susan Swimley asked Mr. Chandler what questions he had asked to determine that this request was for estate planning purposes. Did he know if they set up a trust for the child? He stated the applicants would

have to answer that question. There was no public comment. During Board discussion it was decided to continue the request by the Trawicks so they could be present to answer concerns raised by this application or provide information by a signed affidavit to clarify their intent. Commissioner Olson moved to continue the request until March 16, 1999. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Commissioner Murdock asked Tom Henesh of Morrison-Maierle Inc., representing applicant Harvey J. Shein, if the tract of land he was requesting for the family transfer exemption was located just east of the Jack Bridge up Gallatin Canyon. He stated no, it was in the Beaver Creek area. Commissioner Murdock asked if Mr. Henesh was aware of any other tracts created by the family transfer exemption in the Beaver Creek area by Mr. Shein. Mr. Henesh stated no, he was not aware of any other tracts in the Beaver Creek area created by Mr. Shein. He asked Mr. Henesh if Mr. Shein intended to sell this tract for purposes other than a family transfer. He stated no, he didn't know. Mr. Henesh stated the purpose of Mr. Shein's request was for estate planning purposes to transfer to his son to help with taxes. There was no public comment. During Board discussion, Commissioner Murdock stated his concerns were answered by Mr. Henesh that this transfer was a proper use of the exemption. Finding that this request is a proper use of the exemption to the Montana Subdivision Regulations, Commissioner Murdock moved to approve the Shein family transfer request. Seconded by Commissioner Olson. None voting nay. Motion carried.

Two vacancies on the Belgrade City-County Planning Board were advertised and the following applications were received and considered: Michele Corriel, Joan Ryshavy, Greg Kuhl, and Todd Nemyo. The terms run two years. There was no public comment. During Board discussion it was determined that both Michele Corriel and Joan Ryshavy would make the best candidates. They both re-applied after serving their first term. It was felt that it takes time to learn the planning process. Commissioner Olson moved to re-appoint Michele Corriel for another term on the Planning Board. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Mitchell moved to re-appoint Joan Ryshavy for another term on the Planning Board. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Gerry Higgins read the first reading of the proposed amendments to the Gallatin County Fire Control Ordinance #1999-01. The proposed amendments were due to the ambiguity of the language "will be retained by the issuing agency for handling costs" in the existing provision. In the proposed provision in the past, problems have occurred in the way each fire district was handling the fees causing a problem in balancing the permit fees issued with the money collected. Ed Blackman, Fiscal Officer, recommended the proposed amendments to assist the Treasurer's Office in balancing the accounts correctly. This will clear up information for the fire districts and fire service areas in the future. County Treasurer Jeff Krauss reported that the reason for the suggested amendments to this section was because the fire districts and fire service areas have been depositing money that is a county fee, which is required to be deposited with the County Treasurer, and depositing it into the Fire Fighters Associations, which are not county organizations. This is a county burn permit fee, not a fire fighting association fee and the laws of the State of Montana require county moneys to be deposited with the County Treasurer. This would clean up the process, and make sure the proper amount of money be divided and deposited in the correct accounts. County Rural Fire Chief Brett Waters stated that the County Fire Council supports the amendment and is working towards a process for the fire districts to follow. Chief Deputy County Attorney Susan Swimley explained that today the Commission is considering the first reading of the proposed amendment to the ordinance. If the Commission approves the first reading, then set a time for the second reading, and this amendment would not be effective until 30 days after the second reading is approved. Motion by Chairman Murdock to approve the first reading of the amendment to Ordinance #1999-01. Seconded by Commissioner Olson. None voting nay. Motion carried. The second reading will be set for March 16, 1999. A letter dated February 19, 1999, from Kenneth D. Hapner regarding his concerns and recommendations addressing air quality that open burning presents which affects the health of the residents of Gallatin County was discussed. Deputy County Attorney Gerry Higgins reported that under Section 7(a)(4) and (5) of the ordinance addresses some of Mr. Hapner's concern of fires after sunset. Tim Rourke, Environmental Health Director, described the process of an air quality health concern due to open burning through the medical network consisting of public health nurses, primary home care nurses, emergency room staff, and school nurses.

The consideration of a grant proposal by the Grants Administrator for the Guardian Ad Litem Program for District Court I was continued until the public hearing on March 16, 1999.

Chief Deputy County Attorney Susan Swimley presented a resolution concerning the decision on February 16, 1999, by the Commission to approve a petition to abandon a portion of Lone Mountain Trail. Commissioner Mitchell moved to approve Resolution # 1999-07 to abandon a portion of Lone Mountain Trail described in the resolution. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution to amend the parks, open space, and trails master plan, an adopted supplement to the 1990 Bozeman Area Master Plan update to incorporate the City of Bozeman amendment to the supplement (P-9829) as approved on December 22, 1998, by the Commission. Commissioner Olson moved to adopt the amendment to the parks, open space, and trails master plan, Resolution # 1999-08. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 2:52 P.M.

*Unavailable for
signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 9th DAY OF MARCH 1999

The meeting was called to order by Chairman Bill Murdock at 1:34 P.M. Also present were County Commissioners Phil Olson, Jennifer Mitchell, 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:

MARCH 1, 1999

- A special meeting of the Commissioners was called to order for the purpose of considering a contract with Rotherham Cooper for construction at the Law & Justice Center of a 911 breakroom. Also in attendance were Deputy County Attorney Chris Gray and Executive Secretary Pat Lewis. Commissioner Mitchell moved to approve the contract, with the contingency that Mr. Gray will send a memo to the City of Bozeman, outlining amounts they owe for this construction. Commissioner Olson seconded the motion. Motion passed unanimously. Chris Gray confirmed that he will send the memo to the City of Bozeman.

MARCH 2-5, 1999

- The Commissioners conducted regular County business.

Commissioner Murdock introduced the new 911 Director, Jennifer Hanson.

The following items were on the consent agenda:

- Minutes
- A request for a mortgage exemption for Valley Meadows in Section 3, T1S, R4E. County Planner Jennifer Madgic reported the application appears to meet the criteria for this exemption under the Montana Subdivision and Platting Act.
- The reviewed contract for the Gallatin Plan Mapping Support for County Planning.

Commissioner Murdock announced there were no minutes for consideration. Commissioner Olson removed the contract for the Gallatin Plan Mapping Support for discussion. Commissioner Mitchell moved to adopt the consent agenda as amended. Seconded by Commissioner Olson. None voting nay. Motion carried.

County Planning Director Dale Beland described the contract between Gallatin County and the Montana State University Geographic Information and Analysis Center (MSU-GIAC) for the continuance of the

Gallatin Valley Tomorrow Project in the amount of \$4,500. Commissioner Olson moved to approve the contract. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Grants Administrator Larry Watson reported that three bids were received for the standby emergency generator set for the 911 Center. The following were opened and read: Interstate Diesel for \$25,994.00 and a 10% bid bond enclosed; TW Enterprise Inc. for \$20,153.00 and a 10% bid bond enclosed; Cummins Rocky Mountain Inc. of Billings. After opening the Cummins envelope, the cover letter stated that they would not be bidding because of the specifications of equipment written in the proposal. Mr. Watson stated that the two bids would be taken under advisement. Commissioner Murdock appointed the 911/Communication Services Director Jennifer Hansen, Disaster and Emergency Services Coordinator Aaron Holst, and Grants Administrator Larry Watson to a committee to review the bids and give their recommendation on Friday, March 12, 1999. The Commission will award the bid at that time.

Grants Administrator Larry Watson reported that 3 bids were received for the CTEP Gallatin County Courthouse renovation project. Rob Pertzborn of Prugh and Lenon read the following bids: Taylor Construction for \$289,832 with Montana registration # 6068, 10 % bid bond, and receipt of two signed addendums; Concrete Specialists, Inc. for \$293,000.00 with Montana registration # 7664, 10% bid bond, and receipt of two signed addendums; Edsall Construction for \$238,000.00 with Montana registration #1720, 10% bid bond, and receipt of two signed addendums. The bids will be taken under advisement and sent to the State for their approval and their recommendation. The Commission will award the bid at the public hearing on March 16, 1999.

Jill Richards, Superintendent of Schools presented a grant proposal for the Lewis & Clark Project for Teachers. The project is a consortium across 4 states along the Lewis and Clark Trail joining together to use web-based and interactive video technology to train teachers and motivate students both regionally and nationally using a topic integral to standards-based teaching of social studies, history, geography, and environmental science. The grant package includes an overview of the budget for personnel, equipment, office rent, travel, and overhead. In the application, between 1.6-1.9 million dollars per year is requested, with a total of 9 million over a 5 year period. A variety of entities will be contributing in-kind, much of which will include current hardware, Internet services, wiring, and contributions of time. The grant is supported by Gilbert M. Grosvenor, Chairman of the Board of the National Geographic Society, Governor Marc Racicot, the State Superintendent Nancy Keenan, the Montana Lewis and Clark Bicentennial Commission, the Lewis and Clark Trail Heritage Foundation, and many other educators, cooperations and historians across the nation. There was no public comment. Finding that the Commission is in support to sponsor the application, Commissioner Mitchell moved to approve and sign the application for the Lewis and Clark project. Seconded by Commissioner Olson. None voting nay. Motion carried.

Sam Gianfrancisco, County Road and Bridge Superintendent, reported receiving requests to change road names in the Beaver Creek area. The requests are to change two private roads from Main Beaver Creek Road to Beaver Creek Road, and Beaver Creek West Drive to Towering Pines Road. Mr. Gianfrancisco explained that the Road Department is not involved in naming roads. They assign numbers for addressing and verify that road names submitted are not duplicate. Mr. Gianfrancisco brought this to the Commission to make a determination. He felt it was not his position to settle the issue. Ralph Robinson and Trina Kallenbach, on behalf of Mr. Robinson, stated that the names were similar and in close proximity to other roads making it confusing and a safety issue regarding emergency services responding to an emergency. Using "Towering Pines Road" would not be confusing by emergency personnel with Beaver Creek Road, and naming the road Beaver Creek West did not make sense, since it goes south not west as it leaves Beaver Creek. Mr. Robinson also stated other residents weren't consulted on the name. John (Skip) Radick, developer of West Beaver Creek didn't think it was confusing. He spoke to Bob Stober of the Gallatin Canyon Consolidated RFD who was okay with the name since it was determined not to be a duplicated name for a road existing in the County. There was no further public comment. During Board discussion it was determined that this was not a health or safety issue and that naming a private road was not in the Commission's jurisdiction. They stated that the parties involved need to solve their own problem. The Commission took no action.

County Planner Jennifer Madgic requested the Commission to open the hearing for preliminary plat approval of the Middle Cottonwood Major Subdivision as advertised and continue the hearing until March 23, 1999. Commissioner Murdock asked if anyone would like to testify on the preliminary plat approval

138 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

for the Middle Cottonwood Major Subdivision. There was no public comment. Commissioner Olson moved to continue the request until March 23, 1999. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Treasurer Jeff Krauss reported on the following securities for the quarter ending December 31, 1998. \$47,102,260.90 is on deposit in various banks in bonds and interest money.:

**CASH ON HAND AT THE CLOSE OF BUSINESS -
DECEMBER 31, 1998**

<u>BANKS</u>	<u>Account Number</u>	<u>Bank Balances</u>	<u>Outstanding Checks</u>	<u>DEPOSITS</u>	<u>TREASURER'S BALANCES</u>
US Bank, Bozeman	4130018	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Norwest Bank, Bozeman Branch	712386	\$5,006,315.46	(\$326,555.52)	\$172,624.70	\$4,852,384.64
	20491	\$0.00	\$0.00	\$0.00	\$0.00
	315503	\$0.00	\$0.00	\$0.00	\$0.00
AMERICAN BANK	280102436	\$85,182.68	\$0.00	\$0.00	\$85,182.68
VALLEY BANK OF BELGRADE	108103	\$72,517.03	\$0.00	\$0.00	\$72,517.03
MANHATTAN STATE BANK	4100013	\$14,917.96	\$0.00	\$0.00	\$14,917.96
SECURITY BANK, THREE FORKS	5200116	\$10,962.54	\$0.00	\$0.00	\$10,962.54
FIRST SECURITY BANK, WEST YELLOWSTONE	700351	\$9,296.99	\$0.00	\$0.00	\$9,296.99
BIG SKY WESTERN BANK	101710	\$6,126.47	\$0.00	\$0.00	\$6,126.47
FISCAL AGENT	N/A	\$100.00	\$0.00	\$0.00	\$100.00

\$5,206,419.13 (\$326,555.52)					\$172,624.70

Cash					\$386,393.48
School Investments					\$10,380,394.19
County Investments					\$31,282,984.92

TOTAL Cash on Hand					\$47,102,260.90

Norwest Bank

<u>Description of Security</u>	<u>Cuspid Number</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

Commissioner Olson moved to accept the Security report for December 31, 1998, from the Treasurer. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 2:42 P.M.

Unavailable for signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 16th DAY OF MARCH 1999

The meeting was called to order by Chairman Bill Murdock at 1:33 P.M. Also present were County Commissioners Phil Olson, Jennifer Mitchell, 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:

MARCH 8-11, 1999

- The Commissioners conducted regular County business.

MARCH 12, 1999

- The bid award for the 911 generator contract was rescheduled from March 12 to March 19.

* * * * *

- Landfill Receipts for February 1999: \$159,445.04.
- A101's for February 1999: \$109.87.
- Payroll for February 1999: \$964,719.27.
- Clerk & Recorder's Fees Collected for February 1999: \$54,129.90.
- New Hire Report for February 1999: REST HOME – Bonnie Carducci, Heidi Lee, Brenda Olsen, Tori Zinda, Rebecca Phillips, Rachel Graves; ENVIRONMENTAL HEALTH – Ruth Powers; CORONER – Jesse Slaughter; FAIRGROUNDS – Chad Sterna, James Black, Mark Hoswill.
- Terminated Employees' Report for February 1999: REST HOME – Catherine Martin 1/29/99, Dorothy Weber 2/7/99, Wendy Williams 2/9/99, Loni Irwin 2/9/99, Rachel Graves 2/19/99, Bonnie Carducci 2/23/99; SHERIFF – William Pronovost 1/31/99; ROAD – Michael Rassley 1/29/99.
- Approval of Claims for February 1999: \$898,798.35.

The following items were on the consent agenda:

- Minutes
- A request for a one-year extension of preliminary plat approval for the Westland Minor Subdivision by Thomas M. Henesh, Morrison-Maierle, Inc. representing Westland Enterprises. Assistant City-County Planning Director Debbie Arkell reported the County Commission granted preliminary plat approval on April 30, 1996, subject to 13 conditions. It would expire on April 30, 1999. The applicant needs more time to finalize the underground utilities.
- A request for a family transfer exemption for William & Deborah Trawick located in the NW¼ of Section 4, T1S, R4E. Gallatin County Planner Jennifer Madgic reported it was unclear whether this request meets the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a boundary realignment exemption for 360 Ranch Corporation located in the E½ of Sections 19 & 30, and the W½ of Section 17, 20, 29, 1N, R7E being COS 1822. Gallatin County Planner Jennifer Madgic reported this requests appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a boundary realignment exemption for Walter & Catherine Ainsworth & Steve and Elizabeth French located in Section 5, 7S, R4E being COS 1246. Gallatin County Planner Jennifer Madgic reported this requests appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- The following reviewed contract was presented for consideration: Nitro-Green Lawn and Tree Care Service/Facilities and Operations Department.

There were no minutes. Deputy County Attorney Susan Swimley asked the Commission to remove the Trawick family transfer exemption request from the consent agenda and place it on the regular agenda for discussion. Commissioner Mitchell asked to remove the contract for Nitro-Green Lawn and Tree Care for Facilities to the regular agenda for discussion. Commissioner Olson moved to adopt the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley reported that the family transfer exemption request by William and Debra Trawick appeared on the consent agenda on March 2, 1999. The family transfer was from the husband and wife to the daughter. The information received on the affidavit stated that there was no short term or long term plans to sell either tract. The daughter would build a residence on the lot. Questions were raised after finding that the daughter was eleven years old as to the Trawicks's intent. She spoke with him regarding his request by telephone prior to the meeting. She questioned Mr. Trawick and confirmed from Mr. Trawick's testimony that he was the father of Katherine R. Trawick and that she was eleven years old. She asked him why he requested a family transfer exemption to transfer property to his eleven year old daughter. Mr. Trawick testified that his primary reason to transfer the tract now was that he lived in the area his entire life and with all the changes in the law in the past several years if he waited until she reached legal age he might not be able to transfer it to her. Deputy County Attorney Susan Swimley asked him by signing the deed to transfer the property as guardian of his minor child that he has a fiduciary duty to protect that investment for his daughter and that if the tract was sold in the future that the money would benefit his daughter, not the family. He stated yes, he understood his duty. During Board discussion, the Commissions concerns were answered. There was no public comment. Finding that Mr. Trawick answered their questions and his concerns were valid, and that it was a proper use of the exemption requested, Commissioner Olson moved to approve the request. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Commissioner Mitchell raised questions concerning the contract with Nitro-Green Lawn Services for Facilities because she sits on the committee for the Court House Phase I remodeling project where a CTEP project will be installing sidewalks with the new construction. It had been previously discussed that they might want to reconsider spending money for lawn care that would be torn up during the process. During Board discussion, Commissioner Olson stated that the contract covered the Law & Justice Center's grounds not just the Gallatin County Court House. He added that the portion under construction at the court house would be a small portion of the grounds maintained. Commissioner Olson moved to approve the contract with Nitro-Green Lawn and Tree Care. Seconded by Commissioner Murdock. Commissioner Murdock and Olson voting aye. Commissioner Mitchell voting nay. Motion carried.

Mike Smit, representing The Gallatin Valley Chamber Agriculture Committee presented a proclamation declaring March 14-20, 1999 National Agriculture Week in Gallatin County. It states that Gallatin County's largest industry, with over \$66 million in raw agricultural products grown annually, ranking #1 in annual milk, potato, and alfalfa production, 9th in annual livestock production, and 10th in annual crop production out of the 56 Montana counties. The "Agriculture Appreciation Week" in Gallatin County hopes to encourage all citizens to take part in activities and observances designed to support agriculture in the county. There was no public comment. During Board discussion the Commission agreed that agriculture needs to be supported by the community and recognized as it is an important part of Gallatin County. Commissioner Mitchell on behalf of the Gallatin County Commission moved to join with the Gallatin Valley Chambers Agricultural Committee and proclaim March 14-20, 1999 as "Agriculture Appreciation Week" in Gallatin County. Seconded by Commissioner Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson reported that the three bids received for the CTEP Gallatin County Courthouse Renovation Project were reviewed and the committee recommended Taylor Construction in the amount of \$289,832. The lowest bidder was Edsall Construction, but after reviewing it they found that they had failed to complete the disadvantage business enterprise portion of the application. After consulting with the Montana State Department of Transportation, they advised them to treat it as a non-responsive bid. Since the lowest responsible bidder was considered non-responsive, the committee chose Taylor Construction as the next lowest responsible bidder. There was no public comment. During Board discussion it was determined that Taylor construction met all the bid requirements and by accepting the bid that they would still be able to make some minor adjustments to the plan by change order if it is determined to be an eligible activity. The recommendation requires approval by The Montana State Department of Transportation before the bid can be awarded. Based on the information heard, Commissioner Olson moved to accept the bid recommendation of Taylor Construction in the amount of \$289,832 for the CTEP Court House renovation, finding they were the next lowest responsible bidder. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The following Board appointments were advertised and considered:

- Fair Board: There is one opening due to the resignation of Jeana Henley. It is a 2-year term. The applications received were as follows: James R. Sims, Harvey Welch, David Cohenour, and Lolain Dobbs. There was no public comment. Commissioner Mitchell moved to appoint James Sims. Seconded by Commissioner Olson. None voting nay. Motion carried.
- Fort Ellis Fire Service Area: Two terms on the Fort Ellis Service Area Board of Trustees expire on April 1, 1999. Both Board members, Roy Metcalf and Ruth Thibeault re-applied. The term is for 3 years. No other applications were received. There was no public comment. Commissioner Olson moved to reappoint Roy Metcalf and Ruth Thibeault. Seconded by Commissioner Mitchell. None voting nay. Motion carried.
- Meadow View Cemetery Board: Paul Skinner's term has expired. He has re-applied. It is a 3-year term. No other applications were received. There was no public comment. Commissioner Olson moved to appoint Paul Skinner. Seconded by Commissioner Mitchell. None voting nay. Motion carried.
- Middle Cottonwood Zoning District Board of Adjustment: John Brown's term has expired. He has reapplied. It is a 2-year term. No other applications were received. There was no public comment. Commissioner Mitchell moved to appoint John Brown. Seconded by Commissioner Olson. None voting nay. Motion carried.
- Rae Fire Service Area: The terms of Joe B. Polus and Kevin Haggerty will expire in April. Mr. Polus has reapplied. One other application was received by Daniel L. Springer. These terms are for 3 years. There was no public comment. Commissioner Olson moved to appoint Joe Polus and Daniel Springer. Seconded by Commissioner Mitchell. None voting nay. Motion carried.
- Springhill Fire Service Area: One vacancy exists with the expiration of Bill Wright's term. He has not reapplied. One application was received from Walker T. Reed. The term is for 3 years. There was no public comment. Commissioner Olson moved to appoint Walker Reed. Seconded by Commissioner Mitchell. None voting nay. Motion carried.
- West Yellowstone TV District: Howard Micklewright's term has expired. He has reapplied. No other applications were received. The term is for 3 years. There was no public comment. Commissioner Mitchell moved to appoint Mr. Micklewright. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented the second reading of the proposed amendments to the Gallatin County Fire Control Ordinance 1999-01. Brian Connelley, Assistant Fire Chief of the Belgrade Rural Fire Department and Vice-Chair of the Fire Council stated they were in support of the amended ordinance. He spoke with the Fire Council's Chairman George Reich who stated there were no complaints heard, and all the fire districts and fire service areas would be in compliance if adopted. There was no further public comment. Commissioner Mitchell moved to approve the second reading of the amended Fire Control Ordinance 1999-01. Seconded by Commissioner Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson reported on the availability of the Community Development Block Grants. This is the second public hearing announcing the availability of the funds in the project categories of housing, public facilities, and economic development. David King, Manager of the Rae Water & Sewer District spoke in regards to the application they are preparing requesting funding from the public facilities grant. They will make the application deadline of May. He stated they may be eligible for \$100,000 more in funding if Senate Bill 48 and 49 pass. Mr. Watson stated that the Willow Creek Water & Sewer District had been contacted and they do not intend to apply for any CDGB grant money at this time. There was no further public comment. There will be one more public hearing in May, the date to be announced.

Grants Administrator Larry Watson reported on the availability of FY 98 and 99 Community Transportation Enhancement Program (CTEP) funding. He announced that for FY 1998 there is \$99,602 dollars available, for FY 1999 there is \$121,732 dollars available, a total of \$ 221,334. 86.58% is the Federal contribution which requires a 13.42 local match of \$29,703. The minimum project size is \$10,000, be located on an existing public property or property procured for public use, must follow competitive bidding process, and be maintained for as long as they remain in the system. Project administration, staff salaries, and project development funding is not provided. The following are eligible project categories: pedestrian/bicycle facilities, acquisition of scenic or historic easements or sites, scenic or historic highway programs, landscaping and other scenic beautification, rehabilitation and operation of historic transportation buildings or structures, archaeological planning and research, mitigation of water pollution

due to highway runoff, preservation of abandoned railway corridors including conversion to bicycle pedestrian trails, and control and removal of outdoor advertising. The program is complex and Mr. Watson asked anyone interested to contact him directly for eligibility requirements and planning information. The Montana Department of Transportation CTEP final program requirements will be released on April 14, 1999. The FY 98 and 99 applications are due May of 1999. Road and Bridge Superintendent Sam Gianfrancisco stated he sat on the Department of Transportation committee doing the re-write. It is a requirement to hold one more public hearing. He stated the problem is that the changes in the program won't be available before the applications are due in May. They are meeting again in Helena next week. Richard Tramp of the Belgrade School District along with Engineer Richard Kerin of Kerin and Associates assisting the Belgrade School District with a project proposal were present, but decided to wait with their presentation until the final program requirements were available. They wanted to inform the Commission that a proposal for the CTEP funding is in the works by the district. There was no further public testimony. During Board discussion the Commission decided a review board is needed to develop criteria, give recommendations, and work with the other towns in the community to possibly lump the smaller projects together for the funding. Commissioner Olson moved to appoint Sam Gianfrancisco and Larry Watson to put together a proposal for a review committee county wide for the CTEP program. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

A resolution to amend the Belgrade Rural Fire District FY 99 operating budget by appropriating impact fees for the purchase of a building was discussed. On February 16, 1999 Resolution #1999-05, a resolution of intent to amend the Belgrade Rural Fire District FY99 budget appropriating impact fees to purchase a new building was adopted. Notice of this hearing to amend the Belgrade RFD budget was published in the Bozeman Daily Chronicle on February 26 and March 10, 1999. Brian Connelley, Assistant Chief of the Belgrade Rural Fire Department entered into the record a copy of the agenda and the Belgrade Rural Fire District Trustee's board meeting held on March 2, 1999. They passed Resolution # 989905 in support of the amended budget. There was no public comment. During Board discussion it was decided that an agreement would have to be entered into between Gallatin County and the Belgrade Rural Fire Department because of a pending court case regarding the use of impact fees. The County would need the money paid back if it was determined through the litigation that it wasn't a proper use of the impact fees. Mr. Connelley stated that the Fire Department would enter into an agreement to repay the impact fees. They had the means to secure a loan to cover the repayment if necessary. Commissioner Olson moved to adopt the resolution to amend the Belgrade Rural Fire District FY 99 budget to appropriate impact fees to purchase a building with an agreement to be drawn up between the parties for repayment of the money if found inappropriate as discussed. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Deputy County Attorney Susan Swimley will draft the resolution and agreement.

Deputy County Attorney Susan Swimley reported on the continuation of a resolution to create Harvest Hills RID #372. On October 28, 1999 Resolution #RID98-372-A was adopted, the resolution of intention to create a rural improvement district. On November 17, 1999 it was decided to table the creation of the district until further information could be obtained following the passage of CI-75. Since the Supreme Court overturned CI-75, the resolution is being presented today for consideration. Richard Kerin, Engineer for the RID project spoke regarding what he has done since the continuation of the creation. He entered a report to the Commission covering the public meetings held on the subject and an informational packet submitted to the home owners concerning the creation of the district. The following spoke in favor of creating the district: Richard Kerin, Frank Sitton, Joel Lepo, and Debra Ihli. Nicole Hobbs signed up to speak, but did not come forward. Commissioner Murdock said he received a phone call and met with Bill Dockins and Tony Rasch concerning the homeowners covenants which allow for capital improvement assessments by a percentage of votes. He asked if that option was pursued by the association. During Board discussion it was determined that the homeowners association looked at using their fees to pay for the RID, but decided to use the RID process in paving their subdivision by a unanimous vote by the members of the Harvest Hills Home Owner's Association. It was also stated that since this was delayed, that the original figures that were submitted regarding costs of the project would still be valid since construction would not have begun until the spring anyway. Commissioner Olson moved to adopt Resolution 1998-372-B, a resolution to create Rural Special Improvement District #372 finding CI-75 was overturned and there were not sufficient protests against creating the district. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 3:10 P.M.

Unavailable For
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 23rd DAY OF MARCH 1999

The meeting was called to order by Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioner Jennifer Mitchell, 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:

MARCH 15, 1999

- The Commissioners conducted regular County business.

MARCH 16, 1999

- The Commissioners met with Road & Bridge Superintendent Sam Gianfrancisco, Road Dept. Shop Foreman Dave Fowler, and Staff Engineer Roy Steiner. Discussion included Sam's imminent resignation (5/31/99) and interim plans until the Commission redefines the job description and a permanent replacement is found. It was decided best to meet individually with Bridge Foreman Doug Ford and Road Foreman Ken Hellwinkle. Thereafter, a meeting will be scheduled with entire Road & Bridge crew informing them of the change-in-command and contemplated reorganization once Sam resigns.
- The Commissioners met with Project Manager Roy Steiner regarding Phases II & III of the Courthouse Remodel. Roy was instructed to proceed immediately with advertising for architectural and engineering design for Phase II.
- Commissioner Murdock will be on vacation from March 17-22, 1999. He will return to the office on Tuesday, March 23, 1999.

MARCH 17-18, 1999

- Commissioners Olson and Mitchell conducted regular County business.

MARCH 19, 1999

- A special meeting of the Commissioners was held to consider applications for appointment to the Gallatin County Airport Board. In attendance were Commissioners Olson and Mitchell, and Executive Secretary Pat Lewis. Commissioner Murdock was on vacation. Commissioner Mitchell made a motion to appoint Clint Collins to fill the vacancy created by the death of Bob Taylor; Commissioner Olson seconded the motion. The Commissioners discussed the board application received by Linda Mardock. They agreed that a possible conflict of interest could arise if Ms. Mardock was appointed to this board, because of her involvement with Fixed Base Operators at the airport. Discussion followed regarding whether or not the Airport Authority is represented on the Gallatin County Airport Board. There is nothing in writing to reflect this policy. Commissioner Olson stated that a member could be designated from each board to visit the other board's meetings, in order to facilitate working on similar issues, etc. Commissioner Mitchell stated that she had spoken with members of both boards, and they've stated that, in their opinion, it is unnecessary to have designated "joint members" on each board. Discussion ended; and the motion to appoint Clint Collins to a term ending April 1, 2000 was approved unanimously. Commissioner Mitchell moved to reappoint Bill Fairhurst to a five-year term on the Gallatin County Airport Board. Commissioner Olson seconded the motion; the motion passed unanimously.
- A special meeting was called to order by Acting Chairman Phil Olson at 2:50 P.M. Also present were County Commissioner Jennifer Mitchell, Deputy County Attorney Chris Gray, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board. Deputy County Attorney Chris Gray reported the following regarding emergency generator bids for 911: Three 911 emergency generator bids were opened at the public hearing on March 9, 1999; at that meeting it was announced that the bid would be awarded on Friday, March 12, 1999; it was postponed and rescheduled for award today; a

committee appointed by the Commission to review the bids consisted of Grants Administrator Larry Watson, 911 Communications Director Jennifer Hansen, and Disaster and Emergency Services Coordinator Aaron Holst; one bid was considered non-responsive; after reviewing the bids, TW Enterprise Inc. was considered the lowest responsible bidder; their bid was referred to the engineer of the project, William VanDyken, who determined the bid met all engineering specifications; the committee recommends awarding the bid to TW Enterprise Inc. in the amount of \$20,153.00. Jennifer Hansen, 911 Director, concurred with the findings as reported by Chris Gray. The Commission raised concerns over the diesel powered generator required in the specifications. They are getting involved in the "Clean Cities" program to improve air quality and didn't want to set a bad example. They asked if a gas powered generator had been researched prior to writing the proposal. Commissioner Olson added that he had spoke with the City Manager about the generator since the City of Bozeman would be sharing in the costs. He had found by talking to Mr. Johnson, using a gas generator would save a substantial amount of money over the diesel generator. It was reported by both Chris Gray and Jennifer Hanson that the reason diesel was specified was because of the reliability, and the size dictates a diesel engine. Both Commissioners were uncomfortable about awarding the bid at this time without checking further into substituting a gas generator for the diesel generator proposed in the bid award. County Attorney Chris Gray stated there was no time limit in awarding the bid, just that the project cut over date was planned for testing in 8-12 weeks to get the system on-line. If they decided to go with gas, new proposals for bids would have to be written, advertised, and another public hearing set. The project would be put behind schedule. It was decided to continue the award for one week while the Commission investigates the options further. Commissioner Olson moved to conditionally approve the bid award to TW Enterprises Inc. for \$20,153.00, based on the recommendation from the committee as being the lowest responsible bidder. The conditional approval will be for one week based on the concerns discussed. If the Commission hasn't taken any action by then, then final approval will be granted. Seconded by Commissioner Mitchell. None voting nay. Motion carried. There being no further business the meeting was adjourned at 3:17 P.M.

The following items were on the consent agenda:

- Minutes
- A request for a boundary realignment exemption for Leelynn, Inc. and Wiley MT, Inc. to realign lots 18 & 19 of Firelight Subdivision located in the SE $\frac{1}{4}$ of Section 2, T7S, R3E. Gallatin County Planner Jennifer Madgic reported this request appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a family transfer exemption for John Eric Amend to transfer a parcel described as Certificate of Survey #706 located in the NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of Section 11, T3S, R4E. Gallatin County Planner Jennifer Madgic reported this requests appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Gallatin County Planner Randall Johnson presented a consideration of a resolution approving amendments to the Royal Village Zoning District.

There were no minutes. Commissioner Mitchell requested the resolution to approve amendments for the Royal Village Zoning District to be moved to the regular agenda for discussion. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Commissioner Mitchell asked Planner Johnson to explain the "zero lot line" referred to on page 27, Section 11.6 Conditional Use Permit attached to the resolution to amend the Royal Village Zoning District. Mr. Johnson stated that in the proposed text amendments submitted by the applicant, it included a provision in the district to allow for zero lot lines between parcels. Generally, in a subdivision the common boundary between 2 lots normally would have a side yard set-back of so many feet. In this case, they would allow for zero set back where 2 buildings can share a common wall. It allows for a higher density within a subdivision. It is commonly used in the development of townhouses or duplexes, allowing for more efficient use and affordable housing. Commissioner Mitchell moved to adopt Resolution #1999-09 to approve the amendments to the Royal Village Zoning District. Commissioner Murdock seconded the motion based on the findings made by the Zoning Commission. None voting nay. Motion carried.

Cheryl Walter,. Alcohol and Drug Services of Gallatin County, read a proclamation declaring March 24, 1999 as "24STRAIGHT, A National Day of Prevention & Recovery" in Gallatin County. Along with

Montana State University, the Drug Free West Yellowstone Coalition, and Manhattan, Three Forks and West Yellowstone high schools and the citizens of Gallatin County, setting this day aside offers advocates of alcoholism and drug abuse prevention an opportunity to educate the public and policy makers about the effectiveness of community prevention, education, and treatment. There was no public comment. During Board discussion, the Commission supported all efforts to educate the public to try and prevent these problems in our society. Commissioner Mitchell moved to declare March 24, 1999 as "24STRAIGHT, A National Day of Prevention & Recovery" in Gallatin County. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelly Vance reported receiving a petition on March 12, 1999, to abandon a portion of Baseline Road East described in the petition as that portion of Baseline Road East that runs 941.2 feet east from the W1/16 corner of Section 32 along the south line of Section 32, Township 1 North, Range 5 East. She examined the petition and certified that it contained the minimum requirement of 10 signatures from qualified freeholders in the Gallatin County Road District. Commissioner Mitchell moved to accept the petition. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Murdock appointed Road and Bridge Superintendent Sam Gianfrancisco, Clerk and Recorder Shelley Vance, and Commissioner Jennifer Mitchell to the viewing committee.

Clerk and Recorder Shelly Vance reported receiving a petition on March 9, 1999, to abandon Streamside Lane as shown and dedicated on the plat of Minor Subdivision #236, commonly known as Sourdough Meadows Subdivision, located in the NE¼ of Section 31, Township 2 South, Range 6 East. She examined the petition and certified that it contained the minimum requirement of 10 signatures from qualified freeholders in the Gallatin County Road District. Commissioner Mitchell moved to accept the petition to abandon Streamside Lane. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Murdock appointed Road and Bridge Superintendent Sam Gianfrancisco, Clerk and Recorder Shelley Vance, and Commissioner Jennifer Mitchell to the viewing committee.

Fiscal Officer Ed Blackman presented the Resolution amending the Belgrade Rural Fire District FY 99 Budget by appropriating impact fees for the purchase of a building approved by the Commission on March 16, 1999 and amended to include the repayment of the impact fees by the Belgrade Rural Fire District if in the event the payment of impact fees are disallowed, the district will find supplemental funds to repay all impact funds used. It has been reviewed by the County Attorney's Office and is acceptable. The amended budget items stated in the resolution are as follows:

REVENUE:	12/31/98		03/31/99
Account NO Description	Available	Adjustment	Available
<u>BELGRADE RURAL FIRE DISTRICT</u>			
7200-10-2180 Fire Impact Fee Cash	\$ 66,472.84	(\$60,000.00)	\$ 6,472.84
7200-10-1000 Cash On Hand	\$ 173,189.58	\$60,000.00	\$ 233,189.58
(excluding collections and expenditures during January and February, 1999)			

EXPENSE:

<u>Account No.</u>	<u>Description</u>	<u>Original Budget</u>	<u>Adjustment</u>	<u>Adjusted Budget</u>
<u>855</u>	<u>Disbursements</u>	<u>\$726,676</u>	<u>\$ 60,000</u>	<u>\$786,676</u>

the following is the detail listing of the new budget:

Salaries	\$247,000	\$ -0-	\$247,000
Supplies	\$ 19,000	\$ -0-	\$ 19,000
Equipment Repair	\$ 9,750	\$ -0-	\$ 9,750
Gas & Diesel	\$ 20,500	\$ -0-	\$ 20,500
Utilities	\$ 28,875	\$ -0-	\$ 28,875
Vehicle Repair	\$ 20,000	\$ -0-	\$ 20,000
Building Repair	\$ 9,000	\$ -0-	\$ 9,000
Travel	\$ 6,000	\$ -0-	\$ 6,000
Training	\$ 16,400	\$ -0-	\$ 16,400
Professional Services	\$ 8,125	\$ -0-	\$ 8,125
Debt Payment	\$187,609	\$ -0-	\$187,609

146 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Insurance	\$ 37,400	\$ -0-	\$ 37,400
Fire Prevention	\$ 3,150	\$ -0-	\$ 3,150
Election	\$ 750	\$ -0-	\$ 750
Other	\$ 40,100	\$ -0-	\$ 40,100
Communications	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Subtotal	\$ 653,659	\$ -0-	\$ 653,659
Capital Outlay	<u>\$73,017</u>	<u>\$60,000</u>	<u>\$133,017</u>
TOTAL	<u>\$ 726,676</u>	<u>\$60,000</u>	<u>\$786,676</u>

Commissioner Mitchell moved to adopt Resolution 1999-10 as amended, to amend the FY 99 budget of the Belgrade Rural Fire District to appropriate the use of impact fees to purchase a new building. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley read the first reading of an ordinance to establish a speed limit on the east end of Airport Road. The ordinance would establish a 45 MPH speed limit on the portion of Airport Road extending from its intersection with Springhill Road and continuing westward for a distance of approximately 1.5 miles to the intersection with Spain Bridge Road. County Road and Bridge Superintendent Sam Gianfrancisco reported on the speed study conducted. He stated that they determined the 45 MPH speed limit using other considerations than the usual method which is taking the average speed of 85% of cars, and using that figure. He found that the average speed was over 80 MPH. It is a standard 24 foot county road with no shoulders and a steep barrow pit. Jean Gilbert-Cole and Charles Miller testified in support of the ordinance. There was no further public comment. During Board discussion the Commission stated that a reduction of the speed limit in that area was in the best interests of the public. Commissioner Mitchell moved to approve the first reading of Ordinance 99-02, to reduce the speed on a portion of Airport Road. Seconded by Commissioner Murdock. None voting nay. Motion carried. The second reading will be on April 6, 1999.

County Planner Jennifer Madgic presented a request for final plat approval of the Lone Moose Meadows Minor Subdivision located in the S½ of Section 28, Township 6 South, Range 3 East. The Commission granted preliminary plat approval on March 24, 1998 with 19 conditions. She reported that if the improvements agreement presented is approved by the Commission, all conditions have been met to grant final plat approval. A letter was received by the Gallatin Canyon Volunteer Fire Department dated March 22, 1999 stating that the proposed plans for the water system met all the fire department requirements. Deputy County Attorney Susan Swimley stated that she reviewed the improvements agreement but wasn't a qualified engineer to determine if the amount of linear feet pipe required in the agreement is appropriate. Chris Wasia, Engineer for Morrison-Maierle reported that it was adequate and appropriate. Commissioner Mitchell asked Mr. Wasia to define a well free easement. He referred the question to Bob Lee of Morrison-Maierle. Mr. Lee stated that it was required by the State Department of Environmental Quality in the drainfield areas to keep people from building in that area. There was no public comment. Commissioner Mitchell moved to approve the improvements agreement for the Lone Moose Meadows Subdivision. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Mitchell moved to grant final plat approval for the Lone Moose Meadows Minor Subdivision. Commissioner Murdock seconded the motion, finding that the improvements agreement was entered into and all the conditions were met as reported by staff. None voting nay. Motion carried.

County Planner Jennifer Madgic presented a request by C & H Engineering and Surveying Inc., on behalf of Robert S. Foster, for preliminary plat approval for the Middle Cottonwood Major Subdivision. The property is located in the SW½ SW¼, of Section 2, T1S, R5E, PMM, Gallatin County, Montana. The applicant is requesting two variances: one concerning provision of a second or emergency access, and another variance from providing access to unsubdivided lands. The planning board voted 5:3 to recommend denial of the variance regarding provision of a second access, citing lack of proven hardship and determining that the standard was essential to public health, safety and welfare. The Belgrade Rural Fire District contends a second access is needed to provide emergency access to the project. The proposed subdivision was reviewed for the following primary criteria: agriculture, agriculture water user facilities, local services (i.e. water supply and sanitary facilities, fire protection, law enforcement, emergency medical, and schools), natural environment, wildlife and wildlife habitat, public health and safety, compliance with the Montana Subdivision and Platting Act, Gallatin County Subdivision Regulations, and with the Gallatin County Master Plan. The Planning Board voted 4:3 to forward their

recommendation for approval to the Commission. She stated that a letter was received by Mark Chandler concerning the amended plat revision submitted and comments regarding compliance with the Master Plan. A petition was submitted signed by twenty-three individuals who are adjacent property owners that oppose the development. The letters received expressing opposition to the proposed subdivision were from the following: Patrick Byorth, Gordon Decker, Connie and Don Zarr, Forrest & Kelly Fogg, Robert F. Heidecker (3), Holly Brown, and A. Suzanne Nellen. Many concerns were raised that addressed the public's health, welfare, and safety which included water quality impacts, watercourse mitigation of the Middle Cottonwood Creek corridor, viability of the northern lots where Middle Cottonwood Creek runs through the lots, flooding, preserving wildlife habitat, project density, cluster development, double fronted lots, a variance request for the second emergency access, compatibility with adjacent land uses and zoning, preserve farm land, no open space provided, concluding it wasn't in compliance with the Gallatin County Master Plan. If the Commission grants preliminary plat approval the following conditions for final plat approval are recommended by staff:

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 Department of Environmental Quality. 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, public road easement, 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, road easement 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. All areas disturbed during construction shall be reseeded with vegetation types approved by the Weed Control Supervisor.
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) 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.
 - c) 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) Individual lot access from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations.
 - e) The property owners' association shall be responsible for maintenance of interior subdivision roads.
 - f) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law.
 - g) Livestock will not be permitted on Lots 12-16
 - 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. All road names for interior roads shall be approved by the County Road and Bridge Department.
9. Road name signs shall be required at all intersections.
10. STOP sign(s) shall be required at all intersections with County-maintained roads.
11. Proof of encroachment permit(s) shall be shown for access off Springhill Road.
12. A "no-access" strip shall be required along Lots 1, 2, 3, 4, 5 and 16.
13. The applicant shall provide an appropriate second access in accordance with the Subdivision Regulations and approved by the County Road and Bridge Superintendent.
14. The applicant shall provide access to unsubdivided land to the east to be approved by the County Road and Bridge Superintendent.
15. "Annes Way" shall be built to the northeast corner of Lot 11.
16. All interior roads shall be built to County-paved standards, and have a 60-foot right-of-way, dedicated to the public.
17. All road work shall be inspected and certified by a licensed engineer. Such inspection and certification must be provided to the County Road Department in writing. Final approval will not be

given until this documentation is received. 18. A property association must be formed for the maintenance of all interior roads. 19. A waiver of protest for creation of future RIDs will be required. 20. The road accessing Tract 2B, east of this subdivision, shall be built to County paved standards with 60 feet of right-of-way and dedicated to the public. 21. The applicant shall make payment of road impact fees in accordance with the subdivision regulations. 22. The applicant shall make payment of fire protection impact fees in accordance with the subdivision regulations. 23. The applicant shall submit cash-in-lieu of park land dedication according to Section 6.G.1 of the Subdivision Regulations prior to final plat. 24. All requirements of the Belgrade Rural Fire District shall be met prior to final plat approval. The fire district shall approve all fire protection measures prior to final plat approval. 25. The final plat shall show a 35-foot setback from the high water mark of Middle Cottonwood Creek in accordance with the subdivision regulations. 26. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Mark Chandler of C&H Engineering, engineer and surveyor for the applicant Robert Foster, reported on the variance requested, stating it would be a hardship for the applicant to require the second access. The access can't be provided within the subdivision itself and there are no adjacent roads to hook up to it. He didn't feel the subdivision's design would create any traffic hazard with the two cul-de-sacs and the extension of the road to the east boundary line suggested by Sam Gianfrancisco. He stated that Mr. Gianfrancisco would support the variance if they extended it. He addressed the Master plan goals: The water goal was met by the no build zone and required setbacks from the creek; the wildlife concerns also were met by the 100 foot wide no build strip which would maintain a wildlife corridor; he didn't feel the agricultural goal #1 outlined in the Master Plan concerned the proposal because it wasn't considered a viable farm unit and consisted of only 12 acres; the ground was gravelly, not prime ag land; it was dry land with no irrigation; the proposal is located adjacent from Bridger Lakes Meadow consisting of 1 acre lots meeting agricultural goal #2 to locate the location of residential development next to existing development; he said the lots were clustered next to the State highway for easy access; open farm land would still be located to the east and the south meeting the agricultural goal #3 to preserve open space; the proposal provides for a 10 foot landscaping strip to provide a screen and buffer from the highway; the on site well and septic systems would be reviewed by the Department of Environmental Quality and the local health department; fire protection would be approved by the Belgrade Rural Fire Department by an approved water fill site prior to final plat approval. Joe Hoffman of C&H reported on the soil test pits done in close proximity to the proposal indicating the proposed site has good soils for an on site system. He stated the proposal would go through a comprehensive water review by both the State and County. Deputy County Attorney Susan Swimley asked Mr. Chandler if he applied for a second access to the Montana Department of Transportation. He stated that he did not because he was told they weren't issuing any more accesses. She then asked him if he pursued obtaining any other access off of the highway. He stated he thought Mr. Foster had talked to some of the adjoining land owners. Mrs. Swimley inquired about the 100 foot wide no build zone by asking if the line indicated the center line of the creek or the high water mark. Mr. Chandler stated it was the center of Middle Cottonwood Creek with the required 35 foot setbacks. He said that the high water mark would be located on the final map. Mrs. Swimley asked if the map submitted to the Planning Board that depicted the building envelopes and proposed drainfields had been submitted to the Commission. He stated no, it was just to show to the Planning Board. The following members of the public testified against the proposal: Suzanne Nellen, Holly Brown, Gary France, Bob Heidecker, and Belgrade Rural Fire Chief Brett Waters. Testimony heard raised the same concerns found in the letters received, and in the findings presented in the staff report. Mrs. Swimley asked Gallatin County Director of Environmental Quality Tim Rourke if the placement of the wells close to the creek as shown on the map entered into the record as exhibit "A" would present a problem if the creek flooded. He stated that there is always a problem wells may be contaminated. He stated that the State Department of Water Quality requires a 100 foot set back from the high water mark, not the center of the creek as shown on exhibit "A". He also added he'd like to see a topographical map of the area because the existing topography could effect the placement and depth of the on-site systems and will cause problems in the construction of the drainfield. Mr. Chandler stated when the original map showing the 35 foot setbacks from the creek was submitted to the Planning Board it was done when snow was on the ground. They couldn't tell where the high water mark was at that time. He since has sent his field crew out to find the high water mark of the creek. The revised map showing Middle Cottonwood Creek designating the high water mark was entered into the record as exhibit "B". He stated that the definition of high water mark by the Department of Environmental quality was the average yearly high water line of the creek and usually held at the edge of vegetation. That is what was located by his field crew. Mr. Chandler testified that the adjacent development uses cul-de-sacs regarding the issue concerning emergency vehicles not being able to turn around. He entered into the record exhibit "C" showing Heidecker's Bridger Lake Meadows Subdivision that shows 3 cul-de-sacs used in the development. He stated if you have an emergency on any cul-de-sac you have the same situation where emergency vehicles have to turn around by backing up. He stated the map

submitted to the Planning Board marked as exhibit "A" would be used to submit their application to the DEQ. He also added that he had met with Brian Connelley of the Belgrade Rural Fire Department to discuss the fire fill site. It was his suggestion that they could either upgrade the fill site a half mile south or provide a fill site on or near their site at their expense. Robert Foster, the applicant, pointed out Mr. Heidecker's subdivision lying adjacent to his proposal was a similar type subdivision regarding the density. He said he had farmed the area for many years, has a water right, but hasn't been able to irrigate it because it is generally a dry creek bed, and stated the area is not a wildlife corridor. He extended the cul-de-sac as suggested to the east and he has no further intent to subdivide. After the redesign of the cul-de-sac it was supported by Sam Gianfrancisco in regards to the one access. Another access off of the highway could not be obtained. The proposal was not in a zoning area. He said of the 7 adjacent land owners he heard no opposition with the exception of Mr. Heidecker. One land owner showed concern but supported the clustering. He felt he met all the conditions of the Master Plan and of the subdivision regulations. Deputy County Attorney Susan Swimley asked Mr. Foster if he had submitted an application to the Montana Department of Transportation for an access off of the highway. He stated no he hadn't because it was his understanding that they weren't issuing any accesses off of Springhill Road. She asked Mr. Foster what he had done to pursue any other secondary access. He said he hadn't pursued any other access. The reason for the request for the variance was because he had met with the Road Supervisor Sam Gianfrancisco and he said the design was such that it wouldn't create any safety hazards. He also supported the variance because of the small amount of lots that would be created. Mrs. Swimley also brought up the phasing of the project and the way that the conditions were written. The plat map shows phasing but phasing is not addressed in the conditions. She stated that all the phases would have to be completed to meet the conditions written before final plat approval would be granted. During Board discussion, the Commission decided after reviewing the proposal and hearing public testimony that this subdivision proposal wasn't compatible with the Master Plan's policies and goals for many reasons presented. The Commissioners concurred that a second access is needed for emergency services after hearing the testimony from the Belgrade Fire Chief Brett Waters. The Commission agreed that in a major subdivision it isn't an undue hardship on the developer to provide a second access and is necessary to the public's health, safety and welfare. Commissioner Murdock moved to deny the variance request based on the findings entered into the record. Seconded by Commissioner Mitchell. None voting nay. Motion carried. The variance was denied. Commissioner Murdock informed Mr. Foster that since the variance was denied he would have to come back with a re-design to allow for a second access. The Commission also expressed their other concerns that Mr. Foster would need to address including the proposal wasn't compatible with adjacent land uses, the density of the subdivision using clustering is not true clustering, it doesn't protect open space, no goals are met for the stream corridor, the proposal builds on identified farm soils, there is no preservation of ag land or buffer zones from residential lots, no effort is being made to protect the views from the highway, it is not an innovative plan, and they encourage a central sewer system. Other subdivision regulations that weren't addressed by the proposal are the open fronted lots and the fill site required by the fire department. Both are public safety concerns. Commissioners Murdock and Mitchell both concurred that they would vote to deny preliminary plat approval if they were asked to vote today. They asked Mr. Foster if he wanted the Commission to proceed or table the decision until he could come back with a re-design and address the other issues they found not in compliance with the Master Plan. Mr. Foster requested them to table it until he could come back with a re-design for the secondary access and allow him the opportunity to meet those concerns. Commissioner Murdock moved to table granting preliminary plat approval for the reasons stated. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

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

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Spelley Vasar
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 30th DAY OF MARCH 1999

The meeting was called to order by Chairman Bill Murdock at 1:33 P.M. Also present were County Commissioner Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

150 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

MARCH 22, 1999

- Commissioner Murdock remains on vacation until March 23, 1999.
- Commissioner Olson will be on vacation from March 22 – April 4, 1999. He will return to the office on April 5, 1999.
- Commissioner Mitchell conducted regular County business.

MARCH 23, 1999

- A special meeting of the Commissioners was held to continue discussion from the March 19th meeting regarding the emergency generator bids for 911. At that meeting, the Commissioners conditionally approved a bid award in the amount of \$20,153.00 to TW Enterprises, Inc. In attendance were Commissioners Murdock and Mitchell, CTEP Project Manager/Engineer Roy Steiner, Grants Administrator Larry Watson, 911/Communications Services Director Jenny Hansen, and Executive Secretary Pat Lewis. Commissioner Mitchell stated that she has spoken to Clark Johnson, Bozeman City Manager, and asked questions regarding the city's concerns. Larry Watson stated that he was concerned about safety issues related to the possible usage of a propane tank. He added that diesel would give appropriate power for the equipment in place; propane would not. Jennifer Hansen stated that she agrees with Larry's opinion. She spoke of her experience in California, when a generator failed. Diesel has been the preferred method for 20 years. She also proposes more frequent testing for contingencies. The generator should be included in these tests. Roy Steiner said that diesel is above ground and allows for easy, weekly inspection, while propane would require an underground tank and thus less easy to inspect. Mr. Watson stated that Will Van Dyken, the engineer, has given the county a 10-12 week timeline for equipment delivery. He doesn't want the decision tabled, because it will cause unwanted delays. Commissioner Murdock stated that the meeting should be continued until later in the day, pending Clark Johnson's concurrence. The meeting was adjourned at 9:20 a.m., and reconvened at 10:50 a.m., after Mr. Johnson called the Commissioners and confirmed his concurrence. Commissioner Mitchell moved as follows: Due to the fact that the contingency has been resolved, and that the City of Bozeman has agreed, the motion is made to award the bid in the amount of \$20,153.00 to TW Enterprises, Inc., for the 911 generator. Commissioner Murdock seconded the motion. The motion was passed unanimously.

MARCH 24, 1999

- Commissioners Murdock and Mitchell conducted regular County business.

MARCH 25, 1999

- Commissioners Murdock and Mitchell met with Fiscal Officer Ed Blackman and Clerk & Recorder Shelley Vance to review the upcoming budget process for FY 2000, target levels and timetable. The budget handout packet was approved with changes and timetable was adopted.

MARCH 26, 1999

- Commissioners Murdock and Mitchell conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for a family transfer exemption for Robert Piper located in the NW¼ of the SW¼ of Section 33, T1N, R5E. Belgrade City-County Planner Jason Karp reported this request appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a boundary realignment exemption for Bozeman Hot Springs Inc. (Dennis & Larissa Simpson) and Duwane & Betty Sand, for lots 36 and lot 472B, located in the Rainbow of Bozeman Hot Springs Subdivision. Gallatin County Planner Jennifer Madgic reported this requests appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- The following reviewed contracts were presented for consideration: CLI Video Teleconferencing Service Agreement and the Map Atlas Development Contract with Mary L.B. Armstrong.

There were no minutes. The contract with Map Atlas Development with Mary Armstrong was pulled. Commissioner Mitchell moved to adopt the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

The following board appointments were reviewed and considered:

- CDBG Revolving Loan Fund Board: One vacancy exists with the expiration of Robert DeWitt's term. He has reapplied. No other applications were received after advertising the position. Commissioner Mitchell moved to re-appoint Robert DeWitt for another term to the CDBG Revolving Loan Fund Board. Seconded by Commissioner Murdock. None voting nay. Motion carried.
- Big Sky Transportation District: One vacancy exists after the resignation of Michael Scholz. The position was advertised. One application was received from Scott Shea after advertising. The term will expire December 31, 2001. Commissioner Mitchell moved to appoint Scott Shea to the Big Sky Transportation Board. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Dave Fowler with the Road & Bridge Department opened and read four bids received for the purchase of a new truck for the Bridge Department. They were as follows: Kamp Implement/International from Belgrade, MT for \$37,987.00; M&W Repair/GMC of Three Forks, MT for \$43,476.00; Tri-State of Billings, MT for \$41,500.00; Northwest Truck and Trailer Sales from Billings, MT for \$39,350.00. Mr. Fowler requested time to review the bids for one week. The bid will be awarded at the public hearing on April 6, 1999.

Andy Epple, Bozeman City-County Planning Board Director presented their recommendations to the Commission for boundary and regulation of zoning in the City of Bozeman's extraterritorial jurisdiction. Four public forums were held over a four month period throughout the year. The Bozeman City-County Planning Board voted to unanimously recommend the final version of the document dated March 24, 1999 to the Commission. Ron Allen of Allen & Associates was hired to research Gallatin County and the City of Bozeman records to verify the existing extraterritorial boundary. He found some discrepancies existed in the boundary where some parcels were excluded and some parcels were included in the boundary which shouldn't have been. The total acreage was comparable. He said the document containing the recommendations was about 95% ready, but needed more work. At the last public forum an item was brought up in Section 50.030 pertaining to recreational vehicle parking. It needed to be addressed. The way it was drafted would preclude any recreational vehicles from parking at homes, which wasn't the Board's intent. The Board recommended appointing an advisory committee to address the last details before final adoption. Deputy County Attorney Susan Swimley stated that building permits are segregated from this document and no matter what happens with zoning, building permits are administered separately and will continue in the areas currently enforced. Mr. Epple stated they are regulated by different codes. The following people spoke in favor of accepting the recommendation: Karen Pfaehler, Grace Morgan, Tom Hunter, Steve White, Ray White, Billy Odneal. Commissioner Mitchell moved to accept the recommendation by the Bozeman-City County Planning Board for boundary and regulation of zoning in the City of Bozeman's extraterritorial jurisdiction. Seconded by Commissioner Murdock. None voting nay. Motion carried.

The County Commission opened discussion to consider an appropriate Planning Board to administer the proposed Bozeman extraterritorial zoning district. Bozeman-City County Planning Board Director Andy Epple was asked by the Commission what board would be appropriate to administer the proposed recommendations made by the Bozeman City-County Planning Board. He stated that a formal action wasn't taken on the question because they were not asked to make that recommendation. He did say that the basic structure would be maintained and under the text written in the document that the City-County Planning Board would still exist. The Bozeman City-County Planning Board didn't endorse the idea of eliminating the board. The City of Bozeman and Gallatin County jointly adopted the Master Plan with city county planning authority and they would continue to be the Bozeman City-County Planning Board with a joint membership. The following people testified stating they would like to see the Gallatin County Commission administer the proposed Bozeman extraterritorial zoning district: Dennis Hardin, Bill Walker, Karen Pfaehler, Daniel McCloy, Grace Morgan, Bill Mitchell, Steve White, Ray White, Martha Lonner, Ralph Miller, and Billy Odneal. Letters were received by Robert T. DuBose and William T. Madden also in favor of the County Commission taking over the administration of the zoning district. The people testified that they wanted to vote for the people who had jurisdiction where they lived. They felt the County Commission would better represent and be more accountable to them. Mary Vanthull and Steve

Kirchhoff were against the County Commission administering the district. They felt more cooperation was needed between the City and the County as it continues to grow. Lonny Walker stated whatever the County Commission decides is the appropriate board, but was concerned with long range planning issues. Brian Leland testified he would like to see the Bozeman City-County Board still in authority, but with a balanced board in favor of the County Commission. Jeff Krauss raised concerns over the cost to the county to administer the district. He asked if the county residents would be willing to pay for it if it was more costly for them. It was pointed out to Mr. Krauss that the analysis had been done and Bozeman City-County Planning Director Andy Epple or Gallatin County Planner Lanette Windemaker could provide him with that information. There was no further public testimony.

Deputy County Attorney Susan Swimley presented a resolution of intention to amend the jurisdictional boundary of the Gallatin County Planning Board to include the Bozeman extraterritorial planning jurisdiction, and amend the implementation policy for creating 76-2-201 county zoning district in municipal extraterritorial zoning jurisdiction. The Gallatin County Commission does not intend to amend the Gallatin County Planning Board jurisdictional boundary in the areas of Belgrade or Manhattan nor does the Gallatin County Commission intent to amend the Gallatin County Planning Board jurisdictional boundary regarding zoning districts established pursuant to Montana Code Annotated Section 76-2-101, et seq. The Gallatin County Commission will follow Resolution 1990-36 to establish county zoning districts, pursuant to Section 76-2-201 et seq., except where the Gallatin County Commission seeks establishment of a county zoning district in an area surrounding a municipality which has extended its zoning beyond the municipal limits. Resolution 1990-36 shall be amended as follows: (new section) 5. The Gallatin County Commission will follow the procedures set forth in paragraphs 3 and 4 above, except where the County Commission seeks establishment of a county zoning district in an area surrounding a municipality which has extended its zoning beyond the limits of the municipality. The Gallatin County Commission may then create a county zoning district in a municipal extraterritorial jurisdiction by Commission resolution without following the requirements of Sections 3 and 4 above. The public hearing on this matter will be April 20, 1999. Qualified electors may protest the amendments proposed in this resolution of intention by providing written protests of the amendments to the Gallatin County Clerk and Recorder. They may be filed for a sixty day period after the hearing conducted on April 20, 1999. The following people supported the passage of the resolution of intention: Dennis Hardin, Bill Walker, Daniel R. McCloy, Steve White, Martha Lonner, Ralph Miller, Richard Fish, Lonny Walker, Jeff Krauss, and Chris Saunders. Commissioner Mitchell moved to adopt Resolution 1999-11. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 4:11 P.M.

Unavailable For
Signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 6th DAY OF APRIL 1999**

The meeting was called to order by Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioners Phil Olson, Jennifer Mitchell, 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:

MARCH 29, 1999

- Commissioner Olson remains on vacation until April 5, 1999.
- Commissioners Murdock and Mitchell met again with Fiscal Officer Ed Blackman and Clerk & Recorder Shelley Vance to finalize the target levels for FY 2000. Commissioner Mitchell moved to approve the target levels as amended; Commissioner Murdock seconded the motion. The motion was passed unanimously. These target levels will be handed out to all departments on Thursday, April 1, at 11:00 a.m.

- A joint public work session of the City and County commissioners was held at Bozeman City Hall. For detailed minutes, contact the Clerk of the City Commission.

MARCH 30, 1999

- Commissioners Murdock and Mitchell called a meeting of the entire Road & Bridge crews. They announced to staff that, **effective immediately**, Shop Foreman Dave Fowler and Staff Engineer Roy Steiner would job share Sam Gianfrancisco's previous responsibilities as Road & Bridge Superintendent on an interim basis until the Commissioners create a new job description and look into organizational changes at the Road Department. The crews, Roy Steiner, Ken Hellwinkel and Doug Ford will report directly to Dave Fowler. Roy Steiner will perform Sam's functions in Helena and at the Courthouse (subdivisions, etc.) in addition to his project management duties.

MARCH 31, 1999 – APRIL 1, 1999

- Commissioners Murdock and Mitchell conducted regular County business.

APRIL 2, 1999

- Commissioners Murdock and Mitchell met with Finance Committee members Joyce Schmidt and Jeff Krauss. The Committee presented the current tax refund policy and the Commissioners voted 2-0 to re-approve the policy as written.

The following items were on the consent agenda:

- Minutes
- A request for final plat approval of the Mary Reilly Minor Subdivision located in the S½, NW¼ of Section 1, T3S, R5E. The County Commission granted preliminary plat approval on October 13, 1998 with 14 conditions. County Planner Jennifer Madgic reported that after review, it appears that all conditions for granting final plat approval have been met.
- A request for final plat approval of the Ryan Minor Subdivision located in the NW¼ of Section 13, T4N, R4E. The County Commission granted preliminary plat approval on February 27, 1996 with 9 conditions. County Planner Jennifer Madgic reported that after review, it appears that all conditions for granting final plat approval have been met.
- The following contracts were reviewed and considered: Nixon Bridge Repeater Site Lease agreement with Touch America; Bozeman Library agreement; and Alaska Road Railroad Crossing agreement

There were no minutes. The request for final plat approval of the Mary Reilly Minor Subdivision and the contract with the Alaska Road Railroad Crossing agreement was pulled and continued until the public hearing on April 13, 1999. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Communications Services/911 Director Jennifer Hansen read a proclamation recognizing April 11-17, 1999, as Public Safety Dispatchers Week, in honor and recognition of our Public Safety Dispatchers for their vital contributions to the safety and well-being of the citizens of Gallatin County and the City of Bozeman. Commissioner Olson moved to proclaim April 11-17, 1999 as Public Safety Dispatcher Week in Gallatin County. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Grants Administrator Larry Watson reported that approval on the bid award for the CTEP Gallatin County Courthouse Renovation to Taylor Construction in the amount of \$289,832.00 could be finalized by the Commission. They had found them to be the lowest responsible bidder and had made their recommendation, but the bid was contingent on approval by the Montana State Department of Transportation. The Department of Transportation has approved the bid. Commissioner Mitchell moved to award the bid to Taylor Construction finding it was the lowest responsible bidder and was approved by the Montana State Department of Transportation. Seconded by Commissioner Olson. None voting nay. Motion carried.

Dave Fowler, Gallatin County Bridge Department, reported that after reviewing the bids received for the purchase of a new truck he recommend the bid be awarded to Kamp Implement of Belgrade in the amount

of \$37,987.00 finding they were the lowest responsible bidder. Commissioner Olson moved to award the bid to Kamp Implement, finding they were the lowest responsible bidder. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The following applications were received and considered for the Airport Authority Board to fill the vacancy created by the death of Bob Taylor: Jackson Armstrong, Don Cerovski, Cherie Colvin, Richard Conover, Ronald Glock, Dennis Guentzel, N. Robert Haynes, Scott Heck, Bob Marshall, James Miranda, Thomas Nopper, Thomas O'Conner, Mario Stanislaw, Michael Ward, Robert Warwood. The following letters were received recommending the Commission appoint Thomas Nopper: A petition with 15 signatures dated April 5, 1999, Bud Hall, Wayne Marshall (2), Jack Bolls, Dennis M. Young, Norman McHenry, Wes and Ali Wierda, Evert and Jamie Wierda, Carl and Kathy Wierda, Terry and Tami Sinnema, Jeff and Kendra Wierda, Vic Douma, Jim Bastiani, Robert Schaefer, Tim Merica, and Doug S. Chapman. The following members of the public spoke recommending Tom Knopper: Doug Chapman, Jack Bolls, and Wayne Edsall. The Commissioner concurred that Tom Knopper would be the best candidate for the position finding the unified support in the community for his nomination. Commissioner Olson moved to appoint Tom Knopper to the Gallatin County Airport Authority Board. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Tom Knopper's appointment is for a 5 year term which will begin in June of 1999.

Deputy County Attorney Susan Swimley read the second reading of an ordinance to establish a speed limit on the east end of Airport Road. The ordinance would establish a 45 MPH speed limit on the portion of Airport Road extending from its intersection with Springhill Road and continuing westward for a distance of approximately 1.5 miles to the intersection with Spain Bridge Road. A letter was received dated April 5, 1999 from Jean Gilbert, president of the Springvale Home Owner's Association supporting the ordinance. Richard Mackie testified in support of the ordinance. During Board discussion the Commission stated that a reduction of the speed limit in that area was in the best interests of the public. Commissioner Mitchell moved to approve the second reading of Ordinance 99-02, to reduce the speed on a portion of Airport Road. Seconded by Commissioner Murdock. None voting nay. Motion carried. The ordinance will go into effect in thirty days, May 6, 1999.

Fiscal Officer Ed Blackman reported on a resolution of intent to amend the City-County Health fund budget by the creation of an administrative activity within the Health Fund. The FY 99 budget for the Health Fund was approved showing two departments, the Environmental Health Department and the Human Services Department. The Health Officer proposed the creation of an administrative department to track the costs associated with administering the Health Fund, and the Health Board approved the creation. State law gives the Health Board the authority to administer the City-County Health Department. There was no public comment. Mr. Blackman stated this would not increase the budget for this year. It would transfer money between the activities. There was no public comment. Commissioner Mitchell moved to adopt Resolution 1999-13. Seconded by Commissioner Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson reported that on January 13, 1998, the Commission adopted Resolution 1998-03, a resolution that appointed the initial members to the Detention Center Project Team. The Project Team requests to amend the resolution to appoint Jennifer Hansen, David Gates, Gus Pfaehler, and Darrell Behrent to support and assist the team in planning for the construction of the new Gallatin County Detention facilities. There was no public comment. Commissioner Olson moved to adopt Resolution 1998-03B, amending 1998-03 to appoint the new members to the Detention Center Project Team. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The Commission opened public testimony to consider a reduced speed limit on a portion of U.S. Highway 191 in Gallatin Canyon. Rob Bukvich and Jason Gerard of the Montana Department of Transportation were present to hear the public's concerns on the new speed limit set by the Legislature and outline the procedure to reduce the speed limit that will go into effect on U.S. Highway 191. The new state speed limit law will go into effect on May 28, 1999. The daytime speed will be 70 mph for cars and 65 mph at night. The truck speed limit will be 65 mph during the day and 55 mph at night. It allows for special speed zones to include any segment of highway less than fifty miles in length. The procedure to consider reducing the speed limit is for the Commission to request a speed study by the Montana Department of Transportation. The Montana Department of Transportation would then conduct a speed study and make their recommendation to the State Highway Commission who regulates the speed limit on state highways. The

following letters were received in support of reducing the speed limit: William Robert Miller, Linda G. Vrooman, David L. Jackson, T.H. Crawford, Carol and Pat Collins, J.G. Stovall, Dee Rothschilder, Nick Salmon. Pat McGowen representing the Western Technology Center reported on a research project whose goals are to study these kind of issues and look at intelligent transportation solutions using advanced technology. He left the Greater Yellowstone Rural Intelligent Transportation Systems Corridor Project briefing paper prepared by the Western Transportation Institute at Montana State University for the public to view if interested. The following people spoke supporting a reduced speed on Highway 191 from the Park boundary to the 4-corners area. John Vincent, Linda Vrooman, Roger Cantwell, Russ DeRemer, Neil Purcell, Bob Stover, Joe Gutkoski, Jim Nelson, Bill Schmidt, Kirk Phill, Maury Dornberg, D.H. and Jane Ward, Richard Barton, Nick Salmon, Robert Yerex, Bill Slaughter, Brian Gootkin, and Mike Hoey. The concerns raised during public testimony were the high speeds the vehicles travel mixed with weather conditions, dangerous curves in the canyon, heavy farm machinery, wildlife, school buses, semi trucks, mailboxes and driveways accessed off of the highway, passing on double lines making it a public safety hazard with the new speed limit that will go into effect. Commissioner Mitchell moved to request the Montana State Department of Highways to do a speed study from the 4-Corners area to Yellowstone Park. Seconded by Commissioner Olson. None voting nay. Motion carried.

The Commission opened the second public hearing to receive testimony to consider the appropriate planning board to administer the proposed Extraterritorial Zoning District. Steve White and Ray White testified in support of the Gallatin County Commissioners taking over the administration of the extraterritorial zoning district. A fax was received from Tom Burnett supporting the Gallatin County Commission to take over the administration of the district. Joe Gutkoski and Mary Vanthull testified against the Gallatin County Commission administering the district and supported the Bozeman City-County Planning Board retain jurisdiction. The County Commission will make their determination at the public hearing on April 20, 1999.

Belgrade City-County Planner Jason Karp reported on a request received by C&H Engineering on behalf of Jamie Garvey for preliminary plat approval of the Garvey 3-lot Minor Subdivision. The property is described as the amended plat of Lot 2, Minor Subdivision #124-A, located in the NW ¼ of Section 9, T1S, R5E, P.M.M., Gallatin County, Montana. This subdivision was originally part of the Estes Minor Subdivision (Minor Subdivision No. 124), which received final plat approval from the County Commission in June of 1994. In April of 1997, the applicant requested that Lots 1 and 2 of the Estes Minor be aggregated into one lot and that the property line between the aggregated lots 1 and 2 and lot 5 be relocated to west, thus reducing the original lot 5 from 63 acres to 43 acres and increasing the size of the aggregated lots 1 and 2 from 6 acres to one large 26 acre lot. According to the 1997 subdivision exemption application, the reason for the lot aggregation and boundary relocation was to increase the size of the lot and limit the total density to 1 residence. The applicant has now requested that the 26 acre lot created by amending the original Estes Minor Subdivision plat be resubdivided into three lots. Lot 1A and Lot 2A would be divided in the same configuration as the original Estes Minor Subdivision. The result of recreating Lot 1A and 2A makes the 20 acre Lot 5A an additional lot. The net difference between the Estes Minor Subdivision and the proposed Garvey Subdivision is one additional lot. Gallatin County Road Superintendent, Sam Gianfrancisco has indicated that an encroachment permit will be required for the Lot 5A access. The staff report written by Mr. Karp contained comments on the following criteria: Agriculture; agricultural water user facilities; local services including water supply and sanitary facilities, fire protection, law enforcement, emergency medical, and schools; natural environment; wildlife and wildlife habitat; public health and safety; compliance with the survey requirements of the Montana Subdivision and Platting Act; compliance with the local subdivision regulations; and provision of legal access to each parcel within the subdivision and the required notation of that access on the plat and instruments transferring the parcel. The applicant has requested waivers of the impact fees for this subdivision because the lots were preciously subdivided. Belgrade Fire has recommended that the developer pay the impact fees, less the \$100 fire impact fees paid for lots 1A and 2A when Estes Minor Subdivision received final plat approval. At the time Estes Minor Subdivision was approved there were no county road impact fees. The staff recommends the following conditions to grant 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 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) Lot owners of the Garvey Minor Subdivision shall conform to the covenants of the Estes Minor Subdivision (Minor Subdivision No. 124) 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. Fire impact fees totaling \$892 (fees for Lot 5A and 1A minus \$100 in fees paid for Lot 1 from the Estes Minor Subdivision) and \$3192 in road impact fees (fees for Lot 1A and 5A) shall be paid to Gallatin County prior to final plat approval (*unless a waiver is granted as requested by the developer*). **note Lot 2A is exempt from impact fees because it contains an existing residence.* 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. The developer must obtain an encroachment permit from the Gallatin County Road Department for Lot 5A 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. Mark Chandler of C&H Engineering stated the reason for the request to waive the road impact fees was because a portion of Nelson Road to Airport was paved by Mr. Estes when the original subdivision was created. He thought some sort of credit for paying that previously should be given. Mr. Chandler stated his client was satisfied with the conditions as written in the staff report. During board discussion it was determined that Mr. Estes didn't own the lot that the waiver of the impact fee was requested for, and there was no legal relationship for the new owner to get credit for something that the original developer had paid regarding proportionate reimbursement. The Commission concurred that the language be changed in condition #7 to stay consistent with the impact fee policy. There was no public comment. Commissioner Olson moved to deny the variance request, finding it was not consistent with the impact fee policy. Seconded by Commissioner Mitchell. None voting nay. Motion carried. The applicant's request for a waiver concerning payment of road and fire impact fees was denied. Commissioner Mitchell moved to grant preliminary plat approval for the Garvey Minor Subdivision, finding it meets the requirements of Section 76-3-608 MCA. The following conditions are to be met before granting final plat approval: Conditions #1-6 as written and presented; #7 to be amended to read that the applicant shall make payment of road and fire impact fees consistent with the Gallatin County Impact Fee Policy; Conditions #8-10 as written and presented in the staff report. Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on a request received by Fluidyne on behalf of Kendall Kalamaha for preliminary plat approval of the K3 3-lot Minor Subdivision. The property is described as tract of land in the NE $\frac{1}{4}$ of Section 17, T1S, R4E, P.M.M., Gallatin County, Montana. The staff report written by Mr. Karp contained comments on the following criteria: Agriculture; agricultural water user facilities; local services including water supply and sanitary facilities, fire protection, law enforcement, emergency medical, and schools; natural environment; wildlife and wildlife habitat; public health and safety; compliance with the survey requirements of the Montana Subdivision and Platting Act; compliance with the local subdivision regulations; and provision of legal access to each parcel within the subdivision and the required notation of that access on the plat and instruments transferring the parcel. The applicant has requested two variances from the Gallatin County Subdivision Regulations: a). A variance from Section 7-A-2 of the Gallatin County Subdivision Regulations which states: Relation to unsubdivided Areas: When a new subdivision adjoins unsubdivided land and access 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 unsubdivided land. The applicant is proposing to dedicate a 60' wide access to the property to the west but not construct it at this time. The property does have a narrow access off Linney Road for its current use, but would need the 60' county standard width if it were subdivided. b). A variance from Section 7-H of the Gallatin County Subdivision Regulations which states: Paving Requirements: Roads within subdivisions that will carry greater than 100 trips per day shall be built to the paving standards in these Regulations and in accordance with the timing requirements below. Trips per day will be calculated based on average of eight trips per day per household. Linney Road has well over

100 trips per day, therefore it would be required to be paved. The County Road Superintendent has stated that he supports this variance request. The staff recommends 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, 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 with the final plat including the following provisions. a) Requiring control of county declared noxious weeds. 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) 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 Impact fees and Fire Impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations. 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 must obtain an encroachment permits from the Gallatin County Road Department for Lot 2, and the access road located between Lots 2 & 3 (*if required to be constructed*). Proof of access permits must be given to the Road Department for the existing Lot 1 and Lot 3 driveways, and an encroachment permit is required for any additional access for Lot 3. 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 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, and a copy of the covenants must be submitted to the Amsterdam Fire Department. 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). 12) Road names shall be approved by the Road Office, and road name signs and STOP 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. 13) The interior subdivision road providing access to the unsubdivided land to the west shall be a sixty foot right-of-way, and unless a variance is granted, shall be constructed to Gallatin County gravel standards with a temporary cul-de-sac at its west end. 14) Linney Road shall be paved and bridges upgraded to Gallatin County Standards from its south end to Amsterdam Road. (*unless a variance is granted*). 15) 30 feet of Linney Road west of the centerline shall be dedicated to the public on the final plat along the entire length of the subdivision. 16) All roadwork will need to be inspected and certified by a licensed engineer. The inspection and certification must be provided to the County Road Office in writing prior

to final plat approval. 17) The final plat shall contain a statement that 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. 18) Maintenance easements along irrigation ditches shown on the preliminary plat shall be shown on the final plat. 19) The road easement for the interior road between lots 2 and 3 shall be fenced on both sides so the easement is well delineated. 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. Tom Kallenbach with Fluidyne stated the applicant approved the conditions as written. He stated the applicant doesn't want to construct the road to the unsubdivided lands at this time. It was proposed to mark the easement on the plat and to put a fence on both sides of the easement to ensure that nothing would be constructed there. The applicant hasn't decided on which fence standard option. He has priced the fence site being financially feasible versus the storage tank. There was no public comment. During board discussion, the Commission agreed that a better solution needed to be found for the dedicated easement if it wasn't being constructed right away. There already was a weed problem and no one would take care of the land inside of the fenced easement. Roy Steiner, Gallatin County Road Department, stated that metal fence posts could be painted to mark the easement and make them stand out. He stated that the Road Department supported the variance because the 3 lots with the existing residence would not impact the road enough to justify the costs to the applicant. The road would also need the bridges upgraded. He said an RID might be the solution later. Commissioner Olson suggested changing the language in condition #19 regarding the fencing to require the easement to be marked as suggested by Mr. Steiner. Commissioner Murdock moved to grant the variance access request from Section 7-A-2 of the subdivision regulations to not build it to county standards, finding substantial compliance would create an undue hardship. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Finding that the Belgrade City-County Planning Board and the Road Department recommended to approve the variance request to not pave Linney Road, Commissioner Olson moved to grant the variance. Seconded by Commissioner Murdock, finding it would be an undue hardship and it is not essential to the public health, safety, and general welfare. None voting nay. Motion carried. Finding the subdivision meets the requirements of Section 76-3-608 MCA and is in compliance with the Master Plan, Commissioner Olson moved to grant preliminary plat approval of the K3 Minor Subdivision. The following conditions are to be met before granting final plat approval: #1-13 as written and presented by staff; Delete #14 and replace with, "The road easement between lots 2 and 3 shall be marked in a permanent fashion for future lot owners to recognize and shall be approved by the Gallatin County Road Department." #15-18 as written and presented by staff. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

County Planner Jennifer Madgic reported on a request received by Clint Litle of MSE-HKM on behalf of John Dunlap for preliminary plat approval of the Pinecrest Heights 2-lot Minor Subdivision. The property is described as a tract of land in the SE¼ of Section 9, T2S, R4E, P.M.M., Gallatin County, Montana. The staff report written by Ms Madgic contained comments on the following criteria: Agriculture; agricultural water user facilities; local services including water supply and sanitary facilities, fire protection, law enforcement, emergency medical, and schools; natural environment; wildlife and wildlife habitat; public health and safety; compliance with the survey requirements of the Montana Subdivision and Platting Act; compliance with the local subdivision regulations; and provision of legal access to each parcel within the subdivision and the required notation of that access on the plat and instruments transferring the parcel. The Gallatin County Planning Board voted to recommend approval 6:2. The staff report recommended that the following conditions be met 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, 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, 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 owner shall be responsible for the control of County-declared noxious weeds. b) Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations. 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 fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. 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) Encroachment permits from the Montana Department of Transportation must be obtained for both lots for access onto Norris Road. 9) The applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations. 10) The applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations. 11) The applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations. The applicant shall have the Amsterdam Rural Fire District review and approve the fire protection method prior to final plat approval. The applicant shall obtain written verification from the fire district that the requirement has been met. 12) The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. The concerns heard were of future intent of the area regarding Master Plan issues of leap frog development. The applicant John Dunlap stated he agreed with the conditions as presented in the staff report. Letters were received in opposition of the subdivision from Dennis and Kim Moss. Donald and Dorothy Moss testified in opposition of the subdivision. During Board discussion, it was determined that the parcel was not taking prime agricultural land. The topography of the land made it difficult and the previous owner had stopped production. They also determined that there was other residential development in the area at the same or similar density and it was in compliance with the Master Plan. Finding the Pinecrest Heights Minor Subdivision was in compliance with the Montana Subdivision and Platting Act and with the Gallatin County Subdivision Regulations, Commissioner Olson moved to grant preliminary plat approval with the twelve conditions as written and presented by staff. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting adjourned at 5:10 P.M.

*Unavailable For
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 13th DAY OF APRIL 1999

The meeting was called to order by Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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:

160 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

APRIL 5, 1999

- The Commissioners conducted regular County business.

APRIL 6, 1999

- The Commissioners met with County Attorney Marty Lambert and Chief Deputy Susan Swimley. Status of the Oak Street project was discussed. Still haven't received payment from City of Bozeman. Commissioner Olson moved that Marty Lambert send a letter to the City of Bozeman demanding payment for Oak Street; Commissioner Mitchell seconded the motion. The motion was passed unanimously.
- A special meeting of the Commissioners was held in the Courthouse Community Room. Also in attendance were County Attorney Marty Lambert, Deputy County Attorney Chris Gray, and Executive Secretary Pat Lewis. Mr. Lambert stated that a demand has been made by Marilyn Burns for damages, for the Sheriff's inability to hold an auction of the Lurie property. Mr. Lambert recommended that the claim be denied. Commissioner Olson moved that, based on the County Attorney's recommendation, the Commissioners deny the letter of demand from Marilyn Burns. Commissioner Mitchell seconded the motion. The motion was passed unanimously. Deputy Attorney Chris Gray will draft a letter of response to Marilyn Burns.

Second item discussed at the meeting was an investigation by the Bozeman Police of Bozeman attorney Suzanne Smith. The County Attorney's office cannot undertake this case due to a conflict of interest. The State Attorney General's Office is ready to prosecute the case. Marty Lambert requested that the Commissioners approve a resolution appointing Joe Thaggard as a special Deputy County Attorney, to prosecute Ms. Smith. His fee will be \$40 per hour. Commissioner Mitchell moved to approve the Resolution; Commissioner Olson seconded the motion. The motion was approved unanimously. The resolution was signed, and will be assigned a resolution number by the Clerk & Recorder's Office.

APRIL 7, 1999

- The Commissioners conducted regular County business.

APRIL 8, 1999

- The Commissioners canvassed votes from the April 6th Fire District Board elections.

APRIL 9, 1999

- The Commissioners conducted regular County business.

* * * * *

- Landfill Receipts for March 1999: \$28,789.84.
- A101's for March 1999: \$47.76.
- Payroll for March 1999: \$896,750.37.
- Clerk & Recorder's Fees Collected for March 1999: \$41,616.55+.
- New Hire Report for March 1999: 911 – Jennifer Hansen; CLERK OF COURT – Starlyn Abrams; HEALTH – Cheryl McGregor Asay; REST HOME – Cherri Rorvik, Heather Bradley, Daryn MacQueen, Lyndie Sams, Deandra Jones; ROAD – Robert Greer.
- Terminated Employees' Report for March 1999: DATA PROCESSING – Nelson Shawver 2/26/99; REST HOME – Dianna Hubenthal 3/1/99, Connie Thompson 3/8/99, Karyn MacQueen 3/16/99, Shonny Waters 3/17/99, Juan Kelly 3/20/99, Heather Bradley 3/26/99; DETENTION CENTER – Debbie Raynor 3/19/99; CLERK & RECORDER – Barbara Osterman 3/26/99.
- Received & Approved Applications for Cancellation of Taxes for March 1999: \$1,605.62.
- Approval of Claims for March 1999: \$639,301.83.

The following items were on the consent agenda:

- Minutes
- Continuation of a request for final plat approval of the Mary Reilly Minor Subdivision located in the S½, NW¼ of Section 1, T3S, R5E. The County Commission granted preliminary plat approval on October 13, 1998 with 14 conditions. County Planner Jennifer Madgic reported that after review, it appears that all conditions for granting final plat approval have been met.
- A request for payment to Jefferson County for repair of the Willow Creek Dyke.
- The following contracts were reviewed and considered: Alaska Road Railroad Crossing Agreement; Clinical Student Nursing Agreement with M.S.U.

There were no minutes. The Alaska Road Railroad Crossing Agreement was pulled. County Planner Jennifer Madgic pulled the request for final approval of the Mary Reilly Minor Subdivision and continued it until the public hearing on April 20, 1999. Deputy County Attorney asked that the request for payment to Jefferson County for the repair of the Willow Creek Dyke be moved to the regular agenda for discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Chief Deputy County Attorney Susan Swimley presented a statement prepared by County Attorney Marty Lambert submitted April 13, 1999 for the record regarding the request for payment to Jefferson County for repair of the Willow Creek Dyke. It stated that County Attorney Opinion 98-5 states that Gallatin County has no contractual obligation to pay the \$8,706.00 for repair of the dike which is located in Jefferson County. The request from the Jefferson County Commission to the Gallatin County Commission was received in form of a letter dated March 26, 1999. Enclosed with it was a bill showing the charges due to Smith Contracting for rip-rap and repair of the dike at Willow Creek near the feedlot on the Table Mountain Ranch. The owner Bob Lane has agreed to pay \$4,000 toward the bill, leaving a share of \$8,706, one third of the remainder, for each of the three counties. Broadwater County Commissioners have refused to pay the share billed to them. She reported that a letter sent by the Broadwater Commission to the Jefferson Commission dated August 6, 1998 stated that they no longer would work on the Farmers Levy as they did the past summer, but would continue to cooperatively maintain the levy built to direct water under the bridge on the Meridan Cemetery Road. It is an opinion of the County Attorney's Office that the expenditure of the \$8,706.00 is not to fulfill the 1960 contract with regard to that dike, the dike directly south of the bridge. On March 16, 1999, Commissioner Mitchell presented additional information. The County Attorney's Office had some of the information along with other documents dating back to 1948. Deputy County Attorney Chris Gray did some rudimentary calculations. The County Attorney's Office is not convinced after receiving the information that the payment requested by the Jefferson County Commission has anything to do with this contract signed in 1960. Susan Swimley specifically directed the following questions to the Commission regarding the payment of this money: 1) Since Broadwater County is not paying their requested payment of \$8,706.00, is Gallatin County also going to pay their share for the total amount of \$17,612? 2) Identify the budget item and fund number that covers the expenditure 3) For the record, did the Commission know that Bozeman Daily Chronicle didn't publish this agenda item in the Sunday paper to give notice to the public for today's hearing. During Board discussion, the Commissioners concurred, answering the three questions presented. First, they would not pay Broadwater's share. 2) The expenditure might come from the Bridge Department, but nothing has been decided yet. Fiscal Officer Ed Blackman and Road and Bridge Superintendent Sam Gianfrancisco will be consulted and then a determination made as to where the funds will be taken from to make the payment. 3) The agenda approved by Chairman Bill Murdock had the request on it. They can't answer as to why the Bozeman Daily Chronicle didn't publish that item. There was no public comment. Commissioner Mitchell reported on the research she did on the history of the dike. The two dikes (dike #1 and dike #2) are considered one dike by the Army Corp of Engineers and the Soil Conservation Service, even though they are not connected. The dikes were constructed then secured by a maintenance agreement by the local government. The dikes are on the boundaries of the three counties, so therefore the three counties signed a maintenance agreement. The recent repair needed to be done in an emergency situation, and had to be taken care of before the ground thawed. Commissioner Olson stated Mike Hoey, Emergency and Disaster Services Coordinator, and himself, flew over the area this winter and it was apparent that the dike needed repair. If the second part of the dike isn't maintained and the river goes outside of the channel, it will take out the road. Based on the new information gathered, although the Commissioners respect the County Attorney's Opinion and don't like going against it, in this case, they felt comfortable paying Jefferson County their fair share. Finding that maintaining the Jefferson River in its course is a safety and health issue, Commissioner Mitchell moved to pay Jefferson County for the repair of Willow Creek dike. Commissioner Olson moved to amend the motion to add the total payment in the amount of \$8,706.00.

The amended motion was accepted. During discussion, the Commission concurred that they would like to make the payment then negotiate with the other counties for more clarified document when the issue comes up again in the future. The amended motion was seconded by Commissioner Olson. None voting nay. Motion carried.

Ilene Casey, Director of the Belgrade Community Library and Alice Meister, Director of the Bozeman Public Library presented a proclamation declaring April 11th-17th, National Library Week in Gallatin County. There was no public comment. Commissioner Olson moved to proclaim April 11-17th, 1999 as National Library Week. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Jeanne Bucher presented a proclamation declaring April 12th-16th, Boys and Girls Club Week in Gallatin County. Dr. Chuck Bonura read it into the record. There was no public comment. Commissioner Mitchell moved to proclaim April 12-16th, 1999 Boys and Girls Club Week in Gallatin County. Seconded by Commissioner Olson. None voting nay. Motion carried.

The Commission opened the two bids received for the Harvest Hills RID #372 road construction project that was advertised in the Bozeman Daily Chronicle. Rich Kerin of Kerin Associates, Project Engineer, read the bids into the record: JTL Group with a 10% bid bond enclosed in the amount of \$137,128.29; Big Sky Asphalt with a 10% bid bond enclosed in the amount of \$148,301.46. Mr. Kerin took the bids under advisement and will make a recommendation at the public hearing on April 20, 1999.

Dave Skelton, Bozeman City-County Planner reported on a request for an extension of preliminary plat approval for the Kostelecky 2-lot Minor Subdivision received by their office. Preliminary plat approval was granted by the Commission on July 12, 1994, with the condition the applicant had 3 years to receive final plat approval which would then have expired on July 12, 1997. However, at the end of the 3 year period, at the request of the subdivider, the County Commission may extend its approval for no more than one calendar year if that approval period is included as a specific condition of a written subdivision improvements agreement. The applicants have stated delays regarding the improvements of Boyd Road and irreconcilable differences between the joint ownership. Furthermore, these first-time developers spent extensive time with legal counsel to resolve the differences, and the allotted time frame to request a one year extension was missed. Now that the applicants have completed the required road improvements and obtained approval from the County Road Office, they have applied for final plat approval. The Planning Office determined that the applicants must first obtain approval from the County Commission for an extension on the preliminary plat approval. Staff discussed the matter with the County Attorney's Office, and as a result have concluded that the County Commission may grant an extension to the preliminary approval within a reasonable time of the expiration period. The issue is whether or not to grant an extension of preliminary plat approval when the request for extension was submitted over a year after a one year extension is generally considered by the governing body. Staff would generally not support this request. However, since the applicants have constructed Boyd Road to the prescribed county road improvements and are addressing the new issues with the Sourdough Rural Fire District and the County Weed Control Board, they support the request. The applicant Don Kostelcky asked the Commission to grant their request stating the same reasons as reported by Mr. Skelton. Commissioner Murdock asked the applicant Don Kostelecky if a 90 day extension would be sufficient. He stated, yes. There was no public comment. Road and Bridge Superintendent Sam Gianfrancisco stated they supported the request. He had viewed the road and it met the county standards. During Board discussion, the Commission concurred that the Kostelecky have acted in good faith. Deputy County Attorney Susan Swimley stated that if the Commission determines that 18 months is a reasonable amount of time, then it would be taken as a new standard. The Commission concurred, that given the information, they would consider each request on a case-by-case consideration, and it wouldn't change the standard. They were making a good faith effort to meet the requirements and the general intent of the regulations. Finding that the Kostelecky's have acted in good faith and are working diligently toward completion of the preliminary plat conditions, Commissioner Olson moved to approve the request to extend preliminary plat approval until July 13, 1999. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman, Chairman of the Capital Improvements Committee presented their recommendation for the construction site for the new Detention Center. The CIP Committee received input from the Detention Center Project Team, the Detention Center Public Relations Committee, the Detention Center Finance Committee and the County Attorney Mary Lambert. At the conclusion of the

meeting a vote was taken on the two sites. The vote was 15 for the Oak Street site and 1 for the Law & Justice site. The CIP committee voted 4-1 to recommend the following: 1) The County Commission consider placement of the Detention Center at the Oak Street Site, provided; a. The Commission has a life cycle cost benefit analysis prepared, along the lines of the County Planning Director's memo, prior to the calling for a bond election; and, b. That the current Law and Justice site be actively marketed for sale with all proceeds being dedicated by the Commission action to the future replacement of the current facilities on the Oak Street site. Grants Administrator Larry Watson, Detention Center Task Force Coordinator and members of the Capital Improvements Committee reported on a straw poll and two community meetings were held the first in Manhattan on March 7, 1999 and in Bozeman, March 25, 1999.

The following members of the public testified supporting the Oak Street proposal: Brian Leland and Gus Pfahler, and Jim Cashell, Detention Center Administrator for Gallatin County. During Board discussion, Commissioner Murdock and Olson supported the Oak Street site with providing provisions a and b from the Fiscal Officer's report are done. Their decision based on the experts recommendation that the Oak Street site would be more cost effective. Commissioner Mitchell supported using the current site. She is aware of the problems existing at the current detention facility, but feels the county tax payer dollars need to be spent more conservatively by utilizing those facilities and remodeling. She supports putting the issue on the ballot for the voters to decide. They all concurred that they wanted to utilize the most cost efficient site using long term planning. The issue today was to pick one of the recommended sites to begin the process to get the bond issue on the ballot for the November election. Finding that the Capital Improvements Committee voted 4:1 to recommend the Oak Street site, and hearing the public support and testimony, Commissioner Olson moved to approve the Oak Street site as the intended site to build the new detention center. Seconded by Commissioner Murdock. Commissioner Murdock and Olson voting aye. Commissioner Mitchell voting nay. Motion carried.

There being no further business the meeting was adjourned at 3:10 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING **TUESDAY THE 20th DAY OF APRIL 1999**

The meeting was called to order by Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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:

APRIL 12-13, 1999

- The Commissioners conducted regular County business.

APRIL 14, 1999

- Commissioners Murdock and Mitchell met with Data Processing Supervisor Bill Baldus. Items of discussion included the designation of a Y2K coordinator, Y2K compliance update, and Mr. Baldus' request of 3/12/99 to change name of Data Processing department to Information Technology Services. The Commissioners decided to appoint Bill Baldus Y2K Coordinator for the County and will inform all departments of same via a memo. They also approved his request to change the name of his department to Information Technology Services, contingent upon written notice to all County departments informing them of the name change, effective date, and basis for the change.

APRIL 15-16, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- Continuation of a request for final plat approval of the Mary Reilly Minor Subdivision located in the S½, NW¼ of Section 1, T3S, R5E. The County Commission granted preliminary plat approval on October 13, 1998 with 14 conditions. County Planner Jennifer Madgic reported that after review, it appears that all conditions for granting final plat approval have been met.
- A request for a boundary realignment exemption for Tri-Gate and Huttinga, located in the SW½ & SW¼ of Section 25, T3S, RE. County Planner Jennifer Madgic reported that according to the information submitted, it appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Resolution #1999-14 amending Royal Village Zoning Regulation, Master Plan Map, and Official Zoning Map presented for consideration by Gallatin County Planner John C. Shepard.
- A request for a family transfer exemption for Gordon and Edna Dykstra located in the SW¼ of Section 24, T1S, R4E, Gallatin County, P.M.M. Belgrade City-County Planner Jason Karp reported that according to the information submitted, this appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for final plat approval of the Westfield South Phase II Major Subdivision located in the City of Bozeman. On May 26, 1998 the Commission approved the preliminary plat. No conditions were imposed, as the only portion of the property which is within the County is the area to be dedicated as right-of-way for South 3rd Avenue. Because it includes both jurisdictions, Certificates for signatures of both governing bodies are required on the final plat. Bozeman City-County Planner Therese Berger reported, based on the review, finds that final plat approval should be granted.
- The following contracts were reviewed and considered: Public Information and Education Project with Montana Department of Transportation for the D.U.I. Task Force; Notice to proceed for Taylor Construction for Courthouse Renovation CTEP Project with Prugh & Lenon; Alaska Road Railroad Crossing Agreement; Agreement with JTL Group, Inc. for paving of Trident Road Railroad Crossing; Land Lease with Logan Spring Ranch for well monitoring at Logan Landfill.

There were no minutes. The Alaska Road Railroad Crossing Agreement and the agreement with JTL Group, Inc. for the Trident Road Railroad Crossing were pulled. County Planner Jennifer Madgic asked that the request for final plat approval for the Mary Reilly Minor Subdivision be pulled indefinitely and that the request for the boundary realignment for Tri-gate and Huttinga be pulled and continued until the public hearing on April 27, 1999. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Dave Fowler with the Road & Bridge Department read the two bids received and opened by the Commission for the lease purchase of three graders as follows: Western Plains of Billings for \$524,706.00; Tractor and Trailer Equipment of Billings for \$550,011.00 with an alternate bid of \$498,464.00. He took the bids under advisement and will make a recommendation at the public hearing on April 27, 1999.

Project Engineer Rick Kerin of Kerin & Associates reported after reviewing the bids received for the Harvest Hills RID #372 paving project, that the recommendation was to award the bid to the JTL Group of Belgrade for \$137,128.29. They were the lowest responsible bidder. Deputy County Attorney Susan Swimley stated that the award would be contingent on the sale of the bonds. Commissioner Olson moved to accept the bid to JTL Group, Inc. in the amount of \$137,128.29, finding they were the lowest responsible bidder based on Mr. Kerin's report. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley read Resolution RID 98-372C, relating to authorizing the issuance and calling for the public sale of bonds, and authorizing the pledge of the revolving fund to secure the bonds. She noted that the bid calls for the sale of \$200,000 dollars worth of bonds, opposed to the original amount estimated of approximately \$232,000. The Clerk and Recorder's Office will receive the sealed bids until 10:30 a.m. on May 4, 1999. The bids will be opened at 11:00 a.m. May 4th, 1999. During the public hearing on May 4, 1999, the Commission will consider the bids and award the sale of the bonds at that time. There was no public comment. Commissioner Olson moved to approve Resolution RID #98-72C, relating to the RID #372 bonds, authorizing the issuance and calling for the public sale thereof; and

pledge of the revolving fund for security thereof. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Grants Administrator Larry Watson reported that the application to the Montana Board of Crime Control for a Juvenile Accountability Block Grant by Youth Probation was continued until Thursday, April 22, 1999 at 11:15 a.m.

Clerk and Recorder Shelley Vance reported on the viewing committee report on a petition submitted on behalf of the Commission to abandon a portion of Baseline Road. Notice of the public hearing was published in the Bozeman Daily Chronicle on April 18, 1999. She certified that copies of the notice and the viewing committee report were 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 April 8, 1999. She read the viewing committee report, reporting Baseline East Road is a road by use. The portion of the road that has been petitioned to be abandoned has not been constructed. If it were constructed it would stop in the middle of a field. The closest road to connect is approximately $\frac{3}{4}$ of a mile to the east and the Gallatin River runs in between. The County does not have any easements to construct the road to the eastern connector. It does 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 Mitchell moved to abandon that portion of Baseline Road East as described in Road Petition #791. Seconded by Commissioner Olson, finding it is in the public interest and it does not appear anyone would become landlocked nor access denied if granted. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on the viewing committee report on a petition submitted on behalf of the Commission to abandon Streamside Lane. Notice of the public hearing was published in the Bozeman Daily Chronicle on April 18, 1999. She certified that copies of the notice and the viewing committee report were 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 April 9, 1999. She read the viewing committee report, reporting that Streamside Lane had been constructed. According to Minor Subdivision #236, the road is 60 feet in width. According to the petition submitted, the owner wishes to aggregate the five lots within the subdivision and return the land into agricultural use. She stressed that if the County Commission grants approval of aggregating the parcels from five lots into one lot, no one would become land-locked. If they didn't, then that would no longer be the case. Some of the lots would become land-locked. It did not appear that anyone would be denied access to public lands if the abandonment were granted. During Board discussion, the Commission tabled their decision until they heard the exemption request of Minor subdivision #236, to aggregate the five lots and make it into one for consideration next on the agenda.

Debbie Arkell, Assistant Bozeman City-County Director reported on a request for an exemption from subdivision review of the amended plat of Sourdough Meadows Minor Subdivision #236. The owner is requesting to aggregate all five lots within the subdivision, to put the land back into agricultural use. All lots are owned by the same person. Based on staff's review, this appears to be a proper use of the exemption. Ray Center, Rocky Mountain Engineers, surveyor for the applicant reported that Gail Williams, personal representative for the estate of Theodore Chemodurow has claimed an exemption for the aggregation of five lots within the minor subdivision. The final plat of the subdivision was approved on April 16, 1996, but the final plat was not filed until June 25, 1998, due to litigation. The litigation was settled, and now she wishes to put the land back into one lot. The road, Streamside Lane was petitioned to be abandoned for that purpose. There was no public comment. During discussion the Commission asked Planner Arkell if this was a proper use of the exemption. Ms Arkel stated it fit the Master Plan and it did put prime agricultural land back into agricultural use. Finding that the exemption from subdivision review request has been reviewed, and appears to meet the criteria set forth in the subdivision regulations as reported, Commissioner Olson moved to approve the request for Sourdough Meadows Minor Subdivision #236 to create one tract. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Commissioner Murdock opened the tabled request to abandon Streamside Lane. The exemption request to aggregate the five lots into one was granted by the Commission. Streamside Lane is constructed within that subdivision and petitioned to abandon since all the lots are owned by the applicant. The owner

requests its abandonment since it would be no longer needed with one lot. The land will be put back into agricultural use. There was no public comment. Finding that this request appears that no one would be denied public access, Commissioner Mitchell moved to abandon Streamside Lane as described in Road Petition #792. Seconded by Commissioner Olson. None voting nay. Motion carried.

Senior Bozeman City-County Planner Dave Skelton reported on a request for preliminary plat approval of the Genesis Business Park Major Subdivision located in the NE1/4 of Section 23, T2S, R5E, P.M.M., Gallatin County, Montana, and located one-quarter mile west of the intersection of South 19th Avenue and Stucky Road. The staff report submitted by Mr. Skelton contained comments on the following criteria: Agriculture; agricultural water user facilities; local services including water supply and sanitary facilities, fire protection, law enforcement, emergency medical, and schools; natural environment; wildlife and wildlife habitat; public health and safety; compliance with the survey requirements of the Montana Subdivision and Platting Act; compliance with the local subdivision regulations; and provision of legal access to each parcel within the subdivision and the required notation of that access on the plat and instruments transferring the parcel. All permits have been applied for. Mr. Skelton clarified in the report the applicant's long range master plan for development of the subdivision is for commercial land uses consistent with professional offices and business headquarters, exclusive of any residential development. However, the "RO" zoning designation allows for second or subsequent story apartments, as well as apartments and multi-family structures as permitted conditional uses. As a result, the subdivision regulations require that provisions must be made to provide the necessary park and/or common open space area for use by potential future residents of the subdivision. It is the preference of the applicant to not place a restriction on the final plat limiting future development to only those uses permitted as principal uses in the "RO" district. Instead, the applicant would prefer to limit the potential for future residential development to that which is allowed based on the 1.523 acres of common open space provided on the final plat. Based on the 1.52 acres of open space, approximately 24.32 acres of the subdivision could develop as residential. Therefore, the staff recommends this condition to be added to the conditions outlined in the staff report: "That the applicant provide in the by-laws and protective covenants of the property owner's association provisions to limit the maximum number of subdivision lots for residential development to that allowed based on the park land and /or common open space provided on the final plat, for review and approval by the Planning Office prior to final plat approval." He also recommended regarding condition #22 that the final plat contain language placing future lot owners on notice of the presence of high ground water in the area, the following notation is recommended to be placed on the plat: "Due to the presence of relatively high ground water table within the area of the subdivision, it is recommended that structures with partial or full basements not be constructed without first consulting a professional engineer." The following conditions were voted on a 10-1 in favor of recommending by adoption of Bozeman City-County Planning Board Resolution #P-9905 to be completed before final plat approval: 1. The Final Plat shall conform to all requirements of the Bozeman Area Subdivision Regulations and the Uniform Standards of Final Subdivision Plats, and be accompanied by all appropriate documents and all required certificates, including a Certificate of Director of Public Service and corrected certificate for the County Commission, Treasurer, Installation of Improvements, Clerk and Recorder, and Surveyor. 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. 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 prior to Final Plat approval. 3. Two copies of the protective covenants, a copy of the conditions of preliminary plat approval, documents establishing the property owner's association, and a 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 abstractor's 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. 5. All utility easements shall be shown on the Final Plat. Utility easements shall be twenty (20) feet wide along side and rear lot lines. A fifteen (15) foot wide easement along the frontage of all subdivision lots shall be provide don the Final Plat. 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 Gallatin County Weed Control District and the subdivider prior to Final Plat approval. 7. The subdivider shall execute at the Gallatin County Clerk and Recorder's Office documents for the creation of a property owner's association for the enforcement of the required covenants and will specifically include at a minimum the following provisions: a. The property owner's association shall be responsible for the control of County declared noxious weeds. b. A section addressing agricultural uses of neighboring properties in the following form: "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, 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 property owner's association shall be responsible for the maintenance of all subdivision roads. 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. 8. The subdivider shall improve all interior subdivision roads to a paved County road standard within a sixty (60) foot wide dedicated public right-of-way prior to Final Plat approval, to include stop and street signs and temporary turn around at the end of all cul-de-sacs, in accordance with the subdivision regulations. Plans for roads and drainage shall be submitted for review to the County Road Office prior to beginning construction. All road work shall be inspected and certified by a registered civil engineer and a one (1) year written warranty from the contractor will be required. The subdivider shall obtain written verification from the County Road Office that the roads have been brought to County paved standards prior to Final Plat approval. 9. A stormwater master plan for the subdivision for a system designed to remove solids, silt, oils, grease and other pollutants from the runoff from private and public streets and all lots must be provided to and approved by the City Engineer's Office. 10. The subdivider shall execute at the Gallatin County Clerk and Recorder's Office waivers of right-to-protest creation of S.I.D.'s for signalization and intersection improvements for the intersection of South 19th Avenue with Kagy Boulevard and the intersection with Stucky Road. 11. A secondary access will be required from Stucky Road. During Phase I this access will need to be a public easement constructed to a gravel County road standard. 12. Stucky Road shall be paved to a County Road standard from the intersection with South 19th Avenue to the west edge of the major subdivision prior to Final Plat approval. 13. Forty (40) feet along the north boundary of the property shall be dedicated to the public on the Final Plat for Stucky Road. 14. A one (1) foot wide "No Access" strip is required on the Final Plat for all subdivision lots bordering Stucky Road and encroachment permits must be obtained from the County road office for all locations onto Stucky Road. 15. The subdivider shall make payment of a \$496.00 per lot Fire Impact Fee and \$1,596.00 per lot Road Impact Fee to the County Treasurer's Office shall be made prior to Final Plat approval. 16. The subdivider shall comply with the requirements of Section 6.e(5) of the Gallatin County Subdivision Regulations regarding fire protection by installing the necessary fire protection water supply improvements and executing the fire protection covenants and conditions of preliminary plat approval required by the Sourdough Rural Fire District. The subdivider shall provide the fire protection authority having jurisdiction with a written request and hold harmless agreement regarding temporary fire protection water supply during the construction of up to four (4) buildings prior to the fire protection water supply being fully operational and affirming that buildings may be occupied only when all fire protection features listed in the covenants and all related fire protection agreements between the developers and the fire protection authority having jurisdiction are fully operational. 17. All utilities shall be installed underground. Utility easements, a minimum of twenty (20) feet wide, shall be centered along the side and rear lot lines wherever possible and shall be shown on the Final Plat. 18. A thirty-five (35) foot wide watercourse setback shall be shown on the Final Plat from the mean high water mark on each side of the water course. A note shall be added to the face of the Final Plat stating no newly constructed structure, addition to an existing structure, or other impervious surface may be located closer than thirty-five (35) to the mean high water mark of the creek. 19. A twenty (20) foot wide maintenance easement, fifteen (15) feet on one side and five (5) feet on the other, shall be shown on the Final Plat for maintenance of the spring creek for irrigation purposes of down stream water right user facilities. 20. The Montana Department of Fish, Wildlife & Parks, Soil Conservation Service, Montana Department of Environmental Quality and Army Corps of Engineer's shall be contacted by the subdivider regarding the proposed project and any required permits (310, 404, Turbidity exemption, etc.) shall be obtained prior to Final Plat approval. 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 on the Final Plat. 21. The protective covenants shall contain language that stipulates the park/open space area designated on the preliminary plat as "common" open space for use and enjoyment by the property owner's association and their guests, and that the park/open space area will be noted accordingly on the

Final Plat prior to approval. 22. That the Final Plat contain language that is readily visible on the plat placing future property owners of individual lots on notice of the presence of high groundwater in the area of the subdivision as follows: "Due to the presence of relatively high ground water table within the area of the subdivision, it is recommended that structures with partial or full basements not be constructed without first consulting a professional engineer." 23. The subdivider shall complete at the request of the Montana Historical Society a reconnaissance survey of the area prior to Final Plat approval to avoid any conflict with historic sites that may potentially be in the area. 24. The subdivider shall modify the architectural and landscape guidelines to include provisions that will mitigate the potential visual impact of the proposed batch reactor sewage treatment system for review by the Planning Office prior to Final Plat approval. 25. That the variance request to reduce the front and rear yard utility easements to ten (10) feet and the side yard utility easement to sixteen (16) be denied unless the subdivider can provide written documentation from all three utility agencies that they are capable of providing utility services in the reduced utility easements. Any approved reduction in utility easements by all three utility agencies must be noted accordingly on the plat prior to Final Plat approval. 26. That the applicant provide in the by-laws and protective covenants of the property owner's association provisions to limit the maximum number of subdivision lots for residential development to that allowed based on the park land and/or common open spaces provided on the Final Plat, for review and approval by the Planning Office prior to Final Plat approval; and 27. The developer shall have three (3) years from the date of the preliminary plat approval to complete the above conditions and apply for Final Plat approval. The developer Mark Amunrun of Genesis Partners and President of Bridger Systems, spoke requesting support of their proposal. The plans for the development were to place high tech businesses there with room for expansion. Greg Gianforte, President of Technologies, spoke in support of the proposal. The business is currently located at the Emerson Cultural Center and needs the room for expansion of their computer software business. He stated it will attract the large high tech companies into the area who will bring better job opportunities and wages to the community. Project Engineer Terry Threkeld of Allied Engineering spoke regarding the phased on site sewage collection system facility proposed. It eventually would hook up to city sewer and water. Approval from the Montana Department of Environmental Quality has provided tentative approval of the private community system. Mr. Threkeld requested that they be able to put up a bond for the infrastructures for the phasing to not delay their request for final plat approval in August in case they are not done with all the improvements by that time. He clarified that no variances were requested. The utility setbacks are not an issue. There was no public comment. During Board discussion they amended conditions #10, #15, #21, and #24 written in the recommendation of Planning Resolution # P-9905. Another condition would be added to cover the request made to be able to enter into an improvements agreement if needed. The applicant agreed with all the conditions as written and amended. There was no further public comment. The Commission concurred it was a well-planned development and that it was consistent with the Master Plan with the conditions as amended. The impact concerning the agricultural land being taken out of production and the on-site septic system that was discussed, were supported by the economical gains that the development will bring to the community and still maintain the quality of life. Finding that the Genesis Business Park complies with the Montana Subdivision and Platting Act, is in the best interest of the public, and does not effect public safety, Commissioner Olson moved to grant preliminary plat approval with conditions #1-6 as written. Condition #7 would add d. to the covenants that will state, "That the applicant provide in the by-laws of the property owner's association provisions to limit the maximum number of subdivision lots for residential protective development to that allowed based on the park land and/or common open spaces provided on the final plat, for review and approval by the Planning Office prior to final plat approval. Conditions #8-9 as written; Condition #10 amended to read " The subdivider shall execute at the Gallatin County Clerk and Recorder's Office waivers of right-to-protest creation of RID's or SID's for signalization and intersection improvements for the intersection of South 19th Avenue with Kagy Boulevard and the intersection with Stucky Road. Condition #11-14 as written. Condition #15 amended to read, "The subdivider shall make payment of fire impact fees and road impact fees consistent with the Gallatin County impact fee policy prior to final plat approval. Condition #16-20 as written; Condition #21 amended to read, "The protective covenants shall contain language that stipulates the park/open space area be dedicated to the homeowners association or public consistent with City-County Parks and Recreation water plan and designated on the preliminary plat as "common" open space deeded to the property owners association, and that the park/open space area will be noted accordingly on the final plat prior to approval. Conditions #22-23 as written. Condition #24 amended to read, "The subdivider shall modify the architectural and landscape guidelines to include provisions that will mitigate the potential visual impact and odor of the proposed sewage treatment system for review by the Planning Office prior to final plat approval. Condition #22-27 as written. Condition #28 would be added that would read, "Applicant shall enter into an improvements agreement that complies with the subdivision regulations." Seconded by Commissioner Murdock, finding it is consistent with the Bozeman City-County Master plan and the zoning in place. None voting nay. Motion carried.

The County Commission opened the public hearing to hear testimony regarding the resolution of intention to amend the Gallatin County Planning Board Boundaries to include the Bozeman Extraterritorial jurisdiction and zoning implementation process. Deputy County Attorney Susan Swimley reported that on March 30, 1999 the Commission adopted Resolution of intention 1999-11, the intention to amend the Gallatin County Planning Board boundaries to include the Bozeman Extraterritorial jurisdiction and zoning implementation process. Notice of the public hearing today along with the Resolution of Intention #1999-11, was published in the first week of April in the following papers: The Bozeman Daily Chronicle, The High Country Independent Press, The Three Forks Herald, The Lone Peak Lookout, and the West Yellowstone News. She stated that the public hearing today was to hear comments on the proposal to amend the County jurisdiction boundary of the Gallatin County Planning Board, not the creation of the county zoning districts. Another public hearing will be noticed to receive comment on those issues. The Commission outlined the history of the project dating back a few years, and the reasons for adopting the intention to amend the Gallatin County Planning boundary and implementation policy of the extraterritorial boundary. The Commission received recommendations from the 1995 Gallatin County Study Commission and from concerned citizens who voiced their need to have representation in the area where they resided. In the extraterritorial region, they could not vote for the City Commissioners who were making the decisions concerning their properties. The County Commission is taking a bigger picture of where development occurs for County wide planning than the 4.5 mile extraterritorial boundary. The Commission stated their commitment to the process and in maintaining the cooperation with the City entities and compatibility regarding those long range planning issues. The following members of the public spoke in favor of the Gallatin County Commission to amend the boundaries and jurisdiction and zoning implementation process of the extraterritorial area: Bob DuBose, Pat Holm, Kerry White, Dennis Hardin, Casey Emerson, John Mandeville, Jim Kurk James, Pete Ault, Ray White, Betty Litle, Karen Pfahler, Steve White, Lynn Rughemer, Rich Noonan, Terry Lonner, Bill Mitchell, Konrad Reinke, Martha Lonner, Arline Lambert and Wade Kline. Supporting their decisions were accountability, fair representation by the governing body who makes the decisions, belief that the County Commission is capable and committed to cooperative planning with the City, long range planning to prepare for the continuing growth of the County outside of the City. A suggestion was made to form an advisory board of citizens to help with the transition and forming of a new board and the implementation policies. Rich Noonan and Lynn Rughemer were neither for or against, but urged the Commission to take time in an emotional issue to make the best decision for the citizens by analyzing the proposed changes in regards to efficiency, cost, and collaboration of the Master Plan with the City. The following people spoke in opposition to the County taking over the jurisdiction: Pat Holm, representing the Woman League of Voters, Joe Gutkoski, Mary Vant Hull, and Brian Leland. A delay was requested with concerns heard that the proposal plan hasn't been thoroughly considered or provisions made for additional citizen input, current legislative session with bills that may be relevant that may affect planning and zoning that might become law, losing the expertise of cooperative planning by the current City-County Board, the city residents will be impacted by the decisions, no mechanism outlined for the City and the County to interface, felt it would be a decrease citizen participation of those affected, the costs involved, inefficient development that would cost the taxpayers in the long run, and that the County Commission does have the final authority in the extraterritorial boundary and there is no need to implement the change. There was no further public testimony. Letters received in support: Steve White, Ralph W. Miller, Patty White, Bill and Wanda Walker, and Leo Keller. Letters received in opposition: Eleanor Mest, and the League of Women Voters of the Bozeman Area submitted by Patricia H. Holm. The Commission took a break at 4:35 P.M. and reconvened at 4:45 P.M. During Board discussion, the Commissioners concurred they were all committed in working cooperatively with the City of Bozeman throughout the proposed process, in Master Plan issues, and to implement that bigger picture. That this change is the first step in making that effort. They felt it was time to change the government process to make improvements in the way they conduct business to better represent the citizens they serve. Representation for the citizens was a big part of the issue. They also agreed that if they wait and not act on this decision that they would still be in the process for another five years. They heard testimony during many public meetings throughout the past few years that supported the County Commission's take over of the extraterritorial boundary. They listened to the opposition, considered the testimony heard with the good points presented, but felt there is a need for change after hearing the overwhelming support of the citizens in favor of the County to take over the area. They discussed entering into some kind of Interlocal Agreement with the City, or some other vehicle to show their efforts of cooperation and collaboration. Finding that this proposal is in the interests of the public to proceed in this process, that the Commission is committed to do the best transition by continuing to pursue methods to work in cooperation with the City for their facilities, Commissioner Mitchell moved that the Gallatin County Commission amend the boundary of the Gallatin County Planning Board from the current boundary at the edge of the Bozeman City-County Planning Board's Extraterritorial planning jurisdiction and extend the County Planning Board's jurisdictional boundary to the city limits of the City of

170 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Bozeman, that the Gallatin County Commission will follow Resolution 1990-36 to establish county zoning districts, pursuant to Section 76-2-201 et seq. (and continuing), except where the Gallatin County Commission seeks establishment of a county zoning district in an area surrounding a municipality which has extended its zoning beyond the municipal limits. Seconded by Commissioner Olson. Commissioner Murdock opened discussion, asking to add to the motion, to look further into Interlocal agreements and information to be included in one, then getting a draft prepared to look at by July 20th. Commissioner Olson stated that the motion be amended to add, "by approval of the City Commission." Commissioner Mitchell amended her motion to add to it that the Commission would enter into an Interlocal Agreement, or Memorandum of Understanding Agreement, or some other vehicle of communication and cooperation with the City." Clerk and Recorder Shelley Vance, for the record, asked if the Interlocal agreement and the discussion during the motion was to be incorporated into Commissioner Mitchell's original motion. Commissioner Murdock stated yes. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley read Resolution #1999-15 into the record that amends the jurisdictional boundary of the Gallatin County Planning Board to include the Bozeman Extraterritorial Planning Jurisdiction and amending the implementation policy for creating county zoning districts pursuant to Section 76-2-201, et. seq. in municipal extraterritorial zoning district. By passage of this resolution it would start a 60 day protest period where the qualified electors may overturn the action of this resolution. There was no public comment. Finding that the Commission approved the amending of its jurisdictional boundary of the Gallatin County Planning Board to include the Bozeman Extraterritorial Planning Jurisdiction, Commissioner Olson moved to adopt Resolution #1999-15 as read into the record. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Deputy County Attorney Susan Swimley stated she prepared a notice to be published in the Bozeman Daily Chronicle, High County Independent Press, Three Forks Herald, West Yellowstone News, and the Lone Peak Lookout that states the qualified electors may protest the resolution by providing written protests to the Gallatin County Clerk and Recorder's Office, Gallatin County Courthouse, for a 60 day period after the passage of Resolution 1999-15 today, April 20, 1999. The protest period would end on June 21, 1999.

Fiscal Officer Ed Blackman reported on a resolution to amend the City-County Health funds budget by the creation of an Administration Activity within the Health Fund. to the County Treasurer's Office. The County Commission passed the Resolution of Intention #1999-13, the intent to amend the budget and create the Administrative Activity within the Health Fund. This will make no increase in budget authority. This is a public hearing to make comments on the amendment of the budget. There was no public comment. The City - County Health Fund Budget is amended as follows:

BUDGET AMENDMENT				
Fund No.	2190	Health		
Dept. No.	000	Administration		
Account No.	44-01-90	Public Health		
Obj	Description	Budget	Change	Amended
110	Salaries	-	61,625	61,625
140	Employer Contributions	-	12,419	12,419
210	Office Supplies	-	484	484
220	Operating Supplies	-	2,417	2,417
235	Equipment (not outlay)	-	720	720
312	Postage	-	400	400
320	Printing	-	1,725	1,725
323	Publications	-	332	332
337	Advertising	-	202	202
344	Cellular Phone	-	170	170
345	Telephone	-	1,063	1,063
363	Machine Repair & Mntc.	-	275	275
366	Building Maintenance	-	2,093	2,093
370	Travel	-	1,000	1,000
380	Training	-	400	400

397	Contracted Services	-	225	225
513	Insurance	-	-	-
905	Capital Reserve	-	-	-
940	Capital Outlay	-	3,350	3,350
	subtotal	-	88,900	88,900
Fund No.	2190	Health		
Dept. No.	216	Human Services		
Account No.	44-01-10	Public Health		
Obj	Description	Budget	Change	Amended
110	Salaries	213,163	(35,131)	178,032
140	Employer Contributions	45,386	(7,289)	38,097
210	Office Supplies	4,500	(254)	4,246
220	Operating Supplies	1,000	(943)	57
235	Equipment (not outlay)	378	-	378
312	Postage	2,000	(200)	1,800
320	Printing	3,901	(1,225)	2,676
323	Publications	-	(332)	(332)
337	Advertising	500	(27)	473
344	Cellular Phone	300	-	300
345	Telephone	8,300	(217)	8,083
363	Machine Repair & Mntc.	1,000	-	1,000
366	Building Maintenance	60,928	-	60,928
370	Travel	4,700	(203)	4,497
380	Training	500	(200)	300
397	Contracted Services	6,000	-	6,000
513	Insurance	5,440	-	5,440
905	Capital Reserve	-	-	-
940	Capital Outlay	102,500	(677)	101,823
	subtotal	460,496	(46,698)	413,798
Fund No.	2190	Health		
Dept. No.	217	Environmental Health		
Account No.	44-10-60	Public Health		
Obj	Description	Budget	Change	Amended
110	Salaries	306,641	(26,494)	280,147
140	Employer Contributions	66,822	(5,130)	61,692
210	Office Supplies	3,812	(230)	3,582
220	Operating Supplies	2,250	(1,474)	776
235	Equipment (not outlay)	4,250	(720)	3,530
312	Postage	2,000	(200)	1,800
320	Printing	3,000	(500)	2,500
323	Publications	500	-	500
337	Advertising	1,000	(175)	825
344	Cellular Phone	560	(170)	390
345	Telephone	5,498	(846)	4,652
363	Machine Repair & Mntc.	1,860	(275)	1,585
366	Building Maintenance	12,300	(2,093)	10,207
370	Travel	14,982	(797)	14,185
380	Training	1,500	(200)	1,300
397	Contracted Services	1,000	(225)	775
513	Insurance	4,630	-	4,630
905	Capital Reserve	4,000	-	4,000
940	Capital Outlay	15,550	(2,673)	12,877
	subtotal	452,155	(42,202)	409,953

	FUND TOTAL	912,651	-	912,651

Commissioner Olson moved to adopt Resolution #1999-16, to amend the City-County Health Budget by creating the Administrative Activity within the Health Fund. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a resolution to establish the Liability Insurance Fund and the Information Technology Innovation Fund and setting their revenue and expense budgets. The County Commission is authorized to approve and adopt a resolution to appropriate money received from the federal or state government. The County found it needed to equalize insurance payments for premiums and deductibles. The County has found that identifying the costs associated with insurance premiums in a separate fund with all costs and revenues associated with this fund being reported to the public, may result in receiving the lowest premiums over time. Gallatin County appropriated \$50,000 for deductible cost associated with insurance losses; and The Gallatin County Planning Office received a grant for \$111,340 for an Information Technology Innovation Grant; and the Liability Insurance Fund and the Information Technology Innovation Grant desire to maintain accounts that would allow them to receive money and make expenditures before June 30, 1999. The approved County Budget does not include the expending of budget in separate Liability Insurance or Information Technology Innovation Funds. By the Gallatin County Board of County Commissioners that the Clerk & Recorder is authorized to create the funds. The intent is to not increase taxes but to spend it within the department and keep track of it. He recommends the passage of the resolution. There was no public comment. The following is the revenue and expenditure budgets modifying the FY 99 Operating Budget for these funds made part of the Resolution by reference.

Creation of Liability Insurance Fund				
BUDGET AMENDMENT				
Fund No.	6120	Liability Insurance Fund		
Dept. No.	218	Fiscal		
Account No.	51-03-30	Comprehensive Liability Insurance		
Obj	Description	Budget	Change	Amended
REVENUE:				
000-39-60-00	Internal Service Activities	-	62,384	62,384
EXPENDITURES:				
510	Boiler &	-	-	-
511	Umbrella &	-	-	-
512	Specials	-	12,384	12,384
513	Payroll	-	-	-
514	Auto	-	-	-
515	Inland	-	-	-
516	Crime	-	-	-
517	Law Enf	-	-	-
518	Public	-	-	-
519	Deductible	-	50,000	50,000
		-	-	-
		-	-	-
		-	-	-
905	Capital Reserve	-	-	-
940	Capital Outlay	-	-	-
	subtotal	-	62,384	62,384
Fund No.	2926	Information Technology		

		Innovation		
Dept. No.	295	Planning		
Account No.	41-10-30			
Obj	Description	Budget	Change	Amended
REVENUE:				
000-33-11-95	Federal Grant Revenue	-	82,340	82,340
EXPENDITURES:				
220	Operating Supplies	-	1,000	1,000
370	Travel	-	5,000	5,000
397	Outside Services	-	57,840	57,840
905	Capital Reserve	-	-	-
940	Capital Outlay	-	18,500	18,500
	subtotal	-	82,340	82,340

Commissioner Olson moved to adopt Resolution 1999-17, to amend the FY 99 Operating Budget to establish the liability Insurance Fund and the Information Technology Innovation Fund. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 5:07 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 27th DAY OF APRIL 1999

The meeting was called to order by Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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:

APRIL 19-20, 1999

- The Commissioners conducted regular County business.

APRIL 21, 1999

- Commissioner Murdock attended a meeting of the Detention Center Finance Committee. The Committee asked that Treasurer Jeff Krauss be appointed to their Committee. Bill Murdock discussed the Committee's request with Commissioner Phil Olson. Following that discussion, Phil Olson moved that Jeff Krauss be appointed a member of the Detention Center Finance Committee, effective immediately; Bill Murdock seconded the motion. The motion was approved unanimously.

APRIL 22, 1999

- A special meeting of the Commissioners was held in the Commissioners' Office, for the purpose of considering a block grant from the State of Montana for the Intensive Supervision of Juveniles through the Youth Probation Office. In attendance were all three Commissioners, Youth Probation Officer Dave Gates, Grants Administrator Larry Watson, and Executive Secretary Pat Lewis. The grant money will be spent in planning and architectural fees. The amount of federal money to be awarded is \$23,261.00. The guaranteed local matching amount is \$34,891.00, for a total grant in the amount of \$58,152.00. Mr. Watson confirmed to the Commissioners that the County will not have to come up with additional

174 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

money. The money will be administered through the court system. Commissioner Olson moved to sign the grant application; Commissioner Mitchell seconded the motion. There being no further discussion, the Commissioners unanimously approved the motion.

APRIL 23, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for a boundary realignment exemption for Tri-Gate and Huttinga, located in the SW $\frac{1}{2}$ & SW $\frac{1}{2}$ of Section 25, T3S, RE. County Planner Jennifer Madgic reported that according to the information submitted, it appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a mortgage survey exemption for George Flikkema located in Section 36, T1N, R3E, P.M.M., Gallatin County, Montana. County Planner Jennifer Madgic reported that according to the information submitted, it appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a family transfer exemption for Jean C. Francis, located in Tract 1 of Certificate of Survey #2027, in a portion of S $\frac{1}{2}$ of Section 22, T1S, R4E P.M.M., Gallatin County, Montana. Belgrade City-County Planner Jason Karp reported that according to the information submitted, it appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- The following contracts were reviewed and considered: MSE-HKM for Seismic Traverse work at Logan Landfill #1; MSE-HKM for general engineering services at Logan Landfill #1; JTL Group, Inc. for paving Trident Road Railroad Crossing.

There were no minutes. Ed Blackman requested the contract with MSE-HKM general engineering services be pulled. Commissioner Mitchell stated she didn't review the MSE-HKM Seismic Traverse work contract. Commissioner Olson explained what the contract entailed. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. Commissioner Murdock and Olson voting aye. Commissioner Mitchell abstained. Motion carried.

Fiscal Officer Ed Blackman introduced the Gallatin County 1999 Commission Mission Statement as follows: The Gallatin County Commissioners are dedicated to protecting and enhancing the general welfare of the citizens and resources of Gallatin County for today and the future, in a fiscally and legally responsible manner. The Commission discussed their goals which include improve management style, improve communication, identify specific capital improvement programs, and county wide planning. Motion by Commissioner Olson to adopt the 1999 Gallatin County Commission Mission Statement, goals, and objectives. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported the request received for a tax abatement from Circle S Seeds of Logan advertised for today's hearing was continued until the public hearing on May 11, 1999.

County Planner Jennifer Madgic reported on a request received by Mark Chandler of C & H Engineering on behalf of Vito Quatraro for preliminary plat approval of the Quatraro Minor Subdivision, a five-lot minor subdivision located in the SE $\frac{1}{4}$ of Section 9, T3S, R4E, P.M.M., Gallatin County, Montana. No variances are requested. The staff report submitted by Ms. Madgic contained comments on the following criteria: Agriculture; agricultural water user facilities; local services including water supply and sanitary facilities, fire protection, law enforcement, emergency medical, and schools; natural environment; wildlife and wildlife habitat; public health and safety; compliance with the survey requirements of the Montana Subdivision and Platting Act; compliance with the local subdivision regulations; and provision of legal access to each parcel within the subdivision and the required notation of that access on the plat and instruments transferring the parcel. The proposal sits at the base of a benched area with sloping terrain. The applicant indicates slope is approximately 15 to 20 percent from Shadoan Ditch Road to the western property boundary (the submitted plat however shows slopes in excess of 40 percent on some of the proposed lots). Proposed building and driveway locations are provided. The Cockrill Ditch is

located within the proposal along the eastern property boundary and the Highline Canal is located outside the proposal, adjacent to the western property boundary. A powerline with an unspecified easement runs the length of the property. In addition, the County Commission must consider Section 6.A.3 (Lands Unsuitable for Subdivision) of the Subdivision Regulations when reviewing the development proposal. Specifically, this section requires that land which the County Commission has found to be unsuitable for subdivision because of potential hazards (i.e., flooding, landslide); or because of unreasonable burdens such as the requirements for excessive expenditure of public funds, environmental degradation, and congestion of roads shall not be subdivided for building or residential purposes unless the hazards or excessive public burdens are eliminated or will be overcome by appropriate design and construction plans. If the Commission decides to approve the subdivision, the following conditions for final plat approval are suggested: 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 Department of Environmental Quality. 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, 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) 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. c) All structures must meet the minimum fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions have been approved by the Gallatin Gateway Rural Fire District. 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 fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. f) All lot accesses shall be built according to the standards contained in Section 7.G of the Gallatin County Subdivision Regulations. g) The present channel of the Cockrill Ditch shall not be changed in any manner. h) A minimum of a 26-inch culvert shall be used at all driveway accesses i). Property owners shall not request any water rights from the Cockrill Ditch j) Each property owner shall be responsible for maintaining their driveway culvert so as to insure a free flow of water at all times k) No damming, diversion, or impairment of the flow of water from either the Cockrill Ditch or Highline Canal shall be allowed l) Written permission must be obtained from ditch owners prior to any proposed improvements involving the Cockrill Ditch m) 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. Thirty feet of Shadoan Ditch Road, east of the centerline, will need to be dedicated to the public for the entire length of the development. 10. Encroachment permits shall be obtained from the County Road and Bridge Department for access to proposed lots off of Shadoan Ditch Road. 11. The applicant shall make payment of road impact fees in accordance with the Subdivision Regulations. 12. The applicant shall make payment of fire protection impact fees 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 Gallatin Gateway Fire Chief 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. Planner Jennifer Madgic showed slides of the proposal concerning the shape of the land to be divided, the ditches located on the property, and the roads as reported in the staff report. A 100-foot right-of-way, deeded to the ditch company protects the canal. Maynard Flikkema, President of the Highline Canal submitted a letter from the stockholders expressing opposition for the proposal. Ms. Madgic clarified that under Section III under staff findings, #4 that the Cockrill Ditch will be protected with a 20-foot ditch maintenance easement. She also noted in her staff report that condition #9, that the word west should replace east. The Planning Board voted 9-0 to vote against this proposal. A list of goals were outlined in the staff report that the proposal did not meet in regards to Gallatin County's Master Plan. The Board cited that the proposal lacked compliance with the Master Plan goals: Agriculture Goal II: Encourage location of residential and commercial development next to existing development where appropriate so as to preserve important farmlands. Agriculture Goal III: Preserve open space and retain rural atmosphere. Encourage cluster development. Encourage identifiable rural communities separated by open space. Residential Goal I: Locate residential development next to existing development where possible. Residential Goal VI: Encourage compact or clustered residential development. Residential Goal VII: Discourage leapfrog residential subdivision to strengthen the visual distinction between city and countryside and retain existing agriculture. The Planning Board further determined the property was unsuitable for subdivision because of the potential for hazards due to flooding and excessive slope as outlined under Section 6.A.3 of the Gallatin County Subdivision Regulations. The Planning Board differs regarding the slope and the exact percent of the grade reported by the Engineer of the proposal. The Board also determined the minor subdivision as proposed had the potential to negatively affect agriculture. The Planning Board concern regarding the Shadoan Road easement and the ditch where the lines overlap appears that it has been taken care of and is no longer an issue. She entered letters into the record as the follows: Cockrill Ditch owners, Vito Quatraro, and C&H Engineering and Surveying, Inc. She read comments from Wendy Williams with the Natural Resource Conservation Service concerning the effects on the natural environment, the slope stability, seepage, and the upslope of Highline Canal from the lots. It appears there is twenty-six inches of soil to bedrock and preferable that the soil is not disturbed. The backyards of the proposal should be kept preserved in their natural state to accommodate any seepage, but it is not known if this would be sufficient as this particular section of the canal has not flooded. Vito Quatraro spoke in support of his proposed minor subdivision. In summary, he presented a brief history of the parcel, how he had obtained the property, and the deeded ditch easement across the property. He addressed the concerns heard at the April 13th Planning Board meeting. He presented exhibits into the record as follows: Exhibit #1 and #2: Pictures of Cockrill Ditch and other homes built next to the ditch. His proposal would not impact the ditches nor would it flood the homesites as supported by his technical data compiled by his Engineers. He would draw up an agreement to maintain the ditch to help prevent flooding. The ditch is ready to flood now because of debris. It needs cleaning, and the agreement would make sure that it is maintained on a regular schedule. Exhibits' #3-7: Pictures of existing houses built along the power line and Highline Canal to show the close proximity of the power lines along with other homes already built along the Canal. Exhibit #8: A faxed letter read into the record from the Montana Power Company regarding the easement and placement of the drainfields (it was noted by Deputy County Attorney Susan Swimley that the letter had referred to an exhibit attached which was missing from the document) to mitigate the concern that the buildings would not be located west of the power line or within 20 feet east of the line. Exhibit #9: A picture of a home being built on a 20-acre parcel adjacent to the proposal to show the subdivision was being located next to existing development to mitigate concerns of leapfrog development. It was preserving important farmlands. Exhibit #10: A photograph showing cattle trails leading to the Highline Canal, the property wasn't suitable for ag production and wouldn't impact ag lands; Exhibit #11: A drawing with the minimum distances from proposed building sites to the west canal property line to mitigate the concerns of flooding. The building envelopes have slope that takes away from the building site and takes it down into the fields. Exhibit #12: A drawing titled "Slope Stability Analysis" to mitigate the concerns of the flooding. He showed a plat with the drainfield easements for the lots that depicted the building envelopes. Deputy County Attorney Susan Swimley stated that she did not receive a copy of the plat showing the building envelopes, and hadn't reviewed it. The applicant said it was delivered on Monday to the Commissioners. It was clarified for the record that the plat dated April 23, 1999 was the official amended copy showing the building envelopes submitted to the Commissioners. The Commission took a break at 2:20 P.M. The Commission reconvened at 2:30 P.M. Susan Swimley stated during the break she called Bud Anderson to get the exhibit that was missing from the Montana Power document that was entered into the record. He didn't have it to clarify the questions raised during discussion of whether the

easement of 20 feet was for both sides of the power line, a standard easement agreement, and if it included drainfields not just structures above ground. According to the map, the drainfields appear to run into the Montana Power easement making it an issue that will need to be cleared up before approval is granted. Mr. Quatraro went through the agricultural goals explaining it was marginal farm land that was taken out of use and used for residential development. He summarized he supports ag ground that it was a vital resource and that it should be protected by encouraging those parcels that don't have any of those attributes to be developed which he stated his proposal did. It will not have any negative impact and effect the safety of the citizens. He stated he agreed with the covenants and would fence the ditch if it was decided it should be to protect the liabilities of everyone concerned. Mark Chandler of C&H Engineering spoke on the concerns to mitigate the seepage. He stated that section of Highline Canal had not flooded since it had been operating for the past 110 years. The general slope across the property was 18% on the south end to 24% at the north end going downhill, east to west. Five test pits were dug resulting in a consistent soil profile in all holes. No groundwater was found in depths of 8-9 feet. The soil was a sandy gravel mix not susceptible to slope failure. The building envelopes were placed on the higher portions of the property. The drainfields running close to the utility easements and close to the ditch easement were changed. The canal comes close into the road right-of way, but is okay according to the subdivision regulations. Joe Hoffman with C&H Engineering reported on the technical and scientific data of the test pits, septic design, and the location of the drainfields. No waiver was needed for the system, just a slope analysis done for preliminary review. The size of the building envelopes were 40X100 feet. He stated that the Department of Environmental Quality would review the plans and site as a condition for final approval. There was no public comment. During Board discussion, Tim Rourke, Director of Environmental Health, was asked if he reviewed the proposal and if he had any concerns. He stated he responded on January 20, 1999 after their submittal letter and outlined eight areas of concern. Several were administrative issues. He outlined concerns of placing drainfields over power line easements. If Montana Power trucks drove over the drainfields, they would severely impact the soils and break the pipes. He contradicted Mr. Hoffman's report that technically a waiver was needed to put a drainfield within 100 feet of the ditch if the drainfield had to be moved because of the slope. On lot number one, he said it was a restrictive area to construct a proper drainfield. He stated concern that construction problems would occur with access not provided. The roads and driveways were not put on the map to review their location. He has seen problems in the past where a driveway was suppose to be constructed, but couldn't be because of the final placement of the drainfield. They discussed the process used in verifying the degree of slope. Mr. Rourke stated the process used, a hand held clinometer was found to not be as accurate as other methods. The final calculation could vary either way by approximately 1-5 degrees, which could make a difference in the placement of the drainfields. Road and Bridge Superintendent Sam Gianfrancisco was asked if he had concerns over the roads or encroachments. He said the developer had met with him. He felt they could get their 30 foot dedication. It might overlap in some places, but it does happen. All his concerns were met. The utilities in the right-of-way was a common practice. Commissioner Murdock and Mitchell concurred with the Planning Boards denial on the issues stated in the staff report concerning the agricultural goals and that the minor subdivision wasn't in compliance with those Master Plan goals. The Commission stated concern for the ditches and the canal. The ditches discussed did have an impact on agriculture that it was the farmers livelihood if it were impacted or not maintained or if they became a liability to the ditch company or ditch owners. Commissioner Murdock and Mitchell both referred to the proposal as leapfrog development with conflicting goals. Seepage was a concern and building between a ditch, a canal, and a power easement concerned Commissioner Mitchell. Finding that the potential for seepage weakens the canal, with a loss of irrigation water, and it increases liability to the Highline Canal for the stockholders and potential homeowners, that it is leapfrogging of a residential development along with the other conflicting problems found with the utilities and easements, Commissioner Mitchell moved to deny the preliminary plat for the Quatraro Minor Subdivision. Seconded by Commissioner Olson. He stated he did not concur with all the findings of the motion. His concern was with the canal. During discussion it was found not consistent with agricultural water user facilities and found that the proposal as submitted could have a negative effect on agricultural water user facilities. Commissioner Mitchell added to the findings that according to Section 6.A.3 of the Gallatin County Subdivision regulations that the proposal was unsuitable for subdivision because of the potential for hazards due to flooding and excessive slope. None voting nay. Motion carried. Quatraro Minor Subdivision was denied preliminary plat approval.

Belgrade City-County Planner Jason Karp reported on a request received by Gaston Engineering on behalf of Joe McMullen located in the SE¼ of Section 3, T1S, R5E, P.M.M., Gallatin County, Montana. The staff report submitted by Mr. Karp contained comments on the following criteria: Agriculture; agricultural water user facilities; local services including water supply and sanitary facilities, fire protection, law

enforcement, emergency medical, and schools; natural environment; wildlife and wildlife habitat; public health and safety; compliance with the survey requirements of the Montana Subdivision and Platting Act; compliance with the local subdivision regulations; and provision of legal access to each parcel within the subdivision and the required notation of that access on the plat and instruments transferring the parcel. The applicant has requested a variance from the Gallatin County Subdivision Regulations Section 7-Table 1 which requires road right-of-ways to be a minimum of 60 feet wide. The applicant is requesting the Jenna Lane be a 40 foot wide right-of-way because the road will only serve two lots and the unsubdivided property to the north already has adequate access from Springvale Subdivision. The Belgrade City-County Planning Board reviewed the preliminary plat for the McMullen Minor Subdivision. The Planning Board vote at their April 14, 1999 public meeting to recommend that the variance from section 7 be granted subject to the condition that Jenna Lane be paved to County standards. If the developer decides to construct Jenna Lane to County gravel standards, then the Planning Board recommends that the variance not be granted (see condition No. 13 below). The Planning Board voted 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. 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 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 Homeowners shall be responsible for the maintenance of Jenna Lane.
 - e. 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 Impact fees and Fire Impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations.
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. The developer must obtain an encroachment permits from the Gallatin County Road Department for the Jenna Lane intersection with Airport Road.
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 Rural Fire District. The subdivider shall obtain written verification from the Belgrade 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 and covenants requiring the installation of sprinklers 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. Road names shall be approved by the Road Office, and road name signs and STOP 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. 13. Jenna Lane shall be a sixty foot right-of-way (unless the developer opts to pave the road to county standards with a 24 foot wide surface then the right-of-way shall be 40 feet wide), and shall be constructed to Gallatin County standards with a temporary cul-de-sac at its north end. 14. 30 feet of Airport Road north of the centerline shall be dedicated to the public on the final plat along the entire length of the subdivision. 15. All road work will need to be inspected and certified by a licensed engineer. The inspection and certification must be provided to the County Road Office 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. Dennis Foreman of Gaston Engineering was present to answer questions. Road and Bridge Superintendent Sam Gianfrancisco stated he was in support of the variance. The standards on a minor subdivision also does not require the road to be paved. The applicant Joe McMullen spoke regarding his proposal and the variance he requested. He entered into the record an aerial photograph showing the location of the dead-end road into his driveway where the proposed Jenna Lane would be. He stated he felt it was unfair and it would be a hardship if he were required to provide a 60 foot road. He agreed with all the conditions presented. During Board discussion, the Commission concurred that it would be a hardship to require a 60 foot road easement to the two lots. Adequate access was provided to the undeveloped land north. They also found it was not essential to the general public's health, safety, and welfare. Commissioner Olson moved to grant the variance as requested, finding that strict compliance would result in undue hardship and is not essential to the public health, safety, and general welfare. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Finding that the McMullen Minor Subdivision meets the subdivision regulations, Commissioner Mitchell moved to approve the preliminary platt with the variance granted and with the following conditions to be met before final approval will be granted. Conditions #1-12 as written. Condition #13 to be amended to read, Jenna Lane shall be a 40 foot right-of-way, and shall be constructed to Gallatin County gravel standards with a temporary cul-de-sac at its north end. Condition #14-15 as written. Seconded by Commission Olson, finding it is in compliance with the Montana Subdivision and Platting Act and consistent with the Belgrade Master Plan. None voting nay. Motion carried.

At 3:50 P.M. the Commission took a break. The hearing was reconvened at 4:00 P.M.

Deputy County Attorney Susan Swimley presented a resolution concerning the abandonment of a portion of Streamside Lane requested by petition on March 9, 1999. The Commission granted approval on April 20, 1999. Commissioner Olson moved to adopt Resolution 1999-18 as presented. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution concerning the abandonment of a portion of Baseline Road East requested by petition on March 12, 1999. The Commission granted approval on April 20, 1999. Commissioner Olson moved to adopt Resolution 1999-19 as presented. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting adjourned at 5:10 P.M.

Unavailable for signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 4th DAY OF MAY 1999

The meeting was called to order by Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioner Phil Olson, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board. Commissioner Mitchell was at a meeting with Broadwater and Jefferson Counties regarding the Jefferson River Dike.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

APRIL 26, 1999

- A special meeting of the Commissioners was held in the Commissioners' Office, for the purpose of discussing the map setting out the proposed, revised boundaries of the "201" Zoning District in the area known as the Bozeman "Donut." Also in attendance were Chief Deputy County Attorney Susan Swimley, County Planning Director Dale Beland, County Planner Lanette Windemaker, and Commissioners' Executive Secretary Pat Lewis. Attorney Swimley recommended that the Commissioners adopt the survey map done of Section 31 by Ron Allen, a local engineer. Commissioner Olson stated that the County Commissioners hired Mr. Allen to do a survey of the Bozeman area, and his survey showed four parcels which are different from the original maps done of the same area. Those parcels are as follows:

S33, T1S, R6E;
S14, T2S, R6E; and
S31, T2S, R6E.

The above three would be added as revisions to the original map, per the survey done by Ron Allen. One parcel should be deleted from the old map and not included in the updated map, as follows: S28, T2S, R6E. Commissioner Olson moved that the Commissioners accept these changes as part of the official map of the "201" Zoning District in the area known as the Bozeman "Donut." Commissioner Mitchell seconded the motion. Commissioner Murdock stated that, for the purpose of defining the district more exactly, the external boundary of the parcel in Section 31 would be to the west edge of government lots in S31, T2S, R6E, and the internal boundary would be the Bozeman city limits. This clarifying language was added to the motion. The Commissioners unanimously approved the motion. Susan Swimley stated that she will request Ron Allen to prepare the final boundary map with the approved changes. A public notice will also be published in local newspapers.

APRIL 27, 1999

- A special meeting of the Commissioners was held in the Commissioners' conference room. In attendance were the Commissioners, Deputy County Attorney Chris Gray, and Executive Secretary Pat Lewis. Purpose of the meeting was to discuss a lease/purchase agreement with Ford Motor Company for a vehicle for a Sheriff's Deputy. Mr. Gray reviewed the language of the lease with the Commissioners. Commissioner Mitchell made a motion to approve the lease. Commissioner Olson stated that, based on information provided by Mr. Gray regarding the lease, he would second the motion. There being no further discussion, the Commissioners unanimously voted to approve the motion. The lease was then signed, and the meeting was adjourned.

APRIL 28, 1999

- A special meeting of the Commissioners was held in the Commissioners' conference room, to discuss a Technical Assistance Grant to the Willow Creek Sewer District. In attendance were the Commissioners, Fiscal Officer Ed Blackman, Grants Administrator Larry Watson, Executive Secretary Pat Lewis; and Robin Welch and Joann Comer, representatives from the Willow Creek Sewer District. The grant would require dollar-for-dollar matching, with no significant money expected from Gallatin County. Willow Creek has agreed to supply the matching funds, as necessary, and public hearings have been held regarding the funding. Commissioner Mitchell moved that the Gallatin County Commission sponsor the second CDBG Technical Assistance Grant for Willow Creek Sewer District. Commissioner Olson seconded the motion. There being no further discussion, the Commissioners voted to unanimously approve the motion. Commissioner Olson made a second motion, to have the County waive the 4.5% administrative fee, because it's a small amount, and because Willow Creek is doing the match from its own revenue sources. Commissioner Mitchell seconded the motion. There being no further discussion, the Commissioners unanimously voted to approve the motion. The meeting was then adjourned.
- A special meeting of the Commissioners was held to discuss CTEP and the window wells. In attendance were Commissioners Olson and Mitchell, Grants Administrator Larry Watson, and Fiscal Officer Ed Blackman. It was discussed and agreed to have both the ADA sidewalks to the east door while making the window wells on the east side (3) as open as possible.

APRIL 29, 1999

- The Commissioners met with Fiscal Officer Ed Blackman to discuss monthly fiscal business. Commissioner Olson made a motion to accept the quarterly report dated April 27, 1999 from the Fiscal Office. Commissioner Mitchell seconded the motion. Motion passed unanimously. The Commissioners directed Mr. Blackman to prepare a resolution and process for a public safety mill levy and hold public hearing on the matter.

APRIL 30, 1999

- Commissioners held a special meeting to discuss a grant proposal for the Child Safety Awareness Project. In attendance were Commissioners Olson and Murdock, Grants Administrator Larry Watson, Claudia Vendetti of Prevent Child Abuse, Inc. The grant, for \$1,000, would involve no expenditure of County money, and would only be for "pass-through" purposes only. Ms. Vendetti stated that the grant money would be used to purchase car seats and for publicizing the program. Commissioner moved to support the grant proposal; Commissioner Murdock seconded the motion. There being no further discussion, the Commissioners unanimously voted to approve the motion. The meeting was then adjourned.

The following items were on the consent agenda:

- Minutes
- The following contracts were reviewed and considered: Agreement with MSE-HKM for General Engineering Services at Gallatin County Landfill #1; Agreement with MSE-HKM for Geophysical Investigation of Historical Waste at Logan Landfill #1; Lease of Rest Home Annexation land to John Ham

There were no minutes. The lease for the Rest Home annexation land to John Ham was continued. Deputy County Attorney Chris Gray asked that the MSE-HKM be pulled and placed on the regular agenda for discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported that the contract with MSE-HKM for the general engineering services with the Gallatin County Landfill #1 had been in the process of negotiations to enter into the contract for services. Yesterday they came to an agreement, but the final contract document had not been provided for the Commission to review and sign. He advised the Commission that if they approved the contract that the approval be contingent on the review and final execution of the contract to make sure that all the terms agreed on are written in the final contract document. Commissioner Olson moved to approve the contract with MSE-HKM for the general engineering services for the Logan Landfill #1, contingent on the execution of the document as advised by Deputy Attorney Chris Gray. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Judy Morrill with the Bozeman Senior Center read a proclamation declaring the month of May "Older Americans' Month" in Gallatin County. Governor Racicot has proclaimed the week of May 16-22 as "Senior Citizens' Week" here in the State of Montana. It recognizes the elders as caring, industrious, unselfish pioneers of our community, in which, the citizens of Gallatin County appreciate their courage, vitality and wisdom. The citizens give thanks for their contributions, experience, and expertise. There was no public comment. Commissioner Olson moved to proclaim the week of May 16-22, 1999 as "Senior Citizens' Week" in Gallatin County. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Warren Hiebert, Chaplain for the Gallatin County Sheriff's Department read a proclamation declaring May 15, 1999 "Peace Officers' Memorial Day" and May 9-15, 1999 as "National Law Enforcement Week". The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which it falls as National Law Enforcement Week. It recognizes the members of the law enforcement agency of Gallatin County who unceasingly provide a vital public service and are an essential role in safeguarding the rights and freedoms of its citizens. In Gallatin County, it is called upon all citizens of Gallatin County and upon all patriotic, civic, and educational organizations to observe this week with appropriate ceremonies in which all of our people may join in commemorating officers, past and

present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves as enviable and enduring reputation for preserving the rights and security of all citizens. It is further called upon of all citizens of Gallatin County to observe Saturday, May 15, 1999 as Peace Officers' Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty. There was no public comment. Commissioner Olson moved to proclaim May 9-15, 1999 as "National Law Enforcement Week" in Gallatin County. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Commissioner Mitchell joined the public hearing.

Chief Deputy County Attorney Susan Swimley reported on the bid received by Montana Municipal Cooperative for the sale of bonds for Harvest Hills RID #372 project for \$200, 000. Mr. Murdo, bond council, reviewed the bid and stated that it is competitive and recommends accepting the bid. There was no public comment. Finding that the bond council has reviewed the bid recommending it, with full disclosure to the Treasurer, Commissioner Olson moved to adopt Resolution #RID98-372-D, to award the sale of bonds to Montana Municipal Cooperative in the amount of \$200,000. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Nick Salmon, Chairman of the Public Outreach Sub committee, and member of the Gallatin County Planning Board, presented the Gallatin County Planning Boards public outreach efforts. The outreach will be facilitated by active leaders, consisting of Planning Board members and members of the planning focus group. It will be utilized to publish the Gallatin Plan process, inform the community, and invite participation. The Gallatin Plan will publish the series of outreach meetings to be held throughout Gallatin County through the various media sources. The first set of twelve meetings, will include an overview on the basics of planning, subdivision, and zoning. A request for feedback about planning issues will be solicited at the meetings. The second set of meetings will go further into issues and alternatives of land use policy. As the community participation meetings begin to narrow down the selection of proposed land use policy; presentations to groups, feedback forms, the web page and possibly a survey will be used to further define policy. Upon receipt of adequate community participation in the definition of the policy, the Planning Board will determine if there is a need to proceed with an amendment to the "Gallatin County Plan". If the Planning Board determines that there is a need to proceed with an amendment to the Plan, staff will draft the Gallatin Plan documents. The proposed timeframe for development of the documents is dependent on the Boards determination. There was no public comment. During Board discussion the Commission concurred that the outreach efforts made to get the communities feedback to participate in the Gallatin County Plan was a good plan to facilitate consensus on planning in Gallatin County. The pre-addressed stamped envelopes for the survey to get input from the citizens would be a valuable tool to get additional input from all citizens of Gallatin County. They discussed Senate Bill 97. Gallatin Planner Lanette Windemaker reported that in the growth policy plan written in the bill there are no specific requirements, but you can't have any more new zoning districts unless you have made the switch by the year 2001.

There being no further business the meeting was adjourned at 2:12 P.M.

Unavailable For

Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 11th DAY OF MAY 1999

The meeting was called to order by Chairman Bill Murdock at 9:33 A.M. at the Belgrade City Hall, Belgrade, Montana. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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:

MAY 3, 1999

- The Commissioners held a regularly scheduled office meeting. Tax Appeal and Historic Preservation Board vacancies were discussed and it was determined that appointments would be made on May 5th. The Commissioners discussed the Memorandum of Agreement between Broadwater, Jefferson and Gallatin Counties for the repair of Table Mountain Ranch Dike. Commissioner Mitchell made a motion to approve the payment of \$8,706.00 to Jefferson County for Gallatin County's share of costs associated with the repair of the Table Mountain Ranch Dike. Commissioner Olson seconded the motion. Motion passed unanimously. The Commissioners also discussed the Architectural Selection Committee for Phase II, III and IV. Commissioner Mitchell made a motion to appoint Roy Steiner, Larry Watson, and Ed Blackman to serve as members on the Architectural Selection Committee for Phase II, III and IV. With this appointment, the members are authorized to review the Statement of Qualification's received and make recommendations to the Commission regarding firms to be interviewed. Commissioner Olson seconded the motion. Motion passed unanimously.

MAY 4, 1999

- A special meeting was called to order by Chairman Murdock at 11:10 a.m. to open and tabulate sealed bids for the purchase of \$200,000 Rural Improvement District 372 bonds. Also in attendance were Commissioner Olson, County Attorney Marty Lambert, Chief Deputy County Attorney Susan Swimley, and Clerk to the Board Shelley Vance. One bid was received from Dr. Stephen R. Hample, CFP on behalf of Montana Municipal Cooperative with an estimated effective rate of 5.06% and a good faith check in the amount of \$4,000.00. Commissioner Olson made a motion to accept the bid and refer to bond council. Commissioner Murdock seconded the motion. Motion passed unanimously. The meeting adjourned at 11:15 a.m.

MAY 5, 1999

- A special meeting of the Commissioners was held in the Commissioners' Office for the purpose of discussing board appointments. In attendance were the Commissioners and Executive Secretary Pat Lewis. A vacancy on the Historic Preservation Board has been created by the recent resignation of Karen James. The vacancy was advertised and one application was received, from Christopher Harris. Commissioner Olson moved to appoint Mr. Harris to a two-year term expiring on May 1, 2001. Commissioner Murdock seconded the motion. All three Commissioners voted in favor of the motion; none voted in opposition. Motion carried.

The second board discussed was the Tax Appeal Board. Two vacancies exist on this board, one because of the recent death of Morris Jaffe, and the other because of the resignation of Steve Kovatch. The vacancies have been advertised and the Commissioners received one application, from Ed McCrone. Commissioner Mitchell moved to appoint Mr. McCrone to a three-year term ending December 31, 2001. Commissioner Olson seconded the motion. All three Commissioners voted in favor of the motion; none voted in opposition. Motion carried.

- The Commissioners attended a HazMat budget meeting with the City of Bozeman per the terms of the HazMat Interlocal Agreement for the annual review of joint budget requests. In attendance were the three Commissioners, Alan Scholas and Aaron Holst of the Bozeman Fire Department, and Clark Johnson, Bozeman City Manager. The County Commissioners took the request under advisement for approval, disapproval or approval with changes depending on clarification of revenues as determined by the Fiscal Office.
- The Commissioners attended a Road Department monthly meeting to discuss numerous road issues. In attendance were the three Commissioners, Dave Fowler and Sam Gianfrancisco, and four people from the Story Mill area. Story Mill Road cost share improvements were discussed and the Commissioners agreed to be responsible for utilities, ¾ crushed, pit run application, and culvert and fabric. The homeowners will be responsible for easement procurement, fencing and pit run on site and sub-grade. At issue remains the cost share amounts for contingency and engineering.

MAY 6-7, 1999

- The Commissioners conducted regular County business.

184 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

- Landfill Receipts for April 1999: \$128,682.02.
- A101's for April 1999: \$64.07.
- Payroll for April 1999: \$915,708.95.
- Clerk & Recorder's Fees Collected for April 1999: \$39,042.00
- New Hire Report for April 1999: DATA PROCESSING – Mark Solyst; DETENTION CENTER – John McCray, Brandi Prosser; REST HOME – Courtney Holmquist, Sarah Woolley, Deandra Jones.
- Terminated Employees' Report for April 1999: 911 – Dan Cass 4/7/99; DETENTION CENTER – Andrea Lower 4/7/99; REST HOME – Theresa Vela 3/31/99, Diane Kinzie 3/27/99, Anita Coates 4/13/99, Linda Hunt, 3/31/99, Cherri Rorvik 4/12/99, Carol Skinner 4/2/99, Cassandra Spain 4/16/99, Jule Stuver 4/8/99, Rhonda Beyer 4/18/99, Ann Marshall 4/22/99, Angie Brewster 4/26/99, Scott Hertoghe 3/21/99; ROAD – Russell Ludeman; INFORMATION SERVICES (DP) – Robert Nash 4/16/99, Martin Bourque 4/21/99; FAIRGROUNDS – Cliff Abraham 2/17/99, James Black 2/17/99, Mark Horswill 2/17/99, Donna Morgan 2/17/99, Chad Sterna 2/17/99.

Approval of Claims for April 1999: \$837,799.55.

The following items were on the consent agenda:

- Minutes
- A request for a family transfer exemption for Jennie Douma located in Section 3, T1N, R3E. County Planner Jennifer Madgic reported that according to the information submitted, it appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a mortgage exemption request for Kathleen Newstrom located in Section 1, T3S, R4E. Planner Jennifer Madgic reported that according to the information submitted, it appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a mortgage exemption request for Valley Meadows, LLC located in Section 3, T1S, R4E. Planner Jennifer Madgic reported that according to the information submitted, it appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a boundary relocation exemption for Luzenac America Inc. and Montana Rail Link located in Sections 35 and 36, T2N, R1E. Planner Jennifer Madgic reported that according to the information submitted, it appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- The following contracts were reviewed and considered: Montana Board of Crime Control Grant for the Missouri River Drug Task Force; An agreement with Touch America for Y2K compliance.

There were no minutes. The agreement with Touch America was continued. There was no public comment. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

County Road and Bridge Department Superintendent Sam Gianfrancisco reported on the two bids received for the purchase of three motor graders. Fiscal Office Ed Blackman assisted in reviewing the bids, and based on that information he found the financing portion of the bid was in the best interest of the County. It would be a five-year buy back agreement. The recommendation is to award the bid to Tractor and Equipment out of Billings, Montana in the amount of \$549,149.00. There was no public comment. Finding the remainder of the process needs to be completed assisted by legal counsel, Commissioner Mitchell moved to award the bid to Tractor and Equipment in the amount of \$549,149.00. Seconded by Commissioner Olson. None voting nay. Motion carried.

County Planner Jason Karp reported on a request received by Nadia Beiser for a common boundary realignment exemption. The developer requested relocating a common boundary between two tracts of land in an existing subdivision. The lots are described as Tract 3 and 5 of the High K Ranch Minor Subdivision created in 1998. The property is located in the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 4, T1S, R4E. The reason for the request is to increase Tract 3. The boundary relocation will aggregate Tract 3 and Lot 36 in the proposed High K Subdivision Phase A, when that subdivision receives final plat approval. Due to the fact that the net result of the survey will reduce the total number of lots in the proposed High K Phase A and will not effect the design of the rest of Phase A, it does not appear to be an evasion of subdivision regulations and appears to be a proper use of the exemption. The Belgrade City-County Planning Staff recommends granting the request. There was no public comment. During discussion, Deputy County

Attorney Susan Swimley stated after reviewing the request, she spoke to the engineer of the project and found it met the criteria allowed under the regulations. Finding the request meets the criteria allowed in the Montana Subdivision and Platting Act, Commissioner Olson moved to approve the exemption. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution relating to \$200,000 Rural Improvement District #372 bonds, fixing the form and details and providing for the execution, delivery, and security of the bonds, being # RID-98-372-E. It is the next step in the process after awarding the sale of the bonds to set the form. The resolution was drafted by bond council, Mr. Murdo in Helena. There was no public comment. Finding the resolution was reviewed by legal council, Commissioner Mitchell moved to adopt Resolution #RID-98-372 E relating to \$200,000 Rural Improvement District # 372 bonds, fixing the form and details and provide for the execution and delivery of security thereof. Seconded by Commissioner Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson outlined the history of the Community Transportation and Enhancement Program in Gallatin County sponsored by the State Department of Transportation in Montana. The County has been involved with several projects throughout the years using the funding which is regulated by the federal government. Currently, Gallatin County has sponsored several projects which are still in the process in Big Sky, Gallatin County Court House, Fort Ellis, and Manhattan. In 1998, the CTEP program was revamped and reissued calling it the Transportation Enhancement Act of the 21st Century (Tea-21). The program has a lot of similarities to the original CTEP program, but there are new changes. He reported the most important change in the program was that the administrative money used to make sure the projects happen is now included as the match and accepted by the Department of Transportation to match your budget. Previously that was not the case, and coming up with that money had been a problem. Several new categories were made that did not exist under the CTEP funding. The list of eligible projects include: pedestrian bicycle facilities, acquisition of scenic easements and historic or scenic sites, scenic or historic highway programs including provisions for tourist and welcome center facilities, landscaping and other scenic beautification, rehabilitation and operation of historic transportation buildings, structures, or facilities including railroads, establishment of transportation museums, historic preservation, archeological planning and research, mitigation of water pollution due to highway run off or provisions to reduce vehicle caused wild-life mortality while maintaining habitat connectivity, preservation of abandoned railway corridors including the conversion and use for pedestrian or bicycle trails, control and removal of non-conforming signs, provision of safety and educational activities for pedestrian and bicyclist. To be eligible for CTEP funding, each project must have a direct relationship to at least one element of the transportation system such as highways and roads, railroads, airports, and bicycle or pedestrian facilities. The money is allocated to the City of Bozeman, Belgrade and Three Forks. The application process has changed in hopes to speed it up. In Gallatin County \$221,000 is available, which is the 1998 and 1999 allocation combined. The next year's allocation will be approximately \$110,000-111,000. Hearings announcing the availability of those funds have been held, and the next public hearing is scheduled for Tuesday, May 24th. The application deadline for Region II is the end of May. The length of time for an application from start to finish takes about 3 years. You can only hold onto one year's worth of allocated money for 3 years. The Department of Transportation can recall that money if the allocated money is not identified for use in an approved project. The following people spoke: Belgrade City Manager Joe Menicucci spoke in support of the Belgrade School District #44's pathway project along Amsterdam Road with the interchange connecting to the schools and parks around the community making it safer for the children. Vicki Ellison, Manhattan Town Council Clerk spoke regarding Manhattan's project restoring the Manhattan Community Center in the amount of \$33,500.00. Their application will be heard on May 24th. During discussion, Commissioner Murdock reported on a meeting he attended relating to linking a trail system from one end of the county to the other. An advisory committee was appointed. The system would take a lot of years to complete with a large cost to the community, but the CTEP money would be a major source for the funding. The Mayor of Three Forks Gene Townsend added that at that meeting it was discussed to begin at Willow Creek, running to the Headwaters then to Maudlow using the abandoned Milwaukee Chicago railroad right-of-way. It was a positive meeting, in which tasks were assigned to different towns to begin the process.

Gallatin County's 911 Emergency Services Director Jenny Hansen spoke about the Enhanced 911's Emergency Services Department's progress developing and implementing the Public Answering System Point (PSAP) and the collective data base system required to go on-line as scheduled. The contract began in August of 1997. Since then, the department has been in an extensive process working to map addresses throughout Gallatin County, matching them with the telephone data bases currently on file with the 2

carriers, US West and 3 Rivers in Big Sky. The state requires a 95% correct rate. At the present time, they stand at an 85% rate. The system will be outfitted with high-end technology with older and new technology interfacing at the same time. After the 95% correct rate is obtained, a 30-day test period will occur. During discussion, they talked about the 911 Administrative Board and the Interlocal Agreement between Gallatin County and the City of Bozeman for services, and the struggle for funding. The possibility of creating a multi-jurisdictional district was discussed to help fund the program. The following members of the public spoke: Mayor of Three Forks Gene Townsend and Belgrade Fire District Trustee Gilbert Moore.

County Planning Director Dale Beland reported on the County Commissions plan to eliminate and take over jurisdiction of the extraterritorial area under jurisdiction of the Bozeman-City County Planning Board. The County Commissioners held public meetings and are going forth with the plan to give the County Commission jurisdiction to the Bozeman Municipal limits to provide a broader range of services for planning county wide. The Gallatin County Planning Staff is working with the County Planning Board and the City Planning Board to make it more effective while doing business and meeting the statutes. He stated that if anyone had questions to stop by the Gallatin County Planning Office. The staff would be available to answer questions and explain the process. During discussion, Jason Karp, Belgrade City-County Planner stated that they have jurisdiction one mile beyond the city limits and it has not been an issue. He said that the zoning jurisdiction is mostly undeveloped at the present time. Sandra Lee of the Belgrade City-County Planning Staff stated that the citizens are supportive of the zoning under their jurisdiction. Three Forks Mayor Gene Townsend stated that they did not have a jurisdictional area but may work towards implementing one with Madison, Broadwater, and Jefferson Counties in a multi-jurisdictional area with an interlocal agreement. Mr. Karp announced that next Wednesday, May 19, the Belgrade Planning Board is proposing a master plan update for the entire jurisdiction. Once they adopt it, it will be submitted to the governing bodies. He said Belgrade is a third class city and after they year 2000 it will become a second class city. At that time, they will have to hear from the people to see if they want to extend that jurisdictional area. In the updated master plan their primary goal is to concentrate on encouraging development in and around the City of Belgrade to keep the lowest density as possible and keep the agricultural land from being further developed. A letter dated April 8, 1999 to the Montana Department of Environmental Quality from the Belgrade City-County Planning Board was discussed expressing their concerns about the rural development that has proliferated in the valley and the individual on-site sewage treatment systems, and the cumulative affect on the groundwater. The Planning Board encourages the department to take into account the cumulative affects of all subdivisions in the area when evaluating a proposed subdivision's water and wastewater supply. The recommendation made in the Belgrade area Master Plan would be to encourage higher density with both central water and sewer systems to make more efficient use of the land. Deputy County Attorney Susan Swimley clarified the issue of building permits regarding the extraterritorial jurisdiction. They are two separate programs. The Gallatin County Commission in taking over the extraterritorial jurisdictional area, would not be enforcing building permits. Permits would still be required and issued where required by law. Zoning doesn't mean building permits, it has to with land use conforming with the zoning adopted in those areas. Building permits are for structures.

Sandra Lee, a member of the Belgrade City-County Planning Board submitted a letter to the Commission dated April 8, 1999 with concerns regarding building codes. The Planning Board at their March 31, 1999 meeting asked her to relay their support for a county building code enforcement program. Their concerns were that most buildings built in Gallatin County outside of the City of Bozeman and the City of Belgrade's building department jurisdictions undergo no review or inspection for structural and fires and life-safety requirements. Their particular concern was the enforcement of County required sprinkler covenants for minor subdivisions being approved. The sprinkler covenants are not being followed and Gallatin County has no mechanism to enforce them. Other concerns were that the State legislature may eliminate cities and town's ability to enforce building codes in their zoning and planning jurisdictions compromising the public's health and safety. The letter stated that the Belgrade City County Planning Board will support Gallatin County's efforts to establish a building code enforcement program for all areas currently unprotected. During discussion Gilbert Moore, Belgrade Fire District Trustee, Brett Waters Fire Chief of the Belgrade Fire Department, spoke regarding the issues of fire protection regarding the current subdivision regulations in support of the options where a developer is required to provide a water fill site and be inspected by the fire department before approval. To get the same building code state wide would be difficult. They can't adopt the uniform building codes in portions of the county, it is all or nothing.

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45 187

Belgrade City-County Planner Jason Karp thanked the Gallatin County Commission for coming to Belgrade to hold the meeting and stated his support of the Commission's efforts to reach out and hold their public meetings in other towns.

There being no further business the meeting was adjourned at 11:15 A.M.

Unavailable For
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 18th DAY OF MAY 1999

The meeting was called to order by Chairman Bill Murdock at 1:33 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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:

MAY 10-14, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for an exemption from subdivision review for a tract of land that could be created by a court order for Oak Street right-of-way by Pea Cannery partnership by Joni Killebrew, Assistant Planner for the Bozeman City-County Planning Office. According to the information submitted, it appears to be a proper use of the exemption allowed under the Montana Subdivision and Platting Act.
- A request for an exemption from subdivision review for a tract of land that could be created by a court order for Oak Street right-of-way by George Westlake & Kay Martinen by Joni Killebrew, Assistant Planner for the Bozeman City-County Planning Office. According to the information submitted, it appears to be a proper use of the exemption allowed under the Montana Subdivision and Platting Act.
- The following contracts were reviewed and considered: Funding reimbursement agreement with Conservation District for Orthophoto Mapping by U.S.G.S.; Contract with Allied Engineering for construction inspection and materials testing for the Courthouse CTEP project; Justice Court Public Defender contract with Magdalena, Bowen, and Carolyn Parker; Justice Court Public Defender contract with Schraudner & Hillier; Springhill Rural Fire Service Area Impact Fee agreement.

There were no minutes. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The request for preliminary plat approval of the Gateway Trails Major Subdivision was continued. The Commission opened it for discussion, but there was no public testimony. It is re-scheduled for the public hearing on May 25, 1999.

Gallatin County Health Director Stephanie Nelson read a proclamation declaring the month of May "WIC Month" in Gallatin County. The Congress of the United States established the WIC program twenty-five years ago under the United States Department of Agriculture. The WIC program has been operating in the State of Montana since March 1974. The program helps approximately 700 to 800 Gallatin County residents. It targets women, infants, and children to help provide better nutrition assessing them for nutritional risks, providing nutrition education, nutritious foods, and referrals to other health care providers, especially for prenatal care. It has shown to lessen childhood anemia, infant mortality, premature births, low birth weight, other problems related to nutrition in pregnant women, breast feeding women, infants, and children under the age of 5. There was no public comment. The Commission concurred that it was a good program to help the citizens of Gallatin County. Commissioner Mitchell moved to proclaim the

month of May "Wick" month in Gallatin County. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a request received on behalf of the Commission for a tax abatement for Circle S Seeds of Montana, Inc. located in Logan, Montana for improvements to their facility for calendar years 1998 and 1999. The request was continued at the public hearing on April 27, 1999. Notice of the public hearing was published in the Bozeman Daily Chronicle on May 9 and May 15, 1999, with required mailings to taxing jurisdiction affected by the tax incentive. He received receipts back from the certified mailing from the school superintendents of Willow Creek and Three Forks. He received a memo from the Superintendent of Schools Office stating the school districts will have no effect by this application because the schools are authorized to collect the necessary revenue to operate the districts. If approved, the effects of the requested tax abatement valuation for the first five years of \$172,450 for the machinery and \$273,697 for the buildings would go up by half of that for taxable valuation purposes. Subsequent to the first five years each year an additional 10% of taxes would be assessed against the property. This is an abatement of future taxes not of taxes already on the tax rolls today. The application met all requirements as set forth in Resolution #672, adopted to approve tax incentives for qualified new or expanding industry, but the County Commissioners can end the temporary tax relief by a majority vote, if tax payments either on real or personal property are not paid by the due date. Stephen McDonnell, President of Circle S Seeds of Montana, Inc. spoke asking support for their request. The business has created twelve new jobs. He entered into the record the information requested by Fiscal Officer Ed Blackman in his letter dated May 6, 1999, the salary comparison of the "before and after" of construction and expansion, an environmental statement, a list of Montana Best Food products, and expansion costs of Circle S Seeds of Montana, Inc. He stated the main business is the seed business, primarily grass seed. Gallatin County Treasurer Jeff Krauss advised the Commission that whenever you approve a tax abatement that the taxes are calculated by hand, tracked year to year by hand and increases the administrative costs to the Treasurer's office. During discussion, the Commission concurred this was not a request for tax reduction, but would reduce any future increases in taxes during the 10 year period. They supported the request because it gives incentive to encourage the value of agriculture in Gallatin Valley, preserving open space, and promotes agricultural business. The reduction in future taxes would come back to the County in many ways and benefit its citizens in the end. Commissioner Mitchell moved to grant the tax abatement requested by Circle S Seeds of Montana, Inc. adopting Resolution #1999-20, pursuant to state statute Section 15-24-1402 (2), MCA. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the requests for tax abatements from Luzenac America, Inc. and Montana Talc, a wholly owned subsidiary of Luzenac America, Inc. They are requesting abatement for Fiscal Year 1998 and 1999. Last year the Commission denied the request for Fiscal year 1998 due to the possible effects of CI-75. They are re-submitting that request again, plus Fiscal Year 1999. The effects on Gallatin County over the 10 year period is a reduction of taxes for Luzenac America for \$55,249.00 and Montana Talc for \$198,682. These requests are for machinery and equipment and building improvements. Commissioner Murdock stated that the Commission received a phone call from the representatives for Luzenac America, Inc. and Montana Talc claiming they were not notified of the hearing today. It was noticed, but since they were not present the Commission opened public testimony. Gallatin County Jeff Krauss clarified that he was not speaking for or against tax abatements, that generally they are a good idea, but that they do carry a cost. He was just advising the Commission that if these are worth doing that administrative costs go up with each one given, and eventually more staff would have to be added. Road and Bridge Superintendent Sam Gianfrancisco commented that he was not speaking for or against tax abatements, but advised the Commission that over the 10 year life of these abatements it would take \$100,000 dollars in taxes out of the road budget, putting a strain on the road department. The road department's budget was froze with the passage of 105. During discussion, the Commission continued their decision on the requests for the tax abatements for Luzenac America, Inc. and Montana Talc until representatives can confer with Mr. Blackman to schedule another time to hear the requests or withdraw them.

Clerk and Recorder Shelley Vance reported on the petition dated December 10, 1998 received on behalf of the Commission to consider abandoning a portion of Pine Butte Road. The notice of the public hearing and the Viewing Committee's report were 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 May 6, 1999. Notice of the public hearing was published in the Bozeman Daily Chronicle on May 9, 1999. The Viewing Committee's report dated May 3, 1999 signed by County Commissioner Jennifer Smith Mitchell, Road and Bridge Superintendent Sam Gianfrancisco and Clerk and

Recorder Shelley Vance was entered into the record They viewed the road finding the portion of road defined in the petition to be abandoned had not been constructed. The petition brought into question the status of Pine Butte Road. After researching records and not finding a record that the road had ever been established they asked the County Attorney's Office for assistance. Chief Deputy County Attorney Susan Swimley's letter in summary states that the Gallatin County Commission may take the following action: 1) Determine, in the record, that Petition #158, M. M. White Road from D. McLeod Road to Virginia City Road was not established. 2) That no action is necessary on the Petition to abandon a portion of Pine Butte Road as the road was never established. 3) Consider the petition to re-locate a portion of Pine Butte Road as a petition to establish a road in Section 21, T2S, R4E, and follow the statutes for creating a road. During discussion, County Attorney Susan Swimley noted that in her letter, a hearing held on June 6, 1890 concerning Petition #158 was heard and deferred until some future time. She asked the Commission to make the public hearing today that future time and make their decision on the petition. Based on her analysis on the history and records of Gallatin County that the Commission determine that Petition #158 never established that road. If so, then you wouldn't have to take any action because you would have determined that no road was ever established to now abandon a portion of it as requested. Keith Noyes spoke regarding his petition explaining the reason he asked to abandon the portion of Pine Butte Road. He wants to sell his house located by a deeded right-a-way to Alberda's and a county easement located in the same place. They are located too close to his house. He would like to still have the easement, and requested to move it further away to make it more desirable for potential buyers. He prefers to have the easement there, but would like some action taken to abandon that part as he requests or get it off the record all together, so that when he sells the house the title won't be questionable concerning the road. He stated it would be more advantageous to him financially to keep the easement there. Mr. Noyes clarified that he didn't ask that the road be built, but the easement moved. He also reported that in Susan Swimley's letter that Pine Butte Road had been maintained since 1983, but he knew the road had been maintained by the County since at least 1950. He thinks they started in 1943 or 1944. Deputy County Attorney stated that that year was where she actually found documentation as being county maintained starting the paper trail. Now that he has gone on record, they can say it had been maintained by the County for over forty years. County Road and Bridge Superintendent Sam Gianfrancisco agreed with Mr. Noyes on where the road department maintained the road to and the length of time that they had maintained that portion of the road verified by employees still working in the department. He said the road department would still maintain the road to that point no matter what determination was made today. Based on the records provided by staff in the County Attorney's Office and the Clerk and Recorder's Office, Commissioner Murdock moved that in the records of Gallatin County that Petition #158, M. M. White Road from D. McLeod Road to Virginia City Road was not established. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Mitchell moved that the Gallatin County Commission has determined that no action is necessary regarding the petition to abandon that portion of Pine Butte Road as the road was never established. Seconded by Commissioner Olson. During discussion it was added the decision was based on the recommendation by Chief Deputy Susan Swimley in her staff report. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on the petition received December 10, 1998 on behalf of the Commission to consider establishing a portion of Pine Butte Road. The notice of the public hearing and the Viewing Committee's report were 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 May 6, 1999. Notice of the public hearing was published in the Bozeman Daily Chronicle on May 9, 1999. The Viewing Committee's report dated May 3, 1999, signed by County Commissioner Jennifer Smith Mitchell, Road and Bridge Superintendent Sam Gianfrancisco, and Clerk and Recorder Shelley Vance was entered into the record. During discussion #4 of the Viewing Committee's report stated that it does not appear that the establishment of this road will benefit the general public. Since the County Commission decided that Pine Butte Road was not a County road but a road by use, that if they established it as a County road, it would be a road which would end in the middle of a field. He concurred it would not benefit the general public. It would set a precedent if they established a County road for the benefit of private land owners. The status of the road still wouldn't change, it is a road by use because it had been maintained by the Gallatin County Road Department. Finding that it appears that establishing this road would not benefit the general public, Commissioner Mitchell moved to deny Road Petition #789. Seconded by Commissioner Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on the receipt of a petition received on May 3, 1999 by Jason Leep, Project Manager for Potter Clinton Development to abandon a portion of Maiden Road in Royal Village Subdivision to accommodate the approved Master Plan and Zoning amendments approved by the

190 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Planning and Zoning Commission and adopted by the County Commission on March 23, 1999. She examined the petition pursuant to Section 7-14-2601 MCA and certified that it contains the signatures of at least 10 qualified freeholders in Gallatin County. Finding that the petition has been submitted properly as reported by the Clerk and Recorder that it met Section 7-14-2601 of MCA, Commissioner Olson moved to accept the petition. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Chairman Bill Murdock appointed the Road and Bridge Superintendent, Commissioner Jennifer Smith Mitchell, and County Clerk and Recorder Shelley Vance to the Viewing Committee.

Clerk and Recorder Shelley Vance reported on a petition received on May 3, 1999 by Jason Leep, Project Manager for Potter Clinton Development to abandon a portion of Iroquois Trail in Royal Village Subdivision to accommodate the approved Master Plan and Zoning amendments approved by the Planning and Zoning Commission and adopted by the County Commission on March 23, 1999. She examined the petition pursuant to Section 7-14-2601 MCA and certified that it contains the signatures of at least 10 qualified freeholders in Gallatin County. Commissioner Mitchell moved to accept the petition to abandon a portion of Iroquois Trail in Royal Village Subdivision, finding it has met the requirements of the statutes. Seconded by Commissioner Olson. None voting nay. Motion carried. Chairman Bill Murdock appointed the Road and Bridge Superintendent, County Commissioner Jennifer Smith Mitchell, and Clerk and Recorder Shelley Vance to the Viewing Committee.

Grants Administrator Larry Watson reported on a consideration to sponsor and fund a CTEP Project for the restoration of Manhattan City Hall. Vicki Ellison, Town Clerk of Manhattan presented the town's application for the old Manhattan Bank Building, which now serves as Town Hall and Senior Center to restore the outside of the building. The support of their application would enable the Council to restore the building to some of its splendor along with preserving a landmark. Two alternatives are outlined, Plan A in the amount of \$21,096 and Plan B for \$33,568. The Town Council will provide a 13.4% match. There was no public comment. Both plans were discussed, Plan B is the proposal the Town of Manhattan would prefer. The window cost of \$12,000 to restore them to original state outlined in Plan B would fix the problems they have had of not being energy efficient. An appraisal done in 1996 found the building structure was sound and worth renovating. Finding the application costs for materials and labor are reasonable, and Plan B is the better plan and is a good use of the CTEP money, Commissioner Mitchell moved to support the Old Manhattan Bank Building CTEP restoration project for \$33,568 and to waive Gallatin County's administrative fee. Seconded by Commissioner Olson. None voting nay. Motion carried.

Grants Administrator Larry Watson reported on a consideration to sponsor a CDBG Public Facilities application received on behalf of the Rae Water & Sewer District. Two public hearings were held to announce the availability of funds. The first deadline for public facilities is next week. David King, Manager of Rae Water & Sewer District presented their application for funding for construction of a wastewater treatment facility in order to comply with Administrative Order WQ 96 02. Pat Murtah was present to answer questions on the grant written for the proposal. They received two other grants to help fund the project. By gaining the Commissions support of the application, it will provide critical construction funding for completion of the project. Bee Gantert, resident of King Arthur Court spoke in support of the application. During discussion, the Commissioners agreed to support the application that it was needed to get in compliance with the health and safety standards to protect the citizens. They asked Mr. King to inform them of the hearings so they might be able to attend to show their support. Mr. King added that 10% of the grant can be used for community enhancement of the project. They are proposing to put in a park and trail for the public's use. Those additional funds are written into the grant application. Commissioner Olson moved to adopt Resolution #1999-21 to support their application to the Montana Department of Commerce on behalf of the Rae Water and Sewer District for a Community Development Block Grant for \$382,427.00. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Grants Administrator Larry Watson reported on the Transportation Enhancement Act (TEA-21) FY '98-'99 funding available. It is the second public hearing announcing the availability of the funds. The first years allocation of funds have to be used within three years. The following applications were presented:

Marty Westland presented his proposal to provide a pedestrian/ bicycle path between Cougar Drive & Cottonwood Road providing an alternative to walking or riding on S. 19th Street. It would provide safety for the children going to Anderson School, removing them from the road. The second area of importance

the project will become a portion of a loop system envisioned by the Gallatin Valley Land Trust. The project is proposed in three phases. Phase one secures the pathway right of way for public use.

Rick Kerin, Kerin & Associates presented the West Belgrade Trails Project on behalf of the applicant, the Belgrade School District. It is a proposed trail system to provide a crucial pedestrian link to the developing Valley Meadows Subdivision, development along the Amsterdam Road corridor, and the new Belgrade School District's Elementary School, to the Belgrade interchange, the Jackrabbit corridor, and the City of Belgrade. The paved trail when completed will link the school to new pedestrian improvements being completed along the Jackrabbit Road corridor and the new Belgrade overpass. The trail will parallel Amsterdam Road along the north right-of-way of the roadway. The trail system will provide the critically needed separation between vehicles and pedestrians. When completed this trail could potentially serve a population of 5000 plus people over the next 10 to 15 years. Superintendent of Belgrade Schools Harry Erickson spoke regarding the school district's proposal. He presented letters of support from the Principal Mark Halgren of Quaw Elementary School, City Manager Joseph Menicucci, the Belgrade Rural Fire District, Belgrade Police Department, Board of Trustees of the Belgrade School District, and Lee & Dad's IGA store owner Jim McMilin. He entered a letter regarding the maintenance agreement he signed on behalf of the School District to maintain the trail system. He presented a map of the Valley Meadows Subdivision Master plan showing the green belts tying into the subdivision with the new school's location, a map titled "Belgrade Public Schools Pedestrian Path Phase I Improvements", a map showing the Lewis and Clark Expedition trail July 13, 1806 to July 15, 1806 to demonstrate how the application fits in with that proposed trail system, and a Valley Meadows Vicinity Map showing the entrances to the subdivision and existing developments. A letter was received by the Commission dated May 18, 1999 signed by Michele Corriel, Pamela Hainsworth, and Greg Johnson as part of an ad hoc group who met to discuss the creation of an arterial/recreational trail system linking Gallatin County's municipalities asking to not award any CTEP funds this year to wait until there is enough money in the fund to be able to finance a project that benefits the entire county. Greg Kuhl spoke in support of the Belgrade School District application and presented a letter regarding that support to the Commission. During discussion, the Commission agreed to delay their decision on the two applications received for funding for one week. Both applications demonstrated the need to get the citizens off the roadway. Westland's application wasn't complete with no indication of funding for the 13.42% match or project administration other than to request it from the County. They'd like to see more letters demonstrating support of adjoining land owners and the school district as the Belgrade School District application had done. The applications deadline was the end of May so it is too late to receive anymore requests. Commissioner Olson moved to continue the decision until next week's public hearing on May 25th. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Treasurer Jeff Krauss presented the Commission with the Quarterly Securities Report to review. They were entered into the record as follows:

**CASH ON HAND AT THE CLOSE OF BUSINESS -
March 31, 1999**

<u>BANKS</u>	<u>Account Number</u>	<u>Bank Balances</u>	<u>Outstanding Checks</u>	<u>DEPOSITS</u>	<u>TREASURER'S BALANCES</u>
US Bank, Bozeman	4130018	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Norwest Bank, Bozeman Branch	712386	\$4,250,378.69	(\$11,808.20)	\$412,259.20	\$4,650,829.69
	20491	\$0.00	\$0.00	\$0.00	\$0.00
	315503	\$2,045.04	\$0.00	\$0.00	\$2,045.04
AMERICAN BANK	280102436	\$27,650.71	(\$125.03)	\$0.00	\$27,525.68
VALLEY BANK OF BELGRADE	108103	\$224,129.28	(\$4,180.86)	\$0.00	\$219,948.42
MANHATTAN STATE BANK	4100013	\$22,560.79	(\$2,605.41)	\$0.00	\$19,955.38
SECURITY BANK, THREE FORKS	5200116	\$9,571.85	(\$15.09)	\$0.00	\$9,556.76

192 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

FIRST SECURITY BANK, WY	700351	\$30,073.37	(\$1,550.13)	\$0.00	\$28,523.24	
BIG SKY WESTERN BANK	101710	\$47,634.18	(\$1,168.78)	\$0.00	\$46,465.40	
FISCAL AGENT	N/A	\$100.00	\$0.00	\$0.00	\$100.00	
		-----	-----	-----	-----	
		\$4,615,143.91	(\$21,453.50)	\$412,259.20	\$5,005,949.61	
					Cash	\$118,070.94
					School Investments	\$15,862,409.70
					County Investments	\$27,330,207.67
					-----	-----
					TOTAL Cash on Hand	\$48,316,637.92

NORWEST BANK

<u>DESCRIPTION</u>	<u>CUSPID</u>	<u>MATURITY</u>	<u>VALUE</u>
<u>OF SECURITY</u>	<u>NUMBER</u>	<u>DATE</u>	<u>PLEGDED</u>
FNA #338315	31375LYL3	3/1/26	\$4,100,000.00
FNA #190048	31368HBR3	10/1/23	\$1,749,000.00

Commissioner Olson moved to accept the Quarterly Security Report of the County Treasurer Cash On Hand At The Close of Business March 31, 1999 as submitted by the Gallatin County Treasurer. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 5:20 P.M.

*Unavailable for
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 25th DAY OF MAY 1999

The meeting was called to order by Chairman Bill Murdock at 1:33 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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:

MAY 17-20, 1999

- The Commissioners conducted regular County business.

MAY 21, 1999

- A special meeting was called to order by Chairman Bill Murdock at 9:00 a.m. to discuss and consider increasing room and board rates at the Gallatin County Rest Home. Also present were Commissioners Phil Olson, Jennifer Smith Mitchell, and Clerk to the Board Shelley Vance. Commissioner Olson stated that Rest Home Administrator Connie Wagner is recommending the increase of room and board rates from \$105 to \$110 per day for semi-private rooms and from \$110 to \$115 per day for private rooms. The Commissioners discussed the room rate surveys conducted in surrounding care facilities and found that the proposed increases were competitive. There was no

public comment. Commissioner Olson made a motion to approve the rate increase as requested by Rest Home Administrator Connie Wagner effective July 1, 1999. Commissioner Mitchell seconded the motion. Motion passed unanimously. There being no further business the meeting adjourned at 9:05 a.m.

The following items were on the consent agenda:

- Minutes
- A request for a boundary relocation exemption for P & D Investments, LLC submitted by Belgrade City-County Planner Jason Karp, located in the SE¼ of Section 15, T1S, R4E. According to the information submitted, it appears to be a proper use of the exemption allowed under the Montana Subdivision and Platting Act.
- A request for a family transfer exemption for Ronald and Marlys Klompein submitted by Gallatin County Planner Jennifer Madgic, located in a portion of Section 4, T1N, R3E. According to the information submitted, it appears to be a proper use of the exemption allowed under the Montana Subdivision and Platting Act.
- A request for a boundary relocation exemption for Lost Trails Retreat Family LP submitted by County Planner Jennifer Madgic, located in a portion of Section 28, T6S, R3E. According to the information submitted, it appears to be a proper use of the exemption allowed under the Montana Subdivision and Platting Act.
- A request for a boundary relocation exemption for Caroline Phillips and Vera H. Evenson submitted by County Planner Jennifer Madgic, located in a portion of Section 10, T3S, 4E. According to the information submitted, it appears to be a proper use of the exemption allowed under the Montana Subdivision and Platting Act.
- A request to amend the Gallatin County Big Sky Land Use Plan and Official Zoning Map for Section 17 submitted by Gallatin County Planner John Shepard
- A request to amend the Zoning District #1 and GIS Official Zoning Map submitted by Gallatin County Planner John Shepard.
- The following contract was reviewed and considered: Tri-Party agreement for Alaska Road Grade Crossing Signals.

There were no minutes. Gallatin County Planner John Shepard asked that the requests for the Gallatin County Big Sky Land Use Plan and Zoning Map for Section 17 and the amendment to the Zoning District #1 and the GIS Zoning Map be pulled from the consent agenda for discussion under pending resolutions. Deputy County Attorney Chris Gray asked that the tri-party agreement for the Alaska Road grade crossing signals be pulled and moved to the regular agenda for discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported that the tri-party agreement between Rail Link, the Montana Department of Transportation, and Gallatin County has been in negotiations for road grade crossing signals on Alaska Road. Based on some of the provisions in the agreements, the County Commission wanted to make sure the agreements would protect the public's best interests. The proposed changes are that in the preamble, a statement was added that the railroad receive no certain benefit on it's railroad and that the current crossing diagonal would be removed at the time deemed appropriate by the County. Changes were made and sent to Montana Rail Link and The Department of Transportation who responded in a letter dated May 24th, essentially rejecting the offer to negotiate the provisions. They rejected language then added language for a second change. The change in language states that after a 90 day period after the crossing is finished, the old crossing would have to come down. The contact for consideration is the agreement with no changes. He advised the Commission if they go forward with the execution of the document to make a contingency in the motion that the proposed language in the second change be appropriate. He knows the intent, but has not received the final language written in the agreement. Commissioner Olson moved to approve the contract contingent on the proposed language be appropriate regarding the timing of removal of the old crossing being in Gallatin County's best interest. Seconded by Commissioner Mitchell, adding that she finds it is in the best interest of the public's health and safety. County Road and Bridge Superintendent Sam Gianfrancisco spoke regarding the Gallatin County Road Department's support in signing the agreement because of the safety issue. The State is paying \$150,000 to put in a signal east of Belgrade where Figgins Sand & Gravel is on Alaska Road. Montana Rail Link agreed to pay for the rubber arms. The County would be agreeing to help pay by paving the road. Figgins Sand & Gravel

offered the gravel as an in-kind donation, so the cost to the County would be minimal to pave the road. It has taken 3 years to get to this point. Burlington Northern gave them a deeded right-of-way. The following statement was read into the record by Commissioner Murdock: "The County Commission is faced with a difficult decision here today. On the one hand, we have a public safety issue, the improvement of a railroad crossing that has been deemed hazardous. On the other, we are faced with signing a standardized agreement in order to make the crossing safe in which the County has had effectively no ability to negotiate. The Department of Transportation and Montana Rail Link have effectively given a "take it or leave it" proposition to the County. We have found DOT's and MRL's negotiation tactics, although presented cordially, to be coercive and some of the language in the agreement to be oppressive and, we are advised, probably contrary to public policy. That being the case and understanding that maintaining the public health, safety and welfare is the primary duty of the Commission, we cast our vote to move forward with the execution of the agreement presented here today." None voting nay. Motion carried. The Commission signed the agreement under protest.

The Commissioner reviewed and considered Jack Cooper's application for the Mountain Green Cemetery Board in Willow Creek. He is re-applying for another 3-year term. The vacancy was advertised and no other applications were received. Commissioner Olson moved to appoint Jack Cooper. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a request on behalf of Fluidyne, Inc, for preliminary plat approval of the Gateway Trails Major Subdivision re-scheduled with permission from applicant Larry Berg, advertised to be heard at the public hearing on May 25, 1999. She re-noticed the hearing, and personally telephoned adjacent land owners. The preliminary approval is for a 44-lot major subdivision on approximately 275 acres to be completed in two phases. The 44 lots range in size from three to 12 acres. Phase I consists of 20 lots (Lots 1-20) and Phase II, 24 lots (Lots 21-44). The property is located in the South One-Half (S $\frac{1}{2}$), Southeast One-Quarter (SE $\frac{1}{4}$) of Section 24, Township Three South (T3S), Range Four East (R4E); North One-Half (N $\frac{1}{2}$), Northeast One-Quarter (NE $\frac{1}{4}$) of Section 25, Township Three South (T3S), Range Four East (R4E); West One-Half (W $\frac{1}{2}$), Northwest One-Quarter (NW $\frac{1}{4}$) of Section 30, Township Three South (T3S), Range Five East (R5E); and Southwest One Quarter (SW $\frac{1}{4}$), Southwest One-Quarter (SW $\frac{1}{4}$) of Section 19, Township Three South (T3S), Range Five East (R5E), PMM, Gallatin County, Montana; generally located on the north side of Little Bear Road, east of US Highway 191, approximately one and a half miles southeast of Gallatin Gateway. No variances are requested. The Gallatin County Planning Board met on May 11, 1999 and voted (4:3 vote with one abstention) to recommend denial of the proposal for the following reasons: Insufficient clustered development. (Agriculture Goals II & III; Residential Goals I, III, IV, VI and VII.; Negative impact on views from ridge-line development and efforts to reduce the visual impact of the proposal are inadequate. (Views Goal I; Agriculture Goal III; Section 6.A.2 of Gallatin County Subdivision Regulations regarding Natural Environment; and Primary Criteria (76-3-608 MCA) regarding natural environment.); Proposal located away from existing services and associated negative effects on the natural environment, existing and future residential development, views, air quality, and agricultural uses (effects of leapfrog development). (Air Quality Goal I; Agriculture Goals II & III; Recreation Goals I & III; Section 6.A.2 of Gallatin County Subdivision Regulations regarding Natural Environment; and Primary Criteria (76-3-608 MCA) regarding natural environment, wildlife and wildlife habitat); No open space provided. (Fish and Wildlife Goal I; Agriculture Goal III.); Negative impact on wildlife and existing wildlife corridors from dogs and fencing. (Fish and Wildlife Goal I; Section 6.A.2 of Gallatin County Subdivision Regulations regarding Natural Environment; and Primary Criteria (76-3-608 MCA) regarding natural environment, wildlife and wildlife habitat.); Insufficient and inadequate parkland; and potential negative impacts of horses and overgrazing. (Recreation Goal I.) The Board majority further noted that the applicant(s) had made no apparent effort to incorporate comments and concerns expressed at a pre-application meeting held in February. Those voting in favor of the proposal had no problem with effects to natural environment, and/or issues relating to clustering or leapfrog (although one Board member supporting the proposal called it a "close call"). The Gallatin County Planning staff reviewed the following primary criteria: agriculture, agriculture water facilities, local services which include water supply, sanitary facilities, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. Ms. Madgic presented slides #1-15. They were entered into the record as: 1) Hawk Hill from 191, looking east. Gateway Trails to right. 2) Site from 191. Hawk Hill to left. Note drainage. 3) Southwest of site from 191. Grain bins on lot 36. 4) Grain bin on Lot 31 from Gooch Hill Road. 5) Two drainages, correspond with Lots 23 and 25. 6) Drainage below Lot 25. Wildlife habitat. 7) Drainage below Lot 23. Wildlife habitat. 8) Little Bear Road looking east towards commercial

operations: Bear Creek Log Homes (right) and Huttinga's construction company with farm operations, gravel pit. 9-12) Little Bear Road, Portnell intersection, southwest corner of Lot 20: east-west-north-south. 13) southwest corner of Lot 1, looking west. 14) Looking towards Lots 5 & 6. Note bushes (elevation 5400. Top crest another 150 ft. in elevation. Another 2,000-2,500 feet to ridge crest to the north. 15) Looking at adjacent land uses. Area of proposed fill site. If the County Commission decides to grant preliminary plat approval the following suggestions for conditions are recommended. Except as noted, conditions shall apply to Phases I and II. Phase I shall proceed Phase II. 1) The final plat(s) 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 Department of Environmental Quality prior to final plat approval(s). 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(s) 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) 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, 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. 5) A Memorandum of Understanding shall be signed between the Weed Control District and the applicant prior to final plat approval(s). All areas disturbed during construction shall be resided with vegetation types approved by the Weed Control Supervisor. 6) All proposed building envelopes shall be surveyed and shown on the final plat(s), and shall not exceed 10 percent slope. 7) 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. 8) The applicant shall pay the Gallatin Gateway School District the voluntary donation of \$500 per lot prior to final plat approval(s). 9) The applicant shall record the following covenants with the final plat(s): a) The property owners association shall be responsible for the control of County-declared noxious weeds. b) 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. c) 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) Individual lot access from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations. e) The property owners' association shall be responsible for maintenance of interior subdivision roads. f) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. g) Perimeter fencing shall be prohibited on Lots 1-11, 15, 16, 22, 23, 24, 30, 31, 36-40. h) The feeding of wild animals shall be prohibited. i) Pets shall be restrained and/or under control at all times. j) Garbage shall be stored in bear-proof containers k) Lots within the Gateway Trails Major Subdivision shall not be further subdivided l) All building or structures must be located within the building envelope as identified on the Plat. All buildings, structures and other site developments, including fenced yards, gardens and corrals shall be located within an area defined by a 100-foot radius (200-foot diameter) or equivalent area no greater than 31,400 square feet m) No construction or disturbance, with the exception of lot access crossings, shall be permitted within the 15-foot easement on either side of existing irrigation ditches 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. 10. All road names for interior roads pertaining to each phase shall be approved by the County Road and Bridge Department. 11. Road name signs pertaining to each phase shall be required at all intersections. 12. STOP sign(s) pertaining to each phase shall be required at all intersections with County-maintained roads. 13. Interior roads pertaining to each phase shall be built to County-paved standards, and have 60-foot right-of-ways, dedicated to the public. 14. The applicant shall provide an appropriate second access in accordance with the Subdivision Regulations and approved by the County Road and Bridge Superintendent prior to final plat approval of Phase I. This access shall be a public easement constructed to County gravel standards. 15. A property owners' association shall be formed for the maintenance of all interior roads pertaining to both phases. 16. A waiver of protest for creation of future RIDs will be required prior to

final plat approval(s). 17. The applicant shall chip seal Little Bear Road prior to final plat approval of Phase I. 18. A cul-de-sac or "T" turn-around, built to County standards, shall be required at the end of all dead-end roads in each phase. 19. A designated school bus stop/turnaround shall be shown on the final plat(s). 20. All road work pertaining to each phase shall be inspected and certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Department in writing. Final approval(s) shall not be given until this documentation is received. 21. The applicant shall make payment(s) of road impact fees in accordance with the Subdivision Regulations. 22. The applicant shall make payment(s) of fire protection impact fees in accordance with the Subdivision Regulations. 23. All requirements of the Gallatin Gateway Rural Fire District shall be met prior to final plat approval(s). The fire district shall approve all fire protection measures prior to final plat approval(s). 24. All ditches shall be protected with minimum 30-foot ditch maintenance easements and shown on the final plat(s). 25. Written verification shall be provided regarding the abandonment of any ditches. 26. The applicant shall provide written approval from stockholders of the Holloway-Woodworth Ditch Company. 27. A minimum of 1.66 acres of parkland shall be dedicated to the property owners' association prior to final plat approval of Phase I. 28. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, public road right-of-ways, 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(s) approval. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, road right-of-ways and certificate prior to final plat approval(s). 29. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval(s). A letter was received from Thomas J. Kallenbach of Fluidyne on May 20th expressing concern regarding incorrect and damaging statements made by Planning Board member Nick Salmon during the May 11th meeting of the Gallatin County Planning Board. The following letters were received in support: Mark H. Smith and Betsy C. Martin-Smith, Little Bear Homeowners Association signed by Jane Dobbie. Letters received neither for nor against: Superintendent of Gallatin Gateway Schools Lewin Dover, owner of Bear Creek Log Homes Wayne Nicholas, and business owners Dick and Kathy Huttinga of Dick Huttinga Contracting, Ron VanDyke, and Milton Segmiller. The following letters were received in opposition: Clifford Walter Nixon, Bruce and Verna Badgley, and Andrew Hansen. Telephone calls received by the Commission: Nick Salmon, and a UPS driver. Applicant Larry Berg spoke on behalf of his proposal. He reported on the cost, time, and the process of hiring Fluidyne to engineer and design the proposed subdivision. He spoke to surrounding land owners and his neighbors to get their input, Realtors, and talked to the school district and offered to voluntarily donate a portion of the sale of each lot to the school to mitigate impacts the subdivision might create. He hired Attorney John Kauffman to draft a set of covenants that would be fairly restrictive to develop a subdivision he could be proud of developing. He worked on acquiring land for the secondary access and has two buy-sells contingent on preliminary plat approval. He would be providing a fire fill site, which is a service needed in the area after the loss of two homes by fire in the immediate area. They hired a professional biologist to report on the wildlife corridor. The farmers and ranchers who leased the land stated it was marginal ag land. The subdivision would provide a community log covered pavilion, every intersection would provide a 15 foot wide public trail system connecting to the Little Bear Forest Trail to provide direct forest access for recreation. He asked the Commissions support. Tom Kallenbach of Fluidyne, Engineer for the project reported on the project's vision as being a rural residential subdivision providing an equestrian theme. The close proximity to the forest property seemed conducive to people who want to own horses. He covered the pre-application meeting where concerns were brought up and the mitigation of those concerns like modifying the covenants to remove fences in the areas the wildlife biologist determined was detrimental to wildlife. Clustering was tightened up and is appropriate to the area. He covered the technical issues, all of which would be approved by the State Department of Environmental Health. The limitations in the soil would be mitigated by the waste water treatment system. They developed a storm water management plan, hired a wildlife biologist who did an assessment, did a traffic assessment, found the land was not conducive to alfalfa and that the only product grown on it had been grass and that it would remain that way. The proposal met all the subdivisions regulations under the Montana Subdivision and Platting Act. He brought up concerns with the master plan such as clustering, open space, land use, and configuration of lots. He stated that the master plan gives direction and suggests, but gives no concrete definitions and lacks predictability. He cited parts of the County Master Plan and found contradictory statements throughout, creating a balancing act to make the areas work together to fit. He thought is was an appropriate cluster design for the area and in compliance with Gallatin County's Master Plan co-existing with land uses in the area. He presented the design with transparencies and overlays to show the 100 foot restricted area in building envelopes to present a clearer picture of what the final subdivision would look like and to demonstrate how clustering fit in with the whole project. The design would limit the visibility of the houses up on the ridgeline. He cited residential goal #7 mentioned in the Master Plan in regards to leap frog development. The proposal is planned next to existing residential development. It

appeared they were in compliance providing buffer units and recreational maintenance of the buffer zones between residential and recreational area. He quoted the Master Plan in regards to open space, stating that after total buildout, only 11% of the proposal will be developed. It will be put in a final statement on the plat not just in a covenant. They are providing a horse management plan to cover any horse issues. He feels that they have accomplished the intent of the Master Plan relating to open space. They hired a wildlife biologist and followed the professional recommendations he made to meet the wildlife goal encouraging wildlife habitat for good wildlife management. He summarized that they adhered to the plans, concerns, and designed the subdivision around them, but nothing was black or white just subjective. The benefits the subdivision would provide is the installation of a fire pond, construction of a secondary access road, and a voluntary donation to the school district to offset any impacts on the school district. The following members of the public testified: Robert Reiser, Ken LeClair, Steven Barber, Lee Hart, Alec Haxton, and Brian Leland. Robert Reiser expressed support while others raised concerns that the secondary access proposed would turn into the primary access citing a safety concern that the road was not up to County standards. Dogs running loose, leapfrog development, potential buyers who don't respect the rights of adjacent land users like farmers or commercial businesses who operate in the area by not maintaining ditches and shared fences, not consistent with the master plan, and not in the public's interest were other statements heard. During rebuttal, Mr. Berg stated that the secondary access had been addressed and he had many options to pursue to build a secondary access that would be built or brought up to county standards. He addressed the fence issue stating he has contracted with Precision Fence to construct the type of high quality fence suggested by the wildlife biologist to go around the perimeter. He stated that the control of dogs are addressed in the covenants. Mr. Kallenbach rebutted the public testimony stating that the design of the subdivision is the appropriate type of clustering, it does preserve open space. He addressed condition #6 on page #11 of the staff report stating he didn't agree with the "exceed 10% slope". He also didn't agree with the language written in condition #8 that says, "The applicant shall pay the Gallatin Gateway School District the voluntary donation of \$500 per lot prior to final plat approval". Mr. Berg agreed to donate \$500 per lot as the lots were sold to the school district. He said he would agree to the language, "The applicant shall enter into an agreement with the Gallatin Gateway School District to voluntarily donate \$500 per lot as lots were sold." Under f. of the covenants, All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. He asked it be changed to "maintained by homeowners association". He addressed g. of the covenants, "perimeter fencing shall be prohibited on Lots 1-11, 15, 16, 22, 23, 24, 30, 31, 36-40", it not what he had in his report. It reported it should be, Lots 1-6, 8-11, 15, 16, 30, 31, 36-40. He also asked clarification on conditions #24 and #26 regarding the ditches. He asked to whom should they provide written verification to regarding the abandoning of Mr. Berg's own ditches written in #25. In condition #26 he stated that Holloway-Woodworth Ditch Company doesn't exist as far as they could tell to provide written approval from the stockholders of that ditch company. During discussion, Commissioner Olson asked Mr. Kallenbach how they planned on implementing the horse management plan on lots with differing acreage. Commissioner Mitchell added that with horse ownership it also requires barns, storage for hay, horse trailers, and other equipment. She asked how it would all fit in the restricted building envelope area. Commissioner Mitchell added, Nick Salmon called expressing his concerns as written in his letter. She also expressed her concern that no letters from the other owners of the ditch had been presented showing support. Mr. Kallenbach responded that the only mechanism besides litigation is enforcement of the covenants by the homeowners. The horse management plan would help mitigate any horse issues. The lot owners would have to plan before constructing buildings in the building envelopes. In regards to the ditch, there were three land owners with interest in the ditch. Mr. Berg owned the majority of the shares. One ditch owner came in, the project was discussed, and he had no objections. The other hasn't responded. Commissioner Olson responded to the proposal as complying with the Montana Subdivision and Platting Act and agreed with Mr. Kallenbach in his presentation that the Master Plan was subjective and in his view, not a completed document in his eyes to use to approve a subdivision. 89% was open space in the proposal. He respects the Gallatin County Planning Board's decision, but in this case the vote was close 4:3, and he found that most thought it was a good proposal. He also didn't hear a lot of public opposition. Commissioner Murdock disagreed that the Master Plan was unfinished. He did agree with Commissioner Olson that it was subjective. Summarizing his concerns with the proposal as having adverse impacts on the primary criteria that had been reviewed, discussed, and that he agreed with those findings made by the Gallatin County Planning Board in their recommendation to deny the subdivision. This proposal would impact the roads, schools, wildlife, wildlife habitat, public health concerns regarding response time to emergency services, leapfrog development due to the distances from services. He didn't agree that it was cluster development leaving large open spaces protected. Commissioner Mitchell stated concerns that the subdivision proposal co-existing with the commercial business in the area is not consistent with the master plan and it would create more impacts. Her other concerns were the horse issues, leapfrog development, clustering, open space, using prime

farmland concurring with Commissioner Murdock and the Gallatin County Planning Board's recommendation of denial. Finding the subdivision as presented meets the Subdivision and Platting Act, and is not detrimental to the public's health and safety, Commissioner Olson moved to approve the preliminary plat approval of the Gateway Trails subdivision. Seconded by Commissioner Mitchell. Chairman Murdock opened discussion. Commissioner Mitchell stated concern this development does not meet the master plan goals, in particular, agricultural goal II, to encourage location of residential and commercial development next to existing development where appropriate, so as to preserve important farmlands; Agricultural goal III, to preserve open space and retain rural atmosphere; Encourage cluster development and encourage developers and agents to submit innovative plans, she does not find this is an innovative plan; Encourage identifiable rural community separated by open space using natural features such as ridge top creeks and trees to separate residential from agricultural uses. Encourage conservation easements and other tax incentives to maintain land in traditional agricultural use. Encourage additional residential development in existing residential areas; Residential goal IV to minimize residential development impacts in important wildlife habitat; Residential goal VI, to encourage compact or residential cluster development; She finds that it doesn't meet the basic intent of the master plan, but feels it has potential to do so. Commissioner Murdock added, along with the other reasons he had previously stated that the proposal is in non-conformance with the subdivision regulations and the Master Plan, but emphasized that the residential goal to discourage leapfrog residential subdivision to strengthen the visual distinction between city and countryside, and retain existing agriculture was his main concern. Commissioner Olson stated the Master Plan is not fully completed in his estimation, and is why the Master Plan can not be used in his decision. Commissioner Mitchell stated the Master Plan follows Montana State statute 76-3608 items #1-6 closely, and the issues discussed could also be found in those statutes. Commissioner Olson voting aye. Commissioners Murdock and Mitchell voting nay. Preliminary plat approval was denied. Commissioner Murdock directed staff to draft the findings.

Grants Administrator Larry Watson reported. it was the second public hearing announcing the Transportation Enhancement Act (TEA-21) FY '98-'99 funding available. The Commission received two applications. The first application discussed was received from Marty Westlake for a pedestrian/bike path. Mr. Westlake was asked if he had made any progress on getting the Anderson's School Board support. He said he had chose not to because of land issues involved, and he would rather not get the school involved. During discussion of Mr. Westlake's application, the Commission concurred that they couldn't support the funding of the application because it was still incomplete. Commissioner Olson moved to not support the submittal of Mr. Westlake's application to the State Department of Transportation. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The second application received was from Belgrade School District #44 for a pedestrian/bike trail. During discussion, funding the project in other ways to get the project proposal accomplished was discussed. Other options would not require such strict compliance to TEA-21 standards to build and lower the total cost. There are many trails systems proposed at this time and new subdivisions coming in that might be approved and with that approval requirements to pave roads. They wanted to see the use of the money in the best possible project for Gallatin County. The school is a good project. The proposal was just the beginning of three phases. They agreed they didn't want to support the application at this time, since this was phase I of a multi-phase project. In order to get the approval by the State, the Montana Department of Transportation would want to see the commitment by Gallatin County in the form of contract language of some kind for the total cost of all phases during the submittal of phase I. They didn't feel like they could do that at this time, since the cost was still subjective. The engineering studies have not been done to give them the total projected costs. Commissioner Murdock moved to support submitting Belgrade School District #44 application to the State Department of Transportation for their proposed pedestrian/bicycle trail. Seconded by Commissioner Mitchell. Commissioner Murdock voting aye. Commissioner Olson and Mitchell voting nay. The application was denied.

Gallatin County Planner John Shepard reported the amendment of the Land Use Plan map and the Official Zoning map for the Gallatin Canyon/Big Sky Planning and Zoning District was a consideration of a resolution. Section 17, LLC requested amendments to the map for commercial and residential land use classifications of public lands which have changed to private ownership. The Gallatin Canyon/Big Sky Advisory Board met on May 3, 1999 and recommended approval. On May 13, 1999 the Gallatin Canyon/Big Sky Planning and Zoning Commission held a joint public hearing with the Gallatin County Commission and passed Resolution #1999-05 recommending the attached amendments be adopted.

Finding the Gallatin Canyon/Big Sky Advisory Board , the Gallatin Canyon/Big Sky Planning and Zoning Commission, and the Gallatin County Commission voted to approve the amendments, Commissioner Olson moved to adopt Resolution 1999-22 to amend the Gallatin Canyon/Big Sky Land Use Map, and Official Zoning Map. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner John Shepard reported the amendments to Zoning District #1 zoning regulation, and the Official Zoning Map for Zoning District #1 Planning and Zoning District was a consideration of a resolution. On May 13, 1999 the Zoning District #1 Planning and Zoning Commission and the Gallatin County Commission held a joint public hearing where District #1 Planning and Zoning Commission passed Resolution 1999-06 recommending the amendments be adopted. Finding that District #1 Planning and Zoning District recommends approval, Commissioner Olson moved to adopt Resolution 1999-23, to amend the Zoning District #1 regulation, and the Official Zoning Map for the Zoning District #1 Planning and Zoning District. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley reported on a resolution concerning the decision the Gallatin County Commission made at the public hearing on May 18, 1999 on a petition to abandon a portion of Pine Butte Road. The Commission determined that Pine Butte Road as described in Petition 158 was never established, so no further action was necessary regarding the request to abandon in Road Petition #788. Finding that Pine Butte Road was not established, Commissioner Mitchell moved to adopt Resolution #1999-24. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley reported on a resolution concerning the decision the Gallatin County Commission made at the public hearing on May 18, 1999 on a petition to establish a portion of Pine Butte Road. The Commission determined that Pine Butte Road as described in petition 158 was never established, considering the viewing committee report and the location of the proposed road that it was not in the best interest of the public to establish that portion of Pine Butte Road as described in Road Petition #789. Finding it was not in the public's best interest, Commissioner Mitchell moved to adopt Resolution #1999-25. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 5:20 P.M.

Unavailable For
Signature

CHAIRMAN APPROVAL

Susanne Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 1st DAY OF JUNE 1999

The meeting was called to order by Acting Chairman Phil Olson at 1:35 P.M. Also present were County Commissioner Jennifer Smith Mitchell, 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:

MAY 24-27, 1999

- The Commissioners conducted regular County business.

MAY 28, 1999

- A special meeting of the Commissioners was held at 8:15 a.m. to discuss an agreement with the City of Bozeman regarding Oak Street. In attendance were Commissioners Olson and Murdock, Deputy County Attorney Chris Gray, and Executive Secretary Pat Lewis. Commissioner Mitchell was on vacation. Mr. Gray gave a brief explanation of the exhibits attached to the agreement, as well as road schematics. He discussed a letter from James Nicholson, a City of Bozeman of Engineer,

which confirmed that missing appurtenances (i.e., fencing and approaches) are included in the agreement. Mr. Gray recommended two contingencies be met before the Commissioners sign the agreement: (1) Verification of a \$25,913.23 payment from the City of Bozeman to the County Treasurer; and (2) Meet the 48-hour open meeting requirement by officially approving the agreement later in the day, at 5:00 p.m., if no more public comment regarding Oak Street is received by that time. Commissioner Olson moved to approve the agreement with contingencies (1) and (2), based on Mr. Gray's briefing and recommendations. Commissioner Murdock seconded the motion. There being no further discussion, the Commissioners unanimously voted to approve the motion. The agreement was signed by the Commissioners after 5:00 p.m. that same day.

The following items were on the consent agenda:

- Minutes
- A request for final plat approval of the Jardstrom Minor Subdivision. The subdivision is described as Lot 5 of Minor Subdivision #220, situated in the NE $\frac{1}{4}$ of Section 29, T1S, R5E, submitted by City-County Planner Jason Karp. The County Commission granted preliminary plat approval on October 13, 1998. According to the information submitted, it appears that all conditions have been met to recommend granting final plat approval.

The following contracts were reviewed and considered: Agreement with D.A. Davidson for a Detention Center Bond; Agreement with Allied Engineering for geotechnical exploration, analysis and report for the Courthouse stair tower; Agreement with Eagle Computer Systems Inc. for imaging/indexing hardware and software; Agreement with Maxim for Internet development.

Clerk and Recorder Shelley Vance requested the contract with Eagle Computer Systems, Inc. be continued for one week. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Olson. None voting nay. Motion carried.

Edye Macrow and Aaron Foulkes submitted their applications to be considered for the three vacancies currently open in the Manhattan Rural Fire District. Gary Owens and Doris Ruf resigned from the board, and Edye Macrow's term expired. These vacancies were advertised, and will be re-advertised further to fill the remaining vacancy. Commissioner Mitchell moved to appoint Edye Macrow and Gary Owens to the Manhattan Rural Fire District Board. Seconded by Commissioner Olson. None voting nay. Motion carried.

Assistant Bozeman City-County Planning Manager Debbie Arkell reported on a consideration of a request for a second extension for preliminary plat approval for Phase 1B of the Fort Ellis Leisure Community Subdivision, with an improvements agreement and financial guarantee. The Commission granted an extension of preliminary plat approval for the remaining phases of Phase I till December 23, 1998. On December 1998, the developer requested a further extension for Phases 1-B and 1-C. The Commission referred that request to staff for processing. The subdivider has returned an Improvements Agreement with a financial guarantee. The subdivider submitted a check for cash security, which is 150% of the cost of the estimated improvements, but has elected to only extend preliminary plat approval for Phase 1-B, thus preliminary plat approval for Phase 1-C will expire. The improvements remaining for this phase is the construction of Sage Grouse and Ptarmigan Roads. Sime Construction is under contract to begin work. She pointed out that the map the Commission received didn't include five lots that should have been included in this request. If the improvements agreement is accepted by the Commission it would be in effect for 2 years from today's date. During discussion, it was determined that the Improvements Agreement had been reviewed and approved by the County Attorney's Office. Commissioner Mitchell moved to approve the request for the second extension for preliminary plat approval for 2 years from today's date. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a resolution of intention to create a Public Safety Fund for Gallatin County. The Board of County Commissioners may annually at the time of levying county taxes, fix and levy a tax on all property within the county for the purpose of providing for the public safety of citizens. State law limits the number of mills for the General Fund and the Public Safety Fund at the same number of mills authorized in the proceeding year; and, the County Fiscal Officer has calculated the Public Safety Funds millage at 15 with the General Fund mills being 10, before the effects of Senate Bill 184 are considered. The County Commission would not raise taxes as a result of the creation. The public hearing to accept comments will be on June 15 and June 22. The fund would be created during the budget process. Commissioner Mitchell moved to adopt Resolution of Intention 1999-26, to create a Public Safety Fund for

Gallatin County as authorized in 7-6-2513 MCA. Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on a request for preliminary plat approval of the Bradley Minor Subdivision received by Allied Engineering on behalf of James and Robert Bradley. They have requested preliminary plat approval of a Minor subdivision on 5 acres. The subdivision is located on Thunder Road, which is off Jackrabbit Lane just south of the I-90 interchange. The property is zoned M-1 by the Belgrade Zoning Ordinance. The property is described as a Tract A-1 of COS No. 232A, located in the NE ¼ of the SE1/4 of Section 11, T1S, R4E, P.M.M., Gallatin County, Montana. The subdivision was reviewed for effects on the following primary criteria: wildlife and wildlife habitat, public health and safety, local services, the natural environment, agriculture, and agriculture water user facilities. The Belgrade City-County Planning Board reviewed the preliminary plat for the Bradley Minor Subdivision. The Planning Board voted unanimously 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. 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 annexation to the City of Belgrade, and creation of rural/special 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 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. Lot owners within the subdivision shall participate with the Lot owners along Thunder Road for the shared maintenance of Thunder Road. e. All structures must meet fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the fire chief. 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 Division (or the City of Belgrade Building Department if annexed by the City) and the Belgrade Rural Fire District for review and approval. h. Use of the lots must conform to the applicable provisions of the Belgrade Zoning Ordinance. 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. 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. Fire and road impact fees shall be paid as per County impact fee regulations. 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. Thunder Road must be a sixty-foot right-of-way, be dedicated to the public or be a public easement, be constructed to County gravel standards from the west boundary of the subdivision to Jackrabbit Lane with a temporary turnaround, and be approved by the Gallatin County Road Department prior to final plat approval. 11. All roadwork will need to be inspected and certified by a licensed engineer. The inspection and certification must be provided to the County Road Office in writing prior to final plat approval. 12. The developer shall be responsible for paying a proportionate reimbursement of the total construction cost of the Floss Flats Subdivision fill site to the Belgrade City-County Planning Office which will reimburse the entity responsible for maintaining the fill site. 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 minor subdivision was reviewed for the effects the proposal would have on the primary criteria concerning wildlife and wildlife habitat, public health and safety, local services, natural environment, agriculture, and agriculture water user facilities. A letter was received from the Belgrade Rural Fire District listing the requirements regarding fire protection for approval. Tony Prothero of Allied Engineering, on behalf of James and Robert Bradley, agreed with all the conditions as presented. There was no public comment. During discussion, the Commission concurred with the recommendation by the Belgrade City-County Planning Board for approval that it met the zoning ordinance. Finding the Bradley Minor Subdivision is consistent with the Montana Subdivision and Platting Act and meets the Montana State statutes, Commissioner Mitchell moved to approve preliminary plat approval with conditions #1-12 as recommended. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner W. Randall Johnson reported on a request received from MSE-HKM Engineering, on behalf of the Gallatin Peaks Land and Development for preliminary plat approval for the Uplands Residential Cluster B Major Subdivision located in the SW¼ of Section 1, T7S, R3E, PMM, Gallatin County, Montana. The property is located south of the West Fork Meadows area of Big Sky. The proposed subdivision would divide approximately 71 acres into 17 residential lots. The development also includes 18 acres of common open space. The proposed subdivision was reviewed for the effects on the primary criteria listed: agriculture, agriculture water user facilities, local services for fire, schools, law enforcement, emergency medical, taxation, the natural environment, wildlife and wildlife habitat, and public health and safety. The subdivision is proposed to utilize on-site water supply and wastewater treatment facilities. The applicant is requesting 5 variances from the design standards of the Gallatin County Subdivisions. They are as follows: Variance request #1 regarding Section 7.B. of the Gallatin County Subdivision Regulations requires all roads within or providing access to the proposed subdivision shall be dedicated to the public, or be a public easement if specific criteria area met. The applicant has requested a variance to allow Roads "A" and "B" as private roads within the subdivision. According to the applicant, the reason for the private roads is to control liability of the homeowners' association, allow "gated" access to Phases B-2 and B-3 (10 lots), and control trespassers and illegal parking. According to Sam Gianfrancisco, County Road & Bridge Supervisor, all interior roads must be built to county gravel standards, and have a sixty (60) foot right-of-way, dedicated to the public (see attached response letter, Exhibit B). In his response, Mr. Gianfrancisco states that, "This department does not support the variance request for private road easements". The application report provides no evidence that the private, gated road design proposal was presented to emergency service providers for their review and comment. Additionally, the private road concept was not included in the Master Planned Unit Development and the Planned Unit Development applications. Variance request #2 regarding Section 7. Table 1, Street Design Standards, of the Subdivision Regulations, requires all minor roads within mountainous terrain to have a sixty (60) foot right-of-way. As shown on the preliminary plat, the access roads serving Lots 10 through 14 are within forty (40) and thirty (30) foot right-of-ways. According to the applicant, a variance from this requirement is needed to minimize the easement encroachment onto adjacent lots and open space. According to Sam Gianfrancisco, County Road & Bridge Supervisor, all interior roads must be built to county gravel standards, and have a sixty (60) foot right-of-way, dedicated to the public (see attached response letter, Exhibit B). In his response, Mr. Gianfrancisco states that, "This department does not support the variance request for easement width". Variance Request No. 3 regarding Section 7. Table 2, Paving and Street Width Standards, of the Subdivision Regulations, requires a finished gravel width of 20 feet for mountainous terrain roads having less than 40 ADT's. The applicant, is requesting a variance to allow a finished gravel surface of 18 feet for the segment of roads from the cul-de-sac at the end of Road "A" to Lot 14 (Road Easement "E" and "F"). This variance request is supported by the County Road & Bridge Department. Variance request #4 regarding Section 7.A.(2) of the Subdivision Regulations states that when a new subdivision adjoins unsubdivided land and access to the unsubdivided must pass through the new subdivision, the subdivider shall provide rights-of-way and construct roads so as to allow suitable access to the unsubdivided land. As shown on the preliminary plat, a right-of-way will be provided to the southwest corner of the subdivision. The applicant is requesting a variance not to physically construct the road at this time. According to the applicant, the variance is being requested because the development pattern of the adjacent property is unknown at this time. The County Road & Bridge Department supports this variance request. The applicant has requested variance #5 regarding water supply under Section 6.E.3. of the Gallatin County Subdivision Regulations requires major subdivisions to install an NFPA standard fill site as a water supply for fire suppression. As mentioned above, the applicant is proposing to utilize residential sprinklers systems as a water source in lieu of a fill site. According to the applicant, a variance is requested because it is not practical to construct a fire fill pond on the site because of topographic limitations. Bob Stober, Fire Chief for the Gallatin Canyon Fire District, has stated that he

supports the variance request. If the County Commission grants preliminary plat approval the following conditions are recommended: Note: Conditions in bold print will need to be removed if the corresponding variances are granted. 1. Phases B-I through B-III shall be completed in sequence. 2. The developer shall have three (3) years to complete all conditions, and apply for final plat approval for each development phase. Required conditions for Phase B-I final plat recordation: 3. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 4. State Department of Environmental Quality approval shall be obtained for Phase B-I. 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. 5. The primary access road shall be within a sixty (60) foot public right-of-way, and be constructed to county standards. 6. The secondary access road shall be improved to a gravel standard acceptable to the Gallatin Canyon Fire District and the County Road & Bridge Department. 7. The subdivider shall enter into an agreement with all affected parties for the shared maintenance of the primary and secondary access roads. The maintenance agreements shall be submitted to the County Road & Bridge Department for their approval. 8. All subdivision road names shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 9. Interior subdivision 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 the interior subdivision roads. 10. "Loop" Road shall have a 60 foot public right-of-way easement, and have a county standard "T" turn-a-round. "Loop" Road shall be constructed to county gravel standards. The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 11. 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 "Loop" Road has been brought to county gravel standards. 12. The Gallatin Canyon Fire District shall review and approve the location of each residential driveway. 13. Street signs shall be installed or bonded prior to final plat approval. 14. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 15. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 16. The applicant shall prepare and submit an updated traffic study to the Montana Department of Transportation. The applicant shall obtain written approval from MDT officials identifying any required highway and intersection improvements. 17. A floodplain study for the South Fork Gallatin River shall be submitted to the state Department of Natural Resources Conservation for review and approval. The 100 year floodplain boundary shall be delineated on the final plat. 18. 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". 19. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 20. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 21. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 22. A homeowners' association for the subdivision shall be created. 23. Covenants for the subdivision shall include the following provisions: a. A soil analysis and geotechnical study, prepared by a licensed professional engineer, shall be submitted with a Gallatin County Land Use Permit application for each single-family dwelling. b. All structures shall be constructed in compliance with the current Uniform Building Codes. c. The homeowners' association shall be responsible for the control of noxious weeds within the common open space parcels, and all road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. d. Place title to common open space property with the Homeowners' Association. e. Open space shall be preserved and maintained for passive and active recreation, wildlife habitat, and protection of scenic, unique or important natural features. f. 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. g. The homeowners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. h. Assessments levied by the Association must be able to become a lien on the property. i. The association shall be responsible to adjust the assessment to meet changed needs. j. 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. k. The property owners' association shall be responsible for the operation and maintenance of all interior subdivision roads. l. All dwellings 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 hours notice, during construction and after completion. m. All structures shall be constructed in compliance with the National Fire Protection Association codes. n. Flame retardant roofing materials shall be used. o. Spark arrestor screens shall be placed on all fireplace and woodstove chimneys. p. Smoke detectors shall be installed on each level of dwelling units. q. Areas within 30 feet of habitable structures shall be cleared of all flammable materials. r. Open fires shall be prohibited. s. The artificial feeding of all big game wildlife shall be prohibited. t. All garbage shall be stored in bear-proof containers or be made unavailable to bears. u. Owners acknowledge that wildlife damage to landscaping will occur. Owners shall accept that risk and shall not file claims against the Owners Association or any other governing body for such damages. v. Fencing along the exterior boundaries of lots shall be prohibited. w. The taking of any wildlife species within the property is prohibited, except for catching fish. x. Pets shall be controlled by each homeowner, and not allowed to roam within the subdivision. 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.

24. Two copies of the covenants, a copy of the preliminary approval document, improvements agreement, documents establishing the homeowners' association, public 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, improvements agreement, documents establishing the homeowners' association, easement documents, and certificate of title abstract prior to final plat approval. **Required conditions for Phase B-II final plat recordation:**

25. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 26. State Department of Environmental Quality approval shall be obtained for Phase B-II. 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. 27. Road "A", including Road Easement "E" and "F", shall have a sixty (60) foot public right-of-way easement. 28. Road "A", including Road Easement "E" and "F", shall be constructed to county standards, with a minimum 18 foot gravel surface. A temporary cul-du-sac shall be constructed at the end of Road "A". The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 29. 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 Road "A", including Road Easement "E" and "F", has been brought to county gravel standards. 30. The Gallatin Canyon Fire District shall review and approve the location of each residential driveway. 31. Street signs shall be installed or bonded prior to final plat approval. 32. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 33. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 34. 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". 35. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 36. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 37. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. **Required conditions for Phase B-III final plat recordation:**

38. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 39. State Department of Environmental Quality approval shall be obtained for Phase B-III. 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. 40. Road "B" shall have a sixty (60) foot public right-of-way easement. 41. Road "B", shall be constructed to county gravel standards, with a county standard cul-du-sac. The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 42. 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 Road "B" has been brought to county gravel standards. 43. The Gallatin Canyon Fire District shall review and approve the location of each residential driveway. 44. Street signs shall be installed or bonded prior to final plat approval. 45. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 46. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 47. 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". 48. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 49. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. Notice of the public hearing was published in the Bozeman Daily Chronicle on May 16, 1999 and in the Lone Peak on May 13, 1999. Adjacent property owners were notified of the hearing by certified mail. The Gallatin Canyon Big Sky Planning and Zoning Commission approved a Master Planned Unit Development (MPUD) submitted by the applicant, Gallatin Peaks Land and Development. It will incorporate 664.81 acres consisting of a town center and uplands residential development area. The applicant received approval for the Uplands Residential Cluster "B" Planned Unit Development (PUD) on May 11, 1999. No letters were received. The Planning Office hasn't received any comments from the school district. Clint Litle, Project Manager with HSE-HKM Engineering spoke on behalf of the proposal. The project has been in the planning stages for four years. He clarified the variance requested under #3 concerning the road width in mountainous terrain. They are asking for 18 feet for the segment of roads from the cul-de-sac at the end of Road A to Lot 14. He received a letter from Bob Stober of the Gallatin Gateway Fire, stating 18 feet finished gravel surface would be acceptable to him. The Road Department also supported the request. The developer would like to keep their options open for fire suppression utilizing residential systems as a water source in lieu of a fill site as requested in variance #5. Firelight's fill site can be used for additional fire support. Mr. Stober supports the variance request. Once the final phases are completed it would have water mains connecting it to the Master PUD. He commented on the following items entered from the Gallatin County staff report: 1) On page 2 item 3 paragraph 4, regarding the Natural Resources Conversation Service information regarding soils and site stability. Their proposal met the requirements. The 1974 Montana State University case study cited was broad brushed. They have provided the NRCS with a specific site analysis and studies prepared to address the ecological and environmental factors associated with the site planning with covenants that address the issues. 2) On page 5 item 8 paragraph 1, regarding the secondary access to the subdivision that it would be provided by connecting to Michner Creek Road, which extends eastward to U.S. Highway 191 approximately 1.5 miles in length and improved to county gravel standards. They met with Sam Gianfrancisco and he supported completing the roads to emergency standards. He followed up the site visit with a series of five colored maps showing the existing logging roads which they plan to up-grade to county standard roads within specific PUD's or be utilized as emergency access. They have worked closely to make sure that the accesses meet standards. 3) Page 5 item 9, regarding variance request #1, he asked that it be withdrawn. 4) Page 6 item 9, variance #2 requested regarding private driveway easements may not be required since the road department supports the request listed as variance #3 for a common driveway and emergency access that will never be extended. 5) Page 6, item 10, regarding the traffic study requested in the letter from the Montana Department of Transportation for the Master Planned Unit Development for an updated traffic report as a condition to be met before final plat approval. He qualified the statement by stating yes, that a traffic study update will be done for the town center. A traffic engineer has been retained. A meeting is scheduled in Helena with MDOT for June 2. Their comments don't refer to Cluster "B" but with the town center. 6) Page 12, item 6, he requests it be revised to state: "The secondary access shall be

improved to Gallatin County emergency access standard acceptable to the Gallatin Canyon Fire Department. 7) Page 13, item 12, he requests it be deleted because it is addressed in item 15. 8) Page 13, item 16, he requested it be deleted because of an undue hardship on the developer to make it at this time, before the completion of the entire Master PUD. 9) Page 16, item 27, be revised to read, "Road "A", including road easement "E" and "F", shall have a thirty (30) foot public right-of-way easement. 10) Page 17, item 30 and 31, he requested it be deleted because it is redundant with page 18 items 43 and 44. Bill Madden, council for Westland Enterprises presented a set of protected covenants. First, a master declaration which are extensive, along with a supplemental set of general covenants for the Uplands Residential Cluster "B". Whichever document is most restrictive is the document that would control the requirement, he stated. He reviewed the planning staff recommendations concerning conditions and their master declaration of covenants: 1) Condition #7 he suggested be changed to "The subdivider shall be responsible for the shared maintenance of the primary and secondary access road with all affected parties. Any maintenance agreements shall be submitted to the County Road and Bridge Department. 2) Covenant # a. of #23 he stated that in their covenants they require a soil analysis and geotechnical study for all the property. He questioned the appropriateness to require this in a home owner's covenant. It should be a condition, not written under a section of covenants to be enforced by the homeowners association. 3) Condition #23 section g. - j. These are covered by the zoning regulations and made part of their master declaration and supplemental declarations for Cluster B. 4) The covenant i., requiring all dwellings shall be constructed with an automatic fire sprinkler system he suggests modifying to read, "All dwellings shall be constructed with an automatic fire sprinkler system meeting the requirements of NFPA 13D/Uniform Fire Code until a community water system is provided." 5) The covenants n. - r. concerning fire regulations on structures, that those requirements are written more precisely and covered in the zoning regulations which are included in their master declaration and also addressed in the forest management plan that is in draft form. He can see problems arising with visual impacts on property for adjoining land owners if clearing 30 feet of trees away from structures is required. He suggests that q. be deleted and replaced with the zoning regulations that interfaces with wildlife and development. He can also see problems arising with prohibiting all open fires written in the covenants. In their supplemental declaration they address it with more specific language so that barbecues and other types of fires such as burning slash piles, could be done without amending the covenant each time. 6) He suggests deleting covenant u., v., w, because it is unnecessary. They are all taken care of adequately under the Wildlife Habitat Management Plan, the Big Sky zoning regulations, and the supplemental declaration written for the Uplands Residential Cluster "B". He advises to let the professionals who will do what's best for the animals not for the home owners association enforce those type of issues written under those particular covenants. Covenant w., he can see problems the way it is written. A nuisance animal may have to be eliminated such as a rabid skunk. 7) He questioned covenant 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 the covenants and the governing body of Gallatin County." He stated that the County Commission would be policing the home owner's policies. 8) He commented on condition #7, concerning the shared maintenance agreement. He'd like to keep the word "shared" in the language because if it is eliminated the other parties then could exonerate themselves from not being financially obligated for the maintenance agreement for the roads. Language such as "The home owners association shall be responsible for the primary and secondary access roads" can be inserted into that section of the covenants. They have a road and trails provision which delegates the responsibility to the homeowners association. Gallatin County Planning Director Dale Beland stated that based on the testimony he had heard, the applicant addressed many concerns about the draft conditions the planning staff submitted. He suggested they deliberate so that the applicant can give staff their recommendations to clean up the recommended conditions and re-submit another set of conditions and covenants that is acceptable and in the best interest for everyone at this point.

At 3:40 p.m. Commissioner Olson announced the Commission would take a break. The Commission reconvened at 3:55 p.m.

John Ethan, an adjacent property owner, testified regarding water concerns in the area. The applicant had drilled and tested a water well that showed static water concerns. He asked that those concerns be resolved before granting approval. During discussion, Commissioner Mitchell responded to Mr. Ethan he could get the tests results from the engineer. Mr. Litle responded that they are working closely with the DNRC and would have to get their approval. Deputy County Attorney Susan Swimley asked why strict compliance concerning variance #2, the deviation from a 60 foot right-of-way that the access roads serving lots 10-14 are 30 and 40 foot right-of-ways. He stated they are not roads, but intended to be a common driveway. Because of the terrain, they wanted to minimize the destruction of the natural topography. By allowing this, it would also give them the best location for the placement of the drainfield. Roy Steiner with the Gallatin County Road and Bridge Department stated there would be enough room for the utilities. Deputy

County Attorney advised the Commission to get the applicant's permission to continue the hearing to address the issues raised on the proposal by the Commission, along with Mr. Madden's proposed changes in the conditions, covenants, and modification of the language written and as presented in the staff report. Mr. Madden agreed to continue the request on behalf of his client for two weeks. All parties agreed to meet and finalize a new set of conditions and covenants and come back before the County Commission on June 15, 1999.

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

*Unavailable for
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 8th DAY OF JUNE 1999

The meeting was called to order by Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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:

MAY 31, 1999

- All County offices were closed in observance of Memorial Day.

JUNE 1-4, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for a Family Transfer Exemption for Betty D. Velten located in Section 23, T3N, R7E, Gallatin County, Montana. According to the staff report submitted by Gallatin County Planner Jennifer Madgic, the request appears to meet the criteria set forth for the exemption allowed under the Montana Subdivision and Platting Act.
- The following contracts were reviewed and considered: Agreement with Eagle Computer Systems Inc. for imaging/indexing hardware and software; Agreement with Global Positions, LLC for County atlas development; Agreement with Dispute Resolution Center for Justice Court's Project Settle Program; Engineering contract with Kerin & Associates for Harvest Hills RID #372; Joint operating agreement with U.S. Forest Service; Contract with MDOT: child safety seat education through Child Care Connections.

There were no minutes. Clerk and Recorder Shelley Vance requested the contract with Eagle Computer Systems, Inc. be continued until June 15, 1999. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Olson. None voting nay. Motion carried.

William Munlenfeld, John A. Brown, Naomi Pace Johnson, and Jane Quinn submitted applications to be considered for the two positions open on the Historic Preservation Board. The terms run for two years, expiring July 1, 2001. The positions were advertised in the Bozeman Daily Chronicle and announced over the radio. Commissioner Olson moved to appoint Naomi Pace Johnson. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Murdock moved to appoint Jane Quinn. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

County Attorney Marty Lambert presented their recommendations to the Commission for a liability insurance policy for Gallatin County. Tyler Delaney, Agent with First West Insurance, searched extensively county insurance program carriers. He queried over seventeen companies and two responded that met the needs of Gallatin County. The candidates are The Montana Association of Counties (MACo),

a self funded pool, and the St. Paul Insurance Company (STP). The proposal from The Montana Association of Counties has offered a policy with a premium of \$190,173.00. The general liabilities for MACo are \$750,00 per person with a \$1,500,000 per occurrence. MACo has a minimum \$1000 deductible for all general liability and auto liability claims. The St. Paul Insurance Company has offered a proposal with a premium of \$256,382.00. STP offers \$1,000,000 per occurrence with a \$1,000,000 umbrella. There is no deductible with STP for general liability and auto liability claims. The key difference between the two carriers is that if a suit against the County involved an individual, limits would be capped at \$750,000 under MACo where STP would have \$2,000,000 available under their program. MACo has a Claims Made Form under Public Entity Management and Law Enforcement Errors and Omissions (professional liability). The St. Paul Insurance Company offers an Occurrence policy for this coverage. The St. Paul Insurance Company offers a \$5,000,000 aggregate per year for General Liability, Public Entity Management and Law Enforcement Errors and Omissions compared to MACo's \$3,000,000. MACo shares liability limits with several counties and the program is capped at \$750,500,000. The St. Paul Insurance Company limits are exclusively available to Gallatin County. The St. Paul Insurance Company has more of a comprehensive coverage with regards to above ground pollution, garage keepers liability, weed spray liability, employment practices liability, sexual abuse/molestation liability and auto deductibles. After the search was conducted County Attorney Marty Lambert met with Tyler Delaney, Fiscal Officer Ed Blackman, and Deputy County Attorney Chris Gray to review the policies and determine which one would be the best policy that was due to be renewed on July 1, 1999. They looked at what risks to access, affordability, and how the claims are handled. Based on the comparison of the two companies, they recommended The St. Paul Insurance Company even though the premium appears higher. The coverage is better with the funds available exclusively to Gallatin County. If a substantial claim was filed against another county and the pooled funds are used to pay that claim and it reaches the cap under the MACo policy, Gallatin County would have to pay out of its own pocket any claims in that year because of the pooling of funds. MACo only covers the limits set by state statutes. In this day and age, it might not be enough coverage for the type of catastrophic losses that may occur. Also with MACo, the policy only covers claims made while still covered by them. If it took several years to settle the disputed claim and Gallatin County wasn't insured by them any longer, Gallatin County would have to pay that claim out of their own pocket because of the Claims Made Policy. The St. Paul Company has an Occurrence Policy which would cover that type of claim which would take a long time to settle. They have experienced cases where it has taken several years to settle claims. Additionally, he stated he was impressed with how St. Paul's claim personnel have worked with the County in the past, agreeing to hiring local attorneys instead of out of town attorneys. Deputy County Attorney Chris Gray pointed out that in the pooled funding used for payment of claims for MACo that water and sewer districts were also included. He also added, The St. Paul Insurance Company conducts Lost Control Reviews on site, which is a service provided for in the policy. They assess potential risks, reviewing them then they make recommendations to decrease the potential liability of claims filed against the County. MACo conducts seminars, but doesn't come to the individual counties. Fiscal Officer Ed Blackman concurred with County Attorney Marty Lambert that The St. Paul Insurance policy is the best protection the County was offered in comparison with MACo, considering all the differences in coverage, deductibles, and premiums. His concern wasn't with the large counties, but with the aggregate amount of claims that could be submitted by the smaller counties that could quickly add up. Tyler Delaney stated he searched out approximately seventeen companies, but most declined because they could not compete with the coverage and price. These two providers were the only two who could. There was no public comment. During discussion, they found that Y2K claims were not covered under the policy and specifically excluded. There will be other exclusions, but they looked at those carefully in each policy. The Commissioners concurred with the County Attorney's recommendation to renew with The St. Paul Insurance Company. Considering the options in comparing the policies it is the best service they could choose, which will be tailored to fit the needs of Gallatin County. Based on County Attorney Marty Lambert and Fiscal Officer Ed Blackman's recommendation, Commissioner Olson moved to contract with The St. Paul Insurance Company. Seconded by Commissioner Mitchell. None voting nay. Motion carried. The coverage would be for one year starting July 1, 1999.

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

Unavailable for signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 15TH DAY OF JUNE 1999

The meeting was called to order by Chairman Bill Murdock at 1:35 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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:

JUNE 7, 1999

- The Commissioners conducted regular County business.

JUNE 8, 1999

- A special meeting of the three Commissioners was called to order for the purpose of selecting a contractor to conduct the Citizen's Survey. Commissioner Olson made a motion to approve the agreement with A&A Research of Kalispell to conduct a citizen survey per the terms of the agreement. Commissioner Mitchell seconded the motion. Motion passed unanimously.
- A special meeting of the Commissioners and the Architectural Selection Committee for Phase II, III and IV was called to order to discuss interviews and selection of an architect for the completion of the Courthouse remodel. In attendance were the three Commissioners, Roy Steiner, Ed Blackman and Larry Watson. Commissioner Mitchell made a motion to direct the Architectural Selection Committee and Deputy County Attorney Chris Gray to negotiate with the top two firms, C.T.A. and Taylor Architectural firms for the continued remodel of the Courthouse. Commissioner Olson seconded the motion. The motion passed 2-1 with Commissioner Murdock dissenting.

JUNE 9-11, 1999

- As part of an off-site budget work session, the Commissioners met with Dirk Visser, President of Intermountain Administrators, Inc. The Commission unanimously agreed to approve Safeco's Option 6 as presented by Mr. Visser. This option increases the specific deductible from \$60,000 to \$65,000 with \$29,000 aggregating specific.

* * * * *

- Landfill Receipts for May 1999: \$109,699.90.
- A101's for May 1999: \$810.49.
- Payroll for May 1999: \$896,750.37.
- Clerk & Recorder's Fees Collected for May 1999: \$39,630.59.
- New Hire Report for May 1999: 911 – Laurie Taylor; REST HOME – Floyd Chapman, Heidi Winslow, Mary Jo Heier, Michelle Chapman, Jennifer Amestoy, Cheryl Williams, Bret Coffey, Michael Watson, Janel May.
- Terminated Employees' Report for May 1999: REST HOME – L.D. Watson 5/4/99, Lyndie Sams 4/29/99, Shanna Pluid 5/10/99, Gary Hubenthal 5/26/99, Kie Garner 5/14/99, Jared Ackerman 5/14/99, Susan Hegyi 5/20/99, Betty Ann Brainard 5/15/99, Lindsey Nelson 5/18/99, Floyd Chapman 5/21/99, Michelle Chapman 5/19/99, Cheryl Williams 5/19/99, Bret Coffey 5/12/99; DETENTION CENTER -- Lisa Carpenter 4/27/99, Sara Reagor 5/1/99, Jack Jorgenson 5/22/99, Jason Partridge 5/6/99; SHERIFF – James Snyder 5/31/99, Kibbie Horsley 5/13/99; DUI – Francie McLean 4/23/99.
- Received & Approved Applications for Cancellation of Taxes for May 1999: \$10,512.46.
- Approval of Claims for May 1999: \$740,156.30.

The following items were on the consent agenda:

- Minutes
- A request for a Common Boundary Exemption for K MC Partners described as Tracts 20 and 22 of Certificate of Survey #1756, located in the SW¼ of Section 16, T21S, R5E, Gallatin County, Montana. According to the staff report submitted by Belgrade City-County Planner Jason Karp, the request appears to meet the criteria set forth for the exemption allowed under the Montana Subdivision and Platting Act.
- The following contracts were reviewed and considered: Agreement with Eagle Computer Systems Inc. for imaging/indexing hardware and software; JTL Group, Inc. for paving at the Gallatin County Rest Home; Advantage Software, Inc. for compression/indexing software; Xerox 2520 Maintenance Agreement with Selby's.

There were no minutes. Clerk and Recorder Shelley Vance requested the contract with Eagle Computer Systems, Inc. be continued until June 29, 1999. They are still in negotiations. Commissioner Olson moved

to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a consideration to create a Public Safety Fund, the first of two public hearings to receive public comment. The second hearing will be held on June 29, 1999. The Board of County Commissioners may annually at the time of levying county taxes, fix and levy a tax on all property within the county for the purpose of providing for the public safety of citizens. State law limits the number of mills for the General Fund and the Public Safety Fund at the same number of mills authorized in the proceeding year; and, the County Fiscal Officer has calculated the Public Safety Funds millage at 15 with the General Fund mills being 10. During discussion, it was reported that the departments that would be included under this funding, the Sheriff's Department, Disaster and Emergency Services, the Fire Marshal, Coroner, and Hazmat haven't met yet to discuss the division of funding that would be created by the proposed Public Safety Fund or its effects on their departments. The Commission continued their consideration to create the fund until the departments can meet to discuss the funding, and after taking public comment on June 29, 1999. It was also clarified that as a result of the creation of this fund, that it would not raise taxes. By creating this fund, the public would also get a better idea of where their tax dollars are spent by the individual departments within the fund, such as the law enforcement and its costs to provide services. There was no public comment. Commissioner Olson moved to continue the consideration to create a Public Safety Fund until June 29, 1999. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a consideration of a tax abatement request by Luzenac America, Inc. continued from the public hearing on May 18, 1999. Notice was published in the Bozeman Daily Chronicle on May 9 and May 15, 1999 with required mailings to taxing jurisdictions affected by the incentive. Luzenac America, Inc. has applied for tax benefits described in Section 15-24-1402, MCA to be applied to the taxable properties located at Industrial Mill Site in the NW¼ & SW¼, of Section 36, T2N, R1E, PMM Gallatin County, Montana, and for its Talc mine site located at Industrial Site in T1N, R1W, PMM Gallatin County, Montana. He clarified that previously the applications for tax abatements had been from Luzenac of America, Inc. and Montana Talc, a wholly owned subsidiary of Luzenac of America, Inc, but the applications are now both requested by only Luzenac of America, Inc. Both applications meet the requirements as set forth in Resolution #672, a resolution adopted by the Gallatin County Commission on July 7, 1987 approving tax incentives for qualified new or expanding industry. Fiscal Officer Ed Blackman recommended to the Commission to not approve the request because of Senate Bill 184 and Senate Bill 260, as they affect the County as a whole. He would recommend not granting any significant tax abatement requests in the future as well, until another source of revenue is found. John Godla, Operations Manager for Luzenac America spoke in favor of his request, summarizing the capital projects planned. They reapplied for the tax abatement request turned down previously because of the passage of CI-75 for 1997-1998 fiscal year. They are spending approximately 5 million dollars in construction projects for 1999 with the smaller capital projects delayed until the year 2000. They would be creating approximately 7 new positions. During discussion, the Commission concurred that Luzenac America was one of the largest private employers in the County providing many jobs and who has a large tax base. They have provided a ball field in the City of Three Forks as well as making other contributions to the communities. The citizens of Gallatin County would receive more benefits by granting the tax abatement, even though it was recommended to deny the request. Commissioner Murdock moved to approve the tax abatements requested. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Olson moved to adopt Resolution 1999-27, to finalize their approval of granting the tax benefits for Luzenac of America, Inc. pursuant to State statute 15-24-1402 MCA. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer reported on a Resolution of Intention to amend the General Fund GIS Department FY '99 budget to appropriate state grant monies. The County Commission approved the FY 99 budget with expenses for the G.I.S. Department based on available revenue. The County applied and was awarded a grant for its role in developing the Montana Cadastral Database. State law allows the County to increase it's budget for unanticipated state or federal monies. Of the grant, \$14,000 is anticipated to be spent during FY 99 with the balance of \$5,000 to be carried forward into FY 2000 budget. Commissioner Olson moved to adopt Resolution of Intention 1999-28, to amend the General Fund G.I.S. Department FY 99 Budget to appropriate state grant monies. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley reported on the proposed zoning district boundaries and regulations for the Bozeman Extraterritorial Zoning District. Notice of the public hearing was published in the Bozeman Daily Chronicle on June 6, 1999 and June 13, 1999. The County has been in the process to create the new proposed district. The County Commission requested that the Bozeman City-County Planning Board draft an update for the 1990 Bozeman Area Master Plan. After the Commission determined that they would take control over the jurisdictional area, meetings were held to identify critical issues and propose solutions for the transition period. Deputy County Attorney Susan Swimley referred to her letter dated May 25, 1999 concerning the transition. Weekly meetings have been held with Andy Epple, Dale Beland, Tim Cooper, and Ron Brey. The purpose was to work out zoning transition issues. The problem based on the statute for processing applications is when Gallatin County creates the Bozeman Area Zoning District the Bozeman City-County Planning Board must cease to exist. However, a person who resides in the area to be zoned outside the city limits may apply for a zoning action up until the day the County Bozeman Area Zoning District is created. If the applicant has not completed the process before the County Zoning district creation date, the applicant cannot complete the process. The City of Bozeman will lose jurisdiction to decide the application because the land is located outside the city limits and the City-County Planning Board ceases to exist. The County can't complete the application process if the County Zoning District is created with different regulations than those currently in use. Two solutions were presented: 1) Seek a moratorium on zoning applications in the current Bozeman zoning area outside the city limits. All existing applications would be processed, with no new applications accepted. This solution would require agreement and action from the City of Bozeman. 2) The Commission adopt the Bozeman Zoning Regulations "as is" with the minor changes of inserting "county planning board" for "city-county planning board" and "county commission" for "city commission", etc. Such an action would allow persons who apply for zoning action to complete the process with the county. This would also require the City of Bozeman cooperation to incorporate language in the existing zoning regulations. The County then could initiate an amendment process for the new County Bozeman Area Zoning District. The Gallatin County Planning staff prepared a modified version of the 1990 Bozeman Area Master Plan Update that was presented to the Commission by the Bozeman-City County Planning Board dated March 24, 1999 and titled it the Gallatin County/Bozeman Area Zoning Regulations. To facilitate the transition of the Bozeman extraterritorial zoning district to a Gallatin County 201 zoning district, the following is a general description of the changes found in the June 10, 1999 draft of the Gallatin County/Bozeman Area Zoning Regulations. 1) Changed name of district to Gallatin County/Bozeman Area Zoning District.. 2) Changed Bozeman City, etc. to Gallatin County. 3) Changed 1990 Bozeman Area Master Plan, etc. to Gallatin County Plan, etc. 4) Changed City/County to County. 5) Changed ADR, DRC, DRB, etc. to staff. 6) Changed ordinance to regulation. 7) Changed chapter to section. 8) Removed reference to Title 18. 9) Removed reference to specific ordinances. 10) Included reference to Gallatin County land use permits and certificate of compliance. 11) Changed building permits, inspector, etc. to City of Bozeman building permits, etc. 12) Included reference to Gallatin County Floodplain Regulations. 13) Included reference to City of Bozeman building permit jurisdictional area. 14) Deleted B-3 (Central Business District), HMU (Historic Mixed Use District), Neighborhood Conservation Overlay District, and all references to those districts 15) Removed references to zoning of annexed land. 16) Removed references to establishment of specific fees by resolution. 17) Removed reference to planning director enforcement of building permits. 18) Allowed planning board option on review and approval of major site plans. 19) Removed requirement of public hearing on major site plans. 20) Removed requirement for mailing public hearing notices to entire jurisdiction. There are two draft proposals for the Commission to consider, "The Gallatin County Bozeman Area Zoning Regulations" draft dated June 10, 1999 prepared by the Gallatin County Planning staff, and the "1990 Bozeman Area Master Plan Update dated March 24, 1999" and recommended by the Bozeman City-County Planning Board at the public hearing on March 30, 1999. The Clerk and Recorder's Office will have the Gallatin County Bozeman Area Zoning Regulations draft for public viewing. The new plan will incorporate the Bozeman City Master Plan into one plan called the Gallatin County Plan. A letter was received dated June 15, 1999 from Dennis Hardin expressing support for the donut area to be extended one mile beyond the city limits. Attorney Bill Madden spoke, and submitted a letter he wrote that was delivered to Chris Saunders, Bozeman City-County Planner, regarding the Gallatin County/Bozeman Area Zoning Regulations draft document dated 1/15/99. He expressed concerns of residents of the area proposed who are dissatisfied with the lack of citizen input into the proposed regulations. A recommendation made was for the Commission to establish a "Citizens Advisory Board." His alternative to that suggestion would be that the zoning regulations themselves provide for a creation of a "Zoning Commission." His letter outlined the major shortcomings he found after reviewing the proposed zoning regulations which weren't addressed and still remain in the document. He hadn't had a chance to review the other proposed draft document submitted by the Gallatin County Planning Office to comment on that one. Leo Keller, resident of the "donut" area spoke in favor of the proposed zoning district. Brian Leland spoke regarding the two draft documents proposed, stating he was relieved to find that the Bozeman City-County Planning Board's efforts and hard work in drafting the 1990 Bozeman City-

County Master Plan update would still be used with the other draft document proposed by the Gallatin County Planning staff to make one final document. There was no further public testimony. During discussion, the Commission spoke about the efforts that are being made to make the transition smooth, working with the City of Bozeman hoping to demonstrate they are cooperating with one another closely in the process. The Commission was in favor of appointing an advisory board to review the amendments proposed. Another public hearing will be held for further public testimony. No action was taken.

- - - -

Gallatin County Planner Randall Johnson reported on the request for the preliminary plat approval of the Uplands Residential Cluster "B" Major subdivision continued from the public hearing on June 1, 1999. Meetings were held with the applicant to revise the conditions in the staff report as presented on June 1, 1999. The following changes were made: The applicant has requested the following variance from the Road Design Standards of the Subdivision regulations: Section 7.A.(2) which states that when a new subdivision adjoins unsubdivided land and access to the unsubdivided must pass through the new subdivision, the subdivider shall provide rights-of-way and construct the roads so as to allow suitable access to the unsubdivided land. As shown on the preliminary plat, a right-of-way will be provided to the southwest corner of these subdivision. The applicant is requesting a variance not to physically construct the road at this time because the development pattern of the adjacent property is unknown at this time. The Road Department supports this variance request. The applicant is requesting a second variance from Section 6.E.3. of the Gallatin County Subdivision Regulations which requires major subdivisions to install an NFPA standard fill site as a water supply for fire suppression. The applicant is proposing to utilize residential sprinklers systems as a water source in lieu of a fill site. According to the applicant, a variance is requested because it is not practical to construct a fire fill pond on the site because of topographic limitations. Bob Stober, Fire Chief for the Gallatin Canyon Fire District, has stated that he supports the variance request. Staff suggests that the covenants for the subdivision include a provision requiring the fire district to review and approve all residential sprinkler systems. If the County Commission approves the subdivision, the following conditions are suggested: 1. Phases B-I through B-III shall be completed in sequence. 2. The developer shall have three (3) years to complete all conditions, and apply for final plat approval for each development phase. Required conditions for Phase B-I final plat recordation: 3. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 4. State Department of Environmental Quality approval shall be obtained for Phase B-I. 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. 5. The primary access road shall be within a sixty (60) foot public right-of-way, and be constructed to county standards. 6. The secondary/emergency access road shall be improved to a gravel standard acceptable to the Gallatin Canyon Fire District and the County Road & Bridge Department. 7. The subdivider shall be responsible for the shared maintenance of the primary and secondary/emergency access roads with all affected parties. Any maintenance agreements shall be submitted to the County Road & Bridge Department. 8. All subdivision road names shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 9. Interior subdivision 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 the interior subdivision roads. 10. "Loop" Road shall have a 60 foot public right-of-way easement, and have a county standard "T" turn-a-round. "Loop" Road shall be constructed to county gravel standards. The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 11. 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 "Loop" Road has been brought to county gravel standards. 12. Street signs shall be installed or bonded prior to final plat approval. 13. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 14. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 15. The developer shall agree to participate and equitably share in the cost of any traffic management and mitigation program authorized by the Montana Department of Transportation and participated in by Gallatin County which concerns traffic impacts on future land use developments in the Highway 64 traffic shed. The developer shall be entitled to an equitable reimbursement for any disproportionate costs expended by it in connection with participation in such program. 16. A floodplain study for the South Fork Gallatin River shall be submitted to the state Department of Natural Resources Conservation for review and approval. The 100 year floodplain boundary shall be

delineated on the final plat. 17. 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". 18. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 19. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 20. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 21. A homeowners' association for the subdivision shall be created. 22. Covenants for the subdivision shall include the following provisions: a. A site specific soil analysis and geotechnical study, prepared by a licensed professional engineer, shall be required in connection with proposed construction of any single-family dwelling. b. All structures shall be constructed in compliance with the current Uniform Building Codes. c. The homeowners' association shall be responsible for the control of noxious weeds within the common open space parcels, and all road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. d. Place title to common open space property with the homeowners' association. e. Common open space shall be preserved and maintained for passive and active recreation, wildlife habitat, and protection of scenic, unique or important natural features. f. 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. g. As concerns common open space, the Homeowners' Association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. h. As concerns common open space, assessments levied by the Association must be able to become a lien on the property. i. As concerns common open space, the Association shall be responsible to adjust the assessment to meet changed needs. j. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the common open space lands by proceeding against individual owners in the Association and the dwelling units they each own. k. The property owners' association shall be responsible for the operation and maintenance of all interior subdivision roads. l. The private common driveway shall be maintained by the owners of Lots 10 through 14. m. Gates shall be restricted from blocking access to the private common driveway. n. Use of the private common driveway shall be dedication to utility, fire, police, and other emergency service providers. o. Until a community water system is provided, all dwellings 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 hours notice, during construction and after completion. p. All structures shall be constructed in compliance with the National Fire Protection Association codes. q. Class A or B fire-rated roofing materials shall be used. r. Spark arrestor screens shall be placed on all fireplace and woodstove chimneys. s. Smoke detectors shall be installed on each level of dwelling units. t. The vegetation reduction and clearance guidelines of the Fire Protection Guidelines for Wildland Residential Interface Development shall be used. u. The artificial feeding of all big game wildlife shall be prohibited. w. All garbage shall be stored in animal-proof containers or be made unavailable to animals. x. Owners acknowledge that wildlife damage to landscaping will occur. Owners shall accept that risk and shall not file claims against the Owners Association or any other governing body for such damages. y. All perimeter fencing shall be installed in accordance with a wildlife habitat plan, prepared by a certified wildlife biologist. z. Pets shall be controlled by each homeowner, and not allowed to roam within the subdivision. aa. 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. 23. Two copies of the covenants, a copy of the preliminary approval document, improvements agreement, documents establishing the homeowners' association, public 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, improvements agreement, documents establishing the homeowners' association, easement documents, and certificate of title abstract prior to final plat approval. Required conditions for Phase B-II final plat recordation: 24. The final plat shall conform to the uniform standards for

final subdivision plats and shall be accompanied by the required certificates. 25. State Department of Environmental Quality approval shall be obtained for Phase B-II. 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. 26. Road "A" shall have a 60 foot public right-of-way and be constructed to county gravel standards. A temporary cul-du-sac shall be constructed at the end of Road "A". The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 27. 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 Road "A", including Road Easement "E" and "F", has been brought to county gravel standards. 28. Street signs shall be installed or bonded prior to final plat approval. 29. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 30. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 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". 32. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 33. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 34. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. Required conditions for Phase B-III final plat recordation: 35. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 36. State Department of Environmental Quality approval shall be obtained for Phase B-III. 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. 37. Road "B" shall have a 60 foot public right-of-way, and be constructed to county gravel standards, with a county standard cul-du-sac. The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 38. 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 Road "B" has been brought to county gravel standards. 39. Street signs shall be installed or bonded prior to final plat approval. 40. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 41. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 42. 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". 43. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 44. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 45. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation.

During discussion, Commissioner Olson presented his concern about the private common driveway proposed. He thinks there could be a lot of problems with designating a road and calling it a private

common driveway. It serves 5 lots. If it served one lot, he wouldn't have a problem with it. He didn't want to set a precedent by allowing it. Deputy County Attorney Susan Swimley clarified that they had met with the developer on the issue, and it was a decision made that the applicant can designate a private common driveway, that the roads in the subdivision met all the requirements for legal access. There are no regulations addressing private driveways. The applicant had been cautious and asked for a variance from standards requesting a variance for it previously. That variance was removed for consideration in the revised request for preliminary plat approval because it was determined by the County Attorney's Office that a variance was not needed, because the roads did meet the standards for access. The parcels were topographically challenged, and no one desired to do cut aways to establish access in another portion so they addressed the issue as a common driveway that the applicant had made improvements to mitigate the concerns raised previously concerning the safety issues with fire and police being able to access the parcels. Clint Litle, Project Engineer for MSE-HKM Engineering, spoke regarding the conditions that they met and agreed upon. He had additional changes he noted addressing the following items in the staff report. Condition #5, he wanted to add the word "easement" to state, "The primary access road shall be within a (60) foot public right-of-way easement, and be constructed to county standards. Condition #15, the word "on" needs to be corrected using the word "of" to read, "of future land use developments in the Highway 64 traffic shed." Condition #26 changed to Road "A" shall lie within a 60 foot public right-of-way easement and be constructed to county gravel standards. Condition #37, changed to Road "B" shall lie within a 60 foot public right-of-way easement and be constructed to county gravel standards. He clarified perimeter fencing does not mean the whole perimeter of the proposal, but according to the wildlife habitat plan. He addressed the concerns in Margaret Birch's letter dated March 11, 1999 that her concerns will be met. The proposal will have to be approved by the Department of Environmental Quality as a condition for plat approval. Attorney Bill Madden, representing the applicant, spoke regarding the issue of common private driveways, that they are commonly used in subdivisions. In the Master Declaration written for the Master PUD, it covers the liability assessments that provides for the responsibility to the pertinent lot owners of the driveway. There was no public comment. During discussion, Roy Steiner with the Gallatin County Road & Bridge Department stated that the concern of the department is that it would set a precedence. They'd like to see it as a public dedicated road, but if the fire districts concerns are met then the public interest is served. Commissioner Olson preferred granting the variance for the road as was presented the first time, than approving the private common driveway that is now proposed. Commission Mitchell had concerns of the common driveway with access for the emergency vehicles in the rough terrain, but with the condition included that the fire department has to approve the secondary/emergency access road, she approves of the development. Commissioner Murdock stated that the private common driveway did meet the standards provided for in the subdivision regulations that the safety issues were also mitigated to protect the health, welfare, and safety of the public. He stated that there was no public comment contrary to the proposal, that it is consistent with the Big Sky Master Plan. He approved of the subdivision as presented. Based on the facts presented, finding that the applicant's reasons for requesting the variance are valid and the variance is supported by the Road Department, Commissioner Olson moved to grant the variance from Road Design Standards Section 7.A.(2) of the subdivision regulations. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Based on the recommendation by Bob Stober, Fire Chief of the Gallatin Canyon Fire Rural Department, and the Fire Council, finding that it is in the public's best interest to have sprinkler systems installed for fire suppression in the mountainous terrain, Commissioner Murdock moved to grant the variance request from Section 6.E.3 of the subdivision regulations requiring major subdivisions to install a fire fill site. Seconded by Commissioner Olson. None voting nay. Motion carried. Based on the staff recommendations and finding this proposal meets the requirements of Section 76-3-608 MCA of the Montana Subdivision and Platting Act, that it conforms with the provisions of the Gallatin County Subdivision Regulations Section 6.A.3, and it is consistent with the Gallatin Canyon/Big Sky Zoning regulations, Commissioner Murdock moved to approve the Upland Residential Cluster "B" Subdivision with the following conditions as presented and amended: #1-4 as written. Condition #5 amended to read, "The primary access road shall be within a sixty (60) foot public right-of-way, and be constructed to county standards." Condition #6-14 as written. Condition #15 amending the first sentence to change the word on to of, "The developer shall agree to participate and equitably share in the cost of any traffic management and mitigation program authorized by the Montana Department of Transportation and participated in by Gallatin County which concerns impacts "of" future land use developments in the Highway 64 traffic shed. The developer shall be entitled to an equitable reimbursement for any disproportionate costs expended by it in connection with participation in such program. Conditions #16-25 as written. Condition #26 amending the first sentence to read, "Road "A" shall lie within a 60 foot public right-of-way easement, and be constructed to county gravel standards. Condition #27-36 as written. Condition #37 amending the first sentence to read, "Road "B" shall lie within a 60 foot public right-of-way easement, and be constructed to county gavel standards, with a county standard cul-de-sac. Condition #38-45 as written. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 4:09 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 22nd DAY OF JUNE 1999

The meeting was called to order by Chairman Bill Murdock at 1:31 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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:

JUNE 14-15, 1999

- The Commissioners conducted regular County business.

JUNE 16, 1999

- A special meeting of the Commissioners was called to order for the purpose of considering approval of two contracts. Commissioner Olson was absent from this meeting. The first contract was for an In-Car Video Program Agreement for the Sheriff's Department and the second was for a construction/maintenance agreement with Montana Rail Link for Alaska Road. Commissioner Mitchell made a motion to approve the contract with the Department of Transportation for a \$3,000.00 grant for video cameras for patrol cars. Commissioner Murdock seconded the motion. Motion passed unanimously with a vote of 2-0. Commissioner Mitchell made a motion to authorize the signing of the June 16, 1999 version of the R-E permit from Montana Rail Link to Gallatin County. This grants a right of entry permit from Montana Rail Link to the County for Alaska Road with the understanding that other agreements are forthcoming. Commissioner Murdock seconded the motion. Motion passed unanimously with a vote of 2-0.

JUNE 17-18, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for final plat approval of the Gallatin Business Park Minor Subdivision located in the NE¼ of Section 11, T3S, R4E PMM, Gallatin County, Montana. Gallatin County Planner Jennifer Madgic reported that after review, it appears that all conditions for granting final plat approval have been met.
- The following contracts were reviewed and considered: Mountain Land Rehabilitation contract for therapy service at County Rest Home; Board of Crime Control grant award for Victim/Witness program; Bond agent agreement with D.A. Davidson for Harvest Hills RID #372; Agreement with Locator of Unclaimed Funds for Recovery of Overpaid Fuel Excise Tax.

There were no minutes. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The following Board appointments were considered and appointed:

- The Commission reviewed the application from Charles Bostrom for the one vacancy open on the Board for the North Side Rural Fire District. The position was advertised in the Bozeman Daily Chronicle and on the radio. No other applications were received. Commissioner Mitchell moved to appoint Charles Bostrom to the North Side Rural Fire District Board. Seconded by Commissioner Olson. None voting nay. Motion carried.

- The Commission reviewed the application from Thomas Goodpaster for the one vacancy open on the Tax Appeal Board. The position was advertised in the Bozeman Daily Chronicle and on the radio. No other applications were received. Commissioner Olson moved to appoint Thomas Goodpaster. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy Attorney Chris Gray reported on the consideration to enter into an agreement with the City of Bozeman for a hockey pavilion located at the Gallatin County Fairgrounds site. Many needs exist which could be met with this agreement, some of which are: to maintain the availability for quality ice hockey and ice skating opportunities (The Bozeman Area Hockey Association (BAHA) is unable to make the necessary upgrades to the Bogert Park Pavilion.), to enhance the opportunity for other recreational, entertainment and agricultural activities, for a multipurpose open-air pavilion located on the Gallatin County Fairgrounds with accompanying facilities. This agreement would allow the County and City to meet these needs. The following people all gave public testimony in support of building the hockey pavilion: Greg Raths, Gary Kline, Sue Shockley, Rich Deming, Joe Nelson, Dan Swanson, and Lisa Tuckerman. In summary, their reasons for supporting are: The building would be of benefit for a wide variety of people, from the hockey players to individual families. It is a good time to build the pavilion, before the ice season begins. This building is in agreement with the master plan for the future of the fairgrounds. The pavilion can be utilized for numerous things, and would be available to the community for its use. The following person gave public testimony in opposition of building the hockey pavilion: James Paugh. Mr. Paugh was in opposition for the following reasons: Over the years, many groups have petitioned to use the fairgrounds for their own uses and been denied. The fairgrounds is a county facility and should be used for general public uses only, not an individualized group. Mr. Paugh is also concerned that in the end it will cost the taxpayers more money to maintain the building if other resources don't hold up. The Commissioners reported that they have received numerous phone calls and letters reflecting support for the building of the pavilion on the fairgrounds site. The letters received in support of the pavilion were from Ken Younger, Dan Swanson, and Todd Wilkinson. They also reported that of all the letters and phone calls received, only two have been in opposition. Commissioner Olson stated that he was in support of the agreement because it had been well planned and would be a great asset to the fairgrounds and the general public. Commissioner Mitchell reported that while she shared Mr. Paugh's concerns, she felt the pavilion would be a true multi-purpose facility for the benefit of numerous people. Commissioner Murdock reported that the Gallatin County Fair Board has assured him that they are in favor of the facility and that he was also in favor of it. Commissioner Mitchell moved to sign the agreement with the City of Bozeman. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the adoption of Preliminary FY 2000 Gallatin County Operating Budget. The County Commission stated before and during the budget process that their emphasis was on three items: 1. Maintaining and adequately paying staff currently employed by Gallatin County. Personnel requests which included 18 new full time positions, 3 new part time positions, 2 positions to be eliminated, 24 reclassifications, and 1 retirement. The Commission granted funding of 2 new full time positions, 1 temporary and 1.25 part time positions. 2. Update County facilities. These include improvements involving Phase II, the S&R/E.O.C. building, the Road shop building and tentative funds for Phase III and IV of Courthouse renovation. 3. Deal with computer needs i.e. Y2K. This includes software upgrades, new computers, and salary increases for Programmers. Mr. Blackman also reported that the preliminary budget also includes requests for money for three programs. 1. Open Space Lands Board. 2. The Community Corrections Board and 3. The Drug Court. The preliminary budget shows the utilization of \$4,110,000 in estimated cash to fund the budget. \$3,611,000 of this cash is to fund capital expenditures with the balance funding ongoing operations. The budget also anticipates a .90 millage decrease due to the Detention Center Bond pay off. Also, because of Senate Bill 184, the budget anticipates a decrease in tax dollars of \$376,000 to Gallatin County. Also approved was the performance process which was also included in the budget. The plan set forth was as follows: For the preliminary budget to be adopted today and a resolution to be signed for this. On July 13 or 20 the proposed budget would ideally be adopted and on August 3 or 10 the final budget will be adopted. The mill levy will be set sometime in late September. Discussion took place between Commissioner Murdock and Fiscal Officer Ed Blackman regarding the Senate Bill which would be potentially raising taxpayer's taxes, but decreasing the revenue to local government. Also mentioned by Commissioner Murdock was the fact that although this is the case, the Commission has yet to resort to raising the local taxes. The one new position granted was for the 911 system, in order to allow the current dispatchers to be utilized more efficiently for actual 911 services. Commissioner Mitchell pointed out that a lot of money was spent on assuring Y2K compliance. Mr. Blackman explained that this compliance is a necessity and that if some of the systems

are then not needed, that the money can be spent in other areas later. Commissioner Olson moved to adopt Resolution 1999-29. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a consideration of a request for preliminary plat approval for the Wakarusa Minor Subdivision located in the NE $\frac{1}{4}$ of Section 26, T2N, R4E, PMM, Gallatin County, Montana. The property is legally described as a tract of land located in the Northeast One-Quarter (NE $\frac{1}{4}$) and Northeast One-Quarter (NE $\frac{1}{4}$) of Section 26, Township Two North (T2N), Range Four East (R4E), PMM, Gallatin County, Montana. The property is generally located east of Dry Creek Road, approximately one and a half miles from the Dry Creek Road/West Dry Creek Road intersection, east of the Town of Manhattan and north of Belgrade. The subdivision was reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. No variances are being requested. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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 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 system. 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. A Memorandum of Understanding shall be signed between the weed control district and the applicant prior to final plat approval. 5. The applicant shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, or the creation of a sewer and/or water district. 6. 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. 7. The 100-year floodway of Dry Creek shall be delineated on the final plat. 8. A minimum 20-foot ditch maintenance easement shall be provided on final plat for existing irrigation ditch. 9. The applicant shall record the following covenants on or with the final plat: a) The property owner shall be responsible for the control of County-declared noxious weeds. b) Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the subdivision regulations. 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 fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. 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. 10. Encroachment permit(s) must be obtained from the County Road Department for access along Dry Creek Road. 11. Thirty feet of Dry Creek Road east of the centerline will need to be dedicated to the public the entire length of the development. 12. The applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations. 13. The applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations. 14. The applicant shall provide an appropriate fire protection method in accordance with the subdivision regulations. The applicant shall have the Belgrade Rural Fire District review and approve the fire protection method prior to final plat approval. The applicant shall obtain written verification from the fire district that the requirement has been met. 15. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Jennifer Madgic

stated that there has been no quorum, no recommendations, and no letters or phone calls opposing the subdivision. Commissioner Mitchell questioned Jennifer about the fire protection options and it was explained that choosing one of several options is the typical, acceptable way that it is handled. Commissioner Murdock suggested to Jennifer that she talk to the rural fire counsel about the fire protection options. He explained that they wish for the conditions be consistent. Jennifer assured Commissioner Murdock that this minor subdivision is within the County Master Plan and that it is consistent with surrounding lot sizes. The ponds located on the property were discussed as possible fire fill sites. Jennifer explained that she could not say whether or not they could be used for fill sites and that the fire department would have to determine that. Commissioner Murdock asked if the developer would like to make comment. Ron Allen, Allen & Associates, surveyor for the applicant came forward to make public comment. Mr. Allen discussed the fire fill question and stated that the ponds are not currently fire fill, but that it is being discussed as being a possibility. The surrounding lands will continue to be used as limited agricultural land. Commissioner Mitchell proposed the question of water rights to the ponds and the ditch on the property. It was stated by Jennifer Madgic that the Brownells, who own water rights to the ditch, have no problem with the minor subdivision that they are in agreement with it. Commissioner Murdock asked Ron Allen if the applicant agreed to all of the conditions. Mr. Allen stated that they were in agreement with all the conditions as presented. No further public comment was heard. Finding that the proposed subdivision is consistent with the Montana Subdivision and Platting Act and the local subdivision regulations, is in conformance with Gallatin County's Master Plan, Commissioner Olson moved to approve the Wakarusa Minor Subdivision with conditions #1-15 as written and presented. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a consideration of a request by Valley Meadows, LLC on behalf of Potter Clinton Development to amend the plat for the Royal Village Phase I Major Subdivision. The property is located in the River Rock Zoning District (formerly the Royal Village Zoning District) and is legally described as seven tracts of land located in the Southwest One-Quarter (SW $\frac{1}{4}$) and Southeast One-Quarter (SE $\frac{1}{4}$) and of Section Three, Township One South (T1S), Range Four East (R4E), PMM, Gallatin County, Montana; generally located north of Amsterdam Road, approximately two miles west of Belgrade. The Royal Village Phase I plat was filed in 1978, the same year the Royal Village Zoning District and Zoning Regulation were approved by the County Commission. The name of the district was recently changed to River Rock. The total River Rock Zoning District includes approximately 297 acres, to be submitted as three separate major subdivision applications. The Royal Village Phase I Subdivision comprises approximately 72.16 acres, approximately 11.46 acres of which is being amended with this application. Section 13.E.2 of the subdivision regulations regarding material alterations of recorded final plats, permits "amendments that materially alter the final plat," through "the filing of an amended plat showing all alterations." The Regulations further state that the "amended plat shall be approved by the Commission under the major or minor subdivision procedure as is appropriate." The subdivision was reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, water supply and sanitary facilities, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. No variances are being requested. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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 Department of Environmental Quality. 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, cul-de-sac easement, 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, cul-de-sac easement 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. All areas disturbed during construction shall be reseeded with vegetation types approved by the weed control supervisor. 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) 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. c) 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) Individual lot access from County public roads shall be built to the standards of Section 7.G.2 of the subdivision regulations. e) The property owners' association shall be responsible for maintenance of interior subdivision roads. f) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. 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. All road names for interior roads shall be approved by the County Road and Bridge Department. 9. Road name signs shall be required at all intersections. 10. Stop sign(s) shall be required at all intersections with County-maintained roads. 11. Proof of encroachment permit(s) shall be shown for access(es) off Amsterdam Road. 12. A no-access strip shall be provided along Amsterdam, Thorpe and Royal roads. 13. The amended plat application shall be submitted to Montana Department of Transportation for their review and determination of any necessary improvements to Amsterdam Road. The applicant shall submit a letter from MDT certifying satisfaction of this condition. 14. All interior roads shall be built to County-paved standards, and have a 60-foot right-of-way, dedicated to the public. 15. All road work shall be inspected and certified by a licensed engineer. Such inspection and certification must be provided to the County Road Department in writing. Final approval will not be given until this documentation is received. 16. A property association must be formed for the maintenance of all interior roads. 17. A waiver of protest for creation of future RIDs will be required. 18. The applicant shall make payment of road impact fees in accordance with the subdivision regulations. 19. The applicant shall make payment of fire protection impact fees in accordance with the subdivision regulations. 20. The applicant shall designate park land according to Section 6.G.1 of the subdivision regulations prior to final plat and dedicate the land to the property owners' association. 21. All requirements of the Belgrade Rural Fire District shall be met prior to final plat approval. The fire district shall review and approve all fire protection measures prior to final plat approval. 22. The water main system and fire hydrants servicing all lots shall be installed. 23. The community sewer system, including all sewer mains and sewer service serving all lots shall be installed. 24. The applicant(s) shall submit certified "as-built" plans for all water and sewer installations prior to final plat approval. 25. The applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Jennifer Madgic stated that condition number 12 needs to be changed to add "Thorpe, and Royal Road." which were unintentionally omitted. Notice of this public hearing was advertised in the Bozeman Daily Chronicle. Jennifer also stated that letters were sent to adjacent property owners giving notice, but no responses have been received. One letter was received from the developer regarding the contesting of 5 of the conditions. Public testimony was heard by Mike Potter of Potter Clinton Development. Mr. Potter reported that this plat is being submitted in order to do "housekeeping" on the previously filed plat and clear up loose ends that might effect future applications in order for them to proceed and finish the final phases of this project. Condition 13 was contested because they already have a permit from the highway department. Conditions 14, 15, 22 and 23 are being contested because they feel that it will hinder their ability to develop coherent neighborhoods. They want to defer these conditions until they are ready to inhabit the other areas. Potter requested that in place of these conditions that the language be put into the covenants. Chief Deputy County Attorney Susan Swimley informed Mike Potter that covenants are not enforced by the County so she is concerned about this being feasible. Potter suggested a possible alternative being a subdivision improvements agreement. Public testimony was heard by Pat Jennings and ReNae Grantier. Both of whom spoke of concerns about the development and the buffer zone between their land and the Royal Village subdivision. They were asked to return at a later meeting to discuss these issues as they were not pertinent to this particular meeting. Commissioner Murdock inquired about the bike path that is being discussed with CTEP, the school district, and Potter Clinton Development. Mr. Potter pointed out that in the development plan, they have put in green belt accesses to the school from the subdivision. He is also very willing to work with the school, County, CTEP and

highway department in order to put in the path and cooperate in any way necessary. He pointed out that the bike path does not necessarily benefit the subdivision, but the surrounding area, and is open minded to work with them on it, but feels it needs to be a group effort. During board discussion, it was determined that item "f" of the covenants needed to be revised to say "home owners association" rather than "property owners." The board also discussed the request of the applicant to delete conditions 14, 15, 22 and 23 and it was determined that instead of this that they will add another condition providing a subdivision improvements agreement. County Planning Director Dale Beland also suggested that this addition would be a feasible option that would remain within the boundaries of the county jurisdiction. It was also decided that condition #13 would be removed and added at a later time. Commissioner Mitchell moved to pass the request for preliminary plat for the amended Royal Village Phase 1 subdivision, finding that the Royal Village/River Rock Subdivision Phase 1 essentially meets the Montana Subdivision Platting Act, Gallatin County Subdivision Regulations and the Gallatin County Master Plan, subject to the following amended conditions: #1-6 as written and presented. Condition #7 item (f) amended to read, " All fences bordering agricultural lands shall be maintained by the home owners association. Conditions #8-11 as written and presented. #12 amended to read, "A "no-access" strip shall be provided along Amsterdam, Thorpe and Royal roads." Delete condition #13. Condition #14-24 being renumbered. Add condition #25 that would read, "The applicant may enter into an improvements agreement consistent with the subdivision regulations for a period not to exceed 4 years. Seconded by Commissioner Olson. None voting nay. Motion carried.

The Commissioner took a break at 3:40 P.M. returning at 3:50 P.M.

Gallatin County Clerk and Recorder Shelley Vance certified that between April 20, 1999 and June 21, 1999, no protests were received regarding Resolution 1999-15, a resolution amending the jurisdictional boundary of the Gallatin County Planning Board to include the Bozeman extraterritorial planning jurisdiction and amending the implementation policy for the creating county zoning districts pursuant to Section 76-2-201, et seq. in a municipal extraterritorial zoning district. The certification of protest will be attached to Resolution 1999-15.

Gallatin County Director Dale Beland reported on a consideration of a resolution of intention to revise the Gallatin County Plan. Notice was given of a public hearing before the Gallatin County Planning Board on May 25, 1999, to consider the incorporation of the 1990 Bozeman Area Master Plan Update as a revision to the Gallatin County Plan, as revised on October 20, 1998. This revision would be the addition of the 1990 Bozeman Area Master Plan Update to the city limits of Bozeman as a neighborhood plan within the Gallatin County Plan. Copies of both the 1990 Bozeman Area Master Plan Update and the Gallatin County Plan (10/20/98) were made available to the public. The planning board deemed the proposed revision to be in the public interest and adopted Resolution No. PB-1999-01 recommending to the County Commission the incorporation of the 1990 Bozeman Area Master Plan Update as a neighborhood plan revision to the Gallatin County Plan. If the County Commission deems the proposed revision to be in the public interest, the Commission will consider adopting the resolution to revise the 1990 Bozeman Area Master Plan after hearing public comment on July 6, 1999 at the regular Commission meeting. There was no public comment. Commissioner Olson moved to adopt Resolution 1999-30 the intention to revise the Gallatin County Plan. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley reported on a consideration of a resolution of intention to create county zoning and adopt zoning regulations for Gallatin County/Bozeman Area Zoning District in Bozeman Extraterritorial Zoning District. The purpose of this notice is to inform the public of the intention to create new Gallatin County zoning regulations based on a 1990 survey done by Ron Allen. This will be published twice a week for two weeks. The notice states that the Commission will begin a thirty day protest period beginning June 23, 1999 and ending July 23, 1999. During this period, written protests will be received from persons owning real property within the district whose names appear on the last completed assessment role of Gallatin County. After this time, the Commission will consider filing a resolution of intention to adopt the zoning district and adopt regulations. This is all concerning the June 10, 1999 draft of the Gallatin County/Bozeman Area Zoning Regulations. Public testimony was heard from Karen Pfahler and Brian Leland. Susan Swimley is asking that the Commission adopt the June 10, 1999 draft in order to facilitate people who are in the process and allow them to finish their process, for legal reasons. There is a need for transition documents to help those people who might fall into a

jurisdictional problem if they are in the donut and are in the middle of a project when the re-zoning takes place. She suggested adopting the June 10 document and then work towards amending the March draft. This process takes about three weeks, and anyone starting a project during that time period would be able to finish the project under the zoning regulations at the time they began. Commissioner Olson moved to adopt Resolution #1999-31, the resolution of intention to create the Gallatin County/Bozeman Area Zoning District and adoption of the zoning regulations for the district. Seconded by Commissioner Mitchell. None voting nay. Motion passed.

Chief Deputy County Attorney Susan Swimley presented the pending resolution regarding the Caterpillar Financial Services Corporation contract. This agreement was approved at the Belgrade meeting and was presented in order to be signed. Commissioner Mitchell made a motion to sign Resolution 1999-32 to finalize the contract. Seconded by Commissioner Olson. None voted nay. Motion carried.

There being no further business the meeting was adjourned at 4:23 P.M.

Unavailable For

signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 29TH DAY OF JUNE 1999

The meeting was called to order by Chairman Bill Murdock at 1:35 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, Chief 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:

JUNE 21-25, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for final plat approval of the Mary Reilly Minor Subdivision received by Gallatin County Planner Jennifer Madgic. The property is located in the S½ of the NW¼ of Section 1, T3S, R5E. The County Commission granted preliminary plat approval on October 13, 1998. After review, it appears that all conditions have been met to grant final plat approval.
- A request for a family transfer exemption received by Gallatin County Planner Jennifer Madgic from Thomas and Sandra Tursich. The property is located in Section 1, T3S, R4E. According to the information submitted, this request appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a family transfer exemption received by Gallatin County Planner Jennifer Madgic from Jennie Klompfen. The property is located in Section 16, T1S, R4E. According to the information submitted, this request appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for a boundary relocation exemption received by Gallatin County Planner Jennifer Madgic from Jim and Dorothy Soares and Mark and Patricia Soares. The property is located in Section 2, T1N, R4E. According to the information submitted, this request appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Consideration of Resolution #1999-33, a resolution of the Gallatin Commission amending the Gallatin County Zoning District #6 zoning regulation and the official zoning map.
- Consideration of Resolution #1999-34, a resolution of the Gallatin Commission amending the Wheatland Planning and Zoning regulation and the official zoning map.

- The following contracts were reviewed and considered: Cleaning services agreement with Nook and Cranny; Junk vehicle towing agreement with Art's Towing, Inc.; Y2K compliance agreement with Touch America; Annual Medicaid cost report preparation agreement with Galusha, Higgins & Galusha; Information Technology Grant from the U.S. Department of the Interior; Agreement with Securitec Safety Systems for Health & Human Services building alarms; Agreement with Securitec Safety Systems for the Gallatin County Courthouse alarms; Survey contract with A&A Research

There were no minutes. Fiscal Officer Ed Blackman requested the survey contract with A&A Research be pulled and continued until July 1, 1999. Domenic Blocker had questions concerning the Mary Reilly subdivision. It was pulled for discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Dominic Blocker had concerns regarding where the Mary Reilly subdivision was located. Deputy County Attorney Susan Swimley stated it was located northwest of the intersection of Nash Road and South Third Avenue, within the Hyalite Zoning District. A staff report was handed to her for reference. She had no further questions of the staff or Commission. Finding there were no further concerns brought before the Commission, Commissioner Mitchell moved to grant final plat approval for the Mary Reilly Subdivision. Seconded by Commissioner Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported that notice of the public hearing to receive public comment on the petition from Potter Clinton Development she received on behalf of the Commission on May 5, 1999, concerning the abandonment of a portion of Maiden Road was advertised in the Bozeman Daily Chronicle on June 27, 1999. Copies of the notice and viewing committee report were mailed to all signers of the petition; landowners name on the petition; individuals named in the petition who could be affected; the postmaster of the area; and the Public Land Access Association on June 22, 1999. She certified that on May 7, 1999 she examined the petition and it contained the signatures of at least 10 qualified freeholders in Gallatin County meeting the requirements of Section 7-14-2601 M.C.A. 1997. At that time, the Commission appointed a viewing committee consisting of the interim County Road Superintendent Dave Fowler, County Commissioner Jennifer Smith Mitchell, and Clerk and Recorder/ Surveyor Shelley Vance. The Viewing Committee report dated June 21, 1999, which was read into the record stated that Maiden Road had not been constructed. According to the petition (Road Petition #793), it is necessary to abandon this portion of the roadway in an effort to re-design this subdivision. That portion of road will be replaced by right-of-way directly north of its current position if the amended plat is approved. The viewing committee believes that if the design of roadways in the new proposed amended plat are approved this abandonment is appropriate for the following reasons: The new design will improve traffic flow, improve the ease of maintenance, and create a more gradual curve. It does not appear to the viewing committee that this abandonment, together with the approval of the design of roadways in the proposed amended plat would adversely affect the owner of Lot 22 Block 5, of the Royal Village Subdivision. No one would become land-locked nor denied public access to public lands if this abandonment was approved. Chief Deputy County Attorney Susan Swimley asked Jason Leep, Project Manager with Potter Clinton Development to answer questions to make findings on the abandonment request. She asked Mr. Leep the following questions in which he answered "correct" to all for the record. 1) This area was platted as Royal Village Montana Phase One filed in the Office of Clerk and Recorder, September 1, 1978. 2) The recorded plat grants and donates the streets to the public forever. 3) Royal Village Phase One is being replatted. Roadways are being re-designed and re-dedicated. The portion to be abandoned will be aggregated into the subdivision lots. 4) As per Valley Meadows, LLC, the owner of adjacent property, the road will become part of adjacent lots created in the re-design of the subdivision. The vacated roadway should be incorporated into the new lots. There was no public comment. During discussion the Commission concurred that re-designing the road system was in the public interest. Finding that the abandonment of Maiden Road would not block access or land-lock anyone, that the land would revert back to one owner, Commissioner Olson moved to grant the road abandonment request. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported that notice of the public hearing to receive public comment on the petition she received on behalf of the Commission on May 5, 1999 from Potter Clinton Development, concerning abandoning a portion of Iroquois Trail was advertised in the Bozeman Daily Chronicle on June 27, 1999. Copies of the notice and viewing committee report were mailed to all signers of the petition; landowners name on the petition; individuals named in the petition who could be affected; the postmaster of the area; and the Public Land Access Association on June 22, 1999. She certified that on May 7, 1999 she examined the petition and it contained the signatures of at least 10 qualified freeholders in Gallatin

County meeting the requirements of Section 7-14-2601 M.C.A. 1997. At that time, the Commission appointed a viewing committee consisting of the interim County Road Superintendent Dave Fowler, County Commissioner Jennifer Smith Mitchell, and Clerk and Recorder/ Surveyor Shelley Vance. The viewing committee report dated June 21, 1999 read into the record stated that Iroquois Trail had not been constructed. According to the petition (Road Petition #794), it is necessary to abandon this portion of roadway in an effort to re-design this subdivision. According to the petition, this road will become a portion of the park if the amended plat is approved. The viewing committee believes that if the design of roadways in the new proposed amended plat is approved this abandonment is appropriate because the new design creates a "T" intersection which is a much safer intersection. Currently the design of the roadway is a "Y" intersection. No one would become land-locked nor denied access to public lands if this abandonment were approved. Notification of this public hearing to receive public comment was advertised in the Bozeman Daily Chronicle on June 27, 1999. Chief Deputy County Attorney Susan Swimley asked Jason Leep, Project Manager with Potter Clinton Development to answer questions to make findings on the abandonment request. She asked Mr. Leep the following questions in which he answered "correct" to all for the record. 1) This area was platted as Royal Village Montana Phase One filed in the Office of Clerk and Recorder, September 1, 1978. 2) The recorded plat grants and donates the streets to the public forever. 3) Royal Village Phase One is being re-platted. Roadways are being re-designed and re-dedicated. The portion to be abandoned will be aggregated into a park. 4) As per Valley Meadows, LLC, the owner of adjacent property, the road will become part of the subdivision and transferred into the property owners association. There was no public comment. During discussion the Commission concurred that re-designing the road system was in the public interest. Finding that the abandonment of Iroquois Trail would not block access or land-lock anyone, that the portion of road to be abandoned would not have to be divided, and with the findings as presented by Deputy County Attorney Susan Swimley, Commissioner Olson moved to grant the road abandonment request. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy Susan Swimley reported on the consideration of a resolution to change the established public meeting time. The Gallatin County Commission established by resolution a regular meeting date and notified the public of that date; and whereas, the Gallatin County Commission desires to allow more time for public hearings. The County Commission therefore shall hold its regular public meetings every Tuesday changing the time from 1:30 P.M. to 9:00 A.M. The resolution would take effect on September 7, 1999. Clerk and Recorder Shelley Vance stated that the new time would be advantageous to her office as her deputies would not have to work overtime when the meetings run after 5:00 P.M. There was no public comment. During discussion, the Commission concurred that it would be in the best interests of the public to hold the hearing earlier to give the public more opportunity to attend. There was no public comment. Commissioner Mitchell moved to adopt Resolution 1999-35 to change the established public meeting time to 9:00 A.M. every Tuesday beginning September 7, 1999. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a consideration to create a Public Safety Fund, the second public hearing to receive public comment. The Board of County Commissioners may annually at the time of levying county taxes, fix and levy a tax on all property within the county for the purpose of providing for the public safety of citizens. State law limits the number of mills for the General Fund and the Public Safety Fund at the same number of mills authorized in the proceeding year; and, the County Fiscal Officer has calculated the Public Safety Funds millage at 15 with the General Fund mills being 10. He recommends the creation of this fund. Sheriff Bill Slaughter testified that by specifically breaking out the amount of money spent for public safety the public would see exactly how much is spent, where their tax dollars are going to protect them. The public safety fund can build reserves for big expenditures needed in the future. This action would not raise taxes, just break out the departments within the category of public safety. There was no public comment. During Board discussion, the Commission concurred since it would be reviewed each year, creating this fund would be worth pursuing. Commissioner Olson moved to adopt Resolution 1999-36, a resolution authorizing to create Fund 2309, a Public Safety Fund. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a resolution establishing the Superintendent of Schools' Grant Fund and setting the revenue and expense budgets for the Superintendent of Schools. State law 7-6-2218 MCA authorizes the County Commission to approve and adopt a resolution to appropriate money received from the federal or state government. The Superintendent of Schools desires to maintain accounts that would allow them to solicit donations and grants with the intent to segregate all monies received into a separate fund and the county budget does not include the expending of budget in a separate Superintendent

of Schools Grant Fund. By this resolution, the Gallatin County Commissioners authorize the Clerk & Recorder to create the Superintendent of Schools Grant Fund. The Superintendent of Schools Grant Fund for FY 99 is set as follows:

Fund Name: Superintendent of Schools Grant Fund Fund No. 2924
Fund No. 232
Account Number Description FY 99 Budget

Expenses

2924-232-411600-220 Operating Supplies
2924-232-411600-311 Postage
2924-232-411600-320 Printing & Duplicating
2924-232-411600-397 Outside Services \$1,760.00

There was no public comment. Commissioner Mitchell moved to approve Resolution 1999-37 to establish the Superintendent of Schools Grant Fund and setting the revenue and expense budget. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a Resolution to amend the General Fund GIS Department FY '99 budget to appropriate state grant monies. The County Commission passed Resolution #1999-28 on June 15, 1999 notifying the public of the hearing amending the FY 99 budget for the GIS Department in the General Fund. The County Commission found it would be in the best interest of the public that the FY 99 Operating Budget should be amended to allow for the expending of grant monies received from the State of Montana. The budgets are amended as follows:

Revenue

Account #	Description	Original Budget	Adjustment	Adjusted Budget
1000-000-39-60-00	State Grant	\$ -0-	\$19,000.	\$19,000.

Expense Activity: 1000-225-4118-00-

OBJ CODE	Description	Original Budget	Adjustment	Adjusted Budget
397	Contracted Services	\$5,200.	\$14,000.	\$19,200.

There was no public comment. Commissioner Olson moved to adopt Resolution 1999-38, to amend the General Fund G.I.S. Department FY 99 Budget to appropriate state grant monies. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a consideration of a request for a family transfer exemption for Mark & Kelly Feasline. The property is described as Certificate of Survey #1057B, located in Section 35, T1S, R4E. The claimants intend to sell Tract 2A and transfer Tract 2B to their daughter to retain "for the foreseeable future." It was unclear as to whether this exemption meets the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act. Kelly Feasline addressed the Commission and answered questions as to their intent to transfer the one lot to their minor child and sell one lot. Deputy County Attorney asked Mrs. Feasline if she had set up a trust for her daughter. She stated she had not, but could if it needed to be done. She had contacted an attorney. He recommended to her to set up a trust. There was no public comment. During discussion, a question was raised, if subdividing land into two parcels, selling one, and retaining one for transfer to a minor child was allowable under the criteria set forth for the family transfer exemption or an evasion of subdivision regulations. Deputy County Attorney Susan Swimley stated to the Commission that it was a factual determination for them to make, made on a case by case basis. She said if the Commission needed more time to decide, if the applicant agreed, that she could do more research and find a legal opinion to help in their determination. It was decided, and agreed to by the applicant, to continue their consideration of their request for the family transfer exemption until July 20, 1999.

Belgrade City-County Planner Jason Karp reported on a request submitted by C&H Engineering on behalf of William and Linda Roesener for preliminary plat approval of a two lot minor subdivision on 12.9 acres. The subdivision is located west of Belgrade on Stagecoach Trail. The property is described

as Tract 11A of a COS filed in Book 1 of Plats, Page 25C on file at the Gallatin County Clerk and Recorder's Office. The property is situated in the SW ¼ of Section 4, T1S, 4E, P.M.M., Gallatin County, Montana. The subdivision has been reviewed for the following primary criteria: wildlife, wildlife habitat, public health and safety, local services, natural environment, agriculture, agriculture, agricultural water user facilities, legal and physical access. The Belgrade City-County Planning Board reviewed the preliminary plat for the Roesener Minor Subdivision. The Planning Board voted at their June 16, 1999 public meeting to recommend granting the requested variance and preliminary plat approval of the subdivision subject to 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 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 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 homeowners shall participate with the other property owners along Stage Coach Trail for the shared maintenance of Stage Coach Trail.
 - e. The proper permits must be obtained from the Gallatin County Floodplain Administrator for any proposed development in the floodplain.
 - 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.
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 impact fees and fire impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations.
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 the 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. 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 Rural Fire District. The subdivider shall obtain written verification from the Belgrade 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 and covenants requiring the installation of sprinklers 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.
 3. A pressurized fire hydrant system meeting the requirements of Section 6-E-5(e).
11. A building envelope for the new residence on Lot 11-A-2 shall be shown on the final plat.
12. A building envelope for the new residence on Lot 11-A-2 shall be shown on the final plat.
13. The Gallatin River flood plain shall be shown on the final plat.
14. An easement shall

be shown on the final plat for the existing drainfield for Lot 11-A-1. 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 Belgrade City-County Planning Board voted in favor and recommended granting the requested variance and preliminary plat approval of the subdivision. Mark Chandler with C&H Engineering, representing the applicant, stated that the applicant intends to sell the tract with the existing house and build a new house by the garage on the other lot and keep the fishing access. He expressed that it would be an undue hardship on Mr. Roesener to pave that portion of road required for a 2-lot minor subdivision, the reason for requesting the variance. The applicant has agreed to sign a Waiver of Right to Protest any RIDs. The applicant is agreeable to all the conditions as written. There was no public comment. During discussion, a question was raised concerning the size of the building envelopes drawn on the preliminary plat. Mr. Chandler said that the north of the bench area is floodplain and they wanted some way to show that on the plat so homes wouldn't be constructed in that area. The applicant wanted to leave their options open as to where exactly they wanted to build the new residence, the reason for the building envelope which covers a large area of the lot. Commissioners Olson and Murdock agreed to delete condition #12 as it seemed unnecessary with the floodplain permit required stated in the covenants. Mr. Chandler said there was some concerns of heavy building along the floodplain area. Commissioner Mitchell wasn't comfortable with deleting the condition without knowing more about the floodplain. Tim Rourke, Director of the Environmental Health Department stated that when they review an application and it runs along a river course they look at the floodplain areas. It would also have to be approved by the Department of Environmental Quality. They agreed to add language to condition #12 which would be more specific to building in the floodplain area. Condition #11 was omitted from the staff report. Mr. Karp stated that condition #11 covers the 30 foot public dedication of a portion of Stage Coach Trail Road along the west boundary of the subdivision. They agreed to add condition #15 to obtain an encroachment permit for lot 11-A-2 from the Gallatin County Road Department. Mr. Chandler said that the applicant would agree on the conditions as discussed and amended. The Commission agreed that the variance request was consistent with other 2 lot minor subdivision that they have granted in the past, that it would be a hardship for the applicant to pave that portion of Stage Coach Trail Road required. Commissioner Olson moved to approve the variance request from Section 7 H of the Montana Subdivision Regulations requiring paving, finding the applicant has signed a waiver of right to protest any future RID's. Seconded by Commissioner Murdock finding that strict compliance would result in undue hardship and is not essential to the public's health, safety and general welfare. None voting nay. Motion carried. Finding that the Roesener Minor Subdivision is in compliance with the Montana Subdivision and Platting act, is consistent with the Belgrade Master Plan, and was recommended by the Belgrade Planning Board, Commissioner Olson moved to approve the subdivision with the following conditions to be completed before granting final plat approval: Conditions #1-4 as written, Condition #5 (d) amended to read, "The developer shall enter into a maintenance agreement on a pro-rated basis for the shared maintenance of Stage Coach Trail Road and said maintenance agreement shall be approved by the County Road Department. Condition #6-10 as written. Condition #11 amended to read, "30 feet of Stage Coach Trail Road along the west boundary of the subdivision shall be dedicated to the public forever." Condition #12 amended to read, "The building envelope for the new residence on Lot 11-A-2 shall not extend to the east beyond the benchline shown on the final plat." Conditions #13-14 as written. Condition #15 added to read, "An encroachment permit for lot 11-A-2 must be obtained from the Gallatin County Road Department. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Assistant Bozeman City-County Planner Director Debbie Arkell reported on a request received from Bozeman School District #7 to amend the final plat of the Davis Minor Subdivision. The four lot minor was granted final plat approval on November 18, 1997, and was filed with an improvements agreement and financial guarantee effective until July 22, 2001, at which time the road must be completed. A note was required to be placed on the plat that no buildings be constructed on Lot 4 until Roxi Lane is improved. Since that time, property owners have consulted with the City, County, and the Montana Department of Transportation regarding the extension and location of North 27th Avenue. It was found that the collector street is proposed to follow the alignment of Thomas Lane north of Baxter Lane to and intersect with Valley Center Road. With the alignment of North 27th Avenue, Roxi Lane will no longer be needed and will be petitioned to be abandoned. School District #7 has purchased Lot 4 with the intent of constructing a bus barn on a portion of the property, but because of the restrictive note on the plat they are unable to obtain a building permit until Roxi Lane is constructed. As Roxi Lane will not be needed once North 27th is constructed, they are requesting to amend the final plat to remove the note. The district is proposing to grant a 65-foot-wide public access easement for North 27th Avenue on the plat, and have obtained a 60-foot-wide written access easement from the property owner of Lot 1 for the connection to North 27th Avenue to Valley Center Road. The district plans to construct North 27th Avenue instead of Roxi Lane to access the property. The eventual dedication of the right-of-way for North 27th is preferred, but it is unable

to do it at this time because of the dedication of the right-of-way would divide Lot 4, creating another lot. It could be accomplished through a second minor subdivision of record but the new lot would be less than 20 acres in size, which is the minimum lot size in the A-S zoning area. Several property owners are contemplating a master plan/zone map amendment for the area that could include annexation. Until this occurs, the current master plan land use designation would not support a zone map amendment. The Bozeman City-County Planning Board voted in favor of recommending conditional approval of the application to the County Commission. The two conditions recommended are that the property owners sign and file with the final plat a Waiver of Right to Protest SID/RIDs for North 27th Avenue, and that instead of eliminating the no construction note, that it be revised to read that no buildings can be constructed until either Roxi Lane or North 27th Avenue are improved to an acceptable standard. The Gallatin County Road Office reviewed the application and requested that if North 27th Avenue is constructed instead of Roxi Lane that the first 25 feet of North 27th Avenue adjoining and immediately south of Valley Center Road be paved to protect the asphalt on Valley Center Road. The amendment was reviewed for the pertinent criteria and regulations and the planning board found that with conditions the amended plat will comply with the criteria and regulations. The following conditions are recommended by the Bozeman City-County Planning staff: 1) The property owner shall sign and file with the plat a Waiver of Right to Protest the creation of an SID/RID for future improvements to North 27th Avenue, including paving, curb/gutter, sidewalk, and storm drainage. 2) The existing note on the plat shall be amended to read: "No buildings shall be constructed on Lot 4 until either Roxi Lane or North 27th Avenue is improved to a standard required by the County Road Office and the improvements accepted by the appropriate governing body." 3) If North 27th Avenue is constructed, plans and specifications for the construction shall be approved by the County Road Office prior to construction. The first 25 feet adjacent to south of Valley Center Road shall be paved. 4) The public road and utility easement between Jerald E. Swenson and Gallatin County for a 60-foot-wide public access and utility easement through Lot 1, Minor Subdivision #221, shall be filed at the Clerk and Recorder's office prior to final plat approval of the subject subdivision. Dennis Foreman with Gaston Engineering, representing the applicant stated they are in agreement with the conditions as presented. There was no public comment. During Board discussion, Roy Steiner of the Gallatin County Road Department stated they were in agreement with the proposal with the condition to pave that part of Valley Center meeting their concerns. The Commission had no other concerns. Finding that the amended plat is consistent with the Montana Subdivision and Platting Act, conforms to the Bozeman Area Master Plan, and is in the public's best interest, Commissioner Mitchell moved to approve the amendment of Lot 4 of the Davis Subdivision with the 4 conditions as presented. Seconded by Commissioner Olson, finding it was voted in favor by the Bozeman City-County Planning Board to recommend. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution concerning the abandonment of a portion of Maiden Road in Royal Village Subdivision described in Road Petition #793, formalizing the request by Potter Development granted by the Commission today. Finding that abandoning a portion of Maiden Road in Royal Village Subdivision is in the public's interest with the findings entered into the record previously, Commissioner Olson moved to adopt Resolution #1999-39. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley presented a resolution concerning the abandonment of a portion of Iroquois Trail in Royal Village Subdivision as described in Road Petition #794, formalizing the request by Potter Clinton Development granted by the Commission today. Finding that abandoning a portion of Iroquois Trail is in the public's best interest with the findings entered into the record previously today, Commissioner Mitchell moved to adopt Resolution #1999-40. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 3:35 P.M.

Unavailable For
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 6TH DAY OF JULY 1999

The meeting was called to order by Chairman Bill Murdock at 1:34 P.M. Also present were County Commissioner Jennifer Smith Mitchell, 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:

JUNE 28-JULY 2, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

Minutes

- A request for a mortgage exemption for Truman L. and Vivian Emmelkamp received by Gallatin County Planner Jennifer Madgic. The property is located in the NE¼, NW¼, Section 1, T1S, R3E. According to the information submitted, it appears to be a proper use for the exemption requested.
- A request for a boundary relocation exemption for Jim and Justin Heisel and Carl, Nicholas, and Clifford Schutter received by Gallatin County Planner Jennifer Madgic. The property is located in Section 32, T1N, R3E. According to the information submitted, it appears to be a proper use for the exemption requested.
- A request for final plat approval of the amended plat of Middle Creek Meadows #3 received by Gallatin County Planner Jennifer Madgic. The property is located in the SE¼ of Section 12, T2S, 4E, Gallatin County, Montana. After review, it appears that all the conditions have been met to grant final plat approval.
- A request for final plat approval of the Scobie Kostelcky Minor Subdivision received by Bozeman City-County Planning Director Dave Skelton. The property is described as the amended subdivision plat of Block 10A of the amended plat of James C. Boyd Subdivision G-34-B, being a tract of land located in the SE¼ of Section 35, T2S, R5E. The County Commission granted an extension of preliminary plat approval on April 13, 1999. After review, it appears that all conditions have been met to grant final plat approval.
- The following contract was reviewed and considered: Groundwater monitoring services agreement with Kathy Gallagher.
There were no minutes. Commissioner Mitchell requested the Kolesky Minor Subdivision be removed from the consent agenda and be placed on the regular agenda for discussion. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Bozeman City-County Dave Skelton reported on the Scobie/Kolestecky Minor Subdivision that originally the Commission granted preliminary plat approval in August of 1994. The Findings of Fact and Order signed by the Commission contained thirteen conditions of preliminary plat approval, but two of the thirteen conditions (#4 and #7) are duplications (#10 and #12). As a result, there are technically eleven conditions of preliminary plat approval that were reviewed and considered for recommendation as submitted in his staff report. Commissioner Mitchell pointed out a typo to Mr. Skelton, in which, he agreed the County Seed Control Officer should be the County Weed Control Officer. She then asked Mr. Skelton, based on the findings, did the Scobie Kolestcky Minor Subdivision meet the conditions to grant final plat approval. He stated that it did meet all the conditions recommended for final plat approval. Commissioner Mitchell moved to approve the Scobie/Kolestecky Minor Subdivision, finding the Bozeman City-County Planning Board reviewed and recommended approval. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on June 25, 1999 that she received on behalf of the Commission a petition requesting to discontinue a portion of Fir Street in the Northern Pacific Addition to Logan from Margaret Rutledge. She certified on June 30, 1999 that she examined the petition and it contained signatures of all the owners of lots on the street to be closed. The public park located on the west side of the street was dedicated to the public on the plat of Northern Pacific Addition to Logan. There is no signature for the public park. During Board discussion, the

requirements for signatures of the park were deferred until the County Attorney's office could do more research into the statutes concerning the park area requirements. There was no public comment. The Commission continued their decision as to whether they would accept the petition until July 27, 1999.

- - - -

The following Board appointments were continued until the public hearing on July 13, 1999: Gallatin City-County Board of Health, Gallatin County Planning Board, and the Bridger Canyon Rural Fire District

- - - -

Deputy County Attorney Chris Gray reported on a resolution of intent to sell Tract A of the amended plat of the Imes Addition to Bozeman, Blocks 2 and 3 to the City of Bozeman. The hearing was published in the Bozeman Daily Chronicle on June 20 and 27th, 1999. He recommended passing the resolution of intention to transfer the property from the County to the City to finish the Oak Street corridor. There was no public comment. There was no discussion. Commissioner Mitchell moved to adopt Resolution 1999-41, a resolution of intent to sell Tract A of amended plat of the Imes Addition to Bozeman, Blocks 2 and 3 to the City of Bozeman. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

Gallatin County Director Dale Beland reported on the consideration to revise the Gallatin County Plan, revised on October 20, 1998, to incorporate the 1990 Bozeman Area Master Plan Update. This revision would be the addition of the 1990 Bozeman Area Master Plan Update to the city limits of Bozeman as a neighborhood plan within the Gallatin County Plan. Copies of both the 1990 Bozeman Area Master Plan Update and the Gallatin County Plan (10/20/98) were made available to the public. The planning board deemed the proposed revision to be in the public interest and adopted Resolution No. PB-1999-01 recommending to the County Commission the incorporation of the 1990 Bozeman Area Master Plan Update as a neighborhood plan revision to the Gallatin County Plan. The Commission adopted Resolution 1999-30, a resolution of intention to revise the plan on June 22, 1999. There was no public comment. Commissioner Mitchell moved to revise the Gallatin County Plan to include the Bozeman Area Master Plan. Seconded by Commissioner Murdock. None voting nay. Motion carried. The Commission directed the County Attorney's Office to draft the resolution.

- - - -

Bozeman City-County Planner Joni Killebrew reported on a request for preliminary plat approval of the Hardin Major Subdivision described as Tract B of Certificate of Survey 1137-C in the NE $\frac{1}{4}$ of Section 35, T2S, R5E. The subdivision was reviewed for the following criteria: Agriculture, local services, natural environment, effects on wildlife and wildlife habitat, and the public health and safety. It was reviewed for zoning and adjoining land uses. The master plan designation for the property is "Rural Residential Node." All of the variances requested in the pre-application have been eliminated. The property is zoned RS, Residential Country Estates District. There was no members of the public in opposition to the proposed subdivision. If the County Commission determines to grant preliminary plat approval the staff recommends the following conditions to be met before granting final plat approval. 1. The final plat must meet all of the requirements in Section 16.14.050 of the Bozeman Area Subdivision Regulations. 2. The applicant shall meet the requirements of Section 16.14.060.B and 16.14.060.C fire protection requirements prior to final plat approval. The applicant is required by the Sourdough Rural Fire District to agree to the covenants provided to the applicant, at the applicant's request, by the Sourdough Rural Fire Department. The fire protection package designed by the Sourdough Rural Fire District is equivalent to, and utilized in place of, the requirements of the Bozeman Area Subdivision Regulations. The package includes sprinklering of residential homes rather than providing a fill site or hydrants. Specifications and details of the community water system shall be presented to, and approved by, the Sourdough Fire District prior to final site plan approval. This requirement will allow the Fire District to evaluate the community water systems' ability to provide reliable water works, a back up power supply (generator), and community or individual structure water storage for the community well and pump system to insure compliance with NFPA standards. 3. Per Section 16.14.090, the applicant shall provide a park dedication, or cash in lieu of, equal to approximately 5.8 percent (.71 acres or 30,928 square feet) of the area of land proposed to be subdivided into parcels (calculation based upon 5% for those lots larger than one acre, and 7.5% for those not larger than one acre). Parkland must be located on usable land and should be kept in a large block. The area around the community water well cannot count as common open space. However, the pond may count towards the park land dedication and shall be dedicated to the Hardin Homeowners Association. 4. Prior to final plat approval, the applicant shall obtain approval of lot sizes for individual septic tanks and disposal fields or approval of neighborhood disposal systems from the State Department of Environmental Quality. Percolation data

and/or comments from local Health Officers must accompany the request for approval to the State Department of Environmental Quality. 5. Prior to final plat approval, the applicant shall comply with Section 16.14.120.B. pertaining to the water supply system. 6. The Hardin Homeowners' Association shall be responsible for the shared maintenance of Bigelow Road with all affected parties between Maya Way and South 19th Avenue. Any maintenance agreement shall be submitted to and approved by the County Road and Bridge Department. 7. A Waiver of Right to Protest the creation of future rural improvement districts shall be signed by the landowner and filed with the final plat. 8. A cul-de-sac or "T" turnaround shall be built to county standards at the end of Hardin Lane. Per Section 16.16.010.E. all approved turn arounds shall be signed "no parking". The final plat shall show the easement or right of way for the turnaround. 9. Maya Way shall be constructed to connect to Bigelow Road to provide for a secondary access for the subdivision per Section 16.16.010.H. This access shall be a public easement constructed to County gravel standards. 10. The alignment of the intersection of Maya Way and the secondary access road to Bigelow Road shall comply with Section 16.16.030.C. which requires that two streets meeting a third street from opposite sides shall meet at the same point, or their centerline shall be off-set at least 125 feet. County roads shall be off-set at least 200 feet. 11. The intersection of Hardin Lane and South 19th Avenue shall comply with section 16.16.030.D. which states that any street or road which intersects a paved minor collector or greater street or road shall be paved for at least seventy-five (75) feet from the existing edge of pavement. 12. Per Section 16.16.010.K., the subdivider shall obtain encroachment permits for all access to county roads and state highways prior to construction of the roads, and a copy of the permits provided with the final plat submittal. 13. All street and road names shall comply with Section 16.16.040 of the Bozeman Area Subdivision Regulations and road name signs shall be installed at all intersections prior to final plat approval. 14. The final plat shall comply with Section 16.16.080.B. of the Bozeman Area Subdivision Regulations entitled "Road Construction Standards" which indicates that right-of-way widths, for ordinary minor/local street, shall be sixty (60) feet wide. The roads shall be built to county gravel standards and be dedicated to the public. All street and road improvements shall be designed by and constructed under the supervision of a professional civil engineer, registered in the State of Montana, and shall meet or exceed the construction standards adopted by Gallatin County and required for the type of street to be constructed. 15. A "No Access" strip shall be shown on the final plat between lots 1 and 5 to prevent direct access to these lots from South 19th Avenue, and between Lots 5-7, 9, and 12 and the unconstructed, unnamed road easement along the south property line to prevent direct access from these lots to that easement. 16. Road and fire impact fees shall be paid to Gallatin County, per Gallatin County Impact Fee policy prior to final plat approval. 17. The covenants previously filed on the land shall be amended as follows and filed with the final plat: master plan designation for the property is R1 Residential Node. Dennis Hardin, developer, spoke regarding their proposal. In summary, it had been in the planning stage for thirteen years with the intent of developing this portion of property and selling the parcels and using the profits towards a retirement plan. He reported on the water well test, soil logs, and the engineering done on the development. The covenants currently on the property would be re-written to include a fire protection covenant that was submitted to Brian Crandell, Fire Chief for the Sourdough Rural Fire District. The covenants will also include the park area to be used by the home owners. He submitted a picture of the pond, in which he plans on stocking with fish, anticipating it being heavily used for recreational purposes. The road maintenance agreement for the roads will be entered into by the home owners association. He stated that he has spoken to the surrounding land owners and is trying to limit the impact of the area as much as possible. There was no public comment. During Board discussion, Commissioner Mitchell asked Mr. Hardin if the pond had a liner. He replied that it did not, but contained a layer of clay and bentonite. Commissioner Mitchell raised concerns of seepage that she saw when visiting the site. Mr. Hardin explained that debris had gotten plugged in the out take while he was away and water ran over the dam. He stated he tripled the recommendations made by Fluidyne on the dam. They discussed the fire fill sites located in close proximity in Lazy TH Estates and two other fire fill sites about a mile away. The pond on the development could be used for that, but it wasn't his intention to use it as a primary site. Commissioner Murdock asked if the applicant agreed with all the conditions as written and presented by staff. Mr. Hardin was in agreement. Clint Little of MSE-HKM, Project Engineer, reviewed the conditions and is in concurrence. The two items he had concerns about had been addressed. He stated that no variances are being requested. Tim Rourke, Environmental Health Director addressed the concerns in the staff report about high ground level. He stated that it had been a problem in Lazy TH Estates caused by flood irrigating a few years back, but no other problems had been reported. He said that the application will be reviewed by the Department of Environmental Quality for review. His office had only found minor problems that had been addressed. The Commission agreed to add language to condition #3. Commissioners Murdock and Mitchell were in agreement that the development was a good plan, had cluster development in close proximity to urban services. Finding that the subdivision is consistent with the Montana Subdivision and Platting Act, conforms to the Bozeman Area Master Plan, and was recommended for approval, Commissioner Murdock moved to

232 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

grant preliminary plat approval of the Hardin Minor Subdivision with the following conditions presented and amended, Conditions #1-2 as presented, Condition #3 amended to read: Per Section 16.14.090, the applicant shall provide a park dedication, or cash in lieu of, equal to approximately 5.8 percent) (.71 acres or 30,928 square feet) of the area of land proposed to be subdivided into parcels (calculation based upon 5% for those lots larger than one acre, and 7.5% for those not larger than one acre). Parkland must be located on usable land and should be kept in a large block. The area around the community water well cannot count as common open space. However, the pond and open space immediately surrounding the pond may count towards the park land dedication and shall be dedicated to the Hardin Homeowners Association. Condition #4-18 as written and presented. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 2:32 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 13th DAY OF JULY 1999

The meeting was called to order by Chairman Bill Murdock at 1:35 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell and Deputy Clerk & Recorder Glenda Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

JULY 5-8, 1999

- The Commissioners conducted regular County business.

JULY 9, 1999

- The bid award for the 911 generator contract was rescheduled from March 12 to March 19.

* * * * *

- Landfill Receipts for June 1999: \$147,497.52.
 - A101's for June 1999: \$62.25.
 - Payroll for June 1999: \$942,488.19.
 - Clerk & Recorder's Fees Collected for June 1999: \$42,048.28.
 - New Hire Report for June 1999: DISTRICT COURT #1 – Fred Snodgrass; LWQD – Kerri Fleming; DETENTION CENTER – Joyce Harper, Mary Martz, Phillip Hettinger; DUI – Jenna Caplette; REST HOME – H. Jones, J. Welsh, P. Hawkins, Janette Theis, Jenny Knudsvig, Sadie James, Hillary Ostemiller, Erica Eckerson, Melinda Backus, Laura Larsson, Daniells Rassler, Jessica Burnett, Dawnteese Smith; ROAD – John Luce; SHERIFF – Patricia Hess; WEED – Ryan Limb, Aimee Jones, Jasper Howell, Kelly Hotzel, Tyler Heupel, Rodney Frieling, Brian Engle, James Olsen, Brian Demartin.
 - Terminated Employees' Report for June 1999: PLANNING – Ryan Archer 6/1/99; 911 – Jan Cross 6/8/99; AUDITOR – Maria Evanson 5/27/99, Mari Robbins 6/4/99; ROAD – Sam Gianfrancisco 5/31/99, Randy Ziegler 6/3/99; REST HOME – Melissa McBride 6/1/99, Tom Wilder 6/3/99, Dorothy Gorder 6/11/99, Stacy Fletcher 6/11/99, Sandra Rivers 6/25/99, Heidi Lee 6/21/99, **Beth Blackburn** 6/14/99, Shelly Frye 6/15/99, Janel May 6/14/99; ENV. HEALTH – Steve Shope 6/1/99; TREASURER – Linda Everhard 6/11/99, Cindy Sharp 6/11/99.
 - Received & Approved Applications for Cancellation of Taxes for June 1999: \$440.61.
- Approval of Claims for June 1999: \$1,179,976.19.

The following items were on the consent agenda:

- Minutes
- A request for a family transfer exemption received by Gallatin County Planner Jennifer Madgic from Larry and Arlene VanDyke. The property is located in Section 35, T1N, R3E. According to the information submitted, this request appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- A request for final plat approval of the May Minor Subdivision received by Bozeman-City County Assistant Planning Director Debbie Arkell. The property is located in the SE¼ of Section 10, T3S, R5E, Gallatin County, M.P.M. The Commission granted preliminary plat approval on October 1, 1996 with 10 conditions. After review, it appears that all conditions have been met to grant final plat approval.
- A request for a family transfer exemption received by Belgrade City-County Planner Jason Karp from Gary and Beverly Leibrand. The property is located in Section 16, T1S, R4E. According to the information submitted, this request appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Consideration of Contracts: Eagle Computer Systems Inc. for imaging/indexing hardware & software; Wasteworks software license and maintenance agreement.

There were no minutes. Commissioner Murdock asked if any one wanted to pull a consent item. Deputy County Attorney Chris Gray asked to move the consent item regarding the Eagle Computer Systems contract to be number one on the regular agenda. Commissioner Mitchell moved to approve the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on the consideration of the contract with Eagle Computer Systems for the Clerk & Records new system software. The contract has been approved by the County Attorney's office. There may be a few minor changes that come through over the next few days and if the Commissioners approve the contract today, they will do so on a contingency basis, and will approve the minor changes when and if they are made. Clerk & Recorder Shelley Vance made it clear to the Commission that the money being used to fund this new software is not coming from county tax payer dollars, but from the fee revenue acquired in the Clerk & Recorder's office. Commissioner Olson moved to approve the contract with Eagle Computer Systems, contingent on approval of any minor changes approved through the County Attorney's Office. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The following Board appointments reviewed and considered and continued from the July 13, 1999 public hearing are as follows:

- **Gallatin City-County Board of Health:** The following applications were received for the one opening currently on the Gallatin City-County Board of Health. The positions were advertised in the Bozeman Daily Chronicle: Jennifer Ballard, Gloria Larson, Brian Leland, Craig Madson, Marc Mattix, Ed McCrone, Dr. James Smith, Susie Smith, and Buck Taylor. Mr. Taylor has applied to the City of Bozeman to serve on this joint board, and requested that his application also be considered for the County vacancy. There is no residency requirement in the Board's bylaws other than being a County resident. Thus, a Bozeman resident is qualified to serve as a County representative. The appointment would fill out the remainder of Ms. Butterfield's term, which would have expired on January 5, 2001. During discussion, Commissioner Olson stated that he felt that Dr. Mattix would be a good candidate for the position as he has been a veterinarian in the community for some time and would add experience and diversity to the board. Commissioner Murdock concurred and stated that there were many qualified applicants and that he hoped they would keep their applications on file for further openings. Commissioner Olson moved to appoint Marc Mattix to fill the vacant position on the Gallatin City-County Board of Health. Seconded by Commissioner Mitchell. None voting nay. Motion carried.
- **County Planning Board:** The following applications were received for the two openings open on the board due to the resignations of Martha Collins and Dick Flikkema: John A. Brown, Lawrence M. Berg, Casey Emerson, Greg Johnson, Bob Kern, Ramona Marotz-Baden, and Kerry White. These terms would have expired on July 31, 1999. These appointments will be effective immediately, with a renewal of appointment to be sent at the end of July, for two-year terms from July 31, 1999-July 31, 2001. There was no public comment. During discussion, Commissioner Murdock nominated Casey Emerson to fill one of the positions. Commissioner Murdock stated that he felt Casey Emerson would

234 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

be a good candidate for the position and offer diversity to the board. Seconded by Commissioner Olson. Commissioners Murdock and Olson voted aye, Commissioner Mitchell voted nay. Motion carried with a vote of two to one. Commissioner Mitchell nominated Ramone Marotx-Baden to fill the second position on the board. Commissioner Mitchell felt that Ramona would offer broad representation and a well-rounded background to the position. Seconded by Commissioner Olson. None voting nay. Motion carried.

- **Bridger Canyon Rural Fire District:** One application was received from Herbert Rosengren after the resignation of John McKenna. There was no public comment. Commissioner Olson moved to appoint Herbert Rosengren to the Bridger Canyon Rural Fire District. Seconded by Commissioner Mitchell. None voting nay. Motion carried.
- **Story Mill Rural Fire District:** Two terms on this board recently expired, those of Ian Elliot and Ivan Smith. Both people have reapplied to serve again. No other applications were received. The terms would be for three years, expiring on April 4, 2002. There was no public comment. Commissioner Mitchell moved to appoint Ian Elliot to the Story Mill Rural Fire District. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Mitchell moved to appoint Ivan Smith to the Story Mill Rural Fire District. Seconded by Commissioner Olson. None voting nay. Motion carried.

Bid opening for the SAR/EOC building was facilitated by Mike Hoey of the Department of Emergency Services. One bid was received. Commissioner Murdock opened the bid and Mike Hoey read for the record the contents. The bid received was from Edsall Construction Co., a general contractor with registration #1720. The bid acknowledged receiving addendum #1 and 2. Both were initialed. Amount from bid #2: \$354,800.00. Item #4: option prices, no bid. #1 and #2, no bid. #3: \$9500.00. #4: \$6900.00. #5: \$5800.00. #6: no bid. #7: \$-0-. #8: \$-0-. #9: no bid. Mr. Hoey took the bid under advisement for two weeks for review to determine if it met all the specifications of the contract. Deputy County Attorney Chris Gray asked Mr. Hoey to include the bid bond amount. Mr. Hoey reported that item #5 bid: 10% of the bid is the bid bond amount. The consideration of the bid award will be placed on the agenda for the public hearing on July 27, 1999.

Gallatin County Road and Bridge Engineer Roy Steiner was present to read the bids received for the paving of Nash, Sourdough, and West Cameron Bridge Roads. This was not advertised on the regular agenda, but Deputy County Attorney Chris Gray assured the Commissioners that it was advertised as legally required in the Bozeman Daily Chronicle. One bid was received by the JTL Group of Belgrade with a 10% bid bond enclosed. The bid was for \$287,138.00. Mr. Steiner took the bid under advisement for one week for review to see if the bid met the specifications of the contract. The consideration to award the bid will be placed on the agenda for the public hearing on July 20th.

Grants Administrator Larry Watson reported on the requested motorized vehicle ordinance for the Big Sky Bike/Pedestrian path. There has been some concern about the use of motorized vehicles on the path. All of the feedback that he has received has been in favor of allowing snowmobile use in the winter months. The path lies in the right of way of the State Highway Department. In order to allow these vehicles on the path an ordinance would have to be passed by the County. Public testimony was heard by Betsy Jasper, Barbara Rowel, William Tester, and Tim Howard. Betsy Jasper, Barbara Rowel, and William Tester spoke in favor of the allowance of motorized vehicles, especially the use of snowmobiles during snow months. They indicated that at all of the community meetings that were held, everyone was in favor of doing so. Mr. Howard was also in favor of the use of snowmobiles, but did express a concern over the use of the path by cars, trucks, and other high speed vehicles that might endanger others using the path. The following letters were received concerning the proposed ordinance: Trustee of the Ophir School District Jerry T. Scott, Trustee of the Ophir School District Tom Wilson, Jim and Loren Muscat, Jim Anderson, Joanne J. Schmidt, Carol, Pat, Larry and Alvin Collins, Evy Schnee, Douglas Bing, JoDean Bing, Barbara Batey, Patrick W. Dillon, Patrick Woolridge, Lorri and Martin Woodrow. A petition dated July 1999 was received signed by twenty-eight citizens in favor of the winter usage of snowmobiles. A fax was received by the Commission from the Montana State Department of Transportation regarding Section 60-3-304 of the M.C.A. regarding the duties of the department of transportation where the State Highway Commission with the cooperation with local governments can authorize the operation of snowmobiles on designated portions of bicycle trails and footpaths when snow conditions permit. Betsy Jasper asked that the following language be incorporated into the ordinance: "...authorize the operation of snowmobiles on designated portions of bicycle trails and footpaths when snow conditions permit." Commissioner Murdock directed Larry Watson and Chris Gray to consult with Betsy Jasper, representatives for the Montana State

Department of Transportation Rob Buchvich and Ed Hedlund and report the findings back to the Commission, who will then proceed with an ordinance if appropriate.

County Planner Dale Beland reported on the consideration of a resolution revising the Gallatin County Plan to include the Bozeman Area Master Plan. This is the final step in the process that has been ongoing. On June 22, 1999 the Commission adopted the resolution of intention to adopt the incorporation of the 1990 Bozeman Area Master Plan as a revision to the Gallatin County Plan. Notice was given of intent to adopt the revision in the Bozeman Daily Chronicle on June 23 and June 27, 1999. A public hearing was conducted on July 6, 1999 to consider this adoption of the revision. The Gallatin County Commission deemed the proposed incorporation is in the public's interest. There was no public comment. Commissioner Mitchell moved to approve Resolution 1999-42, a resolution adopting the 1990 Bozeman Area Master Plan Update as a revision to the Gallatin County Plan. Seconded by Commissioner Olson. None voting nay. Motion carried.

County Planner Jennifer Madgic reported on the consideration of a request for approval of the final plat and improvements agreement of the Ramshorn Major Subdivision Phases 1&2. All conditions for final plat approval have been met, if the Commission will accept the improvements agreement. The proposed Ramshorn Major Subdivision was granted preliminary plat approval by the Gallatin County Commission on May 5, 1998. The proposed subdivision is to be completed in four phases. With this application, the applicants are requesting acceptance of an improvements agreement and for final plat approval on Phases I and II (28 lots total). This property is located in Section 8, T7S, R4E. The property is located in the Gallatin Canyon/Big Sky Zoning District. Board testimony ensured that the County Attorney's office has approved the improvements agreement. Commissioner Olson moved to approve the improvements agreement for Phases I and II of the Ramshorn Major Subdivision as approved by the Chief Deputy County Attorney Susan Swimley. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Mitchell moved to approve the final plat of Ramshorn Major Subdivision Phases I and II based on the approval of the improvements agreement, and the review stating that all the conditions have been met. Seconded by Commissioner Olson. None voting nay. Motion Carried.

There being no further business the meeting was adjourned at 2:50 P.M.

A special meeting of the County Commission was called to order by Chairman Bill Murdock at 2:51 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, Deputy Clerk & Recorder Glenda Noyes, Acting Clerk to the Board.

Deputy County Attorney Chris Gray reported on the adoption of the competitive sealed proposal procedure for the Gallatin County Fairgrounds pavilion project. He explained that the normal procedure is to bid a project with a sealed bid process. However, because of the particularities of the project itself, they propose to do a competitive sealed proposal procedure. The documents have been prepared and the commission needs to adopt a resolution to adopt that procedure. The reasons are explained in the resolution and are as follows: Oral and written discussions may need to take place with the offerors concerning technical and price aspects of their proposal, offerors may need to revise their proposal, including prices, and the primary consideration may not be by price in determining the award. Mr. Gray also asked that the committee to review the proposals be comprised of Sue Shockley, Greg Raths, Roy Steiner, George Austiguy, and Clark Johnson. Commissioner Mitchell moved to approve Resolution #1999-43 to adopt the competitive sealed proposal procedure for the Gallatin County Fairgrounds pavilion project. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business, the meeting was adjourned at 2:55 P.M.

Unavailable For
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING**TUESDAY THE 20TH DAY OF JULY 1999**

The meeting was called to order by Chairman Bill Murdock at 1:30 P.M. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, 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 12, 1999

The Commissioners met with Facilities and Operations Director Bob Isdahl to discuss Bob's role in Y2K readiness for facilities. The Commission unanimously agreed to appoint Mr. Isdahl as the new Y2K Compliance Coordinator. The purpose of this assignment is to communicate and coordinate with all County departments, to ensure that all county facilities operation will be Y2K compliant and fully functional on January 1, 2000 and beyond. His first priority is "life safety issues," primarily the Rest Home, Detention Center, E.O.C., and 911. The Commission also asked Interim ITS/GIS department head Allen Armstrong to continue working on computer and telephone Y2K readiness.

JULY 13-16, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for a family transfer exemption for William J. Spillane located in Section 9, T3S, R4E, Gallatin County, M.P.M received by Gallatin County Planner Jennifer Madgic. After review, it appeared to meet the criteria allowed under the Montana Subdivision and Platting Act.
- The following contracts were reviewed and considered: Hospice services agreement for Gallatin Rest Home; Intermountain Administrators Administrative services agreement; agreement with Robert Murdo for the Gallatin County Detention Center bond counsel; Big Sky Habitat Study agreement; Board of Crime Control grant; agreement with Department of Justice for statewide prisoner transport coordinator.

There were no minutes. Deputy County Attorney Chris Gray asked that the contracts with Intermountain Administrator and Robert Murdo be pulled and continued until the public hearing on July 27, 1999. Commissioner Mitchell requested that the Board of Crime Control grant be pulled for discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Commissioner Mitchell needed clarification from Fiscal Officer Ed Blackman whether or not funding was available for the Board of Crime Control grant. Mr. Blackman reported that he received a memo from Dave Gates that reported a shortage of funds in his budget, cash on hand. He requested it be pulled and tentatively placed on next weeks agenda, July 27, 1999 until he can find out more information.

Gallatin County Planner Jennifer Madgic reported on the continuation of the family transfer exemption requested by Mark and Kelly Feasline continued from the June 1999 public hearing. The Feasline's proposed to create a tract for their 14-year-old daughter and sell the remainder tract of land. The Commission directed the County Attorney's Office to research the creation of two lots with the intention of transferring one lot to their minor child and selling the remainder parcel qualifies as an appropriate use of the family transfer exemption. Chief Deputy Susan Swimley submitted her findings in a letter dated July 20, 1999 that defined a subdivision under the Montana Subdivision Platting Act, in Section 76-3-103 which covers the certain division of lands to be divided that are exempt from subdivision review, b) divisions are outside of platted subdivision for the purpose of a single gift or sale in each county to each member of the landowner's immediate family. The Commission must determine whether the requested exemption evades the purpose of the act. Included was an Attorney General Opinion to offer assistance to the County Commission in evaluating the requested exemption. The exemptions were provided to deal with exceptional circumstances under which, in the legislature's judgment, full plenary subdivision review

is unnecessary. Another Attorney General Opinion addressing the 'second' parcel created by an occasional sale exemption. Prior to 1993, parcels could be created under that exemption, which allowed for 'one sale of a division of land within any 12-month period. The issue addressed by the AG was factually similar to the present one. If one parcel was created by the exemption would the remaining parcel be sold within the 12-month period without violating the exemption. The Attorney General concluded, "only the sale of the first parcel would qualify for the occasional sale exemption during the applicable 12-month period. The remaining parcel of land could not be disposed of without subdivision review unless it was eligible for another exemption under the Act." Another AG Opinion considering the same issue relating to a mortgage exemption. The Attorney General recognized that the underlying intent with mortgage exemptions presents a proof problem. While the Attorney General Opinion regarding mortgage exemptions does not provide much guidance in the present situation, the other two opinions provided can provide guidance. The Commission must examine the claim for exemption and make a determination if the claim is valid or is for the purpose of evading the Subdivision and Platting Act based upon the occupation of the claimant, history of the parcel, and any other relevant facts to find if the transfer to the daughter is valid and whether the sale of the remaining parcel is valid.

Applicant Kelly Feasline addressed the Commission testifying that she applied for the family transfer exemption being open, honest, and with the intent to give the parcel of land requested for the family transfer exemption to her daughter to help her with college, then sell the remaining parcel. She had sought advice from the Planning Department, a surveyor, and an attorney who all informed her it would be a proper use of the exemption. She since has consulted with her attorney, and was willing to set up a trust in her daughter's name if the Commission requested her to. In her testimony, she recommended to the Commission that the process used by the County to review the family transfer exemptions needs to be changed. She invested a lot of time and money in her efforts after following the Planning Departments advice, hiring a surveyor, paying for the survey, and now seeking an attorney to just be allowed to give the land to her daughter for her future. She said the approval should first come before the Commission for permission, then the other steps taken that cost money. She said the process was backwards. Deputy County Attorney Susan Swimley asked Ms. Feasline if she did in fact list the property a year ago and list it as 11 acres. Ms. Feasline answered that she did list it a year ago, but listed it as 5 acres. It is listed with ERA. She had done so after she applied for the family transfer and was told the remainder parcel could be sold. The sale would go toward her husbands college education. They would rent out the house and property if it didn't sell. Rick Gustine of Survco Surveying spoke regarding his clients request. He said the request was no different than any other request that had been granted in the past and it was his opinion that she was being honest in her request, not an evasion of subdivision regulations, and that her request should be granted. Bryan Connelley, Assistant Fire Chief Belgrade Rural Fire Department spoke regarding fire protection, that in that same vicinity that a family transfer request had been done on multiple lots but then found to not meet the exemption and required to do a minor subdivision. He stated it was the Kirkland Minor Subdivision. He reported that the area has no fire supply in close proximity, and that additional lots impact the fire department. There was no public comment. During discussion, the Commission concurred that Ms. Feasline had been up front and honest in her request, was advised by the Planning Department, Survco Surveying, and an attorney that it was a proper use of the exemption she was requesting, that the intent of her request was not to evade subdivision regulations, but rather to create the parcel to give to their daughter to invest in her future. The Commission thanked her for her honesty and stated that since she had been upfront in her request, that she shouldn't be penalized for it, which was the reason that they were scrutinizing this request in the first place. They also decided that the process for subdivision review should be looked into. Finding that the Feaslines have an exceptional circumstance and its has been determined that they are not using the family transfer exemption to evade subdivision regulations, Commissioner Mitchell moved to grant the family transfer exemption requested. Seconded by Commissioner Olson. None voting nay. Motion carried.

The following board appointments were reviewed and considered:

- The board terms for Carmen McSpadden and Steve Forest on the Gallatin County Planning Board expire on July 31, 1999. Both members have re-applied. An application was also received from Vito Quartrao. No other applications were received. There was no public comment. Commissioner Mitchell moved to re-appoint Steve Forest and Carmen McSpadden to the Gallatin County Planning Board. Seconded by Commissioner Olson. None voting nay. Motion carried.
- Van Haderlie recently resigned from the Sourdough Rural fire District creating a vacancy. The position was advertised and one application was received from Mr. Pete Geddes. This term would be in effect until the general election in April 2000. There was no public comment. Commissioner Murdock moved to appoint Pete Geddes. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- The Commission reviewed the following applications to make a recommendation for an appointment of a Gallatin County representative to the new Bozeman City Planning Board. The position was advertised and one application from Lynn Rugheimer was received, who was a county appointee to the Bozeman City-County Planning Board. At this time, no term limits have been discussed with the City. There was no public comment. Commissioner Olson moved to recommend Lynn Rugheimer for appointment on the new Bozeman City Planning Board. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Gallatin County Road & Bridge representative Roy Steiner recommended to the Commission to award the bid for the construction of West Cameron Bridge Road, Sourdough Road, and Nash Road to JTL Group of Belgrade in the amount of \$ 287,138.00 . It was the only bid received and it met the specifications required in the contract. There was no public comment. During discussion, Roy stated to the Commission the contract had a 45 day timetable from the day it is signed. Commissioner Mitchell moved to award the bid to JTL Group in the amount of \$287,138.00 as recommended by the Road Office. Seconded by Commissioner Olson. None voting nay. Motion carried.

- - - -

Gallatin County Planner Jennifer Madgic reported on the request for preliminary plat approval for the River Rock Major Subdivision for Phases 1, 2A, 2B, 4 and 5. comprising approximately 164.73 acres in five phases. The property is located in the River Rock Zoning District (formerly the Royal Village Zoning District) and is legally described as three tracts of land located in the Southeast One-Quarter (SE¼) and Southwest One-Quarter (SW¼) of Section Three, Township One South (T1S), Range Four East (R4E), PMM, Gallatin County, Montana; generally located north of Amsterdam Road, approximately two miles west of Belgrade. The Royal Village Phase I plat was filed in 1978, the same year the Commission approved the Royal Village Zoning Regulation, Master Plan Map and Zoning District. The name of the District was recently changed to River Rock. The total River Rock Zoning District includes approximately 297.8 acres, to be submitted as at least three separate major subdivision applications. The Preliminary Plat of the Amended Plat of the Royal Village Phase I Major Subdivision was approved by the Commission on June 22, 1999. This application is the second major subdivision within the River Rock Zoning District to come before the Commission in recent months. A preliminary plat application for a major subdivision consisting of 234-parcel mobile home sites is forthcoming. Due to the inherent complexity of the project's history and subsequent changes, the new subdivision proposals have been submitted incrementally to assure adequate review. The subdivision was reviewed for the following primary criteria: agriculture, agriculture water user facilities, local services including water supply and sanitary facilities, fire protection, law enforcement, emergency medical, schools, the natural environment, wildlife and wildlife habitat, public health and safety, compliance with the survey requirements of the Montana Subdivision and Platting Act, local subdivision regulations and provisions for legal and physical access to each parcel within the subdivision and required notation on the applicable plat. Applicants are requesting one variance from Section 7, Table 1 of the Subdivision Regulations regarding the 150-foot maximum Centerline Radius on Curves. A letter was received from the Gallatin County Road Department dated July 19, 1999 regarding support of the variance request. If the County Commission decides to approve the subdivision, the following conditions for final plat approval are suggested. Except as noted, conditions shall apply to all phases. Phases shall be completed sequentially.

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 obtain approval from the Department of Environmental Quality. 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. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing the property owners' association, cul-de-sac easement, 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, cul-de-sac easement and certificate prior to final plat approval.
4. The applicants 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 applicants prior to final plat approval. All areas disturbed during construction shall be re-seeded with vegetation types approved by the weed control supervisor. The applicants 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) 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. c) Individual lot access from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations. d) The property owners' association shall be responsible for maintenance of interior subdivision roads. e) All fences bordering agricultural lands shall be maintained by the property owners' association, in accordance with state law. 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. All ditches shall be protected with minimum 30-foot ditch maintenance easements and shown on the final plat(s). 9. Written verification shall be provided regarding the abandonment of any ditches. 10. Applicants shall provide written approval from owners/users of the Stone Weaver Irrigation Ditch. 11. The proposed elementary school shall not be occupied until adjacent streets, and community water and sewer services are complete. 11a. Road names for each phase shall be approved by the County Road and Bridge Department. 12. Road name signs for each phase shall be required at all intersections. 13. STOP sign(s) for each phase shall be required at all intersections with County-maintained roads. 14. Proof of encroachment permit(s) shall be shown for access(es) off Amsterdam Road. 15. A "no-access" strip shall be provided along Amsterdam, Thorpe and Royal roads. 16. Applicants shall submit a parking/circulation plan for commercial area of Phase 2A. 17. The preliminary plat application shall be submitted to Montana Department of Transportation for their review and determination regarding any necessary improvements to Amsterdam Road. Applicants shall submit a letter from MDT certifying satisfaction of this condition. 18. All interior roads for each phase shall be built to County-paved standards, and have a 60-foot right-of-way, dedicated to the public. 19. All road work for each phase shall be inspected and certified by a licensed engineer. Such inspection and certification must be provided to the County Road Department in writing. Final approval of each phase will not be given until this documentation is received. 20. Curve radii of all roads shall be consistent with Section 7, Table 1 (regarding maximum centerline curve radius) of the Subdivision Regulations. 21. A property owners' association must be formed for the maintenance of all interior roads. 22. A waiver of protest for creation of future RIDs will be required. 23. Applicants shall make payment of road impact fees in accordance with the Subdivision Regulations. 24. Applicants shall make payment of fire protection impact fees in accordance with the Subdivision Regulations. 25. Applicants shall designate park land according to Section 6.G.1 of the Subdivision Regulations prior to final plat and dedicate the land to the property owners' association. 26. All requirements of the Belgrade Rural Fire District shall be met prior to final plat approval. The fire district shall review and approve all fire protection measures prior to final plat approval. 27. The water main system and fire hydrants servicing all lots shall be installed. 28. The community sewer system, including all sewer mains and sewer service serving all lots shall be installed. 29. Applicants shall submit certified "as-built" plans for all water and sewer installations prior to final plat approval. 30. Applicants shall have three (3) years to complete the above conditions and apply for final plat approval. The following letters were received: A letter dated July 20, 1999 from Bryan Connelley, Assistant Fire Chief/Deputy Fire Marshal of the Belgrade Rural Fire Department summarizing his review of the proposal and listing his requirements for fire protection. Commissioner Murdock stated that he had bought a piece of land from the developer, Potter Clinton Development, and that it may appear he has a "conflict of interest" in being involved in decision to grant or deny the preliminary plat request for the River Rock Major Subdivision. If the Board felt it was a conflict, he would remove himself from the proceedings. Both Commissioner Mitchell and Olson had no problems with his involvement and asked him to remain in the process. Mike Potter of Potter Clinton Development spoke regarding his proposal. He wanted to leave the option of being able to enter into an improvements agreement or not. At this point, they are not sure if they will need to or not. Mr. Potter said they have entered into an agreement with the Montana Department of Transportation on the long range upgrades for Amsterdam Road and submitted his memo to the Planning Office dated July 19, 1999 on the specifics. Also, He reported the Belgrade School District, the Montana Department of Transportation and Potter Clinton Development are in agreement on the desirability for a pedestrian path along Amsterdam Highway (between Thorpe Road and Royal Road prior to the opening of the new elementary school in fall of 2000). Sam Gianfrancisco, retired Road & Bridge Department Supervisor spoke regarding the variance requested. He said the department has been involved with this subdivision

for a couple of years. He thought the overall plan and design of streets was innovative for pedestrians, that the roads met engineering and ASHCO standards. Speaking as a citizen of Gallatin County he supported the variance and was glad to see the fire department and the road department agreed. Sonja Berg, 5670 Thorpe Road, testified neither for nor against the proposal, but summarized her concerns of safety with the traffic volume and speed, the garbage from construction, and the area was overrun with knapweed. She thought it was a good place for the subdivision with no serious impacts. Bryan Connelley with the Belgrade Rural Fire District stated that the fire department was in agreement with the first variance requested in Block 23 Phase II, but had not looked at other phases to agree on any other traffic calming designs. There was no further public comment. Mike Potter stated for the record that they are controlling the knapweed in the area. He also told Sonja Berg that if she saw garbage in the area to call him and he would make sure it was picked up and the area maintained appropriately. Mr. Potter agreed with all the conditions as presented. Finding that the road and fire departments support the variance request by the developer, Commissioner Olson moved to grant the variance from the centerline curve radii, adding the road departments recommendation that no parking signs are installed and the curbs are painted. Seconded by Commissioner Murdock, finding it meets the criteria allowed, and by granting it, it is not detrimental to the public's health, safety, and welfare. None voting nay. Motion carried. Finding that the River Rock Major Subdivision meets the Montana Subdivision and Platting Act and is consistent with the Master Plan and conforms to the zoning regulations in the area, Commissioner Olson moved to approve preliminary plat with the following conditions as presented and amended: Condition #1-11 as written and presented; the second condition 11 (typo), renumbered as condition #12. Condition #13 changed to #14 and amended to read: Stop signs for each phase shall be required at all intersections of County and State maintained roads; Conditions #14-15 renumbered to be conditions #15 and #16, language as written and presented; Condition #16 renumbered to condition #17 and amended to read, "Applicants shall submit a parking/circulation plan for commercial area of Phase 2A for approval to the Road Department." Conditions 17-19 renumbered as conditions #18-20, language as written and presented. Condition #20 renumbered to condition #21 then deleted because the variance was granted. Condition # 22 renumbered to condition #21, and language as written and presented. Condition #22 deleted. Condition #23 renumbered to be condition #22. Condition #24 renumbered to condition #23. Condition #25 renumbered to Condition #24. Condition #26 renumbered to Condition #25. Conditions #27-30 renumbered as #26-29, language as written and presented, finding 29 conditions, not thirty as presented. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The consideration of a resolution establishing the Fairgrounds Foundation Fund was continued until July 27, 1999.

The Commission called for a recess at 3:10 P.M. The Commission reconvened at 3:17 P.M.

Grants Administrator Larry Watson reported on the consideration of a bond by resolution for the new detention facilities, presenting an overview of the past 5 years, the efforts taken in the planning process of assessing whether to build a detention facility that would meet the safety and fire code requirements. Future needs which include a juvenile facility were assessed along with renovating and expanding the current facility to meet the codes that are in violation currently. Citizens and staff looked at all of the issues facing Gallatin County by first forming a citizens Detention Center Task Force Committee to research all the issues. They came back with 7 recommendations. The recommendations adopted by the Commission were to build a new detention center that would be larger, which included juvenile facilities and a place to house the new 911 emergency services department. Many things came out of the needs assessment. Three public hearings were conducted to hear testimony from the citizens of Gallatin County on the proposed Oak Street site. J. David Penwell reported on the public relations committee he has served on summarizing their goals to not repeat the past mistakes in the planning of the current detention center by informing the public of the present and future needs, and getting the community involved. Prugh and Lenon Architects were hired as the project architects. Dick Prugh with Prugh and Lenon Architects presented their program goals. A correction consultant was hired in conjunction with information from other specialists with architectural expertise who have experience designing this type and size of facility. They arrived at the blueprint for the proposed new facility. From the program goal, they went on to develop the site plan. They spoke with the City to do trouble shooting, looking for fatal flaws in the availability of the site, development of the site, working with planning engineers on impact of the roads, additional water lines, fire, sewer, etc. The site was found to be an efficient development site for the project. A site plan was developed along with a project budget. Issues came up, primarily adequate funding for the project that allowed for options for the future. A diagram which allows for as many

options for the future was done, such as the future use of the Law and Justice Center, the expandability potential with a 20-40 year span. Drawing of those options were presented to the Commission. Option #1 showed full build out of 240 adult beds, using the 20 acre proposed master plan concept for the Gallatin County Detention Center. Other options proposed and shown were a 96 adult bed detention center with 16 juvenile beds, and one of 48 adult beds with future pods to expand. After a preliminary budget had been estimated on the options, the bond estimates came in with two proposals to consider of \$15 million or \$17 million. Darrel Behrent spoke on behalf of the project. He came aboard in March with past experience with juvenile crime., experience in construction, and graduated as an engineer. He stated after doing a cost analysis of the proposals that it is more cost effective to move the site. He would like to see in the proposal that if the Law and Justice Center was sold, that those funds be put towards a site for a new Law & Justice Center at the Oak Street site. The juveniles of the community need a facility. They are shipped to another facility in the state. The new 911 Center needs a permanent home. Aaron Holst spoke on behalf of the 911 Emergency Services Department stating it does needs a permanent home that it had been part of the strategy all along to base it over at the Oak Street site. He pointed out the stability of the structure at the current Law & Justice Center during seismic activity, that there is a real potential that the building would collapse on the 911 Center, losing disaster and emergency services for the County. Because these conditions exist in the current facility, it had been proposed to be part of the new detention facility using about 5000 square feet using some shared spaces, training spaces, and other areas jointly. It's composition is proposed to have approximately 12 work stations with the concept of planning today for tomorrow. There is a logical connection and natural relationship to maintain for a permanent long term center. Jennifer Hansen is the Project Team Coordinator. The County contracted D.A. Davidson as their financial advisor. D.A. Davidson Financial Advisor Bridget Ekstrom presented the project concerning the marketing and sale of the bonds to finance the new detention center project using the two proposals, the 15 million dollar bond with an investment earning of \$620,000 or an 18 million dollar bond earning \$700,000. The interest rate is at 5.75%. The current market is half a percent higher than the all time low interest rates of thirty years ago, an ideal time to lock in rates. The interest would be \$10,744,000. for the 15 million, and \$12,176,000. for the 17 million. The 15 million would be an annual tax impact of 11.69 mills and 13.25 mills for the 17 million. These were conservative estimates. For example, a citizen with \$125,000 in real property would experience approximately a 35 dollar increase in capital for the 15 million dollar proposal and about a 40 dollar increase for the 17 million dollar figure. The operating budget was presented by Under Sheriff Jim Cashell. The proposal will be a direct supervision operation. The direct supervision in the end would be more efficient, using less staffing, and has less problems. Staff are safer, escapes far lower than the other methods used in other facilities. It will have mixed housing to accommodate female inmates, and a maximum security unit. Operations include staffing, food service, laundry, medical, and maintenance. Fiscal Officer Ed Blackman had presented a rough estimate of operation costs concerning a 96 bed unit and the other option of 144 bed unit. He overstated those original numbers, and hadn't met with Mr. Cashell to work on those figures. He asked to be allowed to work on those numbers to get a better representation of the projected operational costs. He would bring those figures back to the Commission before next week's public hearing. The Commission agreed that the numbers needed to be worked on before they felt comfortable with the projected operational costs of the two options proposed. Mr. Watson brought up the ballot initiative, if it should fail that they will have to retrofit the current detention center with the sprinkler system and air exchange system at an estimated cost of around \$994,000. Contingent on if the City allows the detention center to keep operating till the violations in codes are met. They had previously had an agreement with the County when they were informed of the efforts of the task force and committees working on the proposal before the Commission. If it is allowed to function as is, there will be no juvenile facilities and they will still have to be transported. One option discussed was to contract with other jails for cell space. There is no empty jail space within a 200 mile radius. Currently there are 1800 outstanding warrants that are being booked and released. Punishment has not been carried through in those types of situations for law enforcement. The Sheriff's Department is under a Union. It's Union would have to decide on the staff concerns working under the present conditions inside of the detention center. County Attorney Marty Lambert presented a memorandum he wrote to the Commission dated September 22, 1997 concerning the liability issues the County faces. The recommendations made by the Gallatin County Detention Center Task Force Final report with the findings and recommendations were attached. If anything should happen, the situation could be a catastrophic loss for the County which would run over the limit of their insurance policy. The safety of the staffs and inmates needs to be addressed before a catastrophic loss does occur or the jail is shut down for the code violations. The estimated cost of retrofitting stated in his memo was \$231,000 back in 1997. He discussed the construction and what it would do to the operations at the Law & Justice Center while the courts in session. The judges and juries will be disrupted. The traffic alone will present major problems to work around. Unforeseen costs should be taken into account along with the whole process of costs in destroying the old building, working around construction, and maintaining the operations of the facility. Roger Curtis, Executive Director of Alcohol and Drug Services

242 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

spoke in favor of building the new Detention Center, the need in our community to take care of our juveniles. He stated it was the right time to build, for all the right reasons and at the right price. He wanted it to be done right this time around. He asked the Commission to consider all the committees involved, their expertise in their recommendations made, and to let the voters decide if they want to build the new detention facility. Joan Rudberg spoke in favor of building the new facility at the Oak Street site because the County isn't serving our youth and their families by having no juvenile facilities. Lee Copenhagen spoke in favor, agreeing with the task force recommendations and that the current facility is unsafe and inadequate for the needs of Gallatin County now and in the future. He presented a handout to the Commission dated July 19, 1999 with his concerns highlighted. Jarvis Brown spoke in favor of building at the new site. He has been involved with the proposal for over a year and agrees with the finance committee's recommendation that is a reasonable figure. It meets the needs and the long range plan. He asks the voters be given an opportunity to decide. Brian Leland spoke in support of the need to build a new detention center that includes a juvenile facility, but is not in total support of the Oak Street site, has specific questions he needs addressed. He does agree to build it on the existing site would be a nightmare. He doesn't agree with putting the 911 center in the new detention facility, that it should stand alone. He is concerned with the location close to the detention facility if there was ever an incident inside of the detention center the main communications network of 911 services would be taken over. For example, a hostage situation. Anita Tymrak spoke in favor of the new facility on the Oak Street site. She stated there was a well established need for a new detention center. Gus Phaeler stated by next week they would have a final figure to ask the voters for concerning the bond issue. Bill Mitchell spoke with his concerns of the new site proposed. He supported staying at the current site. He handed a letter of his concern to the Commission. A fax was received from Jim A. Perlinski dated 7/20/99, outlining 4 reasons he opposes building a new jail at a different location which was read into the record. There was no further testimony. During Board discussion, the Commission agreed they needed a final figure to bring to the citizens of Gallatin County. No other letters were received The Board continued the meeting until July 27, 1999 to hear further public comment on the issue. Part of the discussion would be the final figure to ask for the bond, 15 or 17 million dollars.

There being no further business the meeting was adjourned at 5:30 P.M.

*Unavailable for
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 27TH DAY OF JULY 1999

The meeting was called to order by Chairman Bill Murdock at 10:02 a.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Commissioner Murdock opened discussion for a second hearing to consider adopting a bond resolution for the new detention facilities continued from the July 20th public meeting. Larry Watson, Project Coordinator, stated at the last meeting, a presentation was given outlining the project which raised questions. Mr. Watson stated that today, those questions will be addressed by those who can best answer them. Undersheriff Jim Cashell gave an overview of the project reporting on a 144 bed facility with the appropriate infrastructure to support a 240 bed facility at full build-out. The emphasis was to do this project right, being expandable into the future. Drawings were presented showing the infrastructures proposed, mechanical, laundry, kitchen, etc. A special housing unit for female inmates, a classification segregation unit of 48 beds, and a maximum custody housing unit are being proposed. Fiscal Officer Ed Blackman presented a draft of the operational budget providing a minimum of 5 different scenarios on a FY 2000 Adult and Juvenile Detention Operating Budget. It shows that Gallatin County would need \$296,532 for a 96 bed facility or \$186,567 for a 144 bed facility in new money for the Adult Detention Center and up to \$137,077 for the Juvenile. The projections are based on the information of potential occupancy submitted by Integrus and assume that the 96 bed facility will have occupancy of 94%, with 30 beds on the average being from other entities. The 144-bed facility anticipates 83% occupancy with an average of 47 being charged to other entities. The juvenile calculations are based on 50% accuracy. If the County has even 2 more beds on the average occupied by paying customers, the cost to the County would be zero (for juvenile only). The projections were based on the exact staffing projected by Integrus, the projecting operations costs, insurance, supplies, building maintenance, food costs etc. on current costs. Each revision had changes that reduced costs. The final version reduced several more positions and used the FY 2000 preliminary budget as the current budget

versus the FY 99 that was used in previous versions. The numbers are preliminary. Mr. Blackman recommended the Commission budget money to have a third party review the budgetary cost projections compiled after the schematic design. The Commission raised concerns about having to bring a second mill levy to the voters. Mr. Blackman said not the first year, but he couldn't answer for sure in the second year what might happen. Ann Rosenberry, Chief Deputy Treasure, speaking on behalf of the Treasurer Jeff Krauss urged the Commission to get the third party review as recommended by Mr. Blackman. Undersheriff Cashell reported on the questions raised concerning the direct supervision model. It has increased costs initially because of the increase in staffing, but overtime it is recouped by more efficiency where less staff is needed to supervise inmates. It increases safety of the inmates and decreases assaults. Sheriff Bill Slaughter gave testimony to the support of the new facility because of the need shown by overcrowding, the conditions of the current facility, and the safety for the staff and inmates. County Attorney Marty Lambert reported on the liability the County faces keeping the facility running as it has been in violation of the codes for three years. Action must be taken to remedy the situation before it is shut down by the Fire Marshal. Clerk and Recorder Shelley Vance discussed the issue that if there were to be a mail ballot election that she needed the Commission to be able to provide the department with a secure staging area for the ballots. Larry Watson reported that the citizens group and the project teams formal request calling for the resolution for an election for 17 million was voted on. At roll call 8 of 9 members were present. One vote against, 2 abstaining, and 5 were in favor. Mr. Watson read the proposed resolution into the record. The following people from the public testified in support of building the new facility at the Oak Street site: Joe Townsend, Gus Pfaehler, Dick Brown, Dr. Seitz, Dr. Nelson, Frank Esther, Monica Calvin, Darrel Behrent, Don Regli, Thomas Olson, Roger Curtiss, Jarvis Brown, Eve Cope, David Penwell. The following people from the public testified in opposition of building a new facility at the Oak Street site: Charles Bowen and Bill Mitchell. Brian Leland supported the new facility, but didn't support the 911 Center being in the proposal. Esther Nelson was against using the Oak Street site, but supports a new jail. The people supporting the new facility at the Oak Street site all were in favor of letting the voters decide by the mail bond election proposed. The following letters in opposition to building a new detention center at the Oak Street site were received: Albert B. Wells, Mr. & Mrs. Don Wortman, Archie Alexander, Helene Orenstein, Dale L. Miller, Alice Tor, Robyn Erlenbush, and Anita Saunders.

During Board discussion, Commissioner Mitchell said she received several phone calls in opposition. Commissioner Murdock said he received a couple also. Commissioner Murdock said that all the points brought up by the public was the reason he felt that whether or not to build a new facility should be brought to the voters. It should be a decision made by the citizens of Gallatin County. Commissioner Mitchell said that she telephoned previous detention center committee members and found their concern was over building on the new Oak Street site and that building on the current site wasn't looked at in-depth. Her background in architecture, with a degree in construction, and experience in project management, tells her that a feasibility study is needed, operation costs must be nailed down, and more analysis over site selection is needed. Further, a public opinion survey regarding these issues is needed. If you put the proposal to a vote of the people, they would have no option but to build at the Oak Street site. She stated there are serious conflicts on the information she read, and didn't think the taxpayers were given the whole story on costs. She couldn't support the proposal because there wasn't enough information available. Commissioner Olson addressed the liability of the current situation at the detention facility that the County could be sued if anything happens. It could be retrofitted, but other issues aren't addressed that were brought up. He stated that the citizens committee task force has been quite involved on this project and now it should be the voters decision. Commissioner Murdock said that a straw poll was conducted and there were great concerns of having a jail in the public's backyard, that it did carry a stigma. He visited jails all over the country and it was proven that property values go up after the initial concern. After reviewing the proposals, he was comfortable with the project and the cost, that it is being done professionally, planning for the future. He sees the need for more room over the years along with more space for expansion. He stated that it was a proposal worthy of debate, and it should be put to the voters. Finding the commission appointed a committee to make recommendations for a new detention facility, finding the committee recommended building a new detention center at the Oak Street site, Commissioner Murdock moved to let the citizens decide whether to remodel the current detention center or build a new facility for future expansion. By calling for a bond election, the issuing of 17 million dollars for the purpose of funding the acquisition, design, construction equipping and financing of an adult an juvenile detention and emergency communications facility and providing that the number of years through which the bonds are to be paid shall be twenty years. Seconded by Commissioner Mitchell. Commissioner Murdock and Olson voting aye. Commissioner Mitchell voting nay. The Bond issue was denied. Chairman Murdock adjourned the morning session of the public hearing until 1:30 P.M.

At a special meeting advertised and held at 1:00 P.M., the two bids received for the open air pavilion type building proposed to be constructed on the Gallatin County Fairgrounds were opened by Roy Steiner of the Gallatin County Road Department. The Gallatin County Commission were not present for this meeting. Present to witness the opening were Deputy County Attorney Chris Gray, and Deputy Clerk and Recorder, Dawn M. Chretien. The first bid was from John L. Miller Construction, contractor's registration number #11262, in the amount of \$466,500.00. The second bid received and opened was from Barnard Construction, contractor's registration number #4390, in the amount of \$271,456.00. Deputy County Attorney Chris Gray stated that the bids will be given to the Fairgrounds Pavilion Project Committee comprising of Sue Schockley, Greg Raths, Roy Steiner, George Austiguy, and Clark Johnson. They will review the bids at a meeting scheduled for July 30, 1999 at noon at the Gallatin County Fairgrounds. After they make a decision on the most responsible proposal received, they will make their recommendation to the Commission at a public hearing not yet scheduled.

The Commission reconvened at 1:35 P.M. Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following items were on the consent agenda:

- The following daily minutes:

JULY 19, 1999

- The Commissioners conducted regular County business.

JULY 20, 1999

- Dirk Visser of Intermountain Administrators presented several bid options for renewal of health insurance to the Commissioners on June 9, 1999. Subsequent to that meeting and having taken all bids into consideration, the Commissioners approved Safeco's Option 6. This option increases the specific deductible from \$60,000 to \$65,000 with \$29,000 aggregating specific. A letter confirming this decision was sent to Intermountain Administrators and Personnel Services on 7/20/99.

JULY 21, 1999

- The Commissioners met with Information Technology Services' (ITS) Interim Director Allen Armstrong, County Treasurer Jeff Krauss, Personnel Director Kathy Nowierski, Fiscal Officer Ed Blackman, and Deputy County Attorney Chris Gray. The purpose of the meeting was to address the immediate need for a computer programmer and financial software resulting from the recent decline in ITS' staff. Allen met with Black Mountain Software and will pursue this option. It was also noted that additional staffing was needed for data reconciliation. The Commissioners issued the following directives: (1) Allen will recruit/ interview/hire a computer programmer; and (2) Chris Gray will pursue legal acquisition of taxation software. Moving forward, Allen will research and pursue "best of breed" programs for various applications and a good database.

JULY 22, 1999

- A special meeting to discuss the Local Water Quality District was called to order in the Community Room at 11:35 a.m. by Commission Chairman William Murdock. Also present at the meeting were Commissioners Phil Olson and Jennifer Smith Mitchell; County Attorney Marty Lambert; Deputy County Attorney Chris Gray; Board of Health Chairman Warren Jones; County Health Officer Stephanie Nelson; and Environmental Health Director Tim Roark.. Commissioner Olson made a motion as follows: The powers and duties of the County Commissioners in relation to the new Local Water Quality District Board will be as defined in Section 7-13-4518 MCA. The powers and duties of the members of the new Local Water Quality District Board will be as defined in Section 7-13-4517 MCA. Pursuant to the requirements of Section 7-13-4516 MCA, the new Local Water Quality District Board of Directors will be comprised as follows: A. One Gallatin County Commissioner; B. One member from the governing body of the City of Bozeman; C. One member from the governing body of the City of Manhattan; D. One member from the governing body of the City of Belgrade; E. One member of the Gallatin City-County Board of Health; F. One Gallatin Conservation District Supervisor; G. Three members of the Board of Directors appointed at large as follows: (1) One

member appointed by the governing body of each of the City of Bozeman, City of Belgrade and City of Manhattan. This will result in a nine-member Board of Directors for the Local Water Quality District. The motion was seconded by Commissioner Jennifer Smith Mitchell. There was discussion as to whom the LWQD Director will report to. Commissioner Murdock stated that the Director would not report to the Commissioners, but rather to the LWQD Board. Commissioner Mitchell added that the Commissioners would be more like "coordinators." County Attorney Marty Lambert stated that, in relation to personnel issues, the LWQD Board would be responsible for hiring LWQD personnel but would utilize the County Personnel Office and policies for the purposes of administration. The Commission would be the arbiter of any employment-related grievances. Board of Health Chairman Warren Jones added that, per the Montana Code, the structure of the new Local Water Quality District Board is correct and conforms to current law. He added that the County Commissioners would have budget authority over expenditures of the Local Water Quality District. County Attorney Lambert reiterated that the Commissioners would always have final budget authority. All three Commissioners voted in favor of the motion; none voted in opposition. Motion carried.

JULY 23, 1999

- The Commissioners conducted regular County business

- A request for final plat approval of the Westland Minor Subdivision received by Assistant Planning Director Debbie Arkell. The property is legally described as Tract 4B-1, COS #1006-F, being located in the NW¼ of Section 10, T3S, R5E, P.M.M., Gallatin County, Montana. After review, it appears that all conditions have been met to grant final plat approval.
- A family transfer exemption request for Robert and Delores Prescott received by Belgrade City-County Planner Jason Karp located in the NE¼ of Section 26, T1S, R4E, P.M.M., Gallatin County, Montana. After review, it appears that the request meets the criteria allowed under the Montana Subdivision and Platting Act.
- The following contracts were reviewed and considered: A memorandum of understanding with the Montana Department of Corrections re: Community Corrections; Intermountain Administrators Administrative Services Agreement; Agreement with Robert Murdo for Detention Center Bond Counsel; Board of Crime Control Grant.

Completed minutes were not available for the Commission to consider. Commissioner Mitchell requested the contracts to be pulled and continued for one week because she hadn't reviewed them at this time. Commissioner Murdock stated that they could be pulled from the consent agenda and moved to the regular agenda for discussion. Commissioner Mitchell agreed. Deputy Attorney Chris Gray requested that the contracts with Intermountain Administrators and Robert Murdo be continued indefinitely. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Olson reported it was his understanding that the Montana Department of Corrections contract is a Memorandum of Understanding that doesn't involve any dollars to allow the Montana Department of Corrections to work with the Board of Correction. Commissioner Murdock concurred. There was no other discussion. Commissioner Mitchell stated that she was satisfied with the explanation. Commissioner Mitchell moved to approve the Memorandum of Understanding with the Department of Corrections. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported that the Board of Crime Control's Grant had been on the agenda for some time and had been continued. Mr. Watson would be able to report on this contract better than he could at this time because there are three or four of these grants. Based on the circumstances, Mr. Gray recommended continuing the contract with the Board of Crime Control's grant for one week to give the Commission the opportunity to fully understand the contents of the contract before signing it. Based on the advice of counsel, Commissioner Olson moved to continue the contract for one week. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

The following applications were reviewed and considered for Board appointment:

- One vacancy exists on the Middle Cottonwood Zoning District due to the resignation of Kenneth Walker. The position was advertised and one application was received from John P. Langenheim. The term would run for two years, expiring on March 31, 2001. Commissioner Olson moved to appoint

John P. Langenheim to the Middle Cottonwood Zoning District. Seconded by Mitchell. None voting nay. Motion carried.

- There is no vacancy to the Historic Preservation Board as originally scheduled on the agenda and noticed for today.
- One position is open on the Logan Landfill Advisory Board due to the expiration of Glen Jorgenson's term. The position was advertised and no applications were received. Glen Jorgenson is reapplying. Commissioner Mitchell moved to appoint Glen Jorgenson to the Logan Landfill Advisory Board. Seconded by Commission Olson. None voting nay. Motion carried.
- Two positions are open on the Mosquito Control District Board with the expiration of the terms of Wesley Milner and Herb Steingruber. Both have reapplied. Commissioner Olson moved to appoint Wesley Milner and Herb Steingruber. Seconded by Commissioner Mitchell. None voting nay. Motion carried.
- One position is open on the Northside Rural Fire District with the expiration of Robert Altman's term. He is one of the original members of the board, and requests to serve again. The initial appointment was for a one year term. Subsequent terms will be for three years. This position was advertised and one other application was received by Tim Spady. Commissioner Olson moved to re-appoint Robert Altman to the board, finding it is a new board and another term would be appropriate. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy Emergency and Disaster Coordinator Mike Hoey reported a unanimous vote of the body appointed to review bids has recommended to not award the bid for the SAR/EOC building to Edsall Construction in the amount of \$354,800. Between the SAR and EOC they were approximately \$200,000 dollars short of the funding needed for the bid amount proposed. Commissioner Olson moved to deny awarding the bid to Edsall Construction on the recommendation made by Mr. Hoey. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Joan Davies, Director of the Office of Public Assistance presented the County Interim Assistance and County Burial Plan effective August 1, 1999. This plan replaces the plan approved in 1993 because the funding was scaled back. The purpose of interim assistance made available by the County is to provide basic necessities to assure subsistence compatible with minimum standards and necessary prescriptions for those individuals who are in the process of applying for Social Security Income or Social Security Disability benefits. The County Burial Plan will provide burial at the agreed upon county burial rate for indigent persons. Both Interim Assistance and County Burial are subject to funds being available. During Board discussion, the Commission found there was a need in the community to provide these programs. It was also determined that if funding is depleted in one fiscal year, there will be no further eligibility for either program until the program is funded in the new fiscal year. Joan stated that there is adequate funding left in the budget to cover the program. She doesn't anticipate it being depleted. There was no public comment. Commissioner Mitchell moved to approve the County's Interim Assistance and Burial Plan. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Susan Swimley reported on the continuation of a petition that was presented to the Commission on July 6, 1999 to abandon a portion of Fir Street in Logan. She advised that the petition is sufficient for legal purposes as it stands, that the Commission could accept the petition and appoint a viewing committee. There was no public comment. Commissioner Olson moved to accept the petition to abandon a portion of Fir Street in Logan, finding that the petition is valid that the chair appoint a viewing committee. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Murdock appointed Commissioner Mitchell, Clerk and Recorder Shelley Vance, and a member of our County Road Department to be on the viewing committee.

Fiscal Officer Ed Blackman explained a resolution establishing the Fairgrounds Donation Fund, #7050 and setting revenue and expense budgets for the Gallatin County Fairgrounds. Gallatin County appropriated available money for the Fairgrounds during the regular budget process and the County Fair Board had requested the creation of a separate fund for receipt of donations to the Fairgrounds. The Fairgrounds has received \$3,000 in donations to the Fairgrounds Donation Fund and desires to maintain accounts that would allow them to solicit donations and grants with the intent to segregate all moneys received into separate fund where the approved County budget does not include the revenues and expenses in a separate

fund. There was no public comment. The following is the fund that is being considered to be established by this resolution:

Fund name: Fairgrounds Donation Trust Fund Fund # 7050

EXPENSES

7050-000-592002-855 Disbursements

REVENUES

7050-000-3650-00 Donations

7050-000-3620-10 Interest

Commissioner Mitchell moved to adopt Resolution #1999-45, creating the Fairgrounds Donation Fund #7050 and setting the revenue and expenses in this fund, finding that they need to keep the funds separate. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a resolution to establish the Covering Children Grant, and setting the revenue and expense budgets for the Gallatin County Health Department. State law authorizes the County Commission to approve and adopt a resolution to appropriate money received from the federal or state government. The Gallatin County Health Department has \$8,100.00 in available funding from Butte/Silverbow consolidated government. The Health Department desires to maintain accounts that would allow them to solicit donations and grants with the intent to segregate all moneys received into a separate fund. The following is the fund being considered to be established by this resolution:

Fund name: Covering Children Grant Fund #2898

EXPENSES

- 2898-24-2000-110 Salary/Wages
- 140 Employer Contributions
- 210 Office Supplies
- 220 Operating Supplies
- 345 Telephone
- 370 Travel
- 397 Contracted Services
- 513 Liability Insurance
- 750 Administrative Costs

Total: \$8,100.00

REVENUES:

2898-000-3340-10 Montana Lead Grant \$8,100.00

There was no public comment. Commissioner Olson moved to adopt Resolution 1999-46, to establish the Covering Children Grant Fund #2898 and setting the revenue and expenses for the Gallatin Health Department. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance certified that between June 22, 1999, and July 23, 1999, no protests were received regarding Resolution 1999-31, a resolution of intention to create the Gallatin County/Bozeman Area Zoning District and to adopt zoning regulations for the district as described in the Gallatin County/Bozeman Area Zoning Regulation dated June 10, 1999. There was no public comment. During Board discussion, the Commission stated their surprise that zero protests were received on the subject. Clerk and Recorder Shelley Vance stated that there had been only inquiries, but no protests.

Deputy County Attorney Susan Swimley reported that this was a public hearing to consider a resolution to create county zoning and adopting zoning regulations for Gallatin County Bozeman Area Zoning District in Bozeman Extraterritorial Zoning District, the final step of the process. On June 22, 1999 the Commission adopted Resolution #1999-31, a Resolution of Intention of Gallatin County Commissioners to create the Gallatin County/Bozeman Area Zoning District and to adopt zoning regulations for the district using the draft regulations prepared and dated June 10, 1999. This was the last hearing to receive public

comment on the adoption of the proposed draft resolutions. There was no public comment. Commissioner Mitchell moved to adopt Resolution 1999-47, a resolution creating the Gallatin County/Bozeman Area Zoning District and to adopt zoning regulations for the district. Seconded by Commissioner Olson. None voting nay. Motion carried.

R. Dale Beland, Planning Director, reported two areas were identified in the extraterritorial boundary survey completed by Ron Allen which do not have a zoning designation on them. There was no public comment. Commissioner Olson moved to approve the extension of the zoning as Agricultural Suburban to those parcels identified within the Bozeman Extraterritorial boundary by the Ron Allen Survey that didn't have a designation. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Commissioner Murdock asked the Board if they would agree to direct the Planning Staff to draft a letter for the Commission to review to present to the Planning Board, regarding the appointment of an interim committee to look into further amendments to the zoning ordinance. It was a promise made to the public. Deputy County Attorney Susan Swimley recommended the Commission ask the Planning Board to create a subcommittee of the Planning Board to review this document. A lot of work still needs to be done. The public was not really in favor of this document or the March draft. It is not a matter of making a few corrections. It would be advisable to give direction to the Planning Board to begin the process of forming a subcommittee who would review the two documents and the Master Plan extensively, make their recommendations on amendments to the Planning Board for the revisions needed. The Commission agreed to direct Mr. Beland to draft the letter to start the process of appointing an advisory committee. A Board of Adjustments also needs to be appointed. Commissioner Murdock asked Mr. Beland to also add that to the letter, that the Board of Adjustments needs to be advertised and appointed.

R. Dale Beland presented the consideration of adoption of the Gallatin County/Bozeman Area Zoning District fee schedule based on the adoption of the new district. It is the same schedule that was adopted and used in the other districts within the County. It would just extend it forward to the new jurisdiction. The fee schedule was made with the concept of cost recovery in mind. During Board discussion, Commissioner Mitchell asked what the City of Bozeman's fee schedule was like compared to the one being considered for the new district. The fees from the last fee schedule received by the City showed the fee schedule for the new district had considerable lower costs. Mr. Beland sees the fees as fair and equitable and recommends the adoption. There was no public comment. Finding that the Zoning Application Review Fee Schedule is consistent with all the other zoning districts in the County, Commissioner Mitchell moved to adopt the fee schedule as presented. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting adjourned at 2:38 P.M.

Unavailable for signature

CHAIRMAN APPROVAL

Shelley Vasne

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 3RD DAY OF AUGUST 1999

The meeting was called to order by Chairman Bill Murdock at 1:30 p.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following items were on the consent agenda:

- The following daily minutes:

JULY 26, 1999

- A special meeting was called to order by Chairman Bill Murdock at 2:37 p.m. to discuss the proposed emergency closure of a portion of Story Mill Road. Also present were County Commissioners Phil Olson and Jennifer Smith Mitchell, Chief Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

Chief Deputy County Attorney Susan Swimley reported she received a telephone call from Dave Fowler regarding the condition of the bridge on Story Mill Road. Based on the information given, she called the special meeting to discuss the passage of a resolution to close a portion of Story Mill Road until the situation can be assessed further. She notified the public of this meeting by contacting the television and radio. She also placed discussion of this emergency closure on next week's agenda to give the public an opportunity to speak on the issue. Dave Fowler of the Road and Bridge Department testified that he viewed the bridge with Ken Hellwinkle. They observed the center of the bridge shifting, the seam is deteriorating and the weld broke, making an unsafe situation. He presented the Commission with pictures showing the bridge as viewed that morning. He considered it a hazardous condition and has contacted an engineer to determine what can be done. Mr. Hellwinkle is contacting the City in regards to the garbage trucks, and notifying the citizens who use the road. He'd like to see it closed for public use by 6 a.m. on the 27th. During Board discussion, they asked if Betty Strook, a citizen who lives by the bridge, had access if the road was closed and if she had been notified. Susan Swimley stated that she had apprised her attorney, Mr. Kauffman, of the situation. She faxed him a letter along with a draft of the resolution before the Commission. He stated he would get in touch with his client and inform her of the situation, that the County had no options at this time except to close it until a structural engineer could assess the situation and make recommendations. The Commission discussed putting a weight limit on the road for the time being. Mr. Fowler disagreed as he felt the public's safety would be compromised. He wouldn't let his family go over the bridge in a car and felt the public was just as important. Commissioner Murdock asked how long it would take for the engineer to make a determination. Dave stated that he wouldn't know the answer to that question until the engineer could go out to view the bridge. A contractor would then be hired to make the repairs. A public service announcement will be done and 911 will be contacted to notify the citizens. The alternate roads used are being graded to shape them up for the increased traffic. There was no public comment. Commissioner Olson moved to adopt Resolution 1999-44, a resolution of the Gallatin County Commission determining a dangerous situation and closing a portion of Story Mill Road, finding that no one would become landlocked and upon recommendation by the Interim County Road Superintendent Dave Fowler until an engineer can assess the situation. Seconded by Commissioner Mitchell. None voting nay. Motion carried. There being no further business, the meeting was adjourned at 2:55 P.M.

JULY 27, 1999

- The Commissioners conducted regular County business.

JULY 28, 1999

- A special meeting was called to order by Chairman Bill Murdock at 1:30 p.m. Also present were County Commissioners Phil Olson, Jennifer Smith Mitchell, Deputy County Attorney Chris Gray, and Deputy Clerk & Recorder Dawn M. Chretien, Acting Clerk to the Board.

The following proceedings were had to wit:

Fiscal Officer Ed Blackman reported on the decision for the Commission to determine an exigency related to the need for immediate delivery of Year 2000 compliant, State of Montana Taxation Software that would be useable on the County's current hardware. The reasons presented for this determination and the circumstances requiring the immediate purchase are: (1) the County's current taxation program is not Y2K compliant, (2) the state legislature made changes in tax laws that must be programmed into any software used for the personal property tax bills and the November tax bills; (3) the County does not have staff to upgrade the county's current programs; and (4) the Commission was told by the County Treasurer that the need for adequate and updated tax software is absolutely necessary. Deputy County Attorney Chris Gray reported that State law allows a political subdivision to adopt state procurement law. The County can declare a public exigency when immediate delivery of goods and services is needed outside the normal bidding process. In Administrative Rules of Montana, 2.5.201(12) states: "Exigency" means a purchase made without following normal purchasing procedures due to a sudden and unexpected happening or unforeseen occurrence or condition which requires immediate action. He stated that the meeting was given proper notice according to State law, that under the regulation, the County Commission can find the county in "exigency" under the reasons so stated into the record. Finding it does exist based on the reasons stated, it is required to be in writing and then a competitive vendor as practicable is selected. During discussion, it was determined that it would be three months before a vendor could be selected under

normal bidding procedures. It is a lengthy process to produce the October tax bills, which includes the Assessor's office and Clerk & Recorder. Purchase of goods and/or services of over \$50,000 requires a bid. The vendor list doesn't exist for products such as this. They have found only 2 vendors who could provide the accounting software required. It is good to have at least two vendors to consider, so that there are options for the purpose of negotiations. Deputy Attorney Chris Gray, Treasurer Jeff Krauss, and GIS Coordinator Allen Armstrong have researched and extensively looked at the two possible vendors that do exist. Clerk and Recorder Shelley Vance testified that her office is part of the process to get the tax bills out. Prior to the tax bills being mailed, the Commission holds a public hearing to levy and assess the special districts within the county. Prior to that, notice is given to all landowners in the district of their maintenance fees in those special districts. That process requires notification to the Assessor by the Clerk & Recorder's Office. The Assessor then orders the lists and labels from Information Technology Services (ITS). The Clerk & Recorder's office takes those lists of some 3,500 lots, checks them for accuracy and makes changes before sending notice of public hearing. Subsequently, the information on the special districts is added to the tax program before the Treasurer can run tax bills and mail them. They can't get the lists if there is no programmer to produce the list, affecting the progress to get the notices, conduct the public hearing, and ultimately getting tax bills out. Treasurer Jeff Krauss reported on the complicated tax process currently in use. He said the Assessor's state data base system will be down for three weeks. The Treasurer's Department is at a standstill; the system currently in place is failing rapidly. Mr. Krauss outlined an emergency situation regarding tax billing for the upcoming cycle. The Motor Vehicle Department can't collect taxes because the State Legislature passed new laws which need to be added in the system. At present, they are unable to make those changes in the current system. The certified delinquent City tax list is currently on hold, along with the Treasurer's responses to three large tax service companies whom they work with regularly each year that request their tax lists. He stated that September 1st is a key date. It takes about 6 weeks to accomplish the process before the tax bills can get out to the public. During Board discussion, the Commission concurred that exigency does exist because the current tax system is not Y2K compliant, the Treasurer needs updated software to get the tax bills out, and there is not enough staff hired for ITS to meet the deadlines to go through the normal bidding process. A programmer has been hired, but more has to be done to get software for the Treasurer's Office tax program. Commissioner Mitchell moved to declare that a public exigency exists in the County under State law, finding the need for immediate delivery of Y2K compliant State of Montana taxation software usable on the County's current hardware. The County should move forward with finding a competitive vendor as practicable. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business, Commissioner Murdock moved to adjourn the meeting at 2:09 p.m.

JULY 29, 1999

- The Commissioners conducted regular County business.

JULY 30, 1999

- The Commissioners met with Facilities Operations Officer Bob Isdahl and Personnel Services Director Kathy Nowierski to discuss final revisions to the Facilities Maintenance Manager's job description. Personnel will prepare and submit a final draft for approval. Upon confirmation from Ed Blackman of available records storage funds, Bob was directed by the Commissioners to purchase shelving for the Courthouse basement, not to exceed \$10,000.
- The Commissioners met with Bozeman Fire Chief/DES Coordinator Aaron Holst and Mike Hoey, Assistant DES Coordinator. As Mike will be resigning on 11/30/99, Aaron asked whether or not the County wished to continue their agreement (Contract #1998-62) with the City of Bozeman regarding the delivery of DES services. The Commissioners agreed to maintain their current status with Bozeman Fire/City of Bozeman relating to these services and authorized Aaron to recruit, interview and hire Mike's replacement.
- July 1999 Payroll in the Amount of \$960,813.99
- Received and Approved Cancellation of Taxes in the Amount of \$2,338.36.

AUGUST 3, 1999

- Revised services selection policy for architects, engineers and land surveyors (Grants).

- A request for a relocation of common boundary exemption for High K LLC and Edwin Hahn located in COS 1583, tract 2 and Lot 5 of the High K Corner Minor Subdivision located in the SE¼ of Section 4, T1S, R4E, Gallatin County. Presented by Jason Karp of Belgrade City-County Planning.
- The following contracts were reviewed and considered: Intermountain Administrators Administrative Services Agreement; Board of Crime Control grant for youth detention; Maintenance agreement with Terrell's for Justice Court photocopier; Animal impound agreement with Humane Society of Gallatin Valley; Cellular One master service agreement; Predatory animal control agreement with USDA; Carolina Software agreement for Logan Landfill.

Completed minutes were not available for the Commission to consider. Commissioner Murdock asked that the consideration of the contract for Intermountain Administrators Administrative Services Agreement be continued until August 10, 1999, that the Board of Crime Control grant for youth detention be pulled from the agenda, and that the Cellular One Master service agreement be continued to the August 17, 1999 meeting. The consideration of the contracts for the Carolina Software agreement for Logan Landfill and the Animal Impound agreement with Humane Society of Gallatin Valley were pulled and moved to the regular agenda as items one and two. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on the consideration of the contract for the Carolina Software agreement for Logan Landfill. Mr. Gray stated that this agreement was mistakenly approved previously but the agreement had been changed slightly and was sent back in a different form than had been approved, thus no agreement was made. Mr. Gray asked that the new contract be approved and the old contract be rescinded. Commissioner Mitchell moved to rescind the old contract with Carolina Software for Logan Landfill. Seconded by Commissioner Olson. None voting nay. Motion carried. Mr. Gray explained that the changes were minor and had been reviewed by the County Attorney's office and accepted. There was no public comment. Commissioner Olson moved to approve the revised contract for the Carolina Software agreement for Logan Landfill. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Undersheriff Jim Cashell reported on the consideration of a contract for Animal Impound with the Humane Society of Gallatin Valley. Mr. Cashell explained that the County has an agreement with the Humane Society of Gallatin Valley for taking care of animals that are impounded. He said that the contract has changed since last year and the agreement is for the County to pay \$7100.00 for the first 200 dogs and an additional fee per dog over that number. In 1999, they took care of 270 animals. Commissioner Murdock asked if there was a way to recoup the additional expenses and Patricia Hess of animal control said that there are board fees when the animal is taken in, and some money is drawn from citations issued. There was no public comment. Commissioner Olson stated that finding that there is money in the budget to cover 210 dogs, and potential for additional money to pay for any animals over the budgeted amount, he so moved to approve the agreement with the Humane Society of Gallatin Valley for Animal Impoundment. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on the receipt of a petition for the Story Siding Herd District #7. On July 9, 1999, a petition was submitted regarding Story Siding Herd District #7. Mrs. Vance requested that a public hearing be set for August 31 to hear protests regarding the creation of this district. This time frame would give her staff time to verify signatures, create a map, and prepare a report. Chief Deputy County Attorney Susan Swimley recommended that the Commission acknowledge receipt of the petition. Commissioner Mitchell moved to acknowledge receipt of the Story Siding District #7 petition and set the date for the public hearing as August 31, 1999 per the Clerk and Records request. Seconded by Commissioner Olson. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley requested that the consideration of a resolution setting salaries for elected officials, office hours for County offices, and designating Gallatin County as a Class One County be continued until the August 10, 1999 meeting in order to resolve some issues that were raised in the County Attorney's office. Commissioner Murdock agreed and recommended that the item be pulled and continued to the meeting the following week.

Chief Deputy County Attorney Susan Swimley reported on conducting a public hearing regarding the adoption of a resolution closing a portion of Story Mill Road. An emergency resolution was adopted on July 26, 1999 to close this road. This item was then put on the agenda to allow the Acting Interim Road Superintendent Dave Fowler to report on the condition of this road and allow for public comment.

Acting Interim Road and Bridge Superintendent Dave Fowler reported that the bridge is unsafe and has been closed. Engineers have set up an alternative route, and report that they can do one of two things, either repair the existing bridge, which he felt was not the best option since it would not increase the load of the bridge or the second proposal would be to bring the bridge up to a higher standard that would be suitable for future longevity. Another, temporary fix, would be to place a steel plate across the bridge to allow access to dump until it can be brought up to standard. The Road Department has asked for bids for the temporary fix and expects more answers by August 9, 1999. Commissioner Mitchell asked about the temporary fix being suitable for the city garbage trucks. Mr. Fowler felt it would hold the garbage trucks, but may not be strong enough for the belly-dump trucks. There was no public comment. The action for closing and repairing has been taken.

Belgrade City-County Planning Officer Jason Karp reported on the consideration of a request to reduce road impact fees for the Belgrade North Business Park, Phase III. The applicant is Gaston Engineering on behalf of Rudy Suda. Per County impact fee policy, the applicant has submitted an independent fee calculation prepared by a traffic consultant to determine an appropriate amount of road impact fees for this subdivision. Based on the traffic study, the applicant is requesting that the impact fees be reduced to \$2713.20 from \$27,132.00, which is 10% of the initial fee. Dale Beland was called forward to discuss the reduction. Mr. Beland reported that subdivision regulations are explicit about reduction, stating that if applicant is unwilling to pay the normal fees, they must request a traffic study and pay for it. The applicant did this and it was found that the 10% to be fair because the impact to county roads is a very minimal. Mr. Beland thinks the reduction is fair and agrees to it. Commissioner Mitchell stated that on the advise of our Impact Fee Administrator, she moved to approve the reduction in impact fees for the Belgrade North Business Park III and IV to \$2713.20 from \$27,132.00. Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City-County Planning Officer Jason Karp reported on the consideration of a request for final plat approval of the Belgrade North Business Park, Phase III. The County Commissioners reviewed the preliminary plat and voted to grant approval on July 29, 1997. All the conditions have been met and it is Mr. Karp's recommendation that approval be granted. Commissioner Olson stated that based on the fact that all the conditions have been met, he so moved to grant approval of the Belgrade North Business Park, Phase III. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Bozeman City-County Planner Joan Killebrew reported on a request for preliminary plat approval of the Aldworth Major Subdivision located in Block 24, Electric Heights Subdivision, Lot 3, Block 4 of Graf's First Subdivision, and in Tract 1 of Certificate of Survey #2015. The subdivision was reviewed for the following primary criteria: Roads, domestic water, fire protection, effects on agriculture, effects on agricultural water user facilities, effects on local services, effects on the natural environment, effects on wildlife and wildlife habitat, effects on public health and safety, compliance with survey requirements provided for in part 4 of the Montana Subdivision and Platting Act, compliance with the Bozeman Area Subdivision Regulations, compliance with the required subdivision review process, provision of easements for the location and installation of any planned utilities, and provision of legal and physical access to each parcel. No variances were requested. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met before granting final plat approval: 1. The final subdivision 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, certification by the State Department of Environmental Quality Subdivision Program, a final platting certificate, and all required certificates. The Certificate of Dedication must be signed by all record owners of the property and Certificates of Mortgages must be signed by all lien holders on the property. Four cloth back (or equivalent) 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" disk. 2. Montana Department of Environmental Quality release of sanitary restrictions must be obtained for the subdivision prior to final plat approval. 3. The Final Plat shall show the location of both the existing trail and the filed trail easement. Because the trail on lots A & B is not built according to the existing recorded easement, the City of Bozeman shall abandon the incorrect easement once the applicant has filed the final plat with the Gallatin County Clerk and Recorder's Office. 4. The applicant shall provide and file with the County Clerk and Recorder's office executed Waivers of Right to Protest Creation of SID's/RID's for the following a) Street improvements to Sourdough Road including paving, curb, gutter, sidewalk and storm drainage. b) Any water and sewer main extensions needed to serve Lot A. The document filed shall specify that in the event SID's/RID's are not utilized for the completion of these improvements, the applicant agrees to participate in an alternate financing method for the completion of said improvements on a fair share, proportionate basis as determined by square footage of property, taxable valuation of the property, traffic contribution from the development or a

combination thereof. 5. The portions of the street rights-of-way for Sourdough Road that are within the boundaries of this subdivision shall be dedicated to the public on the final plat for this subdivision. This includes up to 60 feet in width where applicable adjacent to the north end of Lot A and 30 feet adjacent to Lot B and the south end of Lot A. 6. Prior to building on Lot A, encroachment permits must be obtained from the County Road Office. 7. A "no access" strip shall be shown on the final plat along Lots A & B, except at approved county road accesses. 8. A proportional reimbursement of paving costs shall be made for the paving of Sourdough Road prior to final plat approval. The County Road Department will provide a detail of the amount of the reimbursement and to whom it shall be paid. 9. Both road and fire impact fees, where applicable, shall be paid to Gallatin County, per Gallatin County impact fee standards for Lot B prior to final plat approval. 10. The Gallatin County standard covenants will apply to all non-annexed property as per Section 16.34.030 of the Bozeman Area Subdivision Regulations. 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. 11. The additional covenants noted below shall be added to the existing covenants listed on the preliminary plat and shall be filed with the final plat. 1. No development on construction within the City limits which requires water or sewer service will be permitted without further review and approval by the City Engineering Department and the City Water/Sewer Department. 2. City water and sewer service will not be provided to any portion of this subdivision that are not annexed into the City of Bozeman. Commissioner Mitchell stated concerns about the subdivision being in both the City and in the County. Gallatin County Planning Director Dale Beland assured the Commission that it shouldn't be a problem since building will not be allowed to take place on any portion that will be in both places and annexation of Lot C will be required before any building could take place on it. Mr. Beland stated that he doesn't feel that there will be any significant impact on roads which require an impact fee at this time. No variances are being requested. There was no public comment. Commissioner Olson stated that since the City voted unanimously to approve the subdivision, he did so move to approve the preliminary plat for the Aldworth Major Subdivision. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner W. Randall Johnson reported on the consideration of a request for preliminary plat approval of the Gallatin Peaks Upland Residential Cluster "A" Major Subdivision located in the SE¼ of Section 1, T7S, R3E, PMM, Gallatin County, Montana. The subdivision was reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, fire protection, law enforcement, emergency medical, schools, taxation, natural environment, wildlife and wildlife habitat and public health and safety. One variance has been requested regarding water supply: Section 6.E.3. of the Gallatin County Subdivision Regulations requires major subdivisions to install an NFPA standard fill site as a water supply for fire suppression. The applicant is proposing to utilize residential sprinklers systems as a water source in lieu of a fill site. According to the applicant, a variance is requested because it is not practical to construct a fire fill pond on the site because of topographic limitations. Bob Stober, Fire Chief for the Gallatin Canyon Fire District, has stated that the fire safety provisions for the subdivision will meet the requirements of the fire district. Staff suggests that the covenants for the subdivision include a provision requiring the fire district to review and approve all residential sprinkler systems. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met before granting final plat approval: 1. Phases A-1 and A-2 shall be completed in sequence. 2. The developer shall have three (3) years to complete all conditions, and apply for final plat approval for each development phase. Required conditions for Phase A-1 final plat recordation: 3. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 4. State Department of Environmental Quality approval shall be obtained for Phase A-1. 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. 5. The primary access road to the subdivision shall lie within a sixty (60) foot public right-of-way easement, and be constructed to county standards. The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 6. The secondary/emergency access road shall be constructed in accordance with the emergency access standards of the Gallatin County Subdivision Regulations. 7. The subdivider shall be responsible for the shared maintenance of the primary and secondary/emergency access roads with all affected parties. Any maintenance agreements shall be submitted to the County Road & Bridge Department. 8. All subdivision road names shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 9. Primary access, secondary/emergency access, and interior subdivision 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 the primary access, secondary/emergency access, and interior subdivision roads. 10. The interior subdivision road (Loop Road) shall lie within a 60 foot public right-of-way easement. The interior subdivision road shall be constructed to county gravel standards. The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 11. All road construction shall be inspected and certified by a Montana registered civil engineer. The subdivider shall obtain written verification from the County Road & Bridge Department that all roads have been brought to county gravel standards. 12. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 13. Street signs shall be installed or bonded prior to final plat approval. 14. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 15. The developer shall agree to participate and equitably share in the cost of any traffic management and mitigation program authorized by the Montana Department of Transportation and participated in by Gallatin County which concerns traffic impacts of future land use developments in the Highway 64 traffic shed. The developer shall be entitled to an equitable reimbursement for any disproportionate costs expended by it in connection with participation in such program. 16. A 20,000 gallon water storage tank shall be installed within the subdivision. The Gallatin Canyon Rural Fire District shall provide written verification that the tank is operational. 17. 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"*. 18. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 19. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 20. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 21. A homeowners' association for the subdivision shall be created. 22. Covenants for the subdivision shall include the following provisions: a. A site specific soil analysis and geo-technical study, prepared by a licensed professional engineer, shall be required in connection with proposed construction of any single-family dwelling. b. All structures shall be constructed in compliance with the current Uniform Building Codes. c. The homeowners' association shall be responsible for the control of noxious weeds within the common open space parcels, and all road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. d. Place title to common open space property with the homeowners' association. e. Common open space shall be preserved and maintained for passive and active recreation, wildlife habitat, and protection of scenic, unique or important natural features. f. 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. g. As concerns common open space; the homeowners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. h. As concerns common open space; assessments levied by the association must be able to become a lien on the property. i. As concerns common open space; the association shall be responsible to adjust the assessment to meet changed needs. j. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the common open space lands by proceeding against individual owners in the association and the dwelling units they each own. k. The property owners' association shall be responsible for the operation and maintenance of all interior subdivision roads. l. The use of the private access road shall be granted to emergency service providers and residents of the subdivision. m. Until a community water system is provided, all dwellings 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 hours notice, during construction and after completion. n. All structures shall be constructed in compliance with the National Fire Protection Association codes. o. Class A or B fire-rated roofing materials shall be used. p. Spark arrestor screens shall be placed on all fireplace and wood stove chimneys. q. Smoke detectors shall be installed on each level of dwelling units. r. The vegetation reduction and clearance guidelines of the *Fire Protection Guidelines for Wildland Residential Interface Development* shall be used. s. The artificial feeding of all big game wildlife shall be prohibited. t. All garbage shall be stored in animal-proof containers or be made unavailable to animals. u. Owners acknowledge that wildlife damage to landscaping will occur. Owners shall accept that risk and shall not file claims against the Owners Association or any other governing body for such damages. v. All

perimeter fencing shall be installed in accordance with a wildlife habitat plan, prepared by a certified wildlife biologist. w. Pets shall be controlled by each homeowner, 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. Required conditions for Phase A-2 final plat recordation: 23. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 24. State Department of Environmental Quality approval shall be obtained for Phase A-2. 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. 25. The interior subdivision road (Loop Road) shall lie within a 60 foot public right-of-way easement, and have a county standard cul-de-sac. The interior subdivision road shall be constructed to county gravel standards. The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 26. 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 all roads have been brought to county gravel standards. 27. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 28. Street signs shall be installed or bonded prior to final plat approval. 29. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 30. 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"*. 31. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 32. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 33. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation.

Commissioner Mitchell brought up a concern about a septic system on Lot 7, it is located across the Loop Road on another piece of property. Randy assured her that there is access across the lots and therefor not a problem. Mr. Jim Pepper addressed the issue later in the meeting and he assured the Commission that the DEQ allows a septic to be located across the road and it will be reviewed by Environmental Health. Commissioner Olson questioned Mr. Johnson about condition #16 and it's validity in light of the variance. Mr. Johnson explained that the applicant is offering to fulfill this condition in addition to the variance. Commissioner Olson asked Mr. Johnson to show him the emergency exit or access and Mr. Johnson complied. For the record, the access begins at Michener Creek Road east of Firelight Subdivision. Jim Pepper, of Town and Country Planning, is the applicant for the Gallatin Peaks Uplands Residential Cluster "A" Major Subdivision. Mr. Pepper made his presentation and addressed four points: 1. Shared common driveways, (there are none). 2. The septic issue previously addressed. 3. Emergency access and 4. Access to the subdivision. Mr. Pepper explained that Westland TM and McDougal provided legal access to this subdivision through Firelight Subdivision, which is the primary access for Cluster B and will eventually be secondary access to Cluster A. He explained that the final primary access will be referred to as the Aspen Drive extension. Mr. Pepper explained that the Master PUD for this subdivision has always intended to construct this road, however cost is a consideration and it will take time to be able to finalize construction. Mr. Pepper also discussed the options for ensuring that the road is in deed constructed. The developer anticipates that this construction will take place in the next year, but cannot guarantee a specific date. He also addressed the issue of their well effecting the Elk Ridge subdivision in Section 12. The full effect has not yet been determined, but tests thus far have not shown any negative effect on flow or cleanliness. Mr. Pepper also assured the Commission that there will be a homeowner's association and maintenance agreement with the surrounding subdivisions in place upon completion of the project. Public comment was heard from Marjorie Black, Marjorie Pavelich, Peggy Bert and Brigitte Kobell. Marjorie Black, attorney for Firelight Homeowners Association, addressed numerous concerns regarding the approval of this subdivision. The concerns included: The logging trucks and other heavy equipment using Firelight roads at all hours of the day and night, the lack of a maintenance agreement in place at this time between the subdivisions, the desire of Firelight to be given a finite period of time in which the construction of Cluster A's primary road will be completed, and the fact that they did not receive notice of this meeting or the

meeting approving the Cluster B preliminary plat. Marjorie Pavelich spoke second, and voiced some of the same concerns and entered into record numerous pictures labeled exhibits 1-9, 13-18, and "Bridge" 1-12. Peggy Bert of Elkridge Homeowners Association spoke third regarding their concerns over the Cluster A subdivision. She asked Planner Randy Johnson to show her on the map where the roads in question were located, and disputed the distance of the road from Interstate 191 as being 1.25 rather than 2.25 miles. Mrs. Bert's concerns were regarding the road use of Michener Creek Road from Elkridge subdivision into Cluster A and the potential problems with their water supply. Mrs. Bert requested copies of the water tests and a copy of the minutes of the meeting. Brigitte Kobell spoke lastly and reiterated the concerns voiced by the previous speakers. Rebuttal was heard by the developer's attorney, Bill Madden. Mr. Madden responded to Marjorie Black and Peggy Bert's concerns, stating that proper notice was given to the adjoining land owners of record. He also addressed the concerns regarding the primary and secondary road accesses, construction time frames and ways in which to assure construction of the proposed primary road, and the water supply issue. Mr. Madden introduced two exhibits labeled A and B, A being titled "Notice and Hearing Timeline" and B being titled "Proposed Findings of Fact (conditions of approval) re: Uplands Residential Cluster "A"." Jim Pepper came forward and clarified some issues, explaining the requirements for the road construction and paving or graveling of the interior roads in the subdivision. Clint Litle also gave input on the paving of the roads. Commissioner Murdock closed the rebuttal portion of the meeting, asked Planner Randy Johnson to put together conditions which address the time concerns regarding the construction of the road referred to as the Aspen Drive Extension. Discussion took place regarding this issue and Chief Deputy County Attorney Susan Swimley advised that four years from the approval of the preliminary plat would be the maximum time frame allowed by law. The Commissioners agreed to continue a decision, with applicant approval, regarding granting preliminary plat approval until the August 10, 1999 meeting.

There being no further business the meeting was adjourned at 5:02 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING TUESDAY THE 10TH DAY OF AUGUST 1999

The meeting was called to order by Chairman Bill Murdock at 1:35 p.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

AUGUST 2, 1999

- The Commissioners conducted regular County business.

AUGUST 3, 1999

- A special, emergency meeting of the Commissioners was called to order at 2:45 p.m. in the Commissioners' Office, for the purpose of discussing a proposed resolution to impose a ban on open burning, suggested earlier in the day by Rural Fire Chief Brett Waters. In attendance were the Commissioners and Executive Secretary Pat Lewis. Mr. Waters and Mike Hoey, Assistant DES Coordinator, both advised the Commissioners earlier in the day that, even though there is no "red flag situation" yet, the Commissioners should seriously consider imposing a ban on open burning immediately due to high-fire-danger conditions in the county. Commissioner Mitchell moved to approve the resolution imposing a ban on open burning on private land in Gallatin County effective immediately, until further notice and until conditions permit lifting of the ban. This ban includes burn barrels. Commissioner Olson seconded the motion. There being no further discussion, the Commissioners unanimously voted to approve the motion. The Commissioners will notify Brett Waters and inform him about the ban. Pat Lewis agreed to notify all media immediately, in addition to the Sheriff's Office, the Forest Service, Bozeman Fire Department, and the Burn Permit Office.

AUGUST 4, 1999

- A special meeting of the three Commissioners was held to consider approval of a Big Sky CTEP Bike Pedestrian contract modification. Commissioner Olson made a motion to approve the increase in the construction budget from \$223,025 to \$226,879 to cover \$3,854 of minor changes that were accommodated within the planned contingency for the project. The changes were also approved by the Montana Department of Transportation. Commissioner Mitchell seconded the motion. Motion passed unanimously.

AUGUST 5, 1999

- The Commissioners conducted regular County business.

AUGUST 6, 1999

- The Commissioners met with Facilities Operations Officer Bob Isdahl and Personnel Services Director Kathy Nowierski. They reviewed and approved revisions to the Facilities Maintenance Manager's job description. Personnel will prepare a final draft for review and approval. Upon confirmation from Fiscal Officer Ed Blackman of available records storage funds, the Commissioners will direct Bob to order shelving for the Courthouse basement, not exceeding \$10,000.
- The Commissioners met with Bozeman Fire Chief/DES Coordinator Aaron Holst and Mike Hoey, Assistant DES Coordinator. As Mike will be resigning on 11/30/99, Aaron asked whether or not the County wished to continue their agreement (Contract #1998-62) with the City of Bozeman regarding the delivery of DES services. The Commissioners agreed to maintain their current status with the City regarding these services and authorized Aaron to recruit, interview and hire Mike's replacement.

* * * * *

- Landfill Receipts for July 1999: \$69,793.00.
 - A101's for July 1999: \$1,013.32.
 - Payroll for July 1999: \$960,813.99.
 - Clerk & Recorder's Fees Collected for July 1999: \$37,486.78.
 - New Hire Report for July 1999: 911 – Sharon Holladay; REST HOME – Debra Barrett, Sara James, Zach Anderson, Wendy James, Brad Westphal; SHERIFF – L. Paul Griffin, Matthew Timm, Thomas Luhrsen; TREASURER – Shannon Perin; CORONER – Ken Davis; SUPERINTENDENT OF SCHOOLS – Evan James.
 - Terminated Employees' Report for July 1999: SHERIFF – Errol Wilson 6/30/99; REST HOME – Tori Zinda 6/27/99, Rhonda Richardson 7/6/99, Brad Westphal 7/6/99, Dawnteese Smith 7/22/99, Jeanette Theis 7/27/99; HEALTH – Karen Cook Ore 6/30/99; CLERK OF COURT – Valier Doble 7/19/99; ITS (DP) – Greg Boxwell 7/13/99, Bill Baldus 7/23/99; DETENTION CENTER – Katherine Rowlison 7/24/99; 911 – Jared Rowlison 7/24/99.
 - Received & Approved Applications for Cancellation of Taxes for July 1999: \$2,338.36.
- Approval of Claims for July 1999: \$840,437.98.

The following items were on the consent agenda:

- Minutes
- A request for boundary relocation exemption for Keith Noyes and J-Open-A Ranch located in Section 21, T2S, R4E received by Gallatin County Planner Jennifer Madgic.
- A request for boundary relocation exemption for High K LLC located in the SE¼ of Section 4, T1S, R4E. The relocation of the common boundary will be between Lots 4 and 5 of the High K Corner include the following provisions: a. A site specific soil analysis and geotechnical study, prepared by a licensed professional engineer, shall be required in connection with proposed construction of any single-family dwelling. b. All structures shall be constructed in compliance with the current Uniform Building Codes. c. The homeowners' association shall be responsible for the control of noxious weeds within the common open space parcels, and all road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. d. Place title to common open space property with the homeowners' association. e. Common open space shall be preserved and maintained for passive and active recreation, wildlife habitat, and protection of scenic, unique or important natural features. f. 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. g. As concerns common open space; the homeowners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. h. As concerns common open space; assessments levied by the association must be able to become a lien on the property. i. As concerns common open space; the association shall be responsible to adjust the assessment to meet changed needs. j. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the common open space lands by proceeding against individual owners in the association and the dwelling units they each own. k. The property owners' association shall be responsible for the operation and maintenance of all interior subdivision roads. l. The use of the private emergency access road shall be granted to emergency service providers, the public and subdivision residents for the purpose of emergency ingress and egress. m. Until a community water system is provided, all dwellings 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 hours notice, during construction and after completion. n. All structures shall be constructed in compliance with the National Fire Protection Association codes. o. Class A or B fire-rated roofing materials shall be used. p. Spark arrestor screens shall be placed on all fireplace and wood stove chimneys. q. Smoke detectors shall be installed on each level of dwelling units. r. The vegetation reduction and clearance guidelines of the *Fire Protection Guidelines for Wildland Residential Interface Development* shall be used. s. The artificial feeding of all big game wildlife shall be prohibited. t. All garbage shall be stored in animal-proof containers or be made unavailable to animals. u. Owners acknowledge that wildlife damage to landscaping will occur. Owners shall accept that risk and shall not file claims against the Owners Association or any other governing body for such damages. v. All perimeter fencing shall be installed in accordance with a wildlife habitat plan, prepared by a certified wildlife biologist. w. Pets shall be controlled by each homeowner, 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. Required conditions for Phase A-2 final plat recordation: 23. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 24. State Department of Environmental Quality approval shall be obtained for Phase A-2. 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. 25. The interior subdivision road (Loop Road) shall lie within a 60 foot public right-of-way easement, and have a county standard cul-de-sac. The interior subdivision road shall be constructed to county gravel standards. The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 26. 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 all roads have been brought to county gravel standards. 27. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 28. Street signs shall be installed or bonded prior to final plat approval. 29. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 30. 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*". 31. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 32. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 33. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. Mr. Johnson explained that item # 5 of the revised conditions has been modified to name "Aspen Drive Extension" as the primary road for the Cluster "A" subdivision. Item #6 of the revised conditions clarifies the secondary and emergency accesses. Further public testimony was

heard from Joby Sabol, Marjorie Black, Brigitte Kobell, Bill Madden, and Clint Litle. Mr. Sabol represented the Elkridge Homeowner's Association. His concerns were primarily regarding the Minor Subdivision, received by Belgrade Planner Jason Karp.

- A request for final plat approval of the High K Subdivision, Phases A, C, & D located in the SE ¼ of Section 4, T1S, R4E, Gallatin County, Montana (Belgrade Planning).
- The following contracts were reviewed and considered: Intermountain Administrators Administrative Services Agreement (continued from the August 3, 1999 meeting). Contract with Taylor Architects for Phase II Courthouse renovation project. Caretaker Services Agreement with Cory and Racquel Klumb for a junk & abandoned vehicle lot.

There were no minutes. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Board discussion resumed regarding the request for preliminary plat approval of the Gallatin Peaks Uplands Residential Cluster "A" Major Subdivision. Gallatin County Planner W. Randall Johnson presented the commission with a revised copy of the conditions of approval for the Cluster "A" major subdivision. If the County Commission approves the subdivision, the following conditions are suggested: 1. Phases A-1 and A-2 shall be completed in sequence. 2. The developer shall have three (3) years to complete all conditions, and apply for final plat approval for each development phase. Required conditions for Phase A-1 final plat recordation: 3. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 4. State Department of Environmental Quality approval shall be obtained for Phase A-1. 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. 5. Primary access to the subdivision shall be provided by a new road (Aspen Drive Extension) connecting the subdivision to the proposed Town Center and Ousel Falls Road. The primary access road to the subdivision shall lie within a sixty (60) foot public right-of-way easement, and be constructed to county standards. The subdivider shall either: a) construct the primary access road prior to final plat approval; b) construct the primary access road upon final platting of 18 lots in Residential Clusters "A" and "B", or upon completion of installation of major water supply improvements (well, storage tank and transmission main) serving the Town Center area, whichever occurs first; or c) enter into an improvements agreement with the County for the completion of the construction of the primary access road, within 4 years from the date of preliminary plat approval. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 5(a). Upon completion of construction of the primary access road, the interim primary access road (Loop Road), which also serves as primary access for Residential Cluster "B", will be superseded and re-designated as secondary access to Residential Clusters "A" and "B". 6. Emergency access for the subdivision shall be provided by a private easement connecting the interior subdivision road (Loop Road) to Michener Creek Road (recorded easement, Film 124, Page 2938). Emergency access within a private easement is warranted because a second, public dedicated right-of-way cannot be provided for reasons of topography or other physical conditions. The secondary/emergency access road shall be constructed in accordance with the emergency access standards of the Gallatin County Subdivision Regulations. 7. The subdivider shall be responsible for the shared maintenance of the primary and secondary/emergency access roads with all affected parties. Any maintenance agreements shall be submitted to the County Road & Bridge Department. 8. All subdivision road names shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 9. Primary access, secondary/emergency access, and interior subdivision road plans, road maintenance plans, drainage plans, lot access plans, and sign plans shall be submitted to the Gallatin County Road & Bridge Department and the Gallatin Canyon Rural Fire District prior to the construction of the primary access, secondary/emergency access, and interior subdivision roads. 10. The interior subdivision road (Loop Road) shall lie within a 60 foot public right-of-way easement. The interior subdivision road shall be constructed to county gravel standards. The subdivider shall either: a) construct the road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 11. All road construction shall be inspected and certified by a Montana registered civil engineer. The subdivider shall obtain written verification from the County Road & Bridge Department that all roads have been brought to county gravel standards. 12. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 13. Street signs shall be installed or bonded prior to final plat approval. 14. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 15. The developer shall agree to participate and equitably share in the cost of any traffic management and mitigation program authorized by the Montana Department of Transportation and participated in by Gallatin County which concerns traffic impacts of

future land use developments in the Highway 64 traffic shed. The developer shall be entitled to an equitable reimbursement for any disproportionate costs expended by it in connection with participation in such program. 16. A 20,000 gallon water storage tank shall be installed within the subdivision. The Gallatin Canyon Rural Fire District shall provide written verification that the tank is operational. 17. 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"*. 18. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 19. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 20. The subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 21. A homeowners' association for the subdivision shall be created. 22. Covenants for the subdivision shall secondary access from Cluster "A" to Michener Road and the maintenance of this access. They are also concerned about the water issue and the logging activity. Elkridge subdivision has a meeting planned with Bill Madden, attorney for the developer, to address some of these concerns. Marjorie Black, attorney for the Firelight Homeowner's Association, voiced concerns regarding the paving vs. gravel conditions of the interior roads in Cluster "A" and the secondary access roads from Firelight Subdivision and Elkridge Subdivision. Brigitte Kobell came forward to speak on concerns regarding the Cluster "B" subdivision, but Commissioner Murdock explained to her that testimony regarding that could not be heard as it did not pertain to the agenda for the meeting. Clint Litle and Roy Steiner addressed the paving/gravel concerns and stated that while the developer does intend to pave as lot sales permits, County standards do not require any of the roads to be paved. Chief Deputy County Attorney Susan Swimley noted to the Commission that the logging activity is in full right of the owner of the land and has nothing to do with the division of this land, and cannot therefore be a condition of its approval. The variance was discussed regarding a water supply fill site for fire suppression. Due to the topographical nature of the land residential sprinkler systems will be used. The covenants will require the sprinkler systems to be reviewed and approved by the fire district. Commissioner Olson moved to approve the variance request from Section 6E3 regarding a fire fill site based on Fire Chief Stober's statement that the fire safety provision will be fulfilled with a sprinkler system requirement. This request was based on the topographical nature of the subdivision, making it impractical to require a fill site. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Olson made a motion to approve the preliminary plat of Uplands Residential Cluster "A" major subdivision finding that the application meets the requirements of 76-3-608 of Montana Subdivision and Platting Act, conforms to the Gallatin County Subdivision Regulations, conforms to the zoning regulations for the Big Sky area, and with the revised conditions as submitted by staff, 1-33, changing the wording "Homeowner's Association" to "Property owner's Association". Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the consideration of the adoption of a resolution establishing the Victim Witness Fund for Gallatin County. Mr. Blackman explained that the resolution which would keep track of the victim witness fees, reflects the grant received from the State Board of Crime Control and the necessary expense involved with those, and shows the participation of the City of Bozeman and the County general fund contribution. This has been reviewed by the Victim Witness Administrator. Commissioner Mitchell moved to approve resolution 1999-49 establishing the Victim Witness Fund for Gallatin County Fund #2912. Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the adoption of the Proposed FY 2000 Gallatin County Budget. Mr. Blackman gave an overview of the items contained in the budget and asked the resolution be continued to the following week's meeting in order for him to complete the balancing process. Public comment was heard from Gallatin County Sheriff Bill Slaughter, 911 Director Jenny Hanson, 911 dispatchers Jennifer LaCrosse and Gloria Droge, and DES Coordinator Aaron Holst who all gave testimony about the unreliable and outdated equipment, the cramped space, and the under-staffed conditions of the current 911 operation. Jenny Hanson also reported on the high stress conditions due to lack of staff to adequately assist the number of 911 calls and the records maintenance involved. She asked the Commissioners to approve her request for 5 additional staff members, and offered a guarantee to be set up and running in the new facility by October 1, 1999 if this request were granted. Gallatin

County Treasurer Jeff reported on the contribution the Treasurer's Department gave back to the general fund in FY 2000, stating his support for the 911 center. City Manager Clark Johnson voiced his concerns about the City's portion of the total amount granted to the 911 center and the increased operational costs of the center. Everyone agreed that research needed to be done to determine user fees, but that it would only be an accurate count after the new system was being utilized. Commissioner Murdock continued this item until the August 17, 1999 meeting.

Fiscal Officer Ed Blackman reported on the consideration of a resolution setting salaries for elected officials, office hours for County offices, and designating Gallatin County as a Class One County. Discussion took place regarding whether or not to leave the County Attorney's salary in the resolution. Chief Deputy County Attorney Susan Swimley reported that it is not legal for the County offices to close the day after Thanksgiving, and therefore this cannot be included in the resolution. It was decided that this item would be continued until the next weeks meeting.

Consideration of a request for preliminary plat approval of the River Rock Mobile Home Park was opened and continued until the August 17, 1999 meeting.

Gallatin County Planner Jennifer Madgic reported on the consideration of a request for preliminary plat approval of the amended plat of Lot 79 of Hyalite Foothills Major Subdivision #11 [Heckel Minor Subdivision] located in the SW¼ and SE¼ of Section 10, T3S, R5E, Gallatin County, PMM, Montana. The subdivision was reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, water supply and sanitary facilities, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. No variances were requested. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. 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, and certificate prior to final plat approval. 4. Applicant shall record with 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. Applicant shall record the following covenants with the final plat (also including any covenants recommended by the Gallatin County Weed Control District and Rae Fire District): *a) The property owners' association shall be responsible for the control of County-declared noxious weeds. b) 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. c) 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. Applicant shall establish a property owners' association or join an existing association for enforcement of the required covenants. 9. Applicant shall pay a proportional reimbursement of paving costs to Hyalite Foothills for paving of subdivision road(s). 10. Applicant shall make payment of road impact fees in accordance with the Gallatin County subdivision regulations Impact Fee policy. 11. Applicant shall make payment of fire protection impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fee policy. 12. Applicant shall meet the fire protection requirements in accordance with the Subdivision Regulations and the Rae Fire District. Applicant shall obtain written verification from the District that

the required water supply and any other conditions required of the Rae Fire District have been provided. Inspections shall be scheduled, with a 48-hour notice, during construction and completion. 13. Applicant shall provide a final plat to the Rae Fire District prior to final plat approval. 14. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Commissioner Olson questioned Ms. Madgic about condition #12 regarding the fire department requirements. This condition is different from the 1970's plat conditions. Ms. Madgic assured the Commission that these are updated and in step with current policies. There was no public comment. Ron Allen, surveyor for the applicant, came forward and reported that the applicant agrees with the conditions. Brian Crandall, Assistant Fire Chief for Rae Fire Department, was asked if the requirements were more stringent than was expected of other subdivisions. Mr. Crandall stated that for this area the requirements are comparable to other subdivisions and are necessary to ensure safety in a higher risk fire area. Letters were entered into the record from : Mark and Laurie Heckel, Mary Stein, A.W. Layton, Joe Deason, Gary France, who all wrote in favor of the approval of this subdivision, and Michael and Lanette Shindurling, David Stewart, Linda Hahn, Dan & Jackie Swanson, Dana & Debra Wagoner, and David H. Stewart who all wrote in opposition to the approval of this subdivision. Applicant Laurie Howard came forward and addressed some of the concerns, stating that the division fell within the covenants and that they had worked hard to compromise with the other homeowners to make it a peaceful process. County Planner Jennifer Madgic was questioned by commissioners about the division and whether or not it was consistent with the Master Plan. She concurred that indeed it is and that the subdivision has grown from the original 16 lots to 51 lots over the last twenty years. Ms. Madgic introduced Exhibit A into the record which reflects the rearrangement of the lots since 1979, showing that 11 lots have been divided. The lot is not zoned, but is very close to the Hyalite Zoning District. Commissioner Mitchell made a motion finding that the request for preliminary plat approval for the Heckel subsequent minor subdivision plat lot 79 of the Hyalite Foothills #1 Major Subdivision is not contrary to any of the covenants, there are no variances being requested, it meets the subdivision regulations the Montana statutes and the Master Plan, the applicant is in agreement of all the conditions that have been set forth by the Gallatin County Planning Department, and it was approved 9-0 by the Planning Board, to approve this preliminary plat. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 4:14 P.M.

*Unavailable For
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 17TH DAY OF AUGUST 1999

The meeting was called to order by Chairman Bill Murdock at 1:32 p.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

AUGUST 9, 1999

- The Commissioners conducted regular County business.
- A meeting was held with Chris Neidermeier, Senator Baucus' Chief of Staff. Also present were the three Commissioners, Sharon Peterson of Senator Baucus' Billings office, and Commissioners' Executive Secretary Pat Lewis. Discussion topics included the Clean Cities Program, the Yellowstone Winter Use EIS program, the County's involvement in the Composting project; the Open Lands Board and their need for funding; and the concern regarding the State of Montana being the "middle man" in the appropriation of funding under the ICTEA and CTEP projects. Ms. Neidermeier conveyed to the Commissioners that she would do some research when she got back to Washington, D.C. to see what assistance the Senator's office could provide Gallatin County in these areas.

AUGUST 10, 1999

- The Commissioners conducted regular County business.

AUGUST 11, 1999

- The Commission met with Software Procurement Committee members Jeff Krauss, Ed Blackman, Kathy Nowierski, Shelley Vance, along with County personnel including Cynde Hertzog, Ann Groshens, Allen Armstrong, Anna Rosenberry, Susan Lang, and Don Carlstrom. The purpose of the meeting was to discuss findings from various county departments as it relates to software that Computer Software Associates, Inc. (CSA) has proposed to Gallatin County in resolving current Y2K concerns and future non-Y2K concerns. It was reported that purchasing CSA software will address Y2K taxation concerns. However, it was also noted that CSA is not current with legislative changes from a payroll perspective. General Ledger, Accounts Payable, Human Resources and Operational Budgeting are non-Y2K concerns. CSA's software program will be acceptable for General Ledger, Accounts Payable, and Operational Budgeting, but the program does not have a Human Resources module. Five options were presented to the Commission for consideration. Commissioner Murdock motioned to start the process of purchasing Option #2, which encompasses Taxation, Payroll, Budgeting, Financial Management, and Accounts Payable. Personnel and ITS will agree on a timeline for implementation (Y2K) and finding a Human Resources package to link into the CSA software. Commissioner Mitchell seconded the motion. Commissioners Murdock and Mitchell voting aye; Commissioner Olson voting nay stating his preference for Option #5.

AUGUST 12, 1999

- A special meeting of the Commissioners was called to order for the purpose of discussing a resolution lifting the ban on open burning imposed on August 3, 1999, due to improved conditions in the County. Present at the meeting were the Commissioners and Executive Secretary Pat Lewis. Commissioner Olson moved to approve the resolution lifting the ban; Commissioner Murdock seconded the motion. There being no further discussion, the Commissioners unanimously voted to approve the resolution, which will be in effect immediately. Pat Lewis agreed to notify the Rural Fire Chief, Sheriff's Office, U.S. Forest Service, Burn Permit Office, Bozeman Fire Department, and all media regarding the fact that the ban has been lifted.

AUGUST 13, 1999

The Commissioners met with GIS Manager / Interim ITS Director Allen Armstrong. Upon selection of CSA, the Commission informed Allen to work with the Personnel Dept. to develop specs for payroll and Human Resources.

The following items were on the consent:

- Minutes
- A request for a boundary relocation exemption for Rodrigue/Parsons located in Section 15 of T1S, R5E, received by Gallatin County Planner Jennifer Madgic.
- A request for a boundary relocation exemption for Moore/McDowell located in the SW¹/₄ of Section 34, T2N, R4E, received by Gallatin County Planner Jennifer Madgic.
- A request for a boundary relocation exemption for Wiley/Leelynn/Elmore/Pecaro located in Section 3, T7S, R3E, received by Gallatin County Planner Jennifer Madgic.
- The following contracts were reviewed and considered: Cellular One Master Service Agreement; Agreement for receipt of Big Sky Resort tax funds for radar units; Agreement for receipt of Big Sky Resort tax funds for Big Sky Law enforcement; Consent of assignment to Missouri-Madison Memorandum of Understanding.

There were no minutes. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman presented information on the floating mill levy (Senate Bill 184). Board discussion took place regarding the pros and cons of adopting the floating mill levy to aid in the budgeting of the County for FY 2000. Susan Swimley recommended to the Commission that they acknowledge the floating mill levy since it is utilized in the following agenda item regarding a resolution adopting the proposed FY 2000 Gallatin County Budget as a method of generating funds.

Commissioner Mitchell voiced her opposition to the floating mill levy, stating that the original budget did not include using this resource yet and in her opinion, needs were still met. Commissioners Olson and Murdock both spoke in support of the use of the floating mill levy, stating that it is not raising taxes, but maintaining the current 1999 levels of taxation, and would provide an avenue for the County to meet some very important needs like 911 improvements, the new jail, and software concerns. Commissioner Olson also pointed out that if we don't approve its use this year, we will not have the option of adopting it next year. Gallatin County Sheriff Bill Slaughter and County Attorney Marty Lambert spoke in favor of the floating mill levy, and the Commissioners decision to implement it. Acknowledgment of the existence of the floating mill levy was made by Commissioners Murdock and Olson.

Fiscal Officer Ed Blackman reported on the continuation of consideration of a resolution adopting the proposed FY 2000 Gallatin County Budget. Mr. Blackman explained that adopting this resolution is not setting the budget, but setting a proposal before the people for a public hearing that will be held September 7, 1999 at 7:00 p.m., and a second public hearing to be held within two weeks of receipt of the certified taxable value at a regularly scheduled public meeting. Discussion took place regarding what is included in the proposed budget and where the funding will come from. There was no public comment. Commissioner Olson moved to adopt Resolution 1999-51 adopting the proposed Gallatin County FY 2000 operating budget as determined by the County Commission. Seconded by Commissioner Mitchell. Commissioner Murdock and Commissioner Olson voted for the resolution. Commissioner Mitchell voted nay. Motion carried.

Chief Deputy County Attorney Susan Swimley reported on the continuation of consideration of a resolution setting salaries for elected officials. Mrs. Swimley pointed out that the resolution does not include setting the salary for the County Attorney, pending an opinion from the State Attorney General regarding the County Attorney's longevity. The resolution also sets office hours for the Justice Court only, as it is the only office required by law to have its hours set in this particular resolution. It was noted that the County Attorney's salary will be set in a separate resolution following receipt of the opinion from the Attorney General. Commissioner Mitchell moved to approve resolution 1999-52 setting salaries for the elected officials of Gallatin County. Seconded by Commissioner Olson. None voting nay. Motion carried.

Consideration of a resolution setting office hours for County offices, and designating Gallatin County as a Class One County was continued until the September 7, 1999 meeting.

Gallatin County Planner John Shepard reported on the consideration of a resolution approving a variance request by Janet Storey and Christopher Nash in the Gallatin Canyon/Big Sky Planning and Zoning District. Mr. Shepard noted that the required public hearing regarding this variance was held on August 12, 1999. This variance is from Section 11.5 of the Gallatin Canyon/Big Sky Zoning regulation, asking to be allowed a 10-foot side setback of a guest house in the residential single family zone. The Gallatin Canyon/Big Sky Planning and Zoning Commission voted 4-0 to approve the variance request. There was no public comment and no board discussion. Commissioner Olson moved to approve resolution 1999-53 approving Janet Storey and Christopher Nash's request for a variance in the Gallatin Canyon/Big Sky Planning and Zoning District, finding that it was heard before the Zoning Commission and approved by them, it conforms to the zoning regulations of the Big Sky area, that the Gallatin Canyon/Big Sky Planning and Zoning Commission found that the request was the minimum required, will have no adverse impact by public comment received, and is in the public interest to assure sufficient driveway grade and to save large mature trees, and that the request met the requirements of Section 44 of the Gallatin Canyon/Big Sky Zoning Regulation. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the continuation of consideration of a request for preliminary plat approval of the River Rock Mobile Home Park located in the River Rock Zoning District (formerly Royal Village Zoning District) and is zoned R-MH (Residential Mobile-Home District). The property is located in the SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 3, T1S, R4E, PMM, Gallatin County, Montana; generally located north of Amsterdam Road, approximately two miles west of Belgrade. The subdivision was reviewed for the following criteria: Agriculture, agricultural water user facilities, local services, water supply and sanitary facilities, fire protection, law enforcement, emergency medical, natural environment, wildlife and wildlife habitat, and public health and safety. Ms. Madgic's staff report included a review of Section 12 of the Gallatin County Subdivision Regulations which includes road design, mail delivery, primary access, second or emergency access, limits marked, stand base requirements, tie-downs, landscaping, and recreation areas. Three variances have been requested: #1 regarding minimum lot area: Regulations state minimum lot area of 6,000 square feet. Applicants are

requesting 5,000 square foot minimum to "allow single-section homes to be placed more efficiently." Applicant has designated both single- and double-section sites. #2 regarding minimum lot width: Regulations specify 60-foot minimum width. Applicants are requesting 50-foot minimum on single-section sites for efficiency reasons as stated above. #3 regarding setback of stands from property line: Subdivision regulations require 20-foot setback from exterior boundary. Applicants are requesting variance to permit stands eight feet from northern property boundary. According to applicant, the request is mitigated by exterior property boundary fencing and 60-foot setback along adjacent property. County Planner Jennifer Madgic asked that the Commission make four determinations: 1) Whether or not to approve the proposed variance request regarding minimum lot size. 2) Whether or not to approve the proposed variance request regarding minimum lot width. 3) Whether or not to approve the proposed variance request regarding setbacks of stands from exterior property lines. 4) Whether or not to approve the proposed subdivision. A hardship was determined for these variances due to the platting of the subdivision in 1978 constructing a road which now creates a problem developing lots to the current subdivision standards. If the Commission grants preliminary plat approval, the planning staff recommends the following conditions be met prior to 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. Applicant shall obtain approval from the Department of Environmental Quality. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. Applicant shall obtain the Gallatin County Health Officer's approval. 3. Applicant shall obtain a license for the mobile home park from the Montana Department of Public Health and Human Services. A copy of the approval and license shall be submitted with the final plat application. 4. 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, cul-de-sac easement and certificate prior to final plat approval. 5. 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. 6. 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. 7. A Memorandum of Understanding shall be signed between the Weed Control District and applicant prior to final plat approval. All areas disturbed during construction shall be re-seeded with vegetation types approved by the Weed Control Supervisor. 8. Applicant shall record the following covenants with the final plat: a) The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds, after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment. b) Lot owners and residents of the mobile home park 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. c) Individual lot access from County public roads shall be built to the standards of Section 7.G.2 of the subdivision regulations. d) Mobile home stands shall be equipped with anchors and tie-downs in conformance with the Uniform Building Code. e) Each mobile home stand shall be constructed to provide adequate support for placement of each mobile home, including a stabilize sub-base along with an appropriate base material (gravel, concrete, etc.) to be approved by the County Road & Bridge Department. f) The property owners' association shall be responsible for maintenance of interior subdivision roads. g) All exterior boundary fences shall be maintained by the property owners' association. 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. 9. All ditches shall be

protected with minimum 30-foot ditch maintenance easements and shown on the final plat(s). 10. Written verification shall be provided regarding the abandonment of any ditches. 11. Applicant shall provide written approval from owners/users of the Stone Weaver Irrigation Ditch. 12. Applicant shall provide exterior boundary fencing along the northern boundary installed per phase. 13. Road names for each phase shall be approved by the County Road and Bridge Department. 14. Road name signs for each phase shall be required at all intersections. 15. STOP sign(s) for each phase shall be required at all intersections with County-maintained roads. 16. Proof of encroachment permit(s) shall be shown for access(es) off Amsterdam Road. 17. A "no-access" strip shall be provided along Thorpe Road. 18. The preliminary plat application shall be submitted to Montana Department of Transportation for their review and determination regarding any necessary improvements to Amsterdam Road. Applicant shall enter into a Memorandum of Understanding with MDT regarding all improvements. 19. Interior roads pertaining to each phase shall be built to County-paved standards, and have a 60-foot right-of-way, dedicated to the public. 20. All road work pertaining to each phase shall be inspected and certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Department in writing. Final plat approval of each phase will not be given until this documentation is received. 21. A property owners' association shall be formed for the maintenance of all interior roads. 22. A waiver of protest for creation of future RIDs shall be required. 23. Applicant shall make payment of road impact fees in accordance with the subdivision regulations. 24. Applicant shall make payment of fire protection impact fees in accordance with the subdivision regulations. 25. Mobile home lots shall have a minimum lot area of 6,000 square feet. 26. Mobile home lots shall have a minimum lot width of 50 feet. 27. Mobile home stands shall be located at least 20 feet from all exterior boundaries. 28. Applicant shall consult with the US Postal Service regarding mail delivery. If a centralized mail system is used, the location shall be shown on the appropriate final plat. 29. 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 plat approval. 30. Applicant shall submit a comprehensive landscaping plan including all phases prior to final plat approval of Phase 1. The landscaping plan shall comply with the requirements of the River Rock Zoning Regulations and the Gallatin County Subdivision Regulations (Section 12.D.14). 31. Applicant shall designate park land as required per phase according to Section 6.G.1 of the subdivision regulations prior to final plat and dedicate the land to the property owners' association. 32. All requirements of the Belgrade Rural Fire District shall be met prior to final plat approval of each phase. The fire district shall review and approve all fire protection measures prior to final plat approval. 33. The water main system and fire hydrants necessary per phase shall be installed. 34. The community sewer system, including all sewer mains and sewer service necessary per phase shall be installed. 35. Applicant shall submit certified "as-built" plans for all water and sewer installations prior to final plat approval. 36. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. A letter from Pat Jennings, adjoining property owner, addressed concerns about the decreased lot size and dogs being able to cross from the development into adjoining property owners land. Applicant Mike Potter came forward to give testimony regarding the mobile home park. He explained that this development will be a mixed community with a variety of housing options, providing affordable housing for many people in the Gallatin Valley. He also addressed the requested variances, explaining that they are all within the original zoning of the area, but vary from the subdivision regulations that came into effect after the development was originally designed. Mr. Potter assured the Commission that a 6-foot high, cedar fence will be erected along the north boundary between the mobile park and Wildhorse Subdivision. The applicant agreed to all of the conditions, asking that the variances be granted. Sonya Berg, adjoining property owner, addressed concerns regarding the fence between the north boundary and the Wildhorse subdivision and the weed problem that involves the whole area. Ms. Berg also asked that she be permitted to see the Department of Transportation's traffic study. Assistant Chief Deputy Bryan Connelley, Belgrade Fire Department addressed concerns over the proposed variance in setback and lot size for reasons of fire protection. Mr. Connelley also requested that the Commission insist that the secondary accesses be addressed at each phase of the development. Roy Steiner, Gallatin County Road Department, addressed concerns about a road entering the mobile home park being half dedicated to the public and half to private use. He also brought up a concern about a corner in the development that does not accommodate the turning needs of the large fire trucks. He also requested that a condition be added to ensure that the addressing in the mobile home park be in accordance with 911 and GIS for safety reasons. Applicant Mike Potter came forward and addressed all of the concerns brought up by the public. He assured the Commission that the addressing system would be standard, that the space between the homes would be adequate for any fire trucks to access the whole home, and he pointed out that the corner in question is not in this phase. Attorney for the developer, Joby Sabol, addressed why the variances needed to be granted. He stated that because they fall within the original zoning, design and intent for the subdivision, that they should be approved. He also pointed out that if they were forced to redesign the lots, the idea of affordable housing would be lost due to increased cost and fewer number of lots to sell or rent. Commissioner Mitchell verified with Chief

Deputy County Attorney Susan Swimley that the hardship of the physical limitations of the property is a legal reason to accept these variances. Commissioner Olson moved to approve variance number one changing the lot size from 6,000 feet to 5,000 feet finding that the platting of the road in 1978 set precedence and a limitation upon the area being applied for today. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Olson moved to approve variance number two, finding that it accomplishes variance number one reducing the lot width by 10 feet, from 60-feet to 50-feet and finding that the depth is not changed on the lots and that this is again due to the platting of the road in 1978 placing limitations on the lots being applied for today. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Olson moved to approve variance number three finding that it complies with the zoning regulations for this property and that adoption of the plat in 1978 dictated constraints to the property that is being developed today. This variance is granted only on the condition that a stipulation be added that only single wide homes may be placed on the 50-foot wide lots. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Mitchell moved to approve the preliminary plat approval for the River Rock Mobile Home Park, Phase III, with conditions 1-36, and the following modifications: Condition #13 will read that road names and addressing for each phase shall be approved by the County Road and Bridge Department, Condition #19 shall read interior roads for each phase shall be built to County design and paved standards and have a 60 foot right of way dedicated to the property owners association, Condition #20 will have the sentence added that says secondary access will be provided for and inspected during each phase, Condition #25 will say that mobile home lots shall have a minimum lot area of 6,000 square feet for double wide homes and 5,000 square feet for single wide homes, Condition #26 will state that mobile home lots shall have a minimum width of 60 feet for double wide homes and 50 feet for single wide homes, Condition #27 is eliminated. Covenant "I" will state that only single wide homes may be located on the 50 foot wide lots and covenant "J" will state that all residents shall have their addresses posted and be visible from the road. The developer agreed to all of these additions to the conditions and covenants. The County Road Department agreed to the additional conditions also. Finding that the subdivision complies with the zoning regulations, with the Belgrade Master Plan, and that it complies with the Gallatin County Subdivision Regulations the approval was so moved. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 3:55 P.M.

A special meeting was called to order by Chairman Bill Murdock at 3:57 P.M. Deputy County Attorney Chris Gray requested that the Commissioners continue the matter of presenting a notice of award recommendation for the Haynes Pavilion at the County Fairgrounds until August 19, 1999 meeting. A consensus was made to continue the issue until said time. Commissioner Murdock stated for the record that he would not be present at the meeting. The meeting was then adjourned at 4:00 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING TUESDAY THE 24TH DAY OF AUGUST 1999

The meeting was called to order by Acting Chairman Phil Olson at 1:34 p.m. Also present were County Commissioner Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

AUGUST 16-18, 1999

- The Commissioners conducted regular County business.

AUGUST 19, 1999

- A special meeting of the Commissioners was called to order at 3:00 p.m. by Commissioner Olson. Commissioner Murdock was on vacation. Also present at the meeting was Commissioner Mitchell, Rob Pertzborn of Prugh & Lenon Architects, Dan Swanson of the Bozeman Area Hockey Association (BAHA), Joe Nelson of Barnard Construction, Deputy County Attorney Chris Gray, Fairgrounds Supervisor Sue Shockley, and Commissioners' Executive Secretary Pat Lewis. Topic

of discussion was a notice of award to Barnard for construction of the Haynes Hockey Pavilion at the Gallatin County Fairgrounds. The pavilion will be house an indoor skating rink for use by the public and area hockey leagues. It was noted by Commissioner Olson that this meeting was publicly noticed by the Commissioners, on their office wall calendar.

Sue Shockley stated that she had received a construction proposal from Barnard Construction in the amount of \$248,053.00 for construction of the pavilion. The Fair Board unanimously accepted the proposal, as did the review committee, composed of Bozeman City Manager Clark Johnson, Road and Bridge Dept. engineer Roy Steiner, a representative from BAHA, and Sue Shockley.

Chris Gray stated that \$180,000 is available through the contract with the City; \$25,000 is available from the Fair Board; and \$25,000 from the County Commission. BAHA will underwrite the risk on two line items: \$20,000 in impact fees from the City; and \$18,000 for a sprinkler system in the facility (this was added back into the original total of \$231,000).

Dan Swanson, a board member of BAHA, stated that an agreement between Gallatin County and BAHA will include information regarding sprinklers and impact fees. The language will include mitigation of above fees. He stated that fire sprinklers might not be necessary and could be dealt with differently. He said that impact fees will be the first cost to be paid, and that sprinklers won't be needed until next summer. Impact fees will be appealed.

Chris Gray stated that Barnard Construction and subcontractors have donated services as follows: \$40,000 from Barnard; \$9,025 from Lane; \$1,800 from Technical Design, Inc.; and \$3,000 from Pyramid Concrete. He stated that Barnard will try to fight impact fees. The County is a real party in interest, and their assistance might be requested. The contract will cover liability; BAHA is a third party to the County-City agreement.

Commissioner Mitchell moved to issue a Notice of Award to Barnard Construction for \$248,053.00 for construction of the Haynes Pavilion at the County Fairgrounds. Commissioner Olson added that it's an assignable project. Both Commissioners voted in favor of the motion; motion carried.

Executive Secretary Pat Lewis volunteered to do a press release regarding the groundbreaking ceremony, to be held within the next two weeks. Meeting adjourned at 3:20 p.m.

AUGUST 20, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for a family transfer exemption for Alice Ackerman located in the NW¼ of Section 5, T1S, R5E, Gallatin County, Montana, otherwise described as Tract B of COS No.1982. Received from Jason Karp of Belgrade City-County Planning.
- A request for a family transfer exemption for George Flikkema located in Section 36 of T1N, R3E, Gallatin County. Received from Jennifer Madgic, Gallatin County Planner.
- A request for a family transfer exemption for Sid and Ethel Dykstra located in Section 34 of T1S, R3E, Gallatin County. Received from Jennifer Madgic, Gallatin County Planner.
- A request for an agricultural exemption for Dyk & Sons Land & Cattle located in Sections 34 and 35 of T2N, R3E, Gallatin County. Received from Jennifer Madgic, Gallatin County Planner.
- A request for relocation of a common boundary and agricultural exemption for Spain-Morrow Ranch, Inc. and Roger VanDyken. Received from Jennifer Madgic, Gallatin County Planner.
- The following contract was reviewed and considered: Preventative maintenance agreement with Davis Business Machines for the Sheriff's Department.

There were no minutes. Gallatin County Planner Jennifer Madgic asked that the request for relocation of a common boundary and agricultural exemption for Spain-Morrow Ranch, Inc. and Roger VanDyken be pulled and continued until August 31, 1999. The Commission concurred. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported on the receipt of a petition to create Four Dot Meadows County Sewer District located in a portion of Sections 28 and 29 of T1N, R4E, Gallatin

County, Montana, which was submitted on July 13, 1999. Mrs. Vance reported that there are no qualified signatures of registered voters appearing on the attached petition as there are no registered voters residing within the boundaries of the proposed district. According to the petition, Four Dot, LLC is petitioning to create a County Sewer District. According to County Attorney Opinion 99-8 dated August 10, 1999, a Limited Liability Company is a "person" for initiating a water or sewer district. The petition states that the undersigned are the owners of Four Dot, LLC. Therefore, the petition contains the signatures of the three owners of Four Dot, LLC which owns 100% of the property in the proposed sewer district. Thus 100% of the possible "persons" within the proposed district have signed the petition. Mrs. Vance requested that the Commission determine whether or not to receive the petition. The next step would be to set a hearing to hear protests, consider proposed boundaries and make any possible changes. Following this, an election will be held for the electors to decide whether or not to create the district. Chief Deputy County Attorney Susan Swimley assured the Commission that it appears this petition meets all of the statutory requirements for them to accept it. Commissioner Mitchell moved to accept the petition to create Four Dot Meadows County Sewer District and set a public hearing for September 14, 1999. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner W. Randall Johnson reported on the consideration of a resolution amending the Gallatin County Subdivision Regulations. The 1999 Legislative Session adopted House Bill 300 which extends the time period during which the governing body must act on a preliminary plat, defining the review period as 60 working days for a major subdivision and 35 working days for a minor subdivision. In order to comply with this bill, Gallatin County must amend its subdivision regulations to implement the extended review periods. The Planning Department voted to accept the amendment. This change would give them another 10-12 days in which to review plats. There was no public comment. Commissioner Mitchell noted that this would help the planning department with their increased work load due to taking over the donut area. Commissioner Mitchell moved to approve resolution 1999-54 amending the Gallatin County Subdivision Regulations finding that we need to make our regulations coordinate with House Bill 300. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner W. Randall Johnson reported on the consideration of a request for preliminary plat approval of the Spanish Peaks Phases I-IV Major Subdivision located in a portion of Sections 3, 9 and 10 of T7S, R3E, PMM, Gallatin County, Montana. The property is located between the Big Sky Meadow Village, Mountain Village and the proposed Pioneer Mountain Resort development. The subdivision was reviewed for the following primary criteria: Agriculture, agriculture water user facilities, local services, fire protection, law enforcement, emergency medical, schools, taxation, natural environment, wildlife and wildlife habitat, and public health and safety. One variance has been requested regarding the curve radius on a portion of Ousel Falls Road from the required 150 feet to 120 feet due to hardship it would cause the land. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met before granting final plat approval:

1. Phases 1 through 4 shall be completed in sequence.
2. The developer shall have three (3) years to complete all conditions, and apply for final plat approval for each development phase. Required conditions for Phase 1 final plat recordation:
3. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates.
4. State Department of Environmental Quality approval shall be obtained for Phase 1. 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.
5. A geo-technical study shall be completed for each lot within Phase 1. A professional engineer, licensed in the State of Montana, shall certify that no geo-technical constraints exist that would adversely effect development.
6. The primary access road (Ousel Falls Road) to the subdivision shall lie within a sixty (60) foot public right-of-way easement.
7. Secondary access to Phase I shall be provided by South Fork Road and the construction of Puff's Way within Section 3, and connecting to Puff's Way within the Aspen Groves Subdivision. South Fork Road and Puff's Way within Section 3 shall lie within a 60 foot public right-of-way easement, and be constructed to county standards. The subdivider shall either: a) construct the Puff's Way prior to final plat approval of Phase I, or; b) enter into an improvements agreement with the County for the completion of the construction of the road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations.
8. The interior subdivision roads (Ousel Falls Road, Galena Court, Falls View Road, and South Fork Road) shall lie within a 60 foot public dedicated right-of-way. The interior subdivision roads shall be constructed to county standards for paved roads. The subdivider shall either: a) complete the paving of the interior subdivision roads prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the paving of the interior subdivision roads. The improvements agreement shall comply with all requirements

of the Gallatin County Subdivision Regulations. 9. The subdivider shall be responsible for the shared maintenance of the primary and secondary access roads with all affected parties. Any maintenance agreements shall be submitted to the County Road & Bridge Department. 10. All subdivision road names shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 11. Interior subdivision 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 the interior subdivision roads. 12. All road construction shall be inspected and certified by a Montana registered civil engineer. The subdivider shall obtain written verification from the County Road & Bridge Department that all roads have been brought to county standards. 13. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 14. Street signs shall be installed or bonded prior to final plat approval. 15. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 16. The developer shall agree to participate and equitably share in the cost of any traffic management and mitigation program authorized by the Montana Department of Transportation and participated in by Gallatin County which concerns traffic impacts of future land use developments in the Highway 64 traffic shed. The developer shall be entitled to an equitable reimbursement for any disproportionate costs expended by it in connection with participation in such program. 17. The subdivision shall be annexed into the Gallatin Canyon Rural Fire District. 18. An NFPA standard fill site shall be provided. Plans for the fill site shall be submitted to the Gallatin Canyon Rural Fire District for review and approval. The Gallatin Canyon Rural Fire District shall approve the final installation and operation of the fill site. 19. The final plat shall dedicate the 29 acre Ousel Falls Park to Gallatin County. 20. 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"*. 21. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 22. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 23. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 24. A property owners' association for the subdivision shall be created. 25. Covenants for the subdivision shall include the following provisions: a. All structures shall be constructed in compliance with the current Uniform Building Codes. b. The property owners' association shall be responsible for the control of noxious weeds within the common open space parcels, and all road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. c. Place title to common open space property with the property owners' association. d. Common open space shall be preserved and maintained for passive and active recreation, wildlife habitat, and protection of scenic, unique or important natural features. e. 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. f. As concerns common open space; the property owners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. g. As concerns common open space; assessments levied by the association must be able to become a lien on the property. h. As concerns common open space; the property owners' association shall be responsible to adjust the assessment to meet changed needs. i. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the common open space lands by proceeding against individual owners in the association and the dwelling units they each own. j. the property owners' association shall be responsible for the operation and maintenance of all interior subdivision roads. k. All dwellings 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 hours notice, during construction and after completion. l. All structures shall be constructed in compliance with the National Fire Protection Association codes. m. Class A or B fire-rated roofing materials shall be used. n. Spark arrestor screens shall be placed on all fireplace and woodstove chimneys. o. Smoke detectors shall be installed on each level of dwelling units. p. The vegetation reduction and clearance guidelines of the *Fire Protection Guidelines for Wildland Residential Interface Development* shall be used. q. The artificial feeding of all big game wildlife shall be prohibited. r. All garbage shall be stored in animal-proof containers or be made unavailable to animals. s. Owners acknowledge that wildlife damage to landscaping will occur. Owners 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. Pets shall be

controlled by each homeowner, and not allowed to roam within the subdivision. v. The planting of wildlife attracting vegetation shall be prohibited. w. 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. Required conditions for Phase 2 final plat recordation: 26. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 27. State Department of Environmental Quality approval shall be obtained for Phase 2. 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. 28. A geo-technical study shall be completed for each lot within Phase 2. A professional engineer, licensed in the State of Montana, shall certify that no geo-technical constraints exist that would adversely affect development. 29. The interior subdivision roads (South Fork Road, Puff's Way, Cinnabar Drive, Dolomite Drive, and Diamond Drive) shall lie within a 60 foot public dedicated right-of-way. The interior subdivision roads shall be constructed to county standards for paved roads. The subdivider shall either: a) complete the paving of the interior subdivision roads prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the paving of the interior subdivision roads. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 30. 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 all roads have been brought to county gravel standards. 31. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 32. Street signs shall be installed or bonded prior to final plat approval. 33. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 34. 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"*. 35. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 36. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 37. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. Required conditions for Phase 3 final plat recordation: 38. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 39. State Department of Environmental Quality approval shall be obtained for Phase 3. 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. 40. A geo-technical study shall be completed for each lot within Phase 3. A professional engineer, licensed in the State of Montana, shall certify that no geo-technical constraints exist that would adversely affect development. 41. The interior subdivision roads (South Fork Road, Biotite Road, Agate Way, and Crown Butte Road) shall lie within a 60 foot public dedicated right-of-way. The interior subdivision roads shall be constructed to county standards for paved roads. The subdivider shall either: a) complete the paving of the interior subdivision roads prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the paving of the interior subdivision roads. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 42. 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 all roads have been brought to county gravel standards. 43. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 44. Street signs shall be installed or bonded prior to final plat approval. 45. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 46. 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". 47. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 48. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 49. The subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. Required conditions for Phase 4 final plat recordation: 50. The final plat shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 51. State Department of Environmental Quality approval shall be obtained for Phase 4. 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. 52. A geo-technical study shall be completed for each lot within Phase 4. A professional engineer, licensed in the State of Montana, shall certify that no geo-technical constraints exist that would adversely affect development. 53. The interior subdivision road (Crown Butte Road) shall lie within a 60 foot public dedicated right-of-way. The interior subdivision road shall be constructed to county standards for paved roads. The subdivider shall either: a) complete the paving of the interior subdivision road prior to final plat approval, or b) enter into an improvements agreement with the County for the completion of the paving of the interior subdivision road. The improvements agreement shall comply with all requirements of the Gallatin County Subdivision Regulations. 54. 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 all roads have been brought to county gravel standards. 55. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision Regulations. 56. Street signs shall be installed or bonded prior to final plat approval. 57. Areas disturbed by construction shall be seeded and controlled for noxious weeds. 58. 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*". 59. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 60. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 61. The subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. Mr. Johnson assured the Commission that the Big Sky Advisory Committee voted unanimously to approve the concept of the PUD. Commissioner Mitchell questioned the dedication of the Ousel Falls Park area to the County and the maintenance of it. Chief Deputy County Attorney Susan Swimley suggested that it would be in the best interest of the County to be responsible for the maintenance itself. County Planning Director Dale Beland reported that it has been the County's objective to preserve and protect such areas for County use, and that this dedication is a good step in that direction. He stated that the County has plenty of time to work out the details on maintenance. Joe Sabol, representative for the applicant, reported that this preliminary plat meets and exceeds the Gallatin County Subdivision Regulations, that the applicant accepts and agrees to all of the conditions, and that they understand the conditions are to apply to all four phases. He also reported that this development meets all of the Big Sky Planning/Zoning District regulations. Mr. Sabol assured the Commission that they are in favor of the geo-technical study and the transportation study and will work with the Transportation Department as best they can. Mrs. Swimley questioned Mr. Sabol about the variance and he assured her that the variance does not jeopardize public health, safety or general welfare. Nine letters were entered into the record from Don Pilotte, Paul Betz, Jerry Pape, Todd Olson, Frederick Elmore, Stephen Barrett, Tom Simkins, and one was read into the record from David Traylor. All of the letters spoke in favor of the subdivision. Mr. Simkins letter addressed some concerns over potential geo-technical problems and the increased traffic on Ousel Falls Road and Highway 64. These concerns were addressed previously by Mr. Sabol. County Road & Bridge Department Staff Engineer Roy Steiner reported that he has reviewed and approved the variance request and does not feel that it will jeopardize public health, safety and general welfare. Mr. Steiner also reported that the developer is currently addressing the previous road concerns that he had. George Carey, resident of Ousel Fall Road voiced concerns about a road that is sliding, but it was determined that this is not the road involved in the variance request. He also asked the Commission to consider strict law enforcement in the Ousel Falls Park area. Commissioner Olson stated that since the road department has approved the variance, and it would cause a hardship on the land to require, it he agrees to the granting of the variance request. Commissioner Mitchell concurred. Commissioner Mitchell

moved to grant the variance request requiring the curve radius to be 120 feet rather than 150 feet finding that it won't harm the health, safety and general welfare of the public. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Olson commended the planning staff and developer for bringing forth a request that was well done and didn't require any changes be made. Chief Deputy County Attorney Susan Swimley concurred with Commissioner Olson in commending those involved in presenting a very well done preliminary plat and conditions. Commissioner Mitchell brought up concerns about the open spaces and Ousel Falls Park area and its maintenance. Mrs. Swimley reiterated that the open space within the subdivision will be maintained by the Homeowner's Association and that the Park maintenance will be determined later by Gallatin County and the Fish, Wildlife and Parks Department. Commissioner Olson thanked the applicant for dedicating this piece of land to the County for the use of the public. Commissioner Mitchell moved to approve the Spanish Peaks Estates, Phases I-IV, Major Subdivision, finding that it meets the surveying requirements of the Montana Subdivision and Platting Act, Section 76-3-608, Gallatin County Subdivision Regulations and the review process, that the proper easements and the installation of the planned utilities has been provided for, and the subdivision has provided legal and physical access to each parcel within the subdivision, along with the conditions in the staff report 1-61. Seconded by Commissioner Olson. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on a pending resolution which is a matter of confirming and memorializing an item as required by law. This resolution is to declare the exigency for the purposes of taxation software purchasing. The law requires the exigency be declared and that certain basis for the exigency and procurement there under be articulated in writing. The resolution describes the reasons for the exigency declaration and the reasons for awarding the contract to Computer Software Associates, Inc. of Billings, MT for the computer taxation software. The resolution also includes the exact agreement that the County entered into with CSA, Inc. Commissioner Mitchell moved to approve resolution 1999-55 a record of exigency procurement of taxation computer software finding that it summarizes all of the County's actions to date regarding this subject. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 2:40 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 31ST DAY OF AUGUST 1999

The meeting was called to order by Chairman Bill Murdock at 1:31 p.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

AUGUST 23-24, 1999

- The Commissioners conducted regular County business.

AUGUST 25, 1999

- A special meeting of the County Commissioners was held to discuss a CTEP change order. In attendance were Commissioners Olson, Murdock and Mitchell, Contractor Architect Roy Steiner, and Grants Administrator Larry Watson. Discussion took place regarding coming up with options for opening the Eastside window wells to allow more light in without changing the sidewalk location and using as much of the ordered sidewalk railing as possible. Prugh and Lenon Architects submitted a letter to Mr. Watson explaining the cost structure of two options for fulfilling this request. The Commissioners unanimously approved the fees per the letter from Prugh and Lenon dated August 26, 1999.

AUGUST 26-27, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- A request for two family transfer exemptions for Gary Bos, located in the SW¼ and the SE ¼ of Section 21, T1S, R4E, Gallatin County, Montana, presented by Jason Karp of Belgrade City-County Planning.
- A request for a boundary relocation exemption for Gary Bos, located in the NW ¼ of Section 28, T1S, R4E, Gallatin County, Montana, presented by Jason Karp of Belgrade City-County Planning.
- A request for a family transfer exemption for Dale and Norma Moore, located in Section 34, T2N, R4E, Gallatin County, Montana, presented by Jennifer Madgic, Gallatin County Planner.
- A request for a family transfer exemption for John and Viola Grant, located in Section 10, T3S, R5E, Gallatin County, Montana, presented by Jennifer Madgic, Gallatin County Planner.
- A request for a boundary relocation exemption for Kim Bishop, located in Section 23, T2S, R5E, Gallatin County, Montana, presented by Jennifer Madgic, Gallatin County Planner.
- Continuation of a request for relocation of a common boundary and agricultural exemption for Spain-Morrow Ranch, Inc and Roger VanDyken, located in portions of Sections 27, 28, 29 and 34 in T1S, R4E, Gallatin County, Montana, presented by Jennifer Madgic, Gallatin County Planner.
- A request for a one-year extension of preliminary plat approval for the Gallatin Gateway Town Square Minor Subdivision, located in Tract A1 of COS 722A in the NW¼ of Section 11, T3S, R4E, Gallatin County, Montana, presented by W. Randall Johnson, Gallatin County Planner.
- The following contract was reviewed and considered: Agreement for dietitian services with Jill Abbott-Stoltzfus.

There were no minutes. Gallatin County Planner Jennifer Madgic asked that request for a relocation of common boundary and agricultural exemption for Spain-Morrow Ranch, Inc., and Roger VanDyken be pulled and placed on the regular agenda for discussion. Chief Deputy County Attorney Susan Swimley asked that the request for a boundary relocation exemption for Kim Bishop be pulled and placed on the regular agenda for discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the request for agricultural exemptions for Spain-Morrow Ranch, Inc., and Roger VanDyken, located in Sections 27, 28, 29 and 34 of T1S, R4E, Gallatin County, Montana. Ms. Madgic explained that this division will create five agricultural exemption tracts and that no relocation of common boundary is proposed. Chief Deputy County Attorney Susan Swimley inquired about the relevance of the Bos exemption being filed at the same time and it was determined that the two do not have any impact on each other. Tom Anacker, representative for the applicants, explained that the Spain-Morrow Ranch is being sold and in order to ensure that its use remains agricultural, a group of neighbors have agreed to purchase the tracts and maintain them as such. Of the five tracts being created, four are involved in the agriculture-exemption and one will be a single-family residence. Mrs. Swimley assured the Commission that the exemptions appear to be reasonable based on Mr. Anacker's explanation. Commissioner Olson moved to approve the request for agricultural exemptions for Spain-Morrow Ranch, Inc., and Roger VanDyken based on the testimony given. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the request for a boundary relocation exemption for Kim Bishop, located in Section 23, T2S, R5E, Gallatin County, Montana. Chief Deputy County Attorney Susan Swimley addressed concerns regarding the reason for the exemption. Ms. Madgic deferred to the surveyor for questions regarding the division. Greg Fink of Allen and Associates explained to the Commission that the existing tracts are approximately 10 acres and 40 acres. The realignment would bring them into the AS-20 zoning by creating two 20+ acre parcels. Mrs. Swimley accepted this explanation as a reasonable exemption. Commissioner Mitchell moved to approve the request for boundary relocation exemption for Kim Bishop. Seconded by Commissioner Olson. None voting nay. Motion carried.

Roger Curtis, director of Alcohol & Drug Services of Gallatin County presented a proclamation recognizing the month of September 1999 as "National Alcohol and Drug Addiction Recovery Month" in Gallatin County. Mr. Curtis explained to the Commission that this organization is a non-profit, private corporation which feels strongly that substance abuse treatment is an important program for

businesses to be involved in. He asked that the Commission adopt the proclamation and send a message to the community in support of their cause. Cheryl Walters, prevention specialist with Alcohol & Drug Services, came forward and read the proclamation. Commissioner Murdock stated his support of their services and their work on the Drug Court. Commissioner Mitchell concurred. Commissioner Olson stated that he would be happy to have Gallatin County join Alcohol & Drug Services and recognize September, 1999 as "National Alcohol and Drug Addiction Recovery Month" and therefore moved the adoption of the proclamation. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Greg Underhill of MSE-HKM Engineering came forward to read bids submitted for the landfill liner expansion. The first bid was submitted from TMC Inc., of Belgrade for \$226,968.50 (contract #7893). The bid packet included a bid bond, subcontractor list and subcontractor qualifications. The second bid opened was from JTL Group, Inc. of Belgrade for \$273,498.00 (contract #10089). The bid packet included a bid bond, subcontractor list and subcontractor qualifications. The third bid opened was from Williams Plumbing and Heating of Bozeman for \$236,740.05 (contract #8395). The bid packet included a bid bond, and a statement of subcontractors and their qualifications. Mr. Underhill asked that he be given time to review the bids for content and compliance with requirements. A temporary award date was set for September 2, 1999 at 2:15 P.M. at which time Mr. Underhill will make a recommendation to the Commission.

Belgrade City-County Planner Jason Karp reported on the consideration of a resolution of intention to adopt the 1999 Belgrade Area Plan. On May 19, 1999 the Belgrade City-County Planning Board voted to recommend this plan to the Belgrade City Council and the Gallatin County Commission. Mr. Karp asked that a meeting for a public hearing regarding the adoption of the plan be scheduled for September 21, 1999. He assured the Commission that numerous public meetings have been held over the last year, and that the plan received front page coverage in the High Country Press, but little response from the public was received. Jim Paugh came forward and addressed concerns regarding the plan covering water and irrigation issues. He suggested that an MCA statute, 76-4-504, has been amended and asked that it be reviewed and included in the Master Plan. Commissioner Mitchell recommended to Mr. Paugh that he put his concerns in writing before the scheduled public hearing if he would not be able to attend. Commissioner Olson moved to adopt Resolution 1999-56, a resolution of intention to adopt the Belgrade Area Plan-1999. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on the consideration of a request for preliminary plat approval of the Kallestad Minor Subdivision, located in the E½ of the E½ of Section 27, T1N, R4E, P.M.M., Gallatin County, Montana, west of Belgrade on Bolinger Road. The subdivision was reviewed for the following primary criteria: Wildlife and wildlife habitat, public health and safety, local services, natural environment, agriculture, and agriculture water user facilities. One variance has been requested regarding the requirement to pave a road if the user capacity is over 100 trips per day. The trip load is undetermined at this time, but is probably near the limit. This minor subdivision will only create one additional tract and potentially an additional 8 trips per day on the road. It would be an undue hardship on the applicant to pave the road, a cost of approximately \$75,000. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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. 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. 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. e. An environmental assessment shall be submitted prior to further subdivision. f. Lots shall be limited to two large animal units (horses, cows, llamas) per 5 acres. 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. An encroachment permit must be obtained from the County Road Department for the Lot 1B access onto Bolinger Road. 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 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. The subdivider shall obtain written verification from the Belgrade Rural Fire District that the requirements of Section 6-E-5 have 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).

Applicant Bonnie Kallestad came forward to present her reasons for the minor subdivision. Mrs. Kallestad explained to the Commission that she is a single mom putting her son through college. If necessary, she will sell the five acre parcel to fund this. Mrs. Kallestad clarified that the Belgrade Fire Department has given her a letter exempting her from having to put in a fire fill site since they live near one on Collins Road. Wyetta Bolinger, adjoining land owner, came forward and addressed concerns regarding the potential for the land to be put to commercial use. She asked if there was a way to ensure that it would stay agricultural. Commissioner Murdock explained that it is not in their control since it is an area that is not zoned but that the applicant could willingly place a condition in the covenants to restrict use. Bonnie Kallestad assured Ms. Bolinger that she intends to have the land remain agricultural, and will consider adding the covenant. Mark Chandler of C&H Engineering told the Commission that the DEQ has already given approval on both of the lots in the minor subdivision. Mr. Chandler also emphasized to the Commission that it would be an undue hardship for the applicant to be required to pave Bolinger Road for a one lot creation. He also assured the Commission that it would not infringe on the public health, safety or welfare for the road to remain gravel. Commissioner Murdock asked Roy Steiner, Gallatin County Road & Bridge Department Staff Engineer, to address the variance issue. Mr. Steiner reported that the Road Department does not have a current tally of trips on the road per day, but does not feel the number is large enough to require the paving to be done. Commissioner Olson moved to approve the variance finding that it would place an undue hardship on the applicant; the planning board approved the variance with the inclusion of a waiver of RID; and strict compliance is not essential to the public health, safety or general welfare. Seconded by Commissioner Mitchell. Commissioner Murdock pointed out that this has been standard with similar one lot minors. None voting nay. Motion carried. Commissioner Mitchell moved to approve the preliminary plat for Kallestad Minor Subdivision, finding that it meets the Gallatin County Subdivision Regulations, and the public health and safety regulations, along with recommended staff conditions 1-11e. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance presented the petition for annexation into the Story Siding Herd District #7 for public hearing. Mrs. Vance reported that notice for this public hearing was published in the Bozeman Daily Chronicle on August 6, 8 and 11, 1999. Maps of the annexation portion, and the existing Herd District were presented. Mrs. Vance explained the maps, pointing out that one small parcel of land owned by AT&T inside the proposed annexation was not included in the legal description of the petition. Thus, the petition contains 100% of the landowners signatures. Susan

Killian, land owner in the proposed annexation came forward and pointed out to the Commission that the petitioners have complied with all of the requirements that were proposed to them last year. They contacted all of the owners and obtained signatures for each parcel of land in the annexed portion. She explained that the portion owned by AT&T is already fenced to protect the communication towers and not an issue. The petitioners also complied with the requirement that the area be of regular and symmetrical shape. Leanne Schraudner, representative for Mr. and Mrs. Warren McMillan addressed concerns about the open grazing to the south of the district. She suggested the Commission and petitioners should consider who will be responsible for fencing and maintaining this area. Floyd Murray, resident in the area of the proposed annexation pointed out to the Commission that there is existing fence on all sides of the Smoky Hollow Subdivision, and that the area in question is not prime for agriculture since it is timbered and has little grass. Pam Dale, resident in the area of the proposed annexation read a letter into the record regarding her desire to see the area annexed into the Herd District. County Attorney Marty Lambert addressed the fencing issue, stating that there is no law that governs who is responsible for fencing a particular area. However, a herd district does provide an avenue for enforcement for keeping cattle off of private property. Commissioner Murdock stated his disappointment with the fact that a way of life is disappearing because people are buying land in open range areas and then taking legal steps to change the law to suit them. Commissioner Olson moved to approve the annexation finding that the application to annex onto an existing Herd District has been properly submitted according to testimony by the Clerk and Recorder's Office and the County Attorney has found that it conforms to the law. Seconded by Commissioner Mitchell. Commissioner Mitchell noted that she is saddened by the loss of agricultural land, however since 100% of the land owners signed the petition, she feels it is reasonable to grant the annexation. Commissioner Olson stated his concerns that the fencing responsibility is being laid on the cattle owner rather than those in the Herd District. Commissioners Mitchell and Murdock concurred. Commissioner Mitchell asked that the neighborhood work with the McMillans as a good neighbor gesture. Commissioner Olson asked that the McMillans do the same for their neighbors. Commissioner Olson and Commissioner Mitchell voted for the approval of the annexation. Commissioner Murdock voted nay. Motion carried.

Gallatin County Treasurer Jeff Krauss asked that the review of the quarterly securities report be continued until September 7, 1999.

There being no further business the meeting was adjourned at 2:59 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 7TH DAY OF SEPTEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:00 a.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

AUGUST 30, 1999

- A special meeting of the Commissioners was called to order in the Community Room at 9:10 a.m. In attendance were the three Commissioners, their Executive Secretary Pat Lewis, Sheriff Bill Slaughter, Undersheriff Jim Cashell, Anita Tymrak, Detention Center Supervisor, Roy Steiner, project manager, and Larry Watson, Grants Administrator. Purpose of the meeting was to discuss the priority of compliance with code requirements as outlined in an August 4, 1999 letter from Deputy Chief Fire Marshal Chuck Winn, and Neil Poulsen, City of Bozeman Chief Building Official. Those are as follows: (1) installation of an approved NFPA 13 and Uniform Building Code-compliant fire sprinkler system; (2) relocation or installation of new exits to eliminate the dead-end corridors adjacent to the recreation yard; and (3) National Electrical Code-compliant repair of the dual service building feeds.

One bid has been received for the electrical work, from Van Dyken Engineering. Messrs. Watson and Steiner did a recent walk-through at the Detention Center with a representative from the Van

Dyken company. Van Dyken would prepare a detailed scope of work regarding fees (i.e., reimbursables would be capped at \$250 without prior approval. Commissioner Olson requested that the current generator servicing both the Law and Justice Center and the Detention Center be looked at, to determine if it could be used solely to serve the Detention Center. A planned exercise on September 9, 1999 would be helpful in determining whether the systems now in place can function, according to Sheriff Slaughter. Undersheriff Cashell stated his concern regarding expected disruptions during installation.

Two proposals were received for work to upgrade doors at the Detention Center to meet security requirements. Those proposals were from Prugh and Lenon Architects (not to exceed \$10,000) and Taylor Architects (not to exceed \$8,000). Taylor provided details in their proposal; Prugh and Lenon did not. Sheriff Slaughter stated his concerns regarding the impact on the security of the whole facility, and that it could present hidden costs, such as cameras, fencing, fire exits, etc. The upgrade will remove the hazard of the dead-end corridor, per Undersheriff Cashell. Sally ports and cameras need to be looked at in terms of retrofitting. Commissioner Olson moved that Larry Watson and Roy Steiner start negotiating the scope of work with Taylor Architects (\$7,962.50 maximum), pending approval of the Sheriff. Commissioner Mitchell seconded the motion. She added that the negotiating committee would include Jim Cashell, Anita Tymrak, Roy Steiner, and Larry Watson. All Commissioners voted in approval of the motion; none voted nay. Sheriff Slaughter asked if Integris could be consulted regarding the discussed plans. Taylor Architects can contact them, but they cannot exceed the agreed-to fees. He also asked if the negotiating committee could ask Integris, the consultant, their opinion regarding the proposed costs.

Commissioner Olson moved to ask Larry Watson and Roy Steiner to work up a scope of work with Van Dyken Engineering, to address generator and code compliance issues as outlined in Chuck Winn and Neil Poulsen's letter; the motion was seconded by Commissioner Mitchell. Discussion followed regarding the fact that the fee should not go over \$3,950.00, per Commissioner Mitchell. Anita Tymrak stated her concern that the installation work could have severe impacts if work is done during the winter months. Roy Steiner, Project Manager, stated that approximately two hours' worth of disruption would result from installation activities of "maximum impact."

All Commissioners voted in favor of the motion; none voted nay. Motion carried.

AUGUST 31, 1999

- A special meeting of the Commissioners was held with the County Attorney department to discuss numerous legal matters. Two letters from an Eldon Huffine, former inmate in the Gallatin County Detention Center were discussed. Mr. Huffine is filing a claim against the County for violating his civil rights and practicing cruel and unusual punishment. Commissioner Olson made a motion to deny the claim made by Eldon Huffine that his civil rights were violated by way of negligent endangerment during his incarceration at Gallatin County Detention Center. Commissioner Mitchell seconded the motion. Motion passed unanimously. Commissioner Olson made a motion to deny the claim made by Eldon Huffine that his civil rights were violated and he experienced cruel and unusual punishment during his incarceration at Gallatin County Detention Center. Commissioner Mitchell seconded the motion. Motion passed unanimously. The Commissioners also determined that they would revisit the County Attorney's request to re-program the County bad-check system.

SEPTEMBER 1-2, 1999

- The Commissioners conducted regular County business.

SEPTEMBER 3, 1999

- A special meeting of the Commissioners was called to order for the purpose of discussing Change Order #2 to County Contract No. 1999-112, for the Courthouse CTEP Project. In attendance were Commissioners Murdock and Mitchell, Fiscal Officer Ed Blackman, and Executive Secretary Pat Lewis. It was noted by Fiscal Officer Blackman that the County's payments would be contingent on whether CTEP pays for the revolving door at the south entrance to the Courthouse.

Commissioner Murdock moved to approve Change Order No. 2 to County Contract No. 1999-112, per Mr. Blackman's recommendations for the source of revenues. They are as follows:

Change Order No. 2:

Location	Amount	Funding Source
North storage room wall	\$7,990.00	Phase III
Snow melt items	\$1,250.00	PILT
<u>Revolving door</u>	<u>\$4,201.00</u>	<u>PILT</u>
Revolving door	\$27,200.00	Next year's CTEP funds

Change Order No. 3:

Window wells and walk	\$10,000	PILT
-----------------------	----------	------

Change Order No. 4:

<u>Possible front walk and steps</u>	<u>\$ 3,500</u>	<u>PILT</u>
--------------------------------------	-----------------	-------------

It was entered into the record that Commissioner Olson, in written form, had approved these expenditures based on the above sources. Commissioner Mitchell seconded the motion; both Commissioners voted aye; none voted nay. Motion carried.

- A special meeting of the Commissioners was called to order at 1:15 p.m. in the Commissioners' Office to Consider the Logan Landfill Liner Expansion Phase 1D bid award. Present were Commissioners Jennifer Smith Mitchell and Bill Murdock. Commissioner Olson was on vacation. Also in attendance were Deputy County Attorney Chris Gray, Greg Underhill of MSE-HKM, and Commissioners' Executive Secretary Pat Lewis. Chris Gray stated that the lowest responsible bidder was TMC, Inc. He recommends that the bid be awarded to TMC. Greg Underhill and Mr. Gray both confirmed that the bids are in order. The amount of TMC, Inc.'s bid is \$226,968.50. Commissioner Mitchell moved to award the bid to TMC, Inc. in amount of \$226,968.50. Commissioner Murdock seconded the motion. Both voted in favor of the motion; none voted nay. The notice of award was signed, and meeting adjourned at 1:20 p.m.
- A special meeting of the Commissioners was called to order at 1:30 p.m., for the purpose of discussing the County's sponsorship of a contract between Head Start and Cashman Nursery, for landscaping at the Headstart Center. In attendance were Commissioners Mitchell and Murdock. HRDC will enter into the contract with Cashman's; the County will only serve as a sponsor. Commissioner Mitchell moved to approve the sponsorship, in the amount of \$7,332.00. Commissioner Murdock seconded the motion; both voted in favor of the motion; motion carried.

A special meeting of the Commissioners was called to order at 3:30 p.m., for the purpose of considering the approval of an emergency, hand-issued check payment by the County to Michael Banning. Present were Commissioners Murdock and Mitchell. Commissioner Olson was on vacation. Commissioner Murdock moved to approve a payment to Michael Banning for a tax refund in the amount of \$765.95, in the form of a hand-issued, County check. Commissioner Mitchell seconded the motion. Both Commissioners voted in favor of the motion; none voted nay. Motion carried, and the meeting adjourned at 3:33 p.m.

The following items were on the consent agenda:

- Minutes
- A request for a boundary relocation exemption for Peter K. Fay located in Section 14, T2S, R6E, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- A request for a boundary relocation exemption for Jody May and Cynthia Bateman-May located in Section 29, T2S, R6E, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- The following contracts were reviewed and considered: MDOT for child safety seat education; Alcohol & Drug Services of Gallatin County for FY 2000 Drug Treatment Court.

There were no minutes. Fiscal Officer Ed Blackman requested that the contract for Alcohol & Drug Services of Gallatin County for FY 2000 Drug Treatment Court be pulled until a later time as it involves the floating mill levy which has not been determined yet. Commissioner Mitchell requested that the contract with MDOT for Child Safety Seat Education be pulled until some questions regarding the contract can be cleared up. Commissioner Olson asked that the request for boundary relocation exemption for Jody May and Cynthia Bateman-May be pulled and placed on the regular agenda for

discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the request for a boundary relocation exemption for Jody May and Cynthia Bateman-May located in Section 29, T2S, R6E, Gallatin County, Montana. The two lots are owned by the two requesters individually. They wish to construct a house straddling the lot lines. Due to the donut area zoning, they wish to aggregate the lots to avoid potential problems. Commissioner Murdock asked Ms. Madgic if this is a proper use of the exemption and she assured the Commission that it is according to the Planning Department's standards. Commissioner Olson addressed concerns about access to the lot and it was determined that it is not an issue since this is an exemption and does not go through subdivision review. Chairman Murdock moved to approve the request for boundary relocation exemption and lot aggregation for Jody May and Cynthia Bateman-May. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley reported on the continuation of consideration of a resolution setting office hours for County Offices, and designating Gallatin County as a Class One County. The resolution enters on the record an order designating Gallatin County a Class One County based on valuation and population. The resolution also sets the office hours for the Sheriff, County Clerk, Clerk of District Court, County Attorney, County Auditor, and County Superintendent of Schools. The County Treasurer does not consent to the Commission setting office hours for his office. According to Montana statute 7-4-2211(a) the Commission can set office hours with the consent of the departments, but is not required to do so. Commissioner Mitchell moved to adopt Resolution 1999-57 designating Gallatin County as a Class One County and setting office hours for County offices. Seconded by Commissioner Olson. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley reported on the consideration of an emergency ordinance reducing the speed limit in front of Anderson School on Cottonwood Road. The emergency ordinance sets the speed limit in front of the school and for 300 yards to the north and south of the school. In March of 1999 the Montana Department of Transportation Commission reduced the speed on Montana State Secondary 345 from 55 miles per hour to 40 miles per hour. Montana Code Annotated Section 7-14-2102 states that the Commission may reduce the speed further if they determine it to be in the best interest of the county roads, to the minimum limit of 30 MPH. A non-emergency ordinance will follow, but the emergency ordinance will allow enforcement of the speed limit immediately. Acting Interim Road and Bridge Superintendent Dave Fowler explained that this is an oversight that should have been addressed when the other speed reduction took place. He also stated that signs are already in place and will be enforceable if the ordinance is passed. Blinking signs have been ordered and the County will put these in when they arrive. Commissioner Mitchell asked Mr. Fowler if there is a cross walk on the road. He explained that there is a cross walk, with school buildings on both sides of the road, resulting in children crossing the road throughout the day. There was no public comment. Commissioner Olson moved to approve Emergency Ordinance #1999-03, finding that the Commission is late in setting this speed limit. Seconded by Commissioner Mitchell. Commissioner Murdock asked Mr. Fowler to contact Principal Johannes and inform her of the ordinance. None voting nay. Motion carried.

Stephanie Nelson, department head for the Gallatin City-County Health Department reported on the consideration of a resolution to change the Board structure of the Gallatin Water Quality District. A restructuring of the Board composition of LWQD is being requested in order to alleviate some of the burden that is currently being placed on the Board of Health. The resolution restructures the Board composition to include one County Commissioner, a member of the governing body of the City of Bozeman, Town of Manhattan, and the City of Belgrade, a Board of Health member, a representative from the Gallatin Conservation District, and three members at large from the governing body of the City of Bozeman, City of Belgrade, and the Town of Manhattan. The Board of Health will be meeting Thursday to appoint their member. Following these final appointments, the Board will be ready to meet. An agenda is being prepared for the Board that will give the members the history of the Board and enable them to move forward in an efficient manner. There was no public comment. Commissioner Mitchell moved to adopt Resolution 1999-58 to change the Board structure of the Gallatin Water Quality District, finding that it is a positive restructuring which will relieve the Board of Health, and create a Board that includes representation from the whole county. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Murdock moved to appoint Commissioner Mitchell to sit on the Board for the Gallatin Water Quality District. Seconded by Commissioner Olson. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on the consideration of a request for preliminary plat approval of the DeHaan Minor Subdivision #3 located in Section 4, T1S, R4E, P.M.M., Gallatin County, Montana, generally located west of Belgrade between Rottweiler Lane and Sheepshank Drive. The subdivision was reviewed for the following primary criteria: Effect on wildlife and wildlife habitat, public health and safety, local services, natural environment, agriculture, and agriculture water user facilities. The applicant has requested one variance from the requirement to have a second access for six or more lots. The planning board recommends that the variance be denied. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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 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 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 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. Large animals (horses, cows, llamas, etc.) are limited to two per five acres. g. The Property Owners Association shall enter into a road maintenance agreement for the shared maintenance of Rottweiler Lane and Sheepshank Drive (said maintenance agreement must be approved by the Gallatin County Road Department). h. A Property Owners Association shall be established. i. Lots shall be not be used for any commercial purposes. j. 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. Fire and road impact fees shall be paid to Gallatin County in accordance with Gallatin County impact fee regulations. 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. The final plat shall show a common approach easement for Lot 1A and Lot 1B at the south boundary line of Lot 1A and the north boundary line of Lot 1B, 20 feet wide on each side, for a total of 40 feet as approved by the County Road Dept. 11. The final plat shall show a "no access" strip along Lot(s) 1A, 1B, except at county approved locations (see No. 10 above), and on Lot 1D limiting access to a minimum of 100 feet south of the intersection of Rottweiler Lane and Sheepshank Drive. 12. Rottweiler Lane will need to be upgraded *and paved* to County standards from Thorpe Road to the south boundary of Lot 1C with a temporary cul-de-sac or "T" type turnaround at the south boundary of Lot 1C. 13. Sheepshank Drive needs to be extended to Rottweiler Lane and be dedicated and constructed to County Standards to provide the required secondary access to lots on Rottweiler Lane (*unless a variance is granted*). 14. 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. 15. 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. 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 Rural Fire District. The subdivider shall obtain written verification from the Belgrade 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 and covenants requiring the installation of sprinklers 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 complete Environmental Assessment shall be required prior to further subdivision lots. 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 Mitchell asked Mr. Karp to clarify what a "no-access strip" involves. He explained this is only a note that states there will be no driveway access onto the road except at a County approved location. Commissioner Mitchell asked if there is a need to include a statement in the covenants about the County gravel pit, Commissioner Murdock and Jason Karp agreed that there needed to be one. Chief Deputy County Attorney Susan Swimley questioned Mr. Karp about condition 17 and it was decided that this would be better placed in the covenants as condition 5(k). Commissioner Olson questioned the requirement for an environmental assessment to be done. Mrs. Swimley supported this condition due to soil type and density impact on the area. Mrs. Swimley asked Mr. Karp about the barbed wire gate referenced in a letter from William Payton. Mr. Karp explained to the Commission that this particular gate is not in the area being discussed today. Mark Chandler, surveyor with C&H Engineering, spoke on behalf of the developer. Mr. Chandler explained that the Road Department did not indicate a problem with the variance request and had suggested the requirement be to update Sheepshank Drive to County standards, not paved standard. He also noted that it was in agreement with the public comment received to not require a second access along the south end of the lots. Mr. Chandler presented information on the ADTs on Rottweiler lane, stating that the estimate is below the 100 trips per day which would require the road be paved. The Planning Board suggested this option as a solution to the concerns of the land owners in Royal Arabian subdivision. Applicant Darrel DeHaan explained to the Commission that originally he planned to create 13 lots, but decided that it was in the best interest of the area to only create four. If required to pave Rottweiler Lane and upgrade Sheepshank Drive, he will have to revert to his initial plan due to the high costs. Mr. DeHaan assured the Commission that he would like to create a low density area to off-set all of the high density areas, and that he would be willing to add a covenant restricting any further subdividing of the lots. Mr. DeHaan also agreed to add a covenant detailing the operations of the County gravel pit and affirming its right to operate. Al Jennings, Steven Gillette, and William Payton, adjoining land owners addressed their concerns to the Commission regarding the creation of the minor subdivision. Their concerns include worry about the geese that nest in the area, a speed limit being placed on Thorpe and Royal Roads, the gravel truck traffic and the dust that it creates, the increase in traffic on already highly traveled roads, and the maintenance of the roads within Royal Arabian subdivision. Exhibit A, a series of pictures of the area and a letter addressed to the Commission submitted by William Payton, was admitted into the record. Assistant Fire Chief/ Deputy Fire Marshall Bryan Connelley presented the concerns of the Belgrade Fire Department. The fire department is concerned about emergency access if a secondary access is not required. Mr. Connelley also suggested that the conditions regarding water supply may need to be altered if commercial uses are not restricted. Discussion took place about a barbed wire fence that runs across Sheepshank Drive between the proposed minor subdivision and Royal Arabian subdivision. It was determined that the gate is probably not legal, but would have to be addressed under different circumstances. Chief Deputy County Attorney Susan Swimley explained that a variance can only be granted if it would create undue hardship or be a threat to the health, safety and welfare of the public if it were not granted. She pointed out that the hardship would be on the adjoining land owners, and that they could not by law require the developer to pave Rottweiler Lane. Mr. DeHaan requested that if he was not granted the variance, the Commission give him permission to place signs on the road designating it for "emergency use" or "authorized vehicles only." Commissioner Mitchell asked Dave Fowler, Acting Interim Road and Bridge Superintendent about a speed limit on Sheepshank Drive. He reported to the Commission that a 25 MPH speed limit is advisory, but not enforceable on the road. He also told the Commission that he preferred the gravel trucks not have to drive through a subdivision if possible. Mr. Fowler reiterated the importance of the County having the use of the gravel pit and asked again that language be included to notify potential buyers of the operations at the gravel pit. Commissioner Murdock stated that he is in favor of granting the variance since it would

cause a hardship on adjoining land owners if a road was constructed at the south end of the subdivision. Commissioner Olson moved to approve the variance not requiring that a second access be constructed. Seconded by Commissioner Murdock. Commissioners Murdock and Olson voted in favor of the variance. Commissioner Mitchell abstained from the vote. Motion carried. In discussion Commissioner Olson stated that he feels the County needs to be a good neighbor and do what they can to eliminate some of the negative impacts of the gravel trucks, such as putting water on the road or pit and leaving the jake brakes off. Commissioner Olson moved to grant preliminary plat approval on the Darrel DeHaan Minor Subdivision #3, finding that it meets the Montana Code Annotated section 76-3-608, meets the Belgrade Master Plan, is in the public health and safety interest, with conditions 1-14, changing condition #12 to remove "and paved" and placing "gravel" after County, removing condition #13, adding a covenant (k) stating "A section addressing possible problems associated with the nearby gravel pit and affirming the gravel pit's right to operate. Lot owners accept and are aware that standard gravel pit operations can result in heavy truck traffic, dust, noise, and visual impacts.", adding a covenant (l) stating that no further subdivision of these lots will be allowed, and removing condition #17. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Gallatin County Planner Jennifer Madgic reported on the consideration of a request for preliminary plat approval of the Shea Minor Subdivision located in the NE¼ of Section 3, T1N, R4E, P.M.M., Gallatin County, Montana, generally located southeast of the intersection of West Dry Creek Road and Swamp Road. The subdivision was reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. No variances are being requested. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. 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, and certificate prior to final plat approval. 4. Applicant shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, 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 applicant prior to final plat approval. 7. Applicant shall record the following covenants on or with the final plat: a) *The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. In the event a landowner does not control the noxious weeds, after 10 days notice from the Property Owners' Association, the Association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment.* b) *Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations.* 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 fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. 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. Thirty feet of Swamp Road, west of the centerline, shall be dedicated to the public for the entire length of the development. 9. Applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations. 10. Applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations. 11. Applicant shall provide an appropriate fire protection method in accordance with the subdivision regulations. Applicant shall have the Belgrade Rural Fire District review and approve the fire protection method prior to final plat approval. Applicant shall obtain written verification from the fire district that the requirement has been met. 12. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Letters from Douglas and Marlene Daniels, T. H. Crawford, Dr. Katherine Hansen, and Wallace and Patricia Brownell were entered into the record, all expressing strong concerns and opposition to this subdivision. Commissioner Olson asked that Commissioners Murdock and Mitchell decide whether or not he should be allowed to vote on this subdivision since he knows the area and all of the people involved quite well. It was decided that since he has no financial interest in the subdivision and felt he could make an unbiased decision that he would be allowed to remain on the Board for this issue. Dennis Foreman, surveyor with Gaston Engineering & Surveying, assured the Commission that the applicant agrees with the conditions suggested by the planning department and stated that the applicant would be willing to add a covenant restricting commercial use except for home/cottage industry type businesses. Commissioner Mitchell asked Mr. Foreman to discuss the family exemption that took place last December. He explained that Art Perry, father of the applicant, transferred one piece of property to his son and one to his daughter, and stated at that time he would be subdividing the remainder. The applicant, Arien Fay Shea has signed a power of attorney allowing her father to make decisions regarding her land as she is out of state. Discussion took place regarding whether or not this area is in the floodplain. Mr. Foreman stated that it is his belief that this is not in the floodplain, and that Dry Creek Road acts as a dam to the creek. He also stated that this division complies with some portions of the Master Plan, and doesn't comply with others. Public testimony was heard from Doug Daniels, Katherine Hansen, and Tim Crawford. Their comments included concerns over the small lot size varying from those in the surrounding area, the possibility of this being the first step in a series to create a major subdivision, future widening of Dry Creek Road resulting in these lots being too narrow, the impact on wildlife and bird corridor through this area, the impact that more lots will create on the agricultural water use in the area, and the potential increase in problems with noxious weed control. In rebuttal Dennis Foreman assured the Commission that nothing is being hidden from them. Mr. Perry is an adjoining land owner, and what he does with his land does not pertain to this subdivision. He pointed out that a study is being done regarding the floodplain area and the applicant would agree to place the results of this study, if applicable, onto the final plat. Commissioner Olson assured the Commission that having lived in the area for many years, he has never seen the Creek flood to the south except what goes through the existing culverts. Mr. Foreman explained that when the family transfer took place DEQ reviewed the lots and found ground water to be below 20 feet and gave the lots approval without any problem. Commissioner Mitchell asked that a condition be added requiring the applicant to provide a floodplain study, and if applicable, have the flood boundary delineated on the final plat. The applicant agreed and Ms. Madgic agreed to draft the language. Commissioner Olson stated that the minor subdivision looks straightforward and that the Commission has no legal stand on which to deny it. Commissioner Mitchell moved to approve the request for preliminary plat for Shea Minor subdivision, finding that it meets the Montana Platting and Subdivision Regulations, Gallatin County Subdivision Regulations, along with the conditions suggested by the Planning Department, adding a covenant (g) which states "With the exception of home occupations and similar cottage-type industry, no commercial uses shall be permitted in this subdivision.", adding a condition to state "Applicant shall provide a floodplain study and, if applicable, the flood boundary shall be delineated on the final plat.", which was renumbered as condition #8, and adding a second condition to read "Applicant shall obtain an encroachment permit for Lot 1.", which was renumbered as condition #10. Seconded by Commissioner Olson. Commissioner Murdock stated that he did not feel this minor subdivision to be in the best interest of the public and would not vote for it. Commissioner Mitchell stated that she also did not feel good about the subdivision, but could not find a legal basis on which to deny it. Commissioners Mitchell and Olson voted for the approval of the subdivision. Commissioner Murdock voted nay. Motion carried.

Gallatin County Planner W. Randall Johnson reported on the consideration of a request for preliminary plat approval of the Locati Minor Subdivision located in the SW¼ of Section 34, T6S, R3E, P.M.M., Gallatin County, Montana, generally located along the west boundary of the Aspen Groves subdivision,

approximately 3 miles west of the intersection of Highways 191 and 64. The subdivision was reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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. 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. 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 and Autumn Trail. If the developer chooses the maintenance agreement option, the agreements shall be submitted to the Gallatin County Road & Bridge Department prior to final plat approval. 5. Interior road plans, road maintenance plans, drainage plans, lot access plans, and sign plans shall be submitted to the County Road & Bridge Department for approval prior to any road construction. 6. Autumn Trail shall be extended to the west boundary of the subdivision. Autumn Trail shall have a 60 foot public right-of-way and be constructed to county standards for gravel roads. The portion of the right-of-way within the subdivision boundary shall be dedicated to the public, and the portion outside of the subdivision shall lie within a public easement. 7. The unnamed interior subdivision road shall have a 60 foot public dedicated right-of-way, temporary 50 foot radius cul-de-sac, and be constructed to county gravel road standards. 8. 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. 9. The interior subdivision road name shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 10. Road name signs shall be required at all intersections. A stop sign shall be required at the intersection of the interior subdivision road and Autumn trail. Road signs and stop sign shall be installed or bonded prior to final plat approval. 11. 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. 12. 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"*. 13. The subdivider shall either: 1) cause the subdivision to be included in the Gallatin Canyon Rural Fire District; or 2) contract for fire protection services with the Gallatin Canyon Rural Fire District ; or 3) provide other reasonable protection as recommended by the Fire Chief, his designee or the fire district and approved by the County Commission. 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 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. 15. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 16. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 17. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 18. A property owners' association for the subdivision shall be created. 19. Covenants for the subdivision shall include the following provisions: a. Place title to common open space property with the property owners' association. b. Common 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. As concerns common open space; the property owners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. e. As concerns common open space; assessments levied by the association must be able to become a lien on the property. f. As concerns common open space; the property owners' 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 common 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 property owners' association. i. The property owners' 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. Class A or B fire-rated roofing materials shall be used. l. Spark arrestor screens shall be placed on all fireplace and woodstove chimneys. m. Smoke detectors shall be installed on each level of dwelling units. n. The vegetation reduction and clearance guidelines of the *Fire Protection Guidelines for Wildland Residential Interface Development* shall be used. o. open fires shall be prohibited, except at designated locations. p. The artificial feeding of all big game wildlife shall be prohibited. q. All garbage shall be stored in animal-proof containers or otherwise be made unavailable to animals. r. 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. s. Fencing along the exterior boundaries of lots shall be prohibited. t. The taking of any wildlife species within the property is prohibited, except for catching fish. u. Pets shall be controlled by each owner, and not allowed to roam within the subdivision. v. 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. 20. 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. 21. The developer shall have three (3) years to complete the above conditions and apply for final plat approval. Discussion took place regarding whether or not the applicant could be required to join the Big Sky Owners Association. Chief Deputy County Attorney Susan Swimley advised the Commission that they should not require someone to join an association. It was also noted that while the Big Sky Advisory Board did review the plat initially, they did not take action on it as it complies with the cluster requirements. Mark Iwaniak, surveyor with Gaston Engineering & Surveying, assured the Commission that the applicant, Jerry Locati, agrees with all of the conditions and requests that they approve the subdivision. He also stated that there are no great impacts as a result of the subdivision. There was no public comment. Commissioner Olson moved to approve the preliminary plat for the Locati Minor subdivision finding that the application meets Montana Platting and Subdivision Regulations, Gallatin County Subdivision Regulations, complies with the zoning in the area, and with the conditions as written. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance, on behalf of Treasurer Jeff Krauss, asked that the review of the Quarterly Securities Report be continued until September 14, 1999, when his Chief Deputy will present the report.

There being no further business the meeting was adjourned at 12:10 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

SPECIAL PUBLIC MEETING TUESDAY THE 7TH DAY OF SEPTEMBER 1999

A special public hearing to consider comments on the proposed FY 2000 budget for Gallatin County was called to order by Chairman William A. Murdock at 7:00 P.M. Also present were Commissioners Phil Olson, Jennifer Smith Mitchell, Fiscal Officer Ed Blackman, and Clerk to the Board Shelley Vance.

Chairman Murdock requested everyone stand for the Pledge of Allegiance.

Fiscal Officer Ed Blackman described the budget process, preliminary decisions made by the Commission that impacted the budget, anticipated non tax, tax, and millage information regarding

revenues, where the Commission allocated available money for proposed expenses, a balance sheet of revenues, expenses, and mills levied for FY 96 through 2000, historical per capita comparisons, the proposed capital budget, and a brief explanation of Senate Bill 184.

Gus Pfaehler stated his concern that no money was allocated in the budget for a new project team to evaluate location and costs for construction of a detention center. Mr. Pfaehler recommended that a public relations consultant should be considered.

Linda Vrooman , stated her concerns of the increasing knapweed problem and suggested increasing funds for weed control.

County Attorney Marty Lambert urged the commission to not cut taxes and to fund expenditures requested. He pointed out that memos sent to the Sheriff, 911, and County Attorney all included a statement that the proposed budget includes floating mill funding in order to fund the expenditures that were preliminarily approved and wondered how badly budgets would need to be cut if the floating mills were not used. He cited concern for life safety issues.

Judge Mike Salvagni addressed the Commission on behalf of himself and Judge Olson. He thanked the Commission for supporting the funding in District Court, Clerk of Court, and Youth Probation. He requested that the Commission approve the budget as proposed and supports the creation of the Community Corrections fund and Treatment Court fund to provide services which can assist in resolving some concerns with the detention center.

Alcohol and Drug Services Director Roger Curtiss stated support for full funding by floating mill levy to assist in the funding of community corrections and treatment court.

County Coroner Duncan MacNab thanked the Commission for the proposed budget, urged the Commission to adopt the proposed budget and stated that there was no absolute guarantee that he could generate the total amount of revenue he anticipated.

Jennifer Hansen, 991 Director, explained her need of staffing and funding of 911 operations. She stated that more growth has required the need for a staff of 18 and requested the Commission revisit her request for an additional 2.5 staff. She urged the Commission to utilize the full amount of the floating mill.

Sue Shockley, representing Fair Board, thanked the Commission for funding the fairgrounds and explained that they are working diligently to generate more revenue in order to get off the tax rolls as planned by the Commission. She requested the Commission increase the Fairground budget by \$11,000 which is generated by revenue that has been received that was not anticipated in the proposed budget.

Stephanie Nelson, Gallatin City/County Health Officer, thanked the Commission for funding the public health, environmental health, and LWQD budgets. She voiced concern that these budgets were very frugal budgets and was not sure how the Gallatin City/County Health Department can continue providing all of the services without additional funding. She supports utilization of the floating mills.

Carolyn Robinson, Chairman of the Community Corrections Board, stated the need for financial support and encouraged the full utilization of Senate Bill 184.

Marvin Feddes, Community Corrections Board member, recommend that that the Commission needs to consider having a program director for Community Corrections. Commission Olson stated that he received a phone call from Sam Hofman stating his desire to attend this meeting however if the weather permitted he would be combining grain.

Sheriff Bill Slaughter stated his priority regarding public safety is to provide services to our growing population. He stated that the level and demand of emergency services are up in the sheriff's department, the 911 center needs to be fully staffed, the community corrections program needs to be funded, juvenile transports and mental transports will continue to increase, and the needs are due to growth. Sheriff Slaughter requests the Commission take a second look at his budget requesting an increase of \$34,000 in order to balance last years expenditures. He stated that he would be willing to give that up if the Commission will make the link between the Sheriff Department, the public, and 911. Sheriff Slaughter supports the utilization of the floating mill.

Private Attorney Chuck Watson encouraged the support and funding of the treatment court.

Victim Witness Program Director Gloria Edwards encouraged the support of the victim witness program and remodel. Crimestoppers is considering funding a portion of the remodel. The City of Bozeman is funding \$7,840, and Ms Edwards would like to know how much the County will fund. She concluded by stating how important it is in law enforcement and 911 to provide these services to the victims and the growth increases the needs.

County Treasurer Jeff Krauss thanked the Commission for listening to his requests on his budget and stated concerns with growth and ability or lack thereof to supply services such as registering vehicles in West Yellowstone, expanding hours in the Motor Vehicle, and postponement of hiring a delinquent tax collector for one year. Mr. Krauss reported that he did an anecdotal study of 15 tax bills and 15 parcels. He looked at older property and newer property and what their market value was in 1998, what it would be in 1999, 2000, 2001, and 2002 and how Senate Bill 184 would impact them. He summarized that in every case of the 15 except for the vacant lot taxes would go down this first year in 1999 with the 16% homestead even though some of the reappraisals will go up overall, over the four years as much as 73%, and that's an older home in town and the appraisal is going up 73% for this year. Even adding 10 mills to last year's mill levy their taxes will go down \$20. In Mr. Krauss' calculations, the additional 10 mills is an estimate for utilization of floating mills. In summary, using the 15 properties, taxable values will decrease between last year and this year by 11%. Fiscal Officer Ed Blackman added that these calculations do not include any tax increases voted on in the school districts last April. Mr. Krauss stated that by adding 10 mills to last year's levies he was trying to address what the floating mill would be for the City of Bozeman and the County. He stated that starting January 1, 2000, there will be a 30% reduction on property taxes for motor vehicles. Mr. Blackman stated that the loss of revenue to the general fund is estimated to be approximately \$55,000 reduction this year and go to approximately a \$110,000 reduction next year. Commercial property will most likely see a tax increase based on taxable values and agricultural property does not receive a homestead exemption however they will receive a reduction for personal property used for business. Mr. Krauss encouraged the Commission to utilize the floating mill.

DES Coordinator and 911 A Board Chairman Aaron Holtz advocates the utilization of the floating mill to assist with the needs of today and to take care of the needs of tomorrow. He stated the following examples: the City of Bozeman who did not levy full mills one year and due to legislative action were frozen at a lower levy than if they had imposed full levies; if 911 center is not properly staffed the ISO ratings of Bozeman Fire Department and many county fire departments may be effected. He encourages the Commission to fund the floating mills.

Lee Copenhagen, Community Corrections Board member, stated the importance of funding the sheriff, 911, victim witness, and encouraged the Commission to support the Treatment Court program and Community Corrections.

During board discussion the Commissioners individually thanked everyone for their input and comments. Commissioner Murdock stated that he has not heard anything new that would change his mind from imposing the floating mill and the budget they have worked on is complete and they have funded at a level that will keep public services without raising taxpayers taxes.

Commissioner Mitchell stated that the Commission had funded Community Corrections, Treatment Court, and the Open Lands Board, prior to considering the floating mill levy, as these are long term programs that will benefit other departments in the long run and cut the County's costs. The Commission started the budget process funding everything at last year's levels, without previous one time expenses. They also funded raises for all department heads and county employees, plus the three new programs, all of the Courthouse remodel work and other projects. All the basics were covered and still there was money left over without using the floating mill. No services were cut or employees laid off. Commissioner Mitchell believes the Commission has not finished their discussions on the allocations of these additional moneys and department requests.

Commissioner Olson stated that community corrections, treatment court, and victim witness programs are essential to our community and we can't let them fail. The need for rehabilitation will result in productive citizens. Commissioner Olson stated that in the planning of the budget he was in favor of the floating mill because of the stress on the budget he anticipated that they would need the extra money. He has thought about the legislature who cut back on the taxes that will be collected through Senate Bill 184. If the Commission does not utilize the floating mill then the citizens will only pay what the

legislature has enacted. If the Commission utilized the floating mill, the Commission will be increasing taxes even though most people would be paying less than they did last year. They would be paying more than what the legislature enacted. Commissioner Olson is re-thinking using the floating mill and wants to deliberate over the long term impacts before making a decision.

Commissioner Murdock explained that target level budgeting works for a few years, but what you put off when you have a county that grows with increased 911 calls, increased sheriff calls, employees who look at the private sector for better pay, a jail issue for more beds or community corrections or a combination with treatment courts, or reserves for new or remodeling of buildings is that target level budgeting does not fund these needs. Commissioner Murdock stated that he would not support cutting operations.

Commissioner Olson stated that he does not support cutting essential services.

Commissioner Mitchell stated that she believes that the legislature enacted Senate Bill 184 to encourage local governments to be better managers. New programs are being proposed that have not been fully analyzed, with better management, for example: new EOC/SAR building; E911 and records; Coroner's department; and Risk Management. If the Commission did that, she believes that the floating mill would not be needed this year or next year. None of these things have been funded prior to this. Commissioner Mitchell suggested a harder look at inside management and how we do business to see if there's a better way to provide these services rather than treating the taxpayer like they gave us an open checkbook.

Commissioner Olson stated that he could better swallow the tax cut that the legislature gave us if they gave themselves one. They took an increase and told us to tighten our belts. Commissioner Murdock concurred and added that it rings hollow when state agency spending increases and counties can take the bullet if they choose to use the floating mill. Commissioner Murdock closed by stating that the taxpayers are getting a good deal with most receiving a reduction of taxes and providing services at a satisfactory rate.

There being no further business the meeting was adjourned at 9:15 P.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 14TH DAY OF SEPTEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:07 a.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

SEPTEMBER 6, 1999

- The Commissioners conducted regular County business.

SEPTEMBER 7, 1999

- A special public meeting of the County Commissioners was called to order in the Community Room at 1:30 p.m. on September 7, 1999 by Commission Chairman Bill Murdock. Also in attendance were Commissioners Phil Olson and Jennifer Smith Mitchell; Personnel Officer Kathy Nowierski; Deputy County Attorney Chris Gray; Fiscal Officer Ed Blackman; County Attorney Marty Lambert; County Auditor Joyce Schmidt; Accountant for Clerk & Recorder Susan Lang; Superintendent of Schools' Secretary Linda Skelton; County Treasurer Jeff Krauss; Arletta Derleth of the Department of Revenue; Interim ITS supervisor and GIS Manager Allen Armstrong; Clerk & Recorder Shelley Vance; County Computer Programmer/Analyst Don Carlson; and Commission Secretary Pat Lewis.

Commissioner Murdock stated that the Commission had just received a memo from County Attorney Marty Lambert, regarding tax billing and financial software purchases being considered by Gallatin County. When asked to summarize his memo for those in attendance at the meeting, Mr. Lambert stated that the Commission has three options to consider as courses of action, in regard to software purchases:

1. Declare an exigency, and contract with CSA to rewrite/replace both the tax and financial software systems;
2. Given that CSA currently proposes to replace the Eden software for less than \$50,000, decide that CSA may do so as part of a second contract, which need not be bid pursuant to Section 7-5-2301, MCA; or
3. Invite bids on both the tax billing and financial software projects.

Based on these options, County Attorney Lambert recommends that the Commissioners invite bids on the tax billing and financial software packages for Gallatin County, because the total financial consideration for both packages combined could be \$104,000 for goods and services.

Allen Armstrong, the County's Interim Information Technology Services (ITS) Manager, reminded the group that the Commissioners have already voted to purchase software from CSA, due to an exigency declared regarding the taxation software. Marty Lambert responded that the exigency had not been declared for the financial software, only for the taxation software. The combined taxation and financial packages total \$104,000 for goods and services, which necessitates meeting RFP requirements. Deputy County Attorney Chris Gray stated that the fastest possible, aggressive timeline for the RFP process would take about one month, including RFPs and contract finalization.

Treasurer Jeff Krauss responded that, according to this timeline, tax bills couldn't be done until December 1999. He asked the County Attorney whether we should just go ahead with the taxation software purchase and installation, and take the risk. Marty Lambert responded no, and reiterated that taking that risk is not advisable. The Treasurer repeated his concern that this delay could severely impact taxation deadlines. Marty Lambert stated that the Treasurer's concerns should be included in the minutes of the July 28 public meeting, when the Resolution regarding the exigency was adopted by the Commission. Commissioner Olson added that a lack of information regarding which companies could meet the County's requirements was what originally led to the exigency. If the software committee had provided information to the Commissioner regarding other companies which could meet the software requirements, the Commissioners would have considered them. County Attorney Lambert reminded the group again that what is really being discussed is one contract, not two.

Commissioner Murdock questioned County Attorney Lambert as to whether the Resolution regarding Exigency is still standing, and whether the County can still procure CSA software. Mr. Lambert responded yes. Treasurer Krauss added that it would be a stand-alone, partial solution. Treasurer's Office could do tax bills, but nothing more. A CSA package would have to include more. The ITS Department would have to integrate the two softwares and create the interface between them. The current estimate for the taxation package, according to Fiscal Officer Ed Blackman, is \$46,000 for goods and services. It's possible that this could go higher than \$50,000, which would require the RFP process.

Discussion followed regarding what the worst-case scenario would be if we proceeded with the RFP process. The Treasurer stated that the tax bills would go out late, and that the County would possibly have to dip into other funds, such as Airport Authority and Schools money. Reserves would be intact until February 2000. If the tax bills were to go out in December, lack of tax revenue in January could present another emergency.

Don Carlson, a Computer Programmer/Analyst for Gallatin County, stated that CSA's schedule could present problems to other potential bidders. He then asked if the RFP could be specific as to a schedule. Deputy County Attorney Chris Gray responded that the RFP would have to be fair and not pre-ordained, e.g., for schedule requirements. County Attorney Lambert repeated that he advises against declaring an exigency for both Taxation and Finance. Don Carlson replied that the County will not be able to implement a "stand alone" package. Marty Lambert repeated his opinion that a total package of \$104,000 for goods and services requires the RFP process.

Allen Armstrong stated that, in his opinion, the county should go forward with CSA, and that the timelines established for the implementation of software would work well. He asked the County Attorney if this was defensible legally. Mr. Lambert responded there could be exposure.

Commissioner Murdock directed a question to Treasurer Krauss, as to how the County could send out tax bills and process incoming revenue in Mr. Armstrong's recommended scenario. The Treasurer responded that we can't collect the money if we don't know where it's going to be receipted.

Arletta Derleth asked Mr. Lambert if an RFP could include a specific date of implementation. Mr. Lambert replied that yes, it could. Ms. Derleth stated her concern that, even if the RFP stated a logical timeframe, it could still present the possibility of a financial shortfall to the County. Mr. Lambert responded by saying that the language of the RFP would have to be very specific. Ms. Derleth stated that the software purchase would be a long-term solution to an ongoing process, and that the RFP might not slow down the process that much.

Don Carlson stated that he has already spent time with CSA working on conversion. Arletta Derleth responded that the timeframes established with CSA would have to be looked at, and an RFP would have to incorporate similar timeframes.

Treasurer Jeff Krauss said that his office cannot currently register warrants, other than manually. He recommended again that we continue with the tax billing software conversion to CSA, and do an RFP only for the second, financial software program. Commissioner Murdock concurred.

A lengthy discussion followed between the Commissioners, Personnel Officer Kathy Nowierski, Treasurer Krauss, Allen Armstrong, Clerk & Recorder Vance, and Fiscal Officer Ed Blackman regarding the original task which was assigned to the County software committee. The committee was supposed to look at financial software packages. Allen Armstrong stated again that he thought the county should keep the tax billing conversion going with CSA, and RFP the financial software. The group concurred, except Marty Lambert. Shelley Vance questioned if the financial software RFP should include payroll. There was discussion about payroll being considered part of financials at certain times, but then not others (for example, payroll staff were not included when the financial group and ITS staff made recent site visits, nor in meetings to discuss their findings. In the current scenario, an integrated Human Resources/payroll package will not be considered as under the original RFP. Human Resources software will be purchased separately. Allen Armstrong agreed, and members of the group repeated that time is of the essence.

Marty Lambert stated again that this approach is not legally defensible, and that he recommends against it. Don Carlson stated that the exigency stated in the July 1999 resolution is the same exigency as now, and that the situation has deteriorated. The county cannot technically address the exigency requirements if not done in the form of a whole package, both taxation and financial. Marty Lambert concurred, adding that "one contract along" is what Mr. Carlson is saying. Chris Gray added that Gallatin County could be prevented, through an injunction, to continue proceeding to do business with CSA in the current arrangement.

Commissioner Mitchell asked Mr. Lambert whether we could prepare a timeline that would prove the exigency, and continue with CSA. Mr. Lambert responded, no. We need to proceed with the RFP process.

Treasurer Krauss suggested that his department do tax billing using the old system, and go ahead with an RFP, per the County Attorney's suggestion. It will slow the billing down by one month, and the County would have cash on hand until February 2000. Personnel Officer Nowierski added that under the old system, in-house payroll program was to be Y2K compliant by the end of 1999. Don Carlson stated that he would rather stick with the old system, rather than proceeding with non-integrated system. The goal with CSA is a combined solution to our software problems.

Discussion followed regarding non-integrated versus stand-alone packages. Treasurer Krauss stated that if the County doesn't pursue integrated software packages, the alternative is that the County will have no money, and that we could run the risk of having County checks bounce. He added that the RFP should include tax billing requirements for Montana. We can use the old system to do tax bills, until the RFP process is final. Commissioner Murdock added that we could put the RFP process on

a fast track, and that we should include integrated software requirements in the language of the RFP. Mr. Krauss agreed, and said that if this requirement is included, it could possibly limit the number of bidders who respond.

Arletta Derleth stressed the fact that staff would have to be provided to do tax billing using the old system. Commissioner Olson asked Don Carlson if the ITS Department could do tax billing with Legacy, the old system. Mr. Carlson responded yes, that it could be managed, and that more staff would be needed to manage this, because it would have to be done in conjunction with Y2K compliance implementation for payroll.

Commissioner Mitchell asked the County Attorney if this would make the exigency null and void. Mr. Lambert responded no. We will have to open up the bidding process to companies who might be qualified to meet our software requirements. Kathy Nowierski asked if the RFP would be for tax billing and financial software, including payroll. Commissioner Murdock responded, yes.

Commissioner Murdock made a motion to direct Allen Armstrong to prepare an expedited RFP, including taxation and financial software. The taxation software would have to meet Montana and Gallatin County requirements for collection procedures; and the financial software would have to include payroll, but not human resources. Neither Commissioner Olson nor Commissioner Mitchell would second the motion. Discussion followed.

Commissioner Olson asked the County Attorney if the county would thereby be nullifying the existing contract with CSA. The County Attorney replied, yes. Fiscal Officer Ed Blackman stated it was important to add in the RFP that the taxation software package should already be in operation in a Montana county. Don Carlson said it was important that anything impacting funds should be included in an integrated package. Marty Lambert said the Commission's motion should include the fact that 1999 real estate and mobile home tax billing be done until the new software is in place. Ms. Derleth said that the RFP should include realistic timelines.

Commissioner Olson made a motion to nullify the CSA contract; continue taxation, financial and payroll with the County's current, in-house program, to be made Y2K compliant; and to direct Allen Armstrong, Interim ITS Supervisor, to do an RFP for a taxation, financial and payroll software package, currently operational in Montana counties, and capable of handling taxation, financial and payroll for Gallatin County. Commissioner Mitchell seconded the motion. Discussion followed.

Commissioner Murdock stated that, finding that the exigency is worse, his voting is based on legal advice only. In his opinion, the exigency just got worse. Commissioner Olson stated that, if the County Attorney advises that this is the best legal way to proceed, that this is how they should proceed. Commissioner Mitchell said that, in her opinion, the exigency just got three times worse, and she is concerned about nullifying the contract with CSA. She said she will vote in protest against the motion, because she's concerned about the current system, and the county is in dire straits. She asked if the County Attorney could find that we can reverse this, and he replied, no. This is legal advice in a pending legal case. Commissioners Olson and Murdock voted in favor of the motion, and Commissioner Mitchell voted in opposition.

Allen Armstrong asked Mr. Lambert if the County is prevented from entering into a contract with CSA until the RFP goes out. Mr. Lambert responded that he would strongly advise against that.

The Commissioners stated that whatever the ITS department needs to do the job, those needs should be conveyed to the Commission. Mr. Armstrong said that's why he asked the question regarding possibly doing contracted work with CSA. Mr. Lambert repeated, no. He would strongly advise against it.

Arletta Derleth requested that the Commission write a letter of explanation to the Dept. of Revenue, requesting assistance from her office, specifically Arletta's assistance. Commissioner Murdock said the Commission would look into that.

Superintendent of Schools' secretary Linda Skelton said that projected budgets need to be explained to the schools. Delayed tax billing presents a problem for schools. Who will make it up to them?

Marty Lambert responded that this question needs to be researched.

The meeting adjourned at 3:10 p.m.

SEPTEMBER 8, 1999

- A special meeting of the Commissioners was called to order at 3:40 p.m., for the purpose of approving claims. Present were Commissioners Murdock and Mitchell; County Auditor Joyce Schmidt, and Executive Secretary Pat Lewis.

The last run of August, 1999 claims and hand-issued warrants were discussed, as well as a process for claims approval and payment of claims which would be different from that previously followed. Commissioner Mitchell moved to approve payment of claims in August 31, 1999 batches 1-6; Commissioner Murdock seconded the motion, with the additional language that he does so based on the recommendation of Gallatin County Auditor Joyce Schmidt and Fiscal Officer Ed Blackman. Both Commissioners voted in favor of the motion; motion carried.

The Commissioners made a decision to put the approval of claims on their regular, weekly public meeting agenda. This will appear as a "consent" item, beginning with the September 14, 1999 public meeting.

Commissioner Mitchell then made a motion to approve purchase orders and claims as follows: Purchase order numbers 54254, 53456, 55529 through 55534-01, 58369, and 58433. Commissioner Murdock seconded the motion, and both Commissioners voted in favor of the motion. Motion carried, and the meeting was adjourned.

SEPTEMBER 9-10, 1999

- The Commissioners conducted regular County business.

SEPTEMBER 10, 1999

* * * * *

- Landfill Receipts for August 1999: \$144,374.84.
- A101's for August 1999: \$22,963.13.
- Payroll for August 1999: \$950,474.43.
- Clerk & Recorder's Fees Collected for August 1999: \$40,148.75.
- New Hire Report for August 1999: REST HOME – Angela Curtis, Shannon Nelson, Heidi Lee, Jeff Hudspeth, Betty Ann Brainard, Adrienne McLaughlin, Wendy Jablonski; TREASURER – Liane Bennett; CLERK AND RECORDER – Brenda Morris; ITS (DP) – Don Carlson; CLERK OF COURT – Margaret Livingston; ROAD – Ross Hoffer; DETENTION CENTER – Carla Timm; SUPERINTENDENT OF SCHOOLS – Barbara Chamberlain; FAIRGROUNDS – Lucas Waterland, Luigi Mostefa, Michael Badolato, Loren Perkins.
- Terminated Employees' Report for August 1999: FAIRGROUNDS – Phillip Noreen 8/11/99, Tammy Andersen 8/1/99, Luigi Mostefa 8/2/99, Loren Perkins 8/1/99, Lucas Waterland 8/4/99, Donna Morgan 8/5/99, Austin Beard 8/9/99; Mike Badolato 8/13/99; MOTOR VEHICLE – Pauline Lucas 7/30/99; HEALTH – Cheryl Asay 7/22/99; CLERK & RECORDER – Jenny Connelley 8/3/99; REST HOME – Janice Welsh 7/30/99, Teresa Vela 7/29/99, Wendy Skinner 8/6/99, Kara O'Conner 7/29/99, Leslie Myhre 7/27/99, Jessica Burnett 7/31/99, Mindy Backus 8/13/99, Vicky Kucharski 8/15/99, Hillary Ostermiller 8/20/99, Russ Meredith 8/19/99, Courtney Holmquist 8/17/99, Jennifer Amestoy 8/19/99, Linda Adams 8/16/99, Heidi Lee 8/10/99; WEED – Brian DeMartin; DISTRICT COURT #1 – Fred Snodgrass; ROAD – John Luce 8/10/99; DETENTION CENTER – Carla Timm 8/10/99, Brandi Prosser 8/14/99; SHERIFF – Matthew Timm 8/13/99, Kevin Jones 8/28/99, Joanna Schendel 8/13/99; 911 – Brian Boehm 8/23/99.
- Approval of Claims for August 1999: \$963,756.15.

The following items were on the consent agenda:

- Minutes
- Approval of claims.

- A request for a boundary relocation exemption for Raymond & Carolyn Tatarka and William & Margaret Tatarka located in Section 28, T1S, R5E, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- A request for a family transfer exemption for Gary Thompson located in the SW¼ of Section 29 and the NW¼ of Section 32, T1N, R5E, P.M.M., Gallatin County, Montana presented by Belgrade City-County Planner Jason Karp.
- A request for a second reduction in improvements agreement letter of credit for Morrison-Maierle, for Lone Moose Meadows Minor Subdivision No. 1 presented by Gallatin County Planning Department.
- The following contracts were reviewed and considered: MDOT for child safety seat education; Stringer Business Systems for purchase of reader printer; Sure-Way Systems, Inc., District Court #1 Public Defenders William A. Bartlett, Brock Albin, R. Stan Peeler, and Thomas I. Sabo; District Court #2 Guardian Ad Litem Todd R. Hillier; Letter of Agreement with Knaub and Co.

There were no minutes. Fiscal Officer Ed Blackman asked for an explanation of the Letter of Agreement with Knaub and Co. Deputy County Attorney Chris Gray explained that it is a continuation of an existing agreement. Commissioner Murdock asked that the approval of claims be pulled and placed on the regular agenda for discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Auditor Joyce Schmidt reported on the approval of claims. Mrs. Schmidt explained that until now the claims have been approved under a different manner, but now will come before the Commission for approval after the Fiscal Officer and County Auditor have approved them. Mrs. Schmidt also reinforced to the public that all claims and audits showing where County money is spent is open to the public. Commissioner Mitchell moved to approve claim request PO# 47882 for \$140.00 and PO# 47883 for \$145.00 from September 10, 1999 through September 13, 1999. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Olson read the status of the Clarkston Fire Service Area Board. The terms for Kai Anderson and David Cook have expired. Both of these board members have reapplied for the positions. Two other applications were received from Ellen Palmer and Phyllis Bratten. The positions are each three year terms. There was no public comment. Commissioner Olson moved to approve the applications from Kai Anderson and David Cook, finding that they both served short terms and should be allowed to continue in this capacity. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance presented the petition to create 4 Dot Meadows County Sewer District located in Sections 28 and 29, T1N, R4E, Gallatin County, Montana, for public hearing, and entered into record that notice of this public hearing was published on August 29 and September 5 in the Bozeman Daily Chronicle. Mrs. Vance reported that no protests have been received and the petition is specifically for the creation for a sewer district. Chief Deputy County Attorney Susan Swimley sent Mrs. Vance a memo detailing the process that needs to take place. The Commission must consider accepting the report of the Clerk and Recorder regarding any written protests, accept public testimony, determine whether or not the petition complies with the requirements of the law, make any changes to the proposed boundaries which are considered advisable, establish the boundaries, and request the Clerk and Recorder as Election Administrator arrange for an election to create the district. Mark Chandler of C&H Engineering stated that he has been working with 4 Dot, LLC on this project. He reported that due to system configuration and complexity, the DEQ required that the sewer district be created prior to their approval. Once documentation of notice of election is given to them, they will approve the system. Commissioner Murdock asked Mrs. Vance if the petition complies with the requirements, sets forth the proposed boundaries of the district and prays for the district and she assured him that it does. It was determined that there is no reason to change the proposed boundaries. Commissioner Olson moved to establish the boundaries prescribed in the petition. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Discussion took place regarding whether or not to hold the election to create the sewer district and appoint board members simultaneously. Mr. Chandler stated support for combining the elections. Mrs. Vance cautioned the Commission that holding the two elections at the same time would, by law, require the election to be held at a later date. However, if only the election to create the district is held, it can be done on November 2, 1999. It was her understanding that the petitioners desired to have the election done as soon as possible. Mr. Chandler agreed that holding the election to create on November 2 would be the best option for the petitioners. Commissioner Mitchell moved to direct the Clerk and Recorder as Election Administrator to arrange for

an election on November 2, 1999 to create the 4 Dot Meadows County Sewer District. Seconded by Commissioner Olson. None voting nay. Motion carried.

Carolyn Robinson, chairman of the Community Corrections Board presented a proposal for a community justice program for Gallatin County. The Board has been in existence for one year. Their mission is to encourage the development of local corrections programs and facilities that will reduce the impact of crime in our community, reduce the use of jail space for offenders, and reduce court commitments to the State prison. In particular, the Corrections Board aims to encourage and foster restorative justice practices that repair the harm and injury to victims, communities, and offenders that result from crime. The first year was primarily devoted to seeking community input and holding public discussions on the types of local corrections programs that would best meet the Board's overall vision. The Board is now prepared to seek grant funds to develop and administer the program. The Community Justice Program will be an alternative sentencing program for misdemeanants in Gallatin County Justice Court. Support of this program has been received from local judges, the County Attorney, County Sheriff, among others. Ms. Robinson offered her appreciation to the Commission for including matching funds for the program in their preliminary budget. The Board also hopes that in the future they will be able to expand the program to include felonies. Commissioner Olson offered his support for the program and encouraged the Board to continue to widen their vision. Ms. Robinson pointed out that the vision starts narrow in order to establish a positive history on which to build, but it will grow with time. Commissioner Mitchell also expressed her support for the program and their vision. Commissioner Murdock pointed out that the Board has certain qualifications and concerns which they have done well in dealing with. Commissioner Murdock asked Ms. Robinson to comment on the Boards work with the State Department. She explained that the Board has a Memorandum of Understanding with the State and they are providing technical assistance and equipment. Ms. Robinson pointed out that this is the first Board of this type in the State and they hope to be a model for other communities. Commissioner Olson moved to accept the proposal submitted by the Community Corrections Board for a Community Justice Program for Gallatin County. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on the consideration of a Memorandum of Understanding between Gallatin County and the Big Sky Resort Area District for collection of taxes due and owing prior to April 7, 1998. There have been three changes made to the Memorandum. The first change is that Madison County no longer wishes to be party to the agreement. The second change is a clarification to when and where the authority or shifting takes place from a legal perspective. The third change is an addition of a termination section allowing either party to terminate the agreement if a problem arises. This Memorandum is an affirmation of the law from the County Commission to the Big Sky Resort Area District regarding the district's authority to collect the past due taxes. Commissioner Olson questioned what liability this might pose for the County. Mr. Gray assured the Commission that this does not create any new liability or reduce any liability already in existence. He also stated that he has reviewed the law thoroughly and finds the Memorandum to be acceptable. There was no public comment. Commissioner Olson moved to adopt the Memorandum of Understanding, finding that the County Attorney has suggested it is in the best interest of the County. Seconded by Commissioner Mitchell who also found that the taxes should have been paid and the Memorandum lays out what taxes are to be paid. None voting nay. Motion carried.

At 9:52 Commissioner Murdock requested the public meeting recess until 10:15.

Gallatin County Treasurer Jeff Krauss reported on the continuation of the review of the quarterly securities report. The report included a verification of bank balance from Norwest Bank Minneapolis, secured by two FNMA securities. Mr. Krauss read into record the following report:

CASH ON HAND AT THE CLOSE OF BUSINESS -
June 30, 1999

STATE OF MONTANA)ss.
County of Gallatin)

I, Jeff Krauss, County Treasurer of Gallatin County, State of Montana, upon
oath depose and say:

That, at the close of business on June 30, 1999 there was on deposit to my credit in the
following banks, balances

296 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

as shown by the statements of cashiers of such banks herewith: that, from such balances, there should be deducted for checks outstanding, and added for deposits made, amounts as follows:

<u>BANKS</u>	<u>ACCOUNT NUMBER</u>	<u>BANK BALANCES</u>	<u>OUTSTANDING CHECKS</u>	<u>DEPOSITS</u>	<u>TREASURER'S BALANCES</u>
US Bank, Bozeman	4130018	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Norwest Bank, Bozeman Branch	712386	\$3,688,575.38	(\$97,067.93)	\$168,007.55	\$3,759,515.00
	20491	\$0.00	\$0.00	\$0.00	\$0.00
	315503	\$0.00	(\$519,619.68)	\$92,225.69	(\$427,393.99)
AMERICAN BANK	280102436	\$48,850.40	\$0.00	\$0.00	\$48,850.40
VALLEY BANK OF BELGRADE	108103	\$29,867.24	\$0.00	\$14.31	\$29,881.55
MANHATTAN STATE BANK	4100013	\$10,937.05	\$0.00	(\$3,418.00)	\$7,519.05
SECURITY BANK, THREE FORKS	5200116	\$2,223.20	\$0.00	\$0.00	\$2,223.20
FIRST SECURITY BANK, WY	700351	\$3,563.98	\$0.00	(\$200.00)	\$3,363.98
BIG SKY WESTERN BANK FISCAL AGENT	101710 N/A	\$42,462.94 \$100.00	\$0.00 \$0.00	(\$273.00) \$0.00	\$42,189.94 \$100.00
		<hr/>	<hr/>	<hr/>	<hr/>
		\$3,827,580.19	(\$616,687.61)	\$256,356.55	\$3,467,249.13
			Cash		\$799,446.29
			School		\$15,405,684.12
			Investments		
			Airport Authority		\$6,868,622.03
			County and Pooled Investments		\$22,434,001.70
			TOTAL Cash on Hand		<hr/> \$48,975,003.27

Mr. Krauss explained that Valley Bank of Belgrade maintains an account for Belgrade School District, Manhattan State Bank maintains accounts for Manhattan School District and the Logan Landfill, Security Bank of Three Forks maintains accounts for Three Forks School District and Willow Creek School District, First Security Bank in West Yellowstone maintains accounts for West Yellowstone School District, and West Yellowstone T.V. District, Big Sky Western Bank in Big Sky maintains accounts for Ophir School and Gallatin Canyon Consolidated Fire District. Commissioner Olson moved to accept the Treasurers quarterly securities report. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 10:29 A.M.

Unavailable For Signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING TUESDAY THE 21ST DAY OF SEPTEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:00 a.m. at City Hall in Belgrade, Montana. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

SEPTEMBER 13-16, 1999

- The Commissioners conducted regular County business.

SEPTEMBER 17, 1999

- A special meeting of the three Commissioners was held to hear a proposal from Con Malee of Energy West. Mr. Malee proposed that Energy West could give the County a 10% commodity discount on their electrical power bill, or a 5% off of the electric bill. The Commissioners unanimously agreed to proceed with a nine-month pilot program, understanding that it would be a 5% cost savings for the electric bill to the county and pending RFP requirements. The County understands that this is not a commitment yet, and the County reserves the right to withdraw from this matter if and when the pilot project is finalized.

A regularly scheduled meeting between the Commissioners and Grant Administrator Larry Watson was held to discuss numerous grant issues. In attendance were Commissioner Olson, Murdock, and Mitchell, Fiscal Officer Ed Blackman, and Grants Administrator Larry Watson. Commissioner Olson made a motion to approve CTEP (for the Courthouse) change order #3 in the amount of \$23,105. Commissioner Mitchell seconded the motion. Motion passed unanimously.

The following items were on the consent agenda:

- Minutes
- Approval of claims of PO #55524-02 for \$24,336.91 and the regular run dated 9-20-99: Batch 1 for \$29,876.22, Batch 2 for \$24,274.37, Batch 3 for \$306,389.23, Batch 4 for \$78,133.84, Batch 5 for \$39,278.44, and Batch 6 for \$321,071.54.
- A request for partial release of funds in improvements agreement for the Ramshorn Major Subdivision Phase 1 located in Section 8, T7S, R4E, Gallatin County, Montana presented by Gallatin County Planner Jennifer Madgic.
- A request for release of funds in improvements agreement for the Ramshorn Major Subdivision Phase 2 located in Section 8, T7S, R4E, Gallatin County, Montana presented by Gallatin County Planner Jennifer Madgic.
- A request for a boundary relocation exemption for Dee and Loret Mast located in Section 35, T1S, R6E, Gallatin County, Montana presented by Gallatin County Planner Jennifer Madgic.
- A request for a boundary relocation exemption for Eva and Duncan Patten located in Section 29, T2S, R6E, Gallatin County, Montana presented by Gallatin County Planner Jennifer Madgic.
- A request for a one-year extension of preliminary plat approval of the Star Mobile Home Park Expansion located in Section 14, T1S, R4E, Gallatin County, Montana presented by Belgrade City-County Planner Jason Karp.

There were no minutes. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on the consideration of a resolution adopting the Belgrade Area Plan 1999. On May 19, 1999 the Belgrade City-County Planning Board conducted a public hearing to recommend the Belgrade Area Plan 1999 to the Belgrade City Council and the Gallatin County Commission. On September 7, 1999 the Commission reviewed a resolution of intention to adopt the Belgrade Area Plan and voted to approve Resolution 1999-56. The Belgrade City Council adopted a similar resolution. On September 20, 1999 the Belgrade City Council voted to adopt the Belgrade Area Plan. The Plan is made up of an introduction, mission statement, primary goal, and chapters involving land and resource use, agriculture, business and industry, housing, circulation, parks and recreation, public facilities and service, water quality and availability, and the airport influence area. The Plan also includes a future land use map which details in color the zoned areas and density plan for the area. According to the law, the Master Plan has to be adopted and updated by the year 2001, and will eventually be considered a "Growth Policy." Mr. Karp pointed out that the Planning Department attempted to include language that would address the concerns brought up by Mr. Jim Paugh at the September 7th meeting regarding irrigation and water rights, and offered to include more if necessary. Chief Deputy County Attorney Susan Swimley pointed out that irrigation is a County issue and that

changing the wording of the Plan now would require the Belgrade City Council to revisit the adoption of the Plan. She also stated that this is an issue better suited in subdivision regulations, not the general master plan. Public comment was heard from Jim Paugh and Russ Estes. Mr. Paugh entered a letter into the record and read it to the Commission. The letter addressed concerns over irrigation ditches, water rights and the fact that people often have to pay for water that they are not able or allowed to use. He stated that water rights are private property and need to be protected as such. He asked that the Commission place House Bill 205, which was adopted by the 1999 Legislature, into the Plan in order to protect the rights of land owners and inform buyers of their rights regarding the water that may be on or near their property. Russ Estes of Belgrade Commercial Park addressed concerns regarding industrial, commercial, and light manufacturing land use and the designation of land for these types of businesses. Mr. Karp responded that the Master Plan is not a zoning ordinance which can determine where various businesses can be placed, but that it does address this issue by stating that certain types of businesses must be compatible with adjacent areas or provide fencing or buffers to mitigate impact on the area. Commissioner Murdock stated that there are two triggers for enforcement of a master plan, one being a zoning ordinance and the second being a subdivision, neither of which apply to the area size mentioned by Mr. Estes. During board discussion, Commissioner Mitchell questioned Mr. Karp about the amount of public comment received regarding the Master Plan. Mr. Karp stated that there were three public hearings held in the last year, all of which were noticed in the High Country Independent Press and received front page publicity, however, there was very limited public response. Further discussion took place regarding the water issue and Mrs. Swimley recommended that a condition for subdivisions be added to make buyers aware of water rights and restrictions. Commissioner Murdock asked Mrs. Swimley and Mr. Karp to begin the process with the planning departments to include more detailed language regarding water issues into subdivision regulations and future planning policies. Commissioner Olson expressed concern that if the Commission approves the Master Plan before the water issue is resolved, it won't ever be taken care of. He stated that the Master Plan looks too vague and needs things clarified in detail so that issues are not left up to a matter of interpretation. Commissioner Mitchell acknowledged his concerns but stated that the Master Plan is a general concept rather than a detailed plan and that specifics need to be saved for the zoning and subdivision regulations. She stated that the Master Plan is a living and breathing document that reflects where the community wishes to go and for the Commission to dictate how they do that would be inappropriate. Commissioner Mitchell suggested the Planning Departments be given a deadline for including language on water rights in their plans to ensure this issue is addressed. Commissioner Murdock concurred that the water issue needs to be visited but stated his disapproval in holding up the process at this point by not approving the Belgrade Area Plan. The Commission asked the various planning boards to address House Bill 205 in their plans by July 1, 2000. Commissioner Mitchell moved to approve Resolution 1999-59 to adopt the Belgrade Area Plan 1999 with the caveat that the ditch easements and water rights will be added according to House Bill 205 by July 1, 2000 by the County Planning Board and Belgrade City-County Planning Board. Seconded by Commissioner Olson. Commissioner Olson stated that he would be voting against the resolution for the reasons he previously stated, also noting that he isn't opposed to the Master Plan but thinks that it needs to be better spelled out. Commissioners Mitchell and Murdock voted for Resolution 1999-59. Commissioner Olson voted nay. Motion carried.

- - - -

Fiscal Officer Ed Blackman reported on the consideration of a resolution establishing the Covering Children Grant Fund #2808. The City-County Health Department has a grant for \$50,000 from a private source. The resolution is a disposition of the funds and how they will be spent, and establishes an account for the creation of the fund for the current fiscal year with possible carry over into the following year. Commissioner Olson moved to approve resolution 1999-60, establishing the Covering Children Grant, Fund #2808 and setting the revenue and expense budgets for the Gallatin City-County Health Department. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Fiscal Officer Ed Blackman reported on the consideration of a resolution of intent to levy and assess a tax on rural improvement maintenance districts within Gallatin County. The resolution is the first step in the maintenance levy and assessments. This process, under statute, includes sending notice to all property owners and contract holders of every maintenance district in the County that a public hearing will be held on October 12 to hear public input on the changes and allow the public to make any comments regarding the changes to the Commission. The Commission will then make any necessary adjustments to the maintenance costs and finalize them. The maintenance costs were developed by the Morrison-Maierle Firm based on engineering information and prior expenses for each district. The resolution includes approximately 43 maintenance districts. Commissioner Murdock asked Mr. Blackman to explain to the public how the maintenance district costs can be determined without having the taxable values. Mr. Blackman explained that the cost is a fee based on the number of lots and square footage of the lots within each district, not on valuation. There was no public comment. Commissioner

Mitchell moved to approve Resolution 1999-61 a resolution of intent to levy and assess a tax on maintenance districts within Gallatin County, Montana. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Interim Information Technology Services Manager Allen Armstrong reported on the consideration of a resolution to adopt the competitive sealed proposal procedure for financial and taxation software and services. The competitive bidding process is not advantageous for this particular purchase because discussions regarding technical and price aspects need to take place, the proposals may need to be revised during the process, and the award must be based on a comparative evaluation, not only be a price consideration. A committee needs to be appointed to review the proposals once they are received and Mr. Armstrong suggested that the committee be comprised of himself, Don Carlson, Jeff Krauss, Susan Lang, Joyce Schmidt, Ed Blackman, and Kathy Nowierski. He explained that these are the people who use the software that will be purchased and know it best. He also stated that if the suggested people were not appointed, they would need to be involved in the process to draft the RFP. Deputy County Attorney Chris Gray reported to the Commission that this procedure has been done many times when the bidding process was not adequate. He also noted that the resolution also includes findings to rescind actions previously taken by the Commission. The Commission asked Mr. Armstrong if the tax billing would be done with the current software and he explained that the current tax billing would be done on the existing software and the new system would be implemented at the beginning of the year. This allows the exigency for the software to be rescinded but he reiterated that time is still crucial for completing the purchase of the new software. Mr. Gray asked that the Commission continue the resolution to a later time if the committee would not be appointed today. Commissioner Mitchell asked Mr. Armstrong if he would be willing to work with a committee with a broader prospective along with the assistance of the people that were previously involved, stating that attempting to have the elected officials and department heads with their own agendas on the committee was not successful. Mr. Armstrong agreed and stated he would abide with the wishes of the Commission. Commissioner Murdock suggested the committee consist of Mr. Armstrong, Don Carlson, Arletta Derleth, Stefeni Freese, and a Commissioner. A decision was made to continue action on the resolution until these people could be contacted to determine their willingness to sit on the committee. Mr. Gray stated that he would have a date set as soon as possible, giving allowance for the required 48 hours notice to be given. The resolution was then continued.

Gallatin County Planner John Shepard reported on the consideration of a resolution approving a variance request by Josh and Debby Greene located in Lot 13, Block 5, Meadow Village subdivision, in Section 36, T6S, R3E, PMM, Gallatin County, Montana, in the Gallatin Canyon/Big Sky Planning and Zoning District. The variance is from Section 11.5 of Gallatin Canyon/Big Sky zoning regulations to allow a 5 foot rear yard setback in the RSF11000 zone. The required public hearing was held September 9, 1999 jointly with the Planning and Zoning Commission and at that time the Gallatin Canyon/Big Sky Planning and Zoning Commission voted 5-0 to recommend the variance request be approved. Commissioner Olson moved to approve Resolution 1999-62, a variance request for Josh and Debby Greene, finding that it was approved by the Gallatin Canyon/Big Sky Planning and Zoning Commission 5-0 and does not jeopardize public health, safety, or general welfare. Seconded by Commission Mitchell. None voting nay. Motion carried.

Commissioner Murdock offered the public a chance to address the Commission on any issue. J.D. and Jack Ryan, Belgrade area residents, questioned the Commission about the donut area around Belgrade in relation to building permits and zoning. Commissioner Murdock explained that the map presented in the Belgrade Area Plan 1999 addresses the donut area in respect to the expectations the Planning Department has for future growth, however, there is not zoning in this area and building permits are not required there. Chief Deputy County Attorney Susan Swimley stated to the Ryans that the County as a whole has to agree in order to expand the area where building permits are required. She also explained to them that if they have concerns regarding this issue, they can come to the Commission, who is their representation for such issues. Commissioner Murdock assured the Ryans that the problems that occurred in the donut area in Bozeman would not happen in Belgrade because changes in the law. Jack Ryan expressed his dissatisfaction with the voting on such issues being done on a per person basis rather than a proportionate basis. The Commission thanked the Ryans for their comments.

There being no further business the meeting was adjourned at 10:27 A.M.

300 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Unavailable For
Signature
CHAIRMAN APPROVAL

Spelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 28TH DAY OF SEPTEMBER 1999

The meeting was called to order by Acting Chairman Phil Olson at 9:00 a.m. Also present were County Commissioner Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

SEPTEMBER 20, 1999

- The Commissioners conducted regular County business.

SEPTEMBER 21, 1999

- A special meeting of the Commissioners was held to discuss the Winter Use EIS draft response which was agreed to at the Livingston Cooperative Agencies meeting, September 15-17, 1999. In attendance were Commissioners Olson, Murdock, and Mitchell, and Executive Secretary Pat Lewis. Commissioner Olson moved to approve the draft as modified. Commissioner Mitchell seconded the motion. Motion passed unanimously.

SEPTEMBER 22, 1999

- A special meeting of the Commissioners was called to order for the purpose of consideration of approval of contracts. In attendance were the three Commissioners, Deputy County Attorney Chris Gray, and Executive Secretary Pat Lewis.

Commissioner Olson moved to approve the following contracts: Family Assessment Contract; Contract with MSU Extension Service; Contract With the Montana Board of Crime Control for the Victim/Witness Program; Operation Freedom From Fear Grant; Counter-Offer of Contract with Intermountain Administrators; Contract with Argus Security; and Contract with Evercom Communications.

Commissioner Mitchell seconded the motion; all Commissioners voted in favor of the motion; motion carried; meeting adjourned.

SEPTEMBER 23, 1999

A special meeting of the Commissioners was held to consider an EPA Composting grant application. In attendance were Commissioners Murdock and Mitchell, and Grant Administrator Larry Watson. Mr. Watson explained to the Commissioners that this is a request for an EPA Sustainability Development Challenge Grant for maximum funding available in the amount of \$250,000, requiring a 20% cash match to also be provided by the West Yellowstone Refuse District. Commissioner Mitchell made a motion to sponsor the grant request. Commissioner Murdock seconded the motion. Motion passed unanimously with a vote of two to zero.

- A public meeting was held on the consideration of a resolution to adopt the competitive sealed proposal procedure for financial and taxation software and services. The meeting was called to order at 3:50 p.m. by Chairman Bill Murdock. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Chris Gray, Auditor Joyce Schmidt, Interim Information Technology Services Manager Allen Armstrong, Chief Deputy Clerk and Recorder Eric Semerad, Fiscal Officer Ed Blackman, Superintendent Jill Richards, Sheriff Bill Slaughter, Rob Christie, Stephanie Nelson, Sue Shockley and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board. Attorney Chris Gray gave an overview of the resolution which was presented at the September 21 meeting. The resolution was continued in order to consult potential committee members on their willingness to sit on the board. Commissioner Olson asked Mr. Gray if this was the best way to proceed with the process to obtain the software. Mr. Gray stated that this is the legally valid way to proceed. Commissioner

Murdock asked for public comment and Auditor Joyce Schmidt asked who was being appointed to sit on the committee as procurement representatives in the RFP process. Commissioner Murdock listed Allen Armstrong, Don Carlson, Arletta Derleth, Stefeni Freese and himself as the committee members being appointed, adding that it will be the intent of the committee to work with all of the users of the system in the decision process. For the record Mrs. Schmidt expressed her anger with comments that were made at the September 21 meeting that she felt reflected badly on the members of the original committee. Commissioners Murdock and Mitchell defended their statements, explaining that their intention was to fault themselves for not providing leadership the first time, not criticize the committee. There was no further public comment. Commissioner Mitchell moved to approve Resolution 1999-63 adopting the competitive sealed proposal procedure for Gallatin County Financial and Taxation Software. Seconded by Commissioner Olson. None voting nay. Motion carried. The meeting was closed at 3:58 P.M.

SEPTEMBER 24, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes for the weeks of July 27, 1999 and August 3, 1999.
- Approval of Claims for PO #55534-04 for \$8522.40, PO #54279 for \$175.00, and for PO #59221 for \$7462.00.

Commissioner Mitchell moved to approve the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

Consideration of applications to the following boards: Manhattan Rural Fire District and West Yellowstone TV District. Currently there is one vacancy on the board for Manhattan Rural Fire District due to the resignation of Doris Ruf. One application was received for this position from Andy Martin Douma. Commissioner Mitchell moved to approve the application of Andy Martin Douma for a board appointment to the Manhattan Rural Fire District. Seconded by Commissioner Olson. None voting nay. Motion carried. Currently there are two terms available on the West Yellowstone TV District. The two people whose terms expired were Ken Davis and Robert Altman, and both have reapplied for the positions. No other applications have been received. Commissioner Olson moved to approve the applications for Ken Davis and Robert Altman. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the consideration of a resolution establishing the daily rate of incarceration at the Gallatin County Detention Center. The resolution is a yearly process the County goes through where by the auditor calculates the cost per bed based on the expenses at the detention center divided by the number of beds used in the previous year. The resolution was modified once due to a capital expenditure on the control panel in the previous year. Commissioner Mitchell questioned Mr. Blackman about the mortgage for the Detention Center being paid off and its impact on the daily rate. Mr. Blackman explained that the information is based on depreciation, not on bond payments and the State specifically excludes all capital costs. There are two rates calculated, one for the State and one for the County, with the County calculation including capital costs and depreciation. Mr. Blackman explained that any entities outside of the cities in Gallatin County using the Detention facilities are required to pay the daily rate. Commissioner Mitchell moved to approve resolution 1999-64 establishing the daily rate of incarceration at the Gallatin County Detention Center for fiscal year 1999-2000. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Mitchell stated for the record that there is a need for applications for openings on the Board of Adjustments for the donut area. There are five openings and only three applications have been submitted so far.

There being no further business the meeting was adjourned at 9:16 A.M.

Unavailable For
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 12TH DAY OF OCTOBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:05 a.m. Also present were County Commissioners Phil Olson, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

SEPTEMBER 27, 1999

- A special meeting of the Commissioners was convened for the purpose of considering the following contracts: Public Defender Contracts for District Court No. 1 with Lucas Foust, Gordon Williams, Jennifer Bordy, and Christopher Williams. Present were Commissioners Olson and Mitchell, Grants Administrator Larry Watson, and Commissioners' Executive Secretary Pat Lewis. Commissioner Mitchell moved to approve the contracts; Commissioner Olson seconded the motion; both voted in favor of the motion; motion carried.

Second item of discussion was the fees modification agreement with Prugh and Lenon Architects. Larry Watson gave a brief explanation of the agreement, stating that the County should be reimbursed by CTEP funding, except for \$1,250 for snow melt tubing. Commissioner Mitchell moved to approve the agreement, in the amount of \$5,405.00; Commissioner Olson seconded the motion; both voted in favor; motion carried.

Third item of discussion was the Commissioners' decision on the County's "Statement of Qualifications" Review Committee. Commissioner Mitchell moved that the SOQ Review Committee be comprised of the following people: Larry Watson, Grants Administrator; Roy Steiner, Courthouse Phase II Project Manager; Facilities Director Bob Isdahl; Fiscal Officer Ed Blackman; and Fairgrounds Supervisor Sue Shockley; and that Deputy County Attorney Chris Gray would be the legal adviser to the group. Commissioner Olson seconded the motion; both voted in favor of the motion; motion carried.

SEPTEMBER 28, 1999

- Commissioners Olson and Mitchell conducted regular County business.

SEPTEMBER 29, 1999

- Commissioner Mitchell is on vacation from September 29 - October 17, 1999. She will return to the office on Monday, October 18, 1999.

SEPTEMBER 30 - OCTOBER 1, 1999

- Commissioner Olson conducted regular County business.

The following items were on the consent agenda:

- Minutes
- Approval of claims for PO #55534-06 for \$27,376.11, PO #58966 for \$35.35, PO #55551 for \$9706.20, PO #55552 for \$287.50, PO #59422 for \$200.00, and PO #55550 for \$277.90.
- A request for boundary relocation exemption for William Lansing & Robert DeHaan located in Sections 30, 31, and 32, T3N, R4E, presented by Gallatin County Planner Jennifer Madgic.
- Consideration of the following contract: Agreement for snow plowing services at the Rest Home and Law & Justice Center with Avalanche Snow Removal LLC.

There were no minutes. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance presented the public hearing on the consideration of a levy and assessment for maintenance on RIDs. She entered into the record the official notice of the intention to levy and assess a tax on maintaining the improvements within all rural improvement districts within Gallatin County which was mailed to the record owners and contract purchasers on September 24, 1999 and a display ad was published in the Bozeman Daily Chronicle on September 26 and October 3, 1999. Jack Schunke from Morrison and Mairele explained that Morrison and Mairele is

under contract with the County to assist in the administration of the RID maintenance program. Every year they inspect the sites, update the proposed maintenance within the county, and put together a proposed assessment schedule which is advertised and noticed to the residents. He expressed his gratitude for the help from the County staff and for the cooperation of the homeowners and their associations. Commissioner Murdock thanked Mr. Schunke for the great job being done by Morrison Mairele and Commissioner Olson concurred. Interim Road and Bridge Superintendent Dave Fowler stated that he wanted to compliment Morrison Mairele on a job well done on this project. Public comment was continued until the following week's meeting when a second public hearing will be held.

Gallatin County Clerk and Recorder Shelley Vance presented the petition to abandon a portion of Fir Street in the Northern Pacific Addition to Logan. The petition was received and notice of the public hearing was published in the Bozeman Daily Chronicle on October 3. Notice was mailed to all of the signers of the petition, landowners named on the petition, the individuals named in the petition that could be effected by the petition, the postmaster of the area, and the Public Lands Access Association on September 22, 1999. Mrs. Vance summarized the Viewing Committee Report explaining the committee found that the public park and Fir Street have been constructed 50 feet west of the platted locations. Constructed Fir Street is located in the platted public park, and buildings owned by the Rutledges and Whitneys are located on the platted Fir Street. No one will be land locked or denied access if the portion is abandoned, but the alley will become a dead end alley and if Fir Street is abandoned it will no longer be maintained by the County. If the Commission grants the abandonment of Fir Street, the viewing committee recommends that the Commission have an amended plat prepared and recorded so the public record is accurate. Deputy County Attorney Chris Gray noted that Chief Deputy County Attorney Susan Swimley instructed him that there is a procedure the Commission has to go through to amend the plat and the County Attorney's office typically assists with this. If the Commission decides to abandon the road, the matter needs to be deferred to the County Attorney's office to make further investigation and findings. Commissioner Olson asked about the effect this abandonment will have on other land owners. Mrs. Vance stated that this would be determined by the Commission and the County Attorney. Interim Road and Bridge Superintendent Dave Fowler reported that the park would loose fifty feet, and the park and road would no longer be maintained by the County. No detriment to the public was found. He stated that his personal opinion is that the land owners should be responsible for the cost incurred in the replatting of this land. Rene Whitney, landowner with a building on the portion in question stated that he felt that he and the Rutledges should pay for the costs of the transfer. Gary Rutledge, land owner with a building on the portion in question, concurred that he would be willing to share the costs of the re-platting. There was no further public comment. Commissioner Olson moved to approve the petition for the abandonment of Fir Street, placing the responsibility of the cost of the amended plat on the effected land owners and referring the matter to the County Attorney for further proceedings. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the consideration of a resolution of intent to budget additional property tax revenue and notice to exceed the Department of Revenues certified Millage. This is a process the Department of Revenue and State Legislature has put before the County whereby the Department of Revenue takes the current taxable valuation of all the property in the County, removes the new construction, and multiplies this by 95% to determine how many mills the County has to levy in order to generate the same dollar amount as the previous year. This is giving notice to the people that on October 19, 1999 they can come forward and request the Commissioners reconsider their decision to implement the utilization of the certified millage exceptions. Commissioner Olson moved to approve resolution 1999-65, a resolution of intent to budget additional property tax revenue and notice to exceed the Department of Revenues certified millage pursuant to 15-10-203 MCA. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on the consideration of a request for preliminary plat approval of the Bartz Minor subdivision located in Tract 3 of COS 444A in the SW¼ of Section 13, T1S, R4E, P.M.M., Gallatin County Montana. The subdivision was reviewed for the following criteria: Wildlife and wildlife habitat, public health and safety, local services, natural environment, agriculture, and agriculture water user facilities. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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 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 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 Owners Association shall be responsible for the maintenance of the interior access road. e. A Property Owners Association shall be established. f. Plans must be submitted to the State of Montana, Building Codes Division, and the Belgrade Rural Fire District for review and approval for all commercial structures. g. All structures must meet minimum 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. 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 impact fees and fire impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations. 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. The developer must obtain an encroachment permit from the Montana Department of Transportation for the interior access road's intersection with Jackrabbit Lane. 11. Road names shall be approved by the Road Office, and road name signs and STOP 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. 12. The interior access road shall be a sixty foot public easement meeting the requirements of Section 7-B(1-4) of the Gallatin County Subdivision Regulations, and shall be constructed to Gallatin County standards with a temporary cul-de-sac or "T" type turnaround at the west side of Lot 3. The first 75 feet of the access road off Jackrabbit Lane shall be paved to county standards and the road shall be named with road name approved by the Road Department. 13. All road work will need to be inspected and certified by a licensed engineer. The inspection and certification must be provided to the County Road Office in writing prior to final plat approval. 14. The final plat(s) shall show a no access strip for vehicles along all lots adjacent to Jackrabbit Lane except at MDOT approved road encroachments. 15. An NFPA compliant fill-site or other fire department approved water supply is required. If the developer chooses the Floss Flats fill site to provide water for fire protection, the developer shall be required to pay a proportionate reimbursement of the total construction cost of the fill site to the Belgrade City-County Planning Office which will reimburse the entity responsible for maintaining the fill site. 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. Rick Gusting of Survco spoke on behalf of the developer, stating that the developer agrees with all of the conditions. There was no public comment. Commissioner Olson asked Mr. Karp if the subdivision is consistent with the Belgrade Area Master Plan and if it is within the one mile zoning area. Mr. Karp assured him that it is consistent with the Master Plan and is not within the zoning area. Commissioner Olson moved to approve the Bartz Minor subdivision finding that it meets all of the subdivision requirements, complies with the Belgrade Area Master Plan, and will meet the requirements and conditions set forth by the planning department prior to final plat approval. Condition #5 was amended to combine "d" and "e" of the covenants into one statement labeled "d." Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

Belgrade City-County Planner Jason Karp reported on the consideration of a request for preliminary plat approval of the Royal K Minor subdivision located in Tract 2 of COS 1583 in the SE¼ of Section 4, T1S, R4E, P.M.M., Gallatin County Montana. The subdivision was reviewed for the following criteria: Wildlife and wildlife habitat, public health and safety, local services, natural environment, agriculture,

and agriculture water user facilities. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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 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 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 Homeowners Association shall be responsible for the maintenance of High K Road. e. A Homeowners Association shall be established. f. No more than two large animals (horses, cows, llamas) are permitted per 5 acres. g. There shall be a 50-foot rear yard setback on the north property line of Lots 1 and 2 where no buildings are allowed to be located. h. No lot owner may remove water or cause to be removed water from irrigation ditches without deeded water rights. 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 Impact fees and Fire Impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations. 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. The developer must obtain an encroachment permits from the Gallatin County Road Department for the High K Road intersection with Royal Road. 11. The homeowner's association shall participate with the owners of the High K Ranch Minor Subdivision for the maintenance of the fill-site. 12. Road names shall be approved by the Road Office, and road name signs and STOP 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. 13. High K Road shall be a sixty foot right-of-way, and shall be constructed to Gallatin County standards with a temporary cul-de-sac or "T" type turnaround at its west end. The first 75 feet of High K Road off Royal Road shall be paved to county standards. 14. 30 feet of Royal Road west of the centerline shall be dedicated to the public on the final plat along the entire length of the subdivision. 15. All road work will need to be inspected and certified by a licensed engineer. The inspection and certification must be provided to the County Road Office in writing prior to final plat approval. 16. The final plat(s) shall show a maintenance easement of a minimum 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. 17. The final plat(s) shall show a no access strip for vehicles along all lots adjacent to Royal 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 final plat shall contain a statement that 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. 20. A complete environmental assessment is required prior to further subdivision of any lots in 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. Discussion took place regarding previous concerns addressed by Mr. Jim Paugh regarding water rights and ditch use. Commissioner Olson asked Mr. Karp if

he would be willing to change the language in covenant "h" to include altering the ditch also. Mr. Karp agreed that this was reasonable and would do this. Nadia Beiser, principal owner of High K, and the developer of Royal K Minor pointed out the differences between the original proposed subdivision which was 26 lots and the current proposal which is 5 lots with a minimum of 1 acre and a maximum of 8 acres. She noted that they held a neighborhood meeting and received a lot of positive feedback. She also asked the Commissioners to note that the road mentioned in the staff report as "High K Road" needs to be known as "Doe Road" instead, and that this name has been approved by the Road Department. She pointed out that the rate of two large animals per 5 acres is consistent with other subdivisions in the area. Ms. Beiser also noted that they agree to all of the proposed conditions and covenants along with the suggested changes to give notice regarding the altering of ditches. Deb Atwood, property owner in the Royal Arabian subdivision addressed her concerns to the Commission regarding the high nitrate levels in the area, the lack of restriction on types or sizes of businesses allowed on the lots, the number of large animal units allowed, water quality, and the storage of junk and the lack of screening requirements. Mrs. Atwood requested that the covenants restrict pigs entirely, require a visual buffer zone such as a raised landscaped berm between the properties, and a covenant requiring all outside lighting be kept to a minimum and downwardly directed. She also asked for a confirmation from the County Health Department and the DEQ that nitrate levels in the Royal K have dropped enough to allow the proposed development. Commissioner Murdock asked Mrs. Atwood if she had talked to Jason Karp or the developer about her concerns and she replied that she did not receive notification of the meeting, but found about the hearing today by accident. Commissioner Olson questioned Mrs. Atwood about the land between her property and the proposed subdivision which is an old railroad right-of-way. Mrs. Atwood submitted pictures into the record depicting the view from the back of homes in Royal Arabian subdivision looking onto the land proposed for the subdivision. The pictures gave proof that the railroad right of way is only raised on a portion of the property. Deputy Fire Chief Bryan Connelley stated to the Commission that the conditions need to include language stating plans must be submitted to the State of Montana, Building Codes Division, and the Belgrade Rural Fire District for review and approval for all commercial structures, and that structures must meet minimum fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the Fire Chief. The applicant agreed to these changes. Mrs. Beiser responded to the comments made by Mrs. Atwood, stating that the DEQ and County Health Department have scrutinized the site and adequate restrictions have been applied. She noted that limits have been placed on the septic flows similar to those on the High K subdivision. She agreed to add a condition restricting pigs from the subdivision, and stated that she didn't want unsightly junk on the lots either. She agreed to add the language to the covenants requiring only downward directive lighting and to add the conditions suggested by Bryan Connelley. Ms. Beiser argued that a visual buffer similar to the one around the septic lagoon is not necessary since they are creating a beautiful subdivision, not an objectionable junk yard. Mrs. Atwood was given a chance to respond and she stated that it is the cumulative effect of the lots and the use that takes place on them that concerns her. Commissioner Murdock asked Denise Moldroski from Environmental Health if she is comfortable with the conditions of the water quality in this area. She noted that she hadn't reviewed this area yet, but studies have been done previously to determine cumulative effects and monitoring requirements. She assured the Commission that the lots would go through the same scrutiny as all others before receiving DEQ approval. Discussion took place regarding the berming issue and whether or not requirements should be in place in order to eliminate room for problems in the future when the land is no longer under the ownership of Ms. Beiser. Commissioner Murdock reiterated the "zoning is your friend" idea, suggesting to Mrs. Atwood that she discuss possible zoning of this area with the Belgrade Planning Department. Commissioner Murdock asked Ms. Beiser if she would be willing to add a condition to address motor vehicles, equipment, material storage and junk and she said she would be. Board discussion took place regarding the conditions and changes to them. Commissioner Murdock also asked Mr. Karp to discuss extending zoning to this area with the planning department. Commissioner Olson moved to approve Royal K Minor subdivision finding that it meets the Montana Subdivision and Platting Act, complies with the Gallatin County Subdivision Regulations, was approved by the Belgrade City-County Planning Board, along with conditions 1-18, combining covenants d and e into one labeled letter "d," adding the wording "and no pigs allowed" to covenant "f," and placing the wording "before any maintenance or improvements are performed on any ditches, the owner of the water way must give written permission" into covenant "h," removing condition #20 and placing it into the covenants as "j", and changing the name "High K Road" to read "Doe Road" whenever found in the staff report. A covenant labeled "k" is also being added which will read "Motor vehicles, equipment, material storage, and junk: No trash, waste, garbage, litter, or other refuse shall be thrown, dumped, or left on any portion of the property and no burning of the same shall be permitted. Each owner shall provide suitable receptacles for the containment and collection of trash and garbage which must be enclosed or screened or otherwise unexposed to public view. Non-operational or junk vehicles, materials stockpiles or storage, machinery, and other unsightly objects used in conjunction with an approved property use shall be screened from view with fencing and/or dense vegetation and/or enclosed

within a structure if deemed unsightly by the Declarants or their assigns - the Directors of the Owner's Association." Covenant "l" will be added stating proper grazing of the land needs to be pursuant to Extension service practices, and a covenant "m" will be added to require outdoor lighting to be downwardly directed. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the consideration of a request for preliminary plat approval for the Porcupine Park Major Subdivision located in the NE¼ and SE¼ of Section 17, T7S, R4E, PMM, Gallatin County, Montana, and generally located approximately two and a half miles south of the Highway 64/Highway 191 intersection, south of Ophir School and west of Highway 191. The subdivision was reviewed for the following primary criteria: Agriculture, agriculture water user facilities, local services, fire protection, law enforcement, emergency medical, schools, solid waste, taxes and impact fees, natural environment, wildlife and wildlife habitat and public health and safety. Two variances have been requested from the Road Design Standards of the Gallatin County Subdivision Regulations sections 7A(2) and 7J(3). If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met prior to granting final plat approval. 1. The three phases of the subdivision shall be completed sequentially. 2. Phase 1 shall include: Lot 1; and associated private open space. 3. Phase 2 shall include: Lots A-D; Lots 1-9; Lots 11-15; Lots 25-32; and associated public and private open space. 4. Phase 3 shall include: Lots 16-24; Lots 33-40; and associated public and private open space. 5. The final plat(s) shall conform to the uniform standards for final subdivision plats and shall be accompanied by the required certificates. 6. Department of Environmental Quality approval shall be obtained for the subdivision. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. Applicant shall obtain the Gallatin County Health Officer's approval. 7. Applicant 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 district. 8. A Memorandum of Understanding shall be signed between the Weed Control District and applicant prior to final plat approval(s). 9. Applicant shall establish a property owners' association for enforcement of the required covenants. 10. Applicant shall record the following covenants with the final plat(s): a) A site specific soil analysis and geotechnical study, prepared by a licensed professional engineer, shall be required in connection with proposed construction of any single-family dwelling. b) The property owners' association shall be responsible for maintenance of all subdivision roads. c) Individual lot access from County public roads shall be built to the standards of the Gallatin County Subdivision Regulations. d) The property owners' association shall be responsible for the control of noxious weeds with the common open space parcels, and all road rights-of-way. Lot owners shall be responsible for the control of noxious weeds within their property. e) Building envelopes shall be required for all proposed lots. The building envelope defines the portion of each lot within which all improvements must be located. Improvements shall include all buildings and garages. Decks, patios, terraces, retaining walls, fences, recreational facilities and site access may be located outside of the building envelope. f) No portion of a building envelope shall exceed 25-percent slope. g) The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. h) The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds, after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment. (i) The property owners' association shall have title to the common open space. j) Common open space shall be preserved and maintained for passive and active recreation, wildlife habitat, and protection of scenic, unique or important natural features. k) Regarding common open space, the property owners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. l) Regarding common open space, assessments levied by the association must be able to become a lien on the property. m) Regarding common open space, the association shall be adjust the assessment as appropriate. n) Ownership shall be structured in such a manner than real property taxing authorities may satisfy property tax claims against the common open space lands by proceeding against individual owners in the association and the dwelling units they each own. o) All dwellings shall be constructed with an automatic fire sprinkler system meeting the requirements of the 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. p) All structures shall be constructed in compliance with the National Fire Protection Association codes. q) Class A or B fire-rated roofing materials shall be used. r) Spark arrestor screens shall be placed on all fireplace and

woodstove chimneys. s) Smoke detectors shall be installed on each level of dwelling units. t) The vegetation reduction and clearance guidelines of the Fire Protection Guidelines for Wildland Residential Interface Development shall be used. u) The artificial feeding of all big game wildlife shall be prohibited. v) 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. w) 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. x) The taking of any wildlife species within the property boundary is prohibited. y) Any perimeter fencing shall be installed in accordance with a wildlife habitat plan, prepared by a certified wildlife biologist. z) Pets shall be controlled by each homeowner and not allowed to roam within the subdivision. aa) 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. 11. Applicant shall improve interior roads pertaining to each phase to County paved standards providing 60-foot rights-of-way dedicated to the public (including the proposed realignment of Beaver Creek Road). All road work will need to be inspected and certified by a registered civil 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. 12. Phase 1: A 20-foot-wide County gravel standard road, approved by the County Road Department, shall be provided to Lot 10. 13. Phase 2: Lobo Lane shall be constructed to County paved standards, with 24-foot paved finished top surface, through to Lot 24. 14. Phase 2: Lobo Lane from Lot 24 shall be constructed to a 26-foot-wide County gravel standard to western property boundary. 15. Phase 2: Ridge Road shall be abandoned as a road prior to final plat approval of Phase 2. 16. Phase 2: Quill Lane shall be constructed to County standards to the western property boundary or a VARIANCE shall be granted from this requirement. 17. Phase 2: Applicant shall construct gravel chain-up turn-around area on Beaver Creek Road. 18. ~~Phase 3: Elk Run shall be constructed to County standards to the western property boundary or a VARIANCE shall be granted from this requirement.~~ 19. Road name signs pertaining to each phase 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. 20. The property owners' association shall be responsible for maintenance of all interior roads. 21. 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. 22. Applicant shall provide evidence that emergency vehicles can access each building envelope. 23. Interior road maintenance and snow removal plans shall be provided. 24. Wetlands shall be delineated by a certified consultant and shown on the final plat. 25. Applicant shall provide evidence that the proposal complies with provisions of Grant Deed with Rocky Mountain Elk Foundation. 26. Applicant shall confirm building envelopes are located a minimum of 50 feet from the high water mark of Beaver Creek. 27. The full length of Beaver Creek shall be protected as a separate open space parcel. 28. Final plat(s) shall designate open space as one of the following: passive and active recreation, wildlife habitat, and/or protection of scenic, unique or important natural features. 29. The Montana Historical Society will be contacted if any historical sites are discovered during excavation. 30. Applicant shall confirm slopes within building envelopes do not exceed 25 percent. 31. Applicant shall confirm abandonment of existing ditch. 32. Applicant shall provide a horse management plan prior to final plat approval. 33. Two copies of the covenants, a copy of the conditions of preliminary approval, documents establishing a property owners' association, establishment of easements, 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, proposed easements and certificate prior to final plat approval(s). 34. Applicant shall consult with the US Postal Service regarding mail delivery. The location of the centralized mail system shall be shown on the appropriate final plat. 35. Designated bus stop(s) shall be shown on the final plat(s). 36. All utility easements shall be shown on the final plat. Utility easements shall be centered along side and rear lot lines wherever possible, and shall be 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 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. 37. Applicant shall submit road impact fees in accordance with Section 5 of the Road Impact Fee Regulations. 38. Applicant shall submit fire impact fees in accordance with Section 6 of the Fire Protection Impact Fee Regulations. 39. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval of all development phases. Ms. Madgic stated for the record that notices of this meeting were sent out certified mail to all adjoining land owners and notice was published in the Bozeman Daily Chronicle. Nine letters were entered into the record from Paul and Janet Cronin, Dick Barton, Dave Grigsby, Michael F. Richards, Janet and Rick Breuner, Jeannine Hall, Bill and Josie Erickson, Denise Touhy, and John Radick. Seven of the letters reflect support of the proposed subdivision. Ms. Madgic explained the variance requests, stating that the first variance is from the road design standard from cul-de-sacs on mountainous terrain. The applicant is asking to exceed the length standard of the cul-de-sac on Lobo Lane. The second variance is still in question as to the necessity of it. The subdivision standards require secondary access to a subdivision of six or more lots. Lobo Lane serves a large number of lots, although the proposed subdivision is only five lots. Commissioner Murdock asked if the advisory committee found this subdivision to be consistent with the area plan and Ms. Madgic explained that it meets the basic requirement but because it isn't part of a PUD, it was not required to be approved by the Gallatin Canyon/Big Sky Planning and Zoning District. Joe Sabol, attorney and representative for the developer, Section 17 LLC, presented information on the subdivision. In May, the Gallatin Canyon Advisory Committee voted unanimously to recommend the approval of a change in the land use map and the zoning map for this 462 acres and following this the Big Sky Planning and Zoning Commission approved this change in order to allow for residential and commercial use of the land in question. The applicant proposed that the 462 acres be divided so that 426 acres would be used for residential purposes and 36 acres would be used for commercial purposes, with the overall density being approximately one unit per ten acres. Mr. Sabol asked to give a background on the land in question. The Department of Fish, Wildlife, and Parks (DFWP) owned this land since 1958 and when they went through a surplusing process in order to exchange the land for Section 35 in the Taylor Fork. In March of 1999 the Department conveyed its interest in the 462 acres to the Rocky Mountain Elk Foundation (RMEF) and in turn the RMEF entered into a contract with the applicant, Section 17 LLC for the purchase of this property. RMEF is still the record owner of this property and have a vested interest in the property. During these transactions, certain conditions were attached to the sale of the property to RMEF and in turn to the applicant. The most important of these conditions were that a preservation of 24 acres of wetlands on the property take place, an easement dedicated to the public, 60 feet in width, had to be developed along Beaver Creek Road or the relocated Beaver Creek Road, and a requirement that the final owner of the property had to make 20+ acres available to the Ophir School District. These conditions exist today in the form of deed restrictions and in the form of a recordable option given by the applicants to the Ophir School District. Mr. Sabol entered into the record exhibits A-O (These exhibits are on file and available to the public in the Gallatin County Planning Department.) The surplusing and changes in the use of this land started in 1993 when the Big Sky Advisory Committee asked the larger land owners to submit proposals for their holdings and during that time Big Sky Lumber submitted a proposal for this property. In the years since, this land has been studied thoroughly, with efforts to identify environmental concerns relative to wetlands, open space, wildlife, development characteristics of the soils, slopes, ground water, access issues on and off site, school related needs, community needs, view shed consideration on and off site, presently existing and adjacent zoning, all in order to meet the requirements of the Subdivision and Platting Act and Zoning Ordinance. Through public hearings, comments were heard from the public and Planning and Zoning Commissions, resulting in a development plan which includes 40 residential lots and four commercial lots, along with the required open space. The plan also depicts the open space required. During the conversion process from the preapplication plan to the preliminary plat application, many others were involved including the DFWP, RMEF, and Morrison-Maierle. Mr. Sabol addressed the variance request, stating that it was determined that more land would be torn up if they tried to loop Lobo Lane rather than extend the cul-de-sac. The variance would also meet the requirements of extending access to adjoining property owners by taking a paved road to Mr. Cronin's property. The applicant would also like to leave the easement on the plat known as Quill Lane so that if someone wants to develop to the west in the future there will be an easement there for them. The staff report has been reviewed by the applicants, DFWP and RMEF and feel that it does justice to the project. Tom Henesh of Morrison-Maierle has confirmed that the building envelopes do not exceed 25 feet and if they do they will be moved. The covenants include the restrictions on the commercial/recreational business lots that the zoning commission requested. Mr. Sabol stated as a whole all of the regulations and expectations have been met for this proposed subdivision, and there has been no opposition except from one neighbor, Mr. John Sten who owns 20 acres to the immediate north. When the principals of Section 17 LLC began the process to develop this subdivision, they met with Mr. Sten to try and resolve concerns about the location of Elk Run Road which runs along the north boundary of the property in

question. Mr. Sten did not object to the subdivision as a whole, but wasn't happy with the location of the road so close to his property and in their view shed. Morrison-Maierle studied the possibilities of relocating the road and determined that the location depicted on the preliminary plat was the best way to access the four lots in this corner with the least impact. Mr. Sten hired Mike Lilly and all of the parties involved went out and looked at the proposed road from the Sten property. It was determined that the road could be seen intermittently from their deck. The applicant offered to screen the road with trees and the Sten's did not agree to this idea. Mr. Sten then hired Thomas, Dean and Hoskins (TD&H) to locate an equally suitable place to put the road, and retained permission from the applicants to go on their property to do so. They developed an alternative route and also had Interfluve prepare a comparison chart which details the effect of the routes on the wetlands. Mr. Sabol also stated that Mr. Lilly advised him that if the applicant did not agree to the alternate route, they would be taken to court over the language on the grant deeds regarding the filling of the wetlands. Morrison-Maierle disagreed with the TD&H proposed location for Elk Run Road and Mr. Sabol took measures to ensure that Elk Run Road would not be in violation of the deeds and secured amended grant deeds from the State of Montana to the DFWP to the RMEF, all signed by the governor of the State of Montana. The amended deed allows that the wetlands can be filled for vehicular access if no more than 1/3 of an acre is impaired and that land is then replaced elsewhere on the property. Prior to obtaining these amended deeds, the DFWP had already determined that in the interest of wildlife and the wetlands, the proposed Elk Run Road was indeed the best location. The applicants also obtained a 404 permit allowing them to fill in the wetlands in the designated areas based on the preliminary plat as submitted. The applicant also obtained a 310 permit, giving them permission to cross the stream in the designated locations on the preliminary plat. A culvert has already been placed in the area of Elk Run Road based on this permit. The Interfluve profile, admitted as exhibit J showed that the applicant was filling the wetlands twice as much as the TD&H proposal. Mr. Sabol maintains, however, that the route proposed by TD&H is not the best location for several reasons. While the alternate location may create less impact on the view of the Stens, it creates many more negative effects than the original proposed road location. These include, bisecting the wetlands into two distinct parcels, bisects the open space in phase three in two distinct parcels, it bisects the trail system, it will impede the natural flow of the water in the wetlands from west to east and acts as a dam, may potentially diminish or dry up the wetlands because they are going to stick a culvert in and squirt the water out the other side, restricts or severely limits the possibility of the enhancement of the wetlands since a road will be going through the middle of it, it will have a disastrous effect on the view shed since it will be visible on a greater expanse of area, it effects if not inhibits wildlife migration, requires large cuts in the natural topography on either end of the field that is being proposed, has the potential for greater damage during construction, it will require a reapplication for the 410 and 310 permits, if approved it will require the removal of the existing culvert that has been put in, it will cause the loss of two large mature spruce trees 70-80 years old, it will cause the loss of 14 feet of stream meander, which is what the wetland is all about. The wetland is a movable feast which shouldn't be channeled or squirted out of a tube. It will also cause the loss of 5-30 Conifer trees in lot 40 because the road goes right through it. Commissioner Olson questioned Mr. Sabol about the difference between the proposed culvert's effects and the existing culvert located on Elk Run Road. Mr. Sabol explained that the existing culvert is placed in a channeled area in the stream, keeping the flow of water going in its intended direction, as opposed to the proposed culvert which sends the water out into a big flat area not already receiving water flow.

During public comment, Mike Lilly, attorney representing John & Polly Sten, explained that his clients do not have objections to the subdivision, only the plan. He is asking that the applicants have respect for the property rights of the neighbors to the north. They are suggesting an alternative to the road's plan which would mitigate an impact on the Sten's view shed. Mr. Lilly believes this proposal was in violation of the grant deed from the very beginning. Both plans being proposed will impact wetlands. He stated that one solution for the Commission to consider would be to not allow either of the proposed roads. Denying lots 37 through 40 would result in no impact to the wetlands. Dave Grigsby, general manager for the Hicks property supports the development and believes that the proposal is a good plan because it will benefit the school, improve and help encourage the maintenance on Beaver Creek Road. Richard A. Barton, landowner in Section 17, submitted a letter of support for the plan. He showed pictures of wildlife and pointed out areas in the open space where land is unstable due to the wetlands. He stated support for the location of the roads but has concerns regarding speed and maintenance of the roads. He suggested the Commission require a legally enforceable contract for maintenance and snowplowing of roads and that the first mile of road should have a speed break every one quarter mile. Mr. Barton concluded by stating that this appears to be a viable plan and urged the Commission to approve the plan with the proposed conditions, and if the roads are placed in a new location and there are changes to the migration of wildlife, the Bartons will be in opposition. Paul Andrew (Packy) Cronin, spoke on behalf of Paul and Janet Cronin, property owners to the west. Currently, Ridge Road is the Cronin's access to their property. The Cronin's

are concerned that they have access to their property throughout all phases of the development. The Cronin's also request that three roads, Quill Lane, Lobo Lane, and Elk Run be extended to the west boundary in order to give the adjacent landowners access. Kurt Ault, Fish, Wildlife, and Parks wildlife biologist, described his involvement of this property as a state agency. As a state agency Mr. Ault does not support any of the lots. However, mitigation measures have been worked on for a number of years. The easiest place to plot the roads would have been in the middle of the open space, however, DFWP would not agree to this. The open space was picked and designed based on the least amount of impact to wildlife and the environment. Mr. Ault stated that he did not read the deed restriction as a lawyer, he read it as a wildlife biologist, which is intended to protect the wetlands. In summary, the best location of this development is the way it is proposed. There are compromises which have been made. Mr. Ault asked the Commission under what grounds would they turn down a plan based on the visual impacts alone. Lobo Road is in a much better location than Elk Run. The plan also includes additional land for school property. Mr. Ault stated concerns regarding horses and that corrals should be in place for horses, not open grazing. He also suggested that covenant x be changed or eliminated. Grant Parker, general council for Rocky Mountain Elk Foundation, explained that RMEF participated in this project at the request of DFWP since they are selling the property to the applicants. There was no further public comment.

Mr. Sabol explained that the issue of Elk Run Road is about the road in front of the house. He described the location of the road as it relates to the Sten's home on exhibit L and M, the distance of road to house, and the elevation. Donna Lovall, Wetlands West, submitted exhibit N which describes the two road crossings and described her findings. Only Corps of Engineers can make non jurisdictional determination for a wetland, which is normally used for artificial wetlands generally associated with agriculture or flood practices. Neither of the road crossings impact very much wetland. The Morrison/Maierle design impacts .03 acres of wetland and the T D & H design impacts .06 acres of wetland. The biggest discrepancy on these road crossings is that if you cut the meander stream length you will eliminate 14 feet of surface water. The people who handpicked the crossings were the people from Army Corps of Engineers. As long as impacts stay below one third of an acre, and the proposal effects less than 200 bank feet, the nationwide permit is valid. The project does not affect major wetlands, however, this design is the least impact to any wetlands. Tom Henesh, Morrison/Maierle, testified that the T D & H proposal has 3.19 acres of disturbed area vs 1.55 acres of disturbed area on the Morrison/Maierle design of roads. Mr. Sabol concluded that the applicants have worked hard with adjoining neighbors to address issues, and also with state and federal agencies to come up with the best plan and requests the Commission grant preliminary plat approval.

Roy Steiner, County Road Office, clarified two easements to the west by explaining that the Road Office suggests paving Lobo Road to the west end of Lot 24 and gravel the remainder to the property line, and Quill Road be established as an easement due to topography. Extending Elk Run to the west property line would be very difficult due to topography. Deputy County Attorney Susan Swimley explained that the reason for asking for the extended length of the cul-de-sac and requesting the variance on Lobo Lane and not looping it around was to eliminate potential cuts and interfering with the open space and wetlands. Mr. Steiner concluded by stating that the applicants have met the requirements and regulations.

During board discussion Commissioner Murdock stated that he supports the plan in concept. He does not want to relocate Elk Run and suggests placing landscaping, berming, or tree planting to assist with the neighbor's viewshed. The applicants nodded their heads affirmatively. Commissioners Murdock and Olson discussed the possibility of requiring the applicants to place an easement to the west end of the property extending Elk Run Road. Deputy County Attorney Susan Swimley cautioned the Commission to follow the regulations which require the subdivider provide access to the unsubdivided land to the west. The applicants have done that with the extension of Lobo Lane. Unless the Commission can find a specific public health, safety, and welfare reason to exceed the regulations she cautions the Commission to re-think the proposed requirement because it is not in the regulations at this time. The Commission discussed the proposed conditions and amended, added, or deleted the following: Condition #2 shall be amended to read "Phase 1 shall include: Lot 10; and associated private open space."; Condition #10 x is stricken; Condition 13 is amended to read "Phase 3: Lobo Lane shall be constructed to County paved standards, with 24-foot paved finished top surface, to the western property boundary with a cul-de-sac."; Condition 14 is amended to read: "Phase 3: Lobo Lane from Lot 24 shall be constructed to a 26-foot-wide County gravel standard to western property boundary." Condition 15 is amended to read: "Phase 3: Ridge Road shall be abandoned as a road prior to final plat approval of Phase 3." A sentence added to the end of Condition 11 shall read: "All properties that presently access Beaver Creek Road shall continue to have legal access to the realigned Beaver Creek Road." The original condition 16 is stricken and replaced with the following: "Construct Quill Lane as shown on the preliminary plat and provide 60 foot easement to the western property line." A new condition, to be renumbered, was added and reads: "Ridge Road shall remain open to provide unrestricted access to the west until Lobo Lane is completed." Condition #19 shall read: "Viewshed area on the north side of Elk Run, from the Sten residence shown on Exhibit L, shall be

screened as approved by the County Road Department.” Conditions 19 through 39 shall be renumbered as conditions 20 through 40. Condition 25 is amended to read: “Wetlands shall be delineated by a qualified consultant and shown on the final plat.” Condition 26 is amended to read: “Applicant shall provide evidence that the proposal complies with provisions of the amended grant deed with Rocky Mountain Elk Foundation. Condition #36 is amended to read: Designated bus stop(s), if required, shall be shown on the final plat(s). Additional conditions include: Condition #40 “Applicant shall provide an appropriate fire protection method in accordance with the subdivision Regulations. Applicant shall have the Gallatin Canyon Rural Fire District review and approve the fire protection method prior to final plat approval. Applicant shall obtain written verification from the fire district that the requirement has been met.” Condition #41 “Prior to final plat approval of Phase 3, applicant shall provide confirmation from the Gallatin Canyon Rural Fire District regarding provision of emergency access.

Finding that strict compliance of the cul-de-sac length for Lobo Lane would result in undo hardship because it would cross over the open space wetlands, which would adversely effect wildlife, which is clearly of public interest, Commissioner Murdock moved to grant the variance. Commission Olson added that the Fire Department has not objected to granting the variance. Seconded by Commissioner Olson. None voting nay. Motion carried. Finding that this application meets the requirements of Section 76-3-608 M.C.A.; the application does not affect agriculture; provisions for open space through mandatory clustering requirements have been met; the protection of wetlands has been met to the best of abilities of everyone involved; wildlife and wildlife habitat have been included in the provisions for protection with no detrimental effect; public health and safety will be kept with the reviewing of septic systems and wells by DEQ, Commissioner Olson moved to grant preliminary plat approval for the Porcupine Park Major Subdivision with conditions. Commissioner Murdock seconded the motion finding that the application is consistent with the Gallatin Canyon/Big Sky zoning ordinance and master plan. Commissioner Murdock added that this plan has benefited Ophir School, Gallatin 1 Exchange, protecting wildlife concerns and open space concerns, and on balance is a benefit to all of us. Commissioner Olson added an additional finding based on testimony of FWP which included that the subdivision plan is the best plan for mitigating wildlife and biological impacts. None voting nay. Motion carried.

There were no pending resolutions. The meeting adjourned at 3:00 p.m.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 19th DAY OF OCTOBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:00 a.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

OCTOBER 11, 1999

- All County offices were closed in observance of Columbus Day.

OCTOBER 12-13, 1999

- Commissioners Murdock and Olson conducted regular County business.

OCTOBER 14, 1999

- A special meeting of the Commissioners was convened, for the purpose of discussing a Contract for Medical Services between Gallatin County and Bozeman Deaconess In-Home Health Services. In attendance were Commissioners Olson and Murdock, Deputy County Attorney Chris Gray, Undersheriff Jim Cashell, and Commissioners' Executive Secretary Pat Lewis. Commissioner Mitchell was on vacation in Ireland. The contract is for medical services for Robert Lewis, an elderly inmate at the County Detention Center. Costs incurred by the County to-date for medical care for Mr. Lewis, including hospitalization, is \$29,000. Mr. Gray is looking into legal issues associated with Medicare/Medicaid. It is possible that the County could receive some reimbursement from Social Security. Mr. Gray also stated that the hospital has approved the agreement, and it is a legal requirement to provide medical care for prisoners. Commissioner Olson moved to approve the agreement; Commissioner Olson moved to approve the agreement; Commissioner Murdock seconded the motion; both voted in favor of the motion; motion carried.

Undersheriff Cashell state that he would like it to be added to the record that there are costs outside the scope of this contract being incurred by the County daily. He also stated that staffing at the Detention Center is inadequate and that the personnel are overworked and overwhelmed. The Commissioners agreed that a meeting regarding inadequacies at the Detention Center should be held with all three Commissioners and Undersheriff Cashell when Commissioner Mitchell returns from her vacation in Ireland.

Meeting adjourned.

OCTOBER 15, 1999

Commissioners Murdock and Olson conducted regular County business.

The following items were on the consent agenda:

- Minutes
- Approval of claims for PO #55534-07 for \$34,787.19, PO #58829 for \$1080.00, PO #58830 for \$8,000.00, PO #59432 for \$53.00, PO #58265 for \$200.00, and PO #58264 for \$1,000.00.
- A request for release of security for the Fort Ellis Leisure Community Subdivision Phase 1-B Improvements Agreement presented by the Gallatin County Planner W. Randall Johnson.
- A request for a family transfer exemption for Mitch Billis located in Section 23, T2S, R6E, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- A request for final plat approval of the Royal Village Amended Plat located in the SW¼ and the SE¼ of Section 3, T2S, R4E, PMM, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- The following contracts were reviewed and considered: Montana Breast and Cervical contract, Montana Lead Program, Library Service Contract with the Town of Manhattan, and Library Service Contract with the City of Three Forks.

There were no minutes. Gallatin County Planner Jennifer Madgic asked for the family transfer exemption for Mitch Billis to be placed on the regular agenda. Chief Deputy County Attorney Susan Swimley asked for the request for final plat approval of the Royal Village amended plat to be placed on the regular agenda. Commissioner Mitchell asked to have the contracts placed on the regular agenda for discussion and clarification. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the request for a family transfer exemption for Mitch Billis located in Section 23, T2S R6E, Gallatin County, Montana. She explained that this tract was originally created as a family transfer by previous owners, and is now being split again as a family transfer. The intent of this has been somewhat unclear and the Commission asked for clarification by the applicants or their surveyor. Justin Buchanan of Fluidyne, representative for the applicants, explained that currently the owner's business, Northwest Art Casting is located on the land in question. The applicants wish to separate their residence from the business for tax purposes. Chief Deputy County Attorney Susan Swimley stated that the Commissioners have the facts and need to determine whether or not the exemption is justifiable, noting that she is satisfied with the explanation given by Mr. Buchanan. Commissioner Mitchell asked Ms. Madgic when the first family transfer occurred and she explained that it was in the early 1980's and has nothing to do with this transfer. Commissioner Mitchell moved to

approve the family transfer exemption for Mitch Billis finding that it is a reasonable use of the exemption. Seconded by Commissioner Olson. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley explained to the Commission that when they granted preliminary plat approval for the amended Royal Village phase 1 subdivision, the applicants were allowed to enter into an improvements agreement. If the Commission deems it appropriate to enter into the improvements agreement, they can grant final plat approval. Mrs. Swimley stated that she is satisfied with the improvements agreement. Commissioner Olson moved to approve the improvements agreement for the amended Royal Village subdivision. Seconded by Commissioner Mitchell. None voting nay. Commissioner Olson moved to approve the final plat for the amended Royal Village subdivision finding that all the conditions have been met, with the addition of the improvements agreement. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Stephanie Nelson, department head for the Gallatin City-County Health Department, reported on the Montana Breast and Cervical contract and the Montana Lead Program contract. She explained that these contracts are the second step to planning and assessment for these programs. The Montana Breast and Cervical program services underserved women in need. Both of the programs are funded by Centers for Disease Control Preventative Health grant dollars. Commissioner Olson moved to approve the Montana Breast and Cervical contract and the Montana Lead Program contract. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Fiscal Officer Ed Blackman reported on the Library Service Contracts, stating that he would like these contracts to be placed at the end of the agenda for approval after the budget is adopted.

Alcohol and Drug Services of Gallatin County and Bozeman and Belgrade Public Schools presented a proclamation declaring the week of October 23-31, 1999 as a "National Red Ribbon Week", asking the Commissioners to acknowledge and support their efforts to increase public awareness of the problems related to alcohol and drug use. Roger Curtis and Sheryl Walters of Alcohol and Drug Services of Gallatin County, along with four Belgrade MTI students, read the proclamation into the record. Commissioner Mitchell moved to proclaim the week of October 23-31, 1999 as "National Red Ribbon Week" in Gallatin County. Seconded by Commissioner Olson. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley presented the first reading of an ordinance reducing the speed limit on Cottonwood Road in front of Anderson School, explaining that an emergency ordinance was passed at the beginning of the school year to reduce the speed to 30 MPH on Cottonwood Road from the intersection of Cottonwood and Happy Acres to 300 feet south of Pasha Lane. There will be two readings of the ordinance and the speed limit will become enforceable thirty days after the second reading. There was no public comment. Commissioner Murdock questioned Road and Bridge Department Staff Engineer Roy Steiner about the new signs for the road and Mr. Steiner assured him that they have been ordered and are on their way. Commissioner Olson moved to approve County Ordinance 99-04 to reduce the speed on certain portions of Cottonwood Road. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the public hearing on the use of tax revenue from property on the rolls for the first time, stating that this hearing has been noticed as required by State statute. State law requires the County to hold a public hearing whenever the Commission anticipates using taxes generated by new construction. This hearing is to gather input on the using of taxes generated by new construction or property changing from one type of classification to another, like agricultural land changing to commercial or residential. This hearing would allow the Commission to levy the increased dollars generated by the \$6038.00 per mill that new construction values have gone up in Gallatin County according to the Department of Revenues estimates. County-wide, the new construction taxes are estimated at \$425,155.00 based on the levying of 57.33 County mills and 20.06 Rural mills. This amount could increase slightly if the Commission uses the full Senate Bill 184 authorized mill levy. Commissioner Mitchell asked if the figures included using Senate Bill 184 and Mr. Blackman explained that they do with the exception of the \$90,000 still in question. Mr. Blackman assured the Commission that this public hearing is not approval of the use of the floating mills, but is authorizing the Commission to use the new dollars generated from new construction if they so choose. If the Commission decides not to use the money from new construction, then they will have to reduce the budget by an appropriate amount. This hearing is mandatory every year for the Commission to be able to consider using the money from new construction, no action will be taken, it is simply a forum for receiving public input on the issue. There was no public comment.

Fiscal Officer Ed Blackman reported on the public hearing for exceeding the Department of Revenues certified mill levies. In 1987, I105 was passed, giving a limitation that if the County's valuations go below 5% of the previous years values, the Commission could increase the mill levies to maintain the same number of dollars being generated. This hearing is required whenever the Commission or a district finds the need to levy a greater number of mills than the Department of Revenue's certified mill levies. This is a carry over from I105 and has not been eliminated or changed with Senate Bill 184. The process is that the Department of Revenue takes the valuation of an area, subtracts out the new construction dollars, multiplies this number by 5%, to come up with an adjusted taxable valuation number, this number is then divided into the tax levy from the previous year. The taxable value for Gallatin County is \$118,615,969, the property that has been eliminated due to changes or destruction is \$141,361 less newly constructed property which is \$4,483,437 multiplied by 5% which results in the exclusion of \$5,930,798. For the certified mill levy, the net taxable value, instead of being \$118,615,969 according to the Department of Revenue, for this calculation it is \$108,063,073, divided by the number of dollars generated by the previous year, to result in a certified mill levy of 27.25 mills. This is advertised to the people every year, showing them what the changes are, not informing them of what they will be charged, but is an estimate based on 95% of the valuation. The 27.25 mills number does not mean that the County can generate this number of mills for their general fund, they can only generate the amount authorized by Senate Bill 184 which is 26.01 mills. Since the increase does not exceed the 27.25 mills, the general fund is not listed as one of the funds to be increased. This calculation has to be done every year in order to determine which ones need to be listed. Commissioner Murdock asked if this would effect the Conservation District and Mr. Blackman assured him that it does not. There was no public comment. No action is required on this issue.

Fiscal Officer Ed Blackman reported on the public hearing on the use of Floating Millage/SB-184. This is the public hearing to allow for comments regarding the use of Senate Bill 184. The intent of Senate Bill 184 was to allow local jurisdictions the option of maintaining last years tax revenues, excluding new construction dollars, or to reduce the amount that could be collected by an estimate of \$375,000.00. The Commission has the authority to float the mill levy up to an amount to keep the County whole with last years taxes plus recapture lost revenue from Motor Vehicle. This floating mill levy would apply to new construction appearing on the tax roles for the first time if is approved. Copies of resolution and notices were sent out to 18 jurisdictions including fire, cemetery, planning, and other special districts. To date 15 resolutions have been received back from the districts asking the Commission to use the floating mill levy for their districts. Mr. Blackman recommended to the Commission that they utilize the floating mill levy to the fullest extent. Commissioner Olson questioned Mr. Blackman about where the floating mill levy would be applied and Mr. Blackman reported that it would be applied county-wide. Commissioner Mitchell asked if any comments were received back in opposition to the floating mill levy and Mr. Blackman reported that none were. County Attorney Marty Lambert spoke in support of using the floating mill levy, stating that the needs in the Sheriff's budget, 911 system, and the Attorney's office greatly need the use of the floating mill levy. He also noted that while his attorneys did receive raises, they didn't receive the amount asked for. He asked that the Commissioners also support the needs of the Victim Witness Program, in conjunction with the private donations that have been made to help this program. Mr. Lambert also reiterated that the County will be the ones to greatly benefit from the contribution to this program. Gloria Edwards, Director of the Victim Witness Program detailed the donations that have been received to date to help in the remodel of their facilities and asked for the Commissioners to match those donations. Commissioner Mitchell asked Mrs. Edwards if she had approached the cities for donations to the Program. Mrs. Edwards explained the program does receive surcharges from these entities, but the Program deals with felonies and victims from Gallatin County as a whole, not misdemeanors from individual cities. Assistant Belgrade Fire Chief Bryan Connelley spoke in support of the floating mills, encouraging the Commission to consider the increase in the need for emergency services, requiring an increase in tax dollars to support them. Citizens Gus Pfahler and Brian Leland also spoke in support of the use of the floating mill levy. Mr. Blackman noted that \$18,000 has been budgeted currently for the remodel of the third floor of the Law and Justice building, in addition to the donations for the Victim Witness Program. At this point at total amount of \$33, 566, plus any in-kind donations, are available for the Victim Witness Program. Commissioner Olson read a statement he had prepared regarding the use of the floating mills, stating that previously he asked to reconsider the use of the floating mill. He noted that the Commission started the budget year with 2.8 million dollars in requests short of being able to fund all of the requests, including \$375,000 calculated in including the floating mills. If the Commission had had enough money, additional staffing requests would have been granted to a variety of offices. There were 18 positions requests and 11 ½ were funded or reclassified. If the Commission does not authorize the floating mill levy this year, the loss of the revenues will equal approximately one and one-half million dollars in the next five years, meaning that the level of services and increased expenses would be hindered. If the use of the floating mill is not

authorized now, the Commission will not have the option of adopting it in the future. In the past, policy has been to use all new construction revenue for capital projects in their first year. Without this practice, the Commission would have to borrow more money to fund necessary improvements, resulting in a decrease in services in order to fund the payment of principal and interest on the borrowed money and projects would be delayed, increasing costs due to inflation. Senate Bill 184 increased the assessed value of property, and gave residential and commercial property owners tax relief over the next four years. The bill also changed the ratio used in calculating the taxable value from the assessed value with the intended net result being a financial neutral bottom line. There has been a positive outlook from the public for the use of the floating mill in order for important programs like Treatment Court and Community Corrections to be funded properly. Overall the benefit of funding these programs will help the County as a whole. The current proposal leaves .76 mills unused, or about \$90,000. The only way to not use the floating mills would be to borrow \$300,000 for the Detention Center code compliance, balance the shortfall with a reduction in the amount set aside for infrastructure, and pay interest and principal on the borrowed money from this source. In the long term, Commissioner Olson stated, it will be detrimental to the taxpayers to not use the floating mills. Commissioner Murdock stated that he has not changed his opinion on the floating mill, and is in favor of using it for all the reasons stated by Commissioner Olson. He also noted that the budget process has been advertised repeatedly, and no large opposition to the use of the floating mill has occurred, or he may have reconsidered his stand on this issue. In general there will not be an increase in taxes, and in some cases a slight reduction. Commissioner Murdock also stated that he is proud of the way the County is doing business, and that there are problems that need to be addressed, and to do this, the Commission must provide funding. Commissioner Mitchell gave her view point on the issue at hand, stating that for her it isn't a political issue, but a practical one. She noted that she has received many phone calls and comments from tax payers who are in opposition to the use of the floating mill. When the process started, the Commissioners were able to fund raises, provide benefits, fund the basic personnel and operational requests at last years levels (less capital expenses), three new programs, remodel and new construction work, capital expenditure requests, and still had money left over. The figures that were available three weeks ago reflect a balance of \$558,470 left to play with, and additional requests of \$1,453,841. Some of the requests identified revenues that would help cover the expenses, and they came up with 562,469 in revenues, resulting in a difference of an additional expense request of \$891,372. If we did not pick and choose what requests were funded, we would not be making efficient and effective use of the taxpayer dollars. Commissioner Mitchell explained that her criteria for where to spend the additional money remaining at the end of their initial budgeting included County need, long term expenses, maintaining competitive wages in order to keep key personnel on staff, commitment to programs and maintenance of facilities that we already have, community requests, and long term projects that need to be funded now to lighten future burdens on places like the Detention Center. Commissioner Mitchell stated that she has not reached her decision to vote against the floating mill levy without a lot of deliberation and thought on the issue. She feels comfortable with her decision and thinks that they can fund the programs that they originally chose to fund, without using the floating mill levy. She also noted that she does not think that there will be a tax break in the end and does not want to treat the taxpayers like an open checkbook. Mr. Blackman stated that at this time the Commissioners do not have to take action on this issue, as it will be covered later. Commissioner Olson asked to note that although they may not be able to reduce taxes, their goal has generally been to try to maintain the tax levels, doing their best to be efficient with the taxpayers money.

- - - -

Fiscal Officer Ed Blackman reported on the consideration of a resolution adopting the FY 2000 Final Budget for Gallatin County. Also included in this are the approval of RID maintenance assessments and authorization for the Chairman to sign the FY 2000 School District budget. The Commission has completed their deliberations on the FY 2000 budget with only one item left to decide, which is whether or not to levy an additional \$90,548.00, or $\frac{3}{4}$ of a mill, authorized under Senate Bill 184, or to only levy the \$318,336.00 as the proposed budget anticipates. The increase in mill levies available is from the increase in taxable value caused by new construction beyond the original estimate made. Also, the Commission had originally decided not to levy on several of the funds involved in the Senate Bill 184 discussions. If the County Commission approves the use of the \$90,548.00, Mr. Blackman proposes that the Public Assistance mill levies be increased from 2.31 mills to 3.07 mills, with the money being earmarked for transfer into the Capital Improvement Fund for use in future projects. If the Commission maintains the lower levy, the budget for the Public Assistance fund will stay at the 2.31 mills. This eliminates the need to re-notify anyone of the change in the mills. The final budget includes changes from the proposed FY 2000 budget as follows: Community Corrections, a decrease by \$21,000, Capital Projects for new construction - \$219,397, ear-marked for Phase III remodel of the Court House, Search and Rescue revenues - \$2360.00, Road Maintenance - \$53,247, Fair Fund new revenue and a decrease in operating reserves - \$25,000.00, Health Fund - \$30,500, Sheriff Union Negotiations possible increase

for non-sworn - \$6101.00, Sheriff overtime to deal with the short fall in the over-time if certain union negotiations are approved approximately \$10,000.00, compensatory time pay-off at the Sheriff's office which would come from PILT reserves of \$34,800.00, Emergency Operations Center phones - \$2,800.00, Clerk and Recorders record retention - \$6,638.00, Victim Witness Funds from city donations - \$15,666.00, and Commission lap-top - \$2,500.00. The Commission will also be approving an increase in grant awards of \$139,359, including a balancing of all the grants with the cash on hand and actual allocations from the State and Federal government. If approved, Fire Districts will go up by \$71,022 due to new construction dollars. Also, one new Fire District due to the consolidation of Three Forks Fire District caused an increase in need for funds in this area. Some Districts went down, due to reallocation of cash and reductions in taxable valuations caused by Senate Bill 184 and lower department amounts, \$70,119. Road Maintenance bonds reduction of \$163,000, which will change if the Harvest Hills maintenance district is removed from the budget. The final budget will require the levying of information from the following: status quo vs. using the \$90,548. In Operations: \$8,136,101 (77.39 mills) vs. \$8,226,649 (78.15 mills), Fire Districts: \$1,311,000, Other districts \$479,000, and RID's \$800,000. In FY 1999 the County levied \$7,909,090 in operations, the actual increase in taxes from FY 1999 to FY 2000 will be \$227,011 under the status quo budget or \$317,559.00 if the full floating millage is used. All of this is contributed directly to new construction valuations. The total taxes levied in FY 1999 were 10,428,159 the increase in taxes levied will be \$298,323.00 under the status quo or \$388,871.00 if the full Senate Bill 184 floating millage is used. Clerk and Recorder Shelley Vance reported that proper notice was not sent to the property owners of the Harvest Hills Subdivision, RID #372, and therefore they should not be assessed for maintenance in the FY 2000 budget. Commissioner Olson moved to remove the Harvest Hills Maintenance District from the proposed budget. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Olson moved for the County to adopt the full floating mill, using the additional \$90,548. Seconded by Commissioner Mitchell. Commissioners Olson and Murdock voted in favor. Commissioner Mitchell voted no. Motion carried with a vote of two to one. Commissioners Murdock and Olson agreed that the money be placed into the Capital Improvements Fund as described previously by Mr. Blackman. Commissioner Olson moved to give authorization to the Chair to sign the FY 2000 school district budgets. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioners Olson and Murdock signed Resolution 1999-66 which states: WHEREAS, the Gallatin County Commission has determined the Final County Budget; and, WHEREAS, the Commission has set out the Total Amount Appropriated and authorized to be spent from each fund as required by 7-6-2320(1)(a); and, WHEREAS the cash balances at the close of the preceding fiscal year have been determined 7-6-2320(1)(b); and, WHEREAS, the Commission has estimated the estimated revenues to accrue to the various county funds from sources other than taxation 7-6-2320(1)(c); and, WHEREAS, the Commission has determined the reserve for each fund for the next fiscal year 7-6-2320(1)(d); and, WHEREAS, the Commission has set the amount necessary to be raised for each fund by tax levy during the current fiscal year 7-6-2320(1)(e); and, WHEREAS, the attached spreadsheets, which are made a part of this resolution by reference, show the preceding information along with a summary of the budget for each department as required by 7-6-2320(2), NOW THEREFORE BE IT RESOLVED, by the Gallatin County Commissioners that the attached listing shall be adopted as a summary of Gallatin County's Final Operating Budget; and, BE IT FURTHER RESOLVED, that a detailed listing showing individual line items is available for inspection in the Gallatin County Clerk and Recorder's Office and is made a part of this Resolution by reference.

- - - -

Fiscal Officer Ed Blackman reported on the consideration of a resolution setting mill levies for Gallatin County, all special districts, elementary retirement, high school retirement, and school transportation. Mr. Blackman asked Jill Richards, County Superintendent to report on the school budgets prior to his presentation. Mrs. Richards summarized the mills for school districts, explaining that annually the school budgets are signed by the County Commission and the Superintendent herself. The report presented to the Commissioners included a summary of last year and this years increases and decreases of the General Fund, determined with a formula set by legislature based on the previous year's population of school students. The report also included a summary of the County-wide school mills, funds including elementary and high school retirement set by the legislature based on the teacher retirement system and how many teachers are hired in the County. Transportation is also included in the report, which reflects the reimbursement from the State and County for bus transportation. Commissioner Mitchell thanked Mrs. Richards for the clearly detailed report and asked her if any of the school budget was effected by Senate Bill 184. Mrs. Richards explained that four funds were effected, these being Adult Education, Transportation, Bus Depreciation, and the Non-Operative Fund. She noted that a decision was put forth by legal council from the Office of Public Instruction in Helena to combine the three funds together and if there was an increase in the combination, this would then be addressed by Senate Bill 184, in addition to compensating for growth. Transportation is the only County-wide issue

318 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

addressed today, and since the formula is set by population, the schools don't have an "open-check book." There was no public comment. Commissioner Olson stated that finding that the owners in the Harvest Hills Subdivision were not properly notified he so moved to remove Harvest Hills Maintenance District from the mill levy. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Olson moved to adopt Resolution 1999-67, fixing the tax levy required by the final budget adopted for Gallatin County pursuant to 7-6-2321(1) MCA, and approving the Conservation District request contingent on them furnishing the Commission with their resolution. Resolution 1999-67 states: WHEREAS, the Gallatin County Commission has approved a resolution adopting the Final County Budget; and, WHEREAS, State law 7-6-2321 MCA 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 County Commission held a public hearing on October 19th, 1999, on the proposed Gallatin County Budget; and, WHEREAS, the Commission has held a public hearing on October 19th, 1999 on budgeting of increased tax revenue derived from an increase in taxable value, as required by 15-10-203 MCA; and, WHEREAS, the County Commission held a public hearing on October 19, 1999 for the purpose of hearing public comment on the exceeding of the Department of Revenues Certification of Millage, as required by 15-10-204; and, WHEREAS, the County Commission held a public hearing on the need to use the maximum mills allowed by Senate Bill 184 as required by 15-10-420; and, WHEREAS, the attached spreadsheet, which is made a part of this resolution by reference, lists the millage by fund as required by 7-6-2321(1). NOW THEREFORE BE IT RESOLVED by the Gallatin County Board of County Commissioners that the mill levies shown on the attached spreadsheet are approved and fixed for the current fiscal year. Seconded by Commissioner Mitchell. Commissioners Murdock and Olson voted in favor. Commissioner Mitchell voted no. Motion carried with a vote of two to one.

COUNTY OF GALLATIN FUND BALANCE SHEET RECAP FY 2000 FINAL OPERATING BUDGET									
Fund No.	Description	Budget	Cash Reserved	Total Requirement	Cash Available	Non-Tax Revenues	Taxes Needed	Mill Value	FY 2000 Mills
1000	General	6,447,702	685,137	7,132,839	2,846,446	2,919,494	1,366,899	118,616	11.52
1050	Employer Contributions	1,257,758	247,764	1,505,522	468,717	25,056	1,011,749	118,616	8.53
2105	Search & Rescue	186,353	7,249	193,602	120,420	11,782	61,400	118,616	0.52
2120	Public Assistance	713,107	206,500	919,607	491,893	63,015	364,699	118,616	3.07
2130	Bridge	716,473	240,000	956,473	608,595	74,180	273,698	118,616	2.31
2140	Noxious Weed	216,140	75,000	291,140	104,247	44,000	142,893	118,616	1.20
2160	Fair	541,698	120,440	662,138	219,785	256,443	185,910	118,616	1.57
2170	Airport	646,950	4,942	651,892	34,989	572,460	44,443	118,616	0.37
2180	District Court	1,500,905	298,862	1,799,767	401,301	655,866	742,600	118,616	6.26
2280	Senior Citizens	112,508	22,559	135,067	25,281	12,100	97,686	118,616	0.82
2290	County Extension	131,315	40,066	171,381	56,930	23,700	90,751	118,616	0.77
2309	Public Safety	3,706,941	447,619	4,154,560	718,404	1,657,316	1,778,840	118,616	15.00
2355	Study Commission	7,753	-	7,753	7,753	-	-	118,616	-
5020	Rest Home	4,099,176	338,545	4,437,721	619,476	3,818,245	-	118,616	-
	subtotal	20,284,779	2,734,683	23,019,462	6,724,237	10,133,657	6,161,568		51.94
2300	Rural Revolving	265,447	55,623	321,070	308,070	13,000	-	118,616	-
2190	City/County Health	1,145,562	135,000	1,280,562	391,452	269,649	619,461	118,616	5.22
3020	Law & Justice Bond	30,902	-	30,902	30,902	-	-	118,616	-
3030	Rest Home Bond	130,618	26,931	157,549	31,129	16,650	109,770	118,616	0.93
	subtotal Exempt Levies	1,572,529	217,554	1,790,083	761,553	299,299	729,231		6.15
	County Wide Total	21,857,308	2,952,237	24,809,545	7,485,790	10,432,956	6,890,799		58.09
2110	Road	2,240,562	340,000	2,580,562	882,565	717,100	980,897	66,607	14.73
2220	Library	445,290	72,578	517,868	58,515	104,400	354,953	66,607	5.33
2260	County Emergency Fund	39,563	-	39,563	39,563	-	-	66,607	-
	subtotal Special Levies	2,725,415	412,578	3,137,993	980,643	821,500	1,335,850		20.06
	Taxing Total	24,582,723	3,364,815	27,947,538	8,466,433	11,254,456	8,226,649		78.15
	less Transfers	-	-	-	-	-	-		-
	NET BUDGET	24,582,723	3,364,815	27,947,538	8,466,433	11,254,456	8,226,649		78.15
	<i>Increase</i> in taxes from FY 99							317,559	2.78
	County Wide Value						118,616		118,616
	Road/Library Value						66,247		66,607
	County Planning Value						25,659		25,659
2111	Road Impact Fee	251,852	-	251,852	149,852	102,000	-		
2210	Park	70,836	20,000	90,836	69,836	21,000	-		
2225	Law Library	18,000	759	18,759	759	18,000	-		
2255	Open Space Lands Board	2,087,250	-	2,087,250	7,905	2,079,345	-		
2270	Pregnancy Services	15,243	-	15,243	10,474	4,769	-		
7360	Water Quality	194,107	58,900	253,007	126,260	-	126,747	21,111 units	\$ 6.00
2272	Follow Me Grant	8,950	-	8,950	8,950	-	-		
2273	Maternal Child	134,335	4,097	138,432		143,666	-		
					(5,234)				

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45 321

8268 Godfrey Canyon	6,755	-	6,755	4,608	-	2,147	477,000	0.0045
8270 Outlaw South	6,832	-	6,832	2,612	-	4,220	6,028,093	0.0007
8271 Wheatland Hills	1,984	-	1,984	939	-	1,045	1,045,440	0.0010
8272 Harvest Hills	-	-	-	-	-	-	2,657,160	-
subtotal Maintenance	1,964,362	2,000	1,966,362	1,635,488	242	330,632		
RID Bonds								
8608 Riverside Water & Sewer	13,611	-	13,611	13,611	-	-		
8615 Hyalite Heights	5,543	-	5,543	5,543	-	-		
8616 Hebgen Lake Estates	27,850	-	27,850	27,850	-	-		
8617 Gardner Park Subdivision	-	-	-	-	2,733	-		
				(2,733)				
8621 El Dorado	11,312	-	11,312	11,312	-	-		
8622 Hebgen Lake S/W	27,990	-	27,990	16,940	-	11,050		
8626 Sourdough Creek	560	-	560	560	-	-		
8631 Middle Creek Meadows Indust.	757	-	757	757	-	-		
8632 Rae Subdivision	4,000	-	4,000	2,485	-	1,515		
8638 Mountain View 338	10,000	-	10,000	2,431	-	7,569		
8639 Mountain View 339	24,000	-	24,000	13,276	-	10,724		
8640 Sourdough Ridge	14,532	-	14,532	5,532	-	9,000		
8641 Rocky Creek Rd/Wheatland/Pir	36,000	-	36,000	10,806	-	25,194		
8644 Clover Meadows	13,000	-	13,000	3,694	-	9,306		
8646 Riverside Water Tower	35,000	-	35,000	7,592	-	27,408		
8649 RID 349-352	50,209	-	50,209	23,209	-	27,000		
8653 Sweetgrass Hills	153,045	-	153,045	132,045	-	21,000		
8654 Buckskin Hills	4,383	-	4,383	1,619	-	2,764		
8655 RID 355-357	55,307	-	55,307	19,707	-	35,600		
8656 Springvale	2,006	-	2,006	2,006	-	-		
8657 Hyalite Foothills	9,393	-	9,393	9,393	-	-		
8658 Sypes Canyon & Wildflower	42,035	-	42,035	6,268	690	35,077		
8660 Mystic Heights & Arrowleaf	44,300	-	44,300	2,838	7,375	34,087		
8661 Ranch	20,800	-	20,800	1,459	200	19,141		
8662 Arrowleaf	6,019	-	6,019	6,019	-	-		
8665 Cimarron	3,125	-	3,125	(10,252)	-	13,377		
8666 Middle Creek 1 & 3	15,442	-	15,442	3,442	-	12,000		
8667 Royal/Thorpe	21,830	-	21,830	2,831	-	18,999		
8668 Godfrey	12,228	-	12,228	728	-	11,500		
8670 Outlaw South	26,592	-	26,592	1,792	-	24,800		
8671 Wheatland Hills #2	4,866	-	4,866	-	-	85,331		
				(80,465)				
8672 Harvest Hills	22,000	-	22,000	-	-	22,000		
subtotal RID Bonds	717,735	-	717,735	242,199	11,094	464,442		
TOTAL ALL FUNDS	52,913,487	6,310,922	59,224,410	21,146,302	27,242,171	10,835,929		

Mr. Blackman presented another resolution specifically to exceed the certified mill levy for FY 2000, prepared by the County Attorney's office. Commissioner Olson moved to adopt Resolution 1999-68 to exceed the certified mill levy for FY 2000, with a typographical correction to be made. Seconded by Commissioner Mitchell. Commissioners Murdock and Olson voted in favor. Commissioner Mitchell voted no. Motion was carried with a vote of two to one.

- - - -

Grants Administrator Larry Watson reported on the consideration of a contract with Alcohol & Drug Services of Gallatin County for FY 2000 Drug Treatment Court. Mr. Watson explained that this contract has been waiting approval of the budget, however, the Treatment Court has been operating since October 1, 1999. Commissioner Mitchell noted that part of the contract states that Mr. Watson will receive a quarterly summary of the people being treated in the court and prepare an opinion on its effectiveness. She asked if there might be someone available who would be better suited to perform these evaluations. Mr. Watson stated that he would prefer someone else have those responsibilities and explained that in cases when there is no one available to fulfill the role, he is the person who assumes the responsibility. Roger Curtis of Alcohol & Drug Services of Gallatin County and Joe Driscoll, Treatment Court Coordinator, thanked the Commission for their support of the Treatment Court program and noted that so far the Court seems to be going well. Mr. Curtis also noted that in the future they hope to be an alternative to incarceration, thereby benefiting the County even more by reducing bed use in the County Detention Center. Commissioner Mitchell moved to accept the contract with Alcohol & Drug Services of Gallatin County for FY 2000 Drug Treatment Court. Seconded by Commissioner Olson. None voting nay. Motion carried.

- - - -

Gallatin County Planner W. Randall Johnson reported on the consideration of a request for preliminary plat approval for the Two Rivers Minor Subdivision located in the SE¼ of Section 31, T6S, R4E, P.M.M., Gallatin County, Montana, and generally located south of Highway 64. The subdivision was reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife

habitat, and public health and safety. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met prior to 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. A deed restriction or other mechanism, restricting the sale of the remainder parcel shall be recorded with the Clerk & Recorder's Office at the time of filing the final plat for the subdivision. 3. 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. 4. The 100 year floodplain boundary for the South Fork of the West Fork of the West Gallatin River shall be delineated on the final plat. 5. 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. 6. The developer shall obtain the necessary access permits from the Montana Department of Transportation. 7. Interior road plans, road maintenance plans, drainage plans, lot access plans, and sign plans shall be submitted to the County Road & Bridge Department for approval prior to any road construction. 8. The interior subdivision roads shall lie within 60 foot public right-of-way easements. Cul-de-sacs shall be installed at the northwest corner of Lot 4 and at the north side of the existing bridge. The existing interior roads shall be improved to a gravel standard as determined by the Gallatin County Road & Bridge Department. 9. 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. 10. The interior subdivision road name shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 11. Road name signs shall be required at all intersections. The road signs shall be installed or bonded prior to final plat approval. 12. 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. 13. 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." 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 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. 15. The subdivider shall record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 16. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 17. The subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 18. A property owners' association for the subdivision shall be created. 19. Covenants for the subdivision shall include the following provisions: a. Place title to common open space property with the property owners' association. b. Common 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. As concerns common open space; the property owners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. e. As concerns common open space; assessments levied by the association must be able to become a lien on the property. f. As concerns common open space; the property owners' 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 common 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 property owners' association. i. The property owners' 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. 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. 20. Two copies of the covenants, a copy of the preliminary approval document, documents establishing the homeowners' association, road easement documents, deed restrictions, 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, deed restrictions, and certificate of title abstract prior to final plat approval. 21. The developer shall have three (3) years to complete the above conditions and apply for final plat approval. Commissioner Mitchell asked for the purpose of the cul-de-sacs be clarified, and Mr. Johnson explained that they are to provide adequate right of way and road service turn-arounds for emergency vehicles. She also asked Mr. Johnson about the soil limitations in the area and he explained that they haven't received the Environmental Health reports yet, however, the preliminary plat request contains general information about the area, and the DEQ and Environmental Health Departments will be reviewing for approval and report on any problems they encounter. Developer Jim Pepper gave a background report on the subdivision, explaining that the addition of these four lots will solve some previously existing access problems, and has met with Dale Beland who is happy about the rectification. Westland TM is the owner of the property. There is zoning on all of the proposed property and it is zoned for a residential cluster, single family, with over 40% of the subdivision remaining as open space. The lot sizes are compatible with adjoining parcels. Mr. Pepper also explained that the applicants did hold a meeting, inviting neighbors and all those who may have a vested interest to give input, and no one came to the meeting. Bill Madden, attorney for the developer, came forward to clarify the two conditions, the first being the variance/waiver request regarding the upgrading of roads beyond the cul-de-sac and the second being the transferability of the remainder property. Mr. Madden discussed attaching conditions to the remainder parcel, stating that he has been working with the Planning Department and Chief Deputy County Attorney Susan Swimley and they have come to an acceptable agreement on this issue which is noted in the conditions outlined by Mr. Johnson. The second issue regarding the roads beyond the cul-de-sacs is in question since the subdivision regulations state that if access is being provided to unsubdivided parcels the developer must upgrade those roads to County standards. Mrs. Swimley and Mr. Madden are unsure if the parcels beyond the proposed subdivision are subdivided or not. After deliberations, they determined that they would request a waiver of this requirement since they are providing adequate public access. If this waiver is not acceptable, they will submit their request in the form of a variance. To date, there has been no opposition from the Road Department on the waiver request. He also asked that if the variance were granted, a change be made to the staff condition #8, with the last sentence beginning with a qualifier that reads "Except for existing interior roads beyond the cul-de-sacs" and picking up with the existing text. Commissioner Mitchell asked what the hardship for granting the variance would be if it were granted. Mr. Madden explained that the roads do not serve this subdivision at all and if the requirement remained, they would be building roads to adjacent properties that do not serve the subdivision without participation of the adjoining property owners. Mark Gilliland, adjoining property owner, stated concerns over losing access to his lot if the current access is denied. He asked to receive permission to take his road through the open space if his access is denied. Pointing at a map, he demonstrated that his current route goes through the neighbors land and out onto the road. Marjorie Knaub, adjoining property owner, stated concerns over the maintenance the road and bridge that her family has been solely responsible for in the past, and the infringement on their ridge line view if there is not restrictions placed on building height. She is also concerned about limits being placed on how close to the road houses can be built in order to mitigate erosion problems. She stated concerns regarding whether or not a Mormon Church is going to be built in the area, and whether a property owners association would apply to only the lots in the subdivision or the surrounding lot owners also. Mr. Pepper spoke in rebuttal to the public comment. He stated that the use of the open space will be limited to the members of the owners association, not the general public, and that use of the open space by adjoining land owners will be discussed with them. The ridge line has set back requirements already in place and these will be strictly adhered to. He concurred that there is some discussion underway with the Mormon Church for the possible purchase of one of the lots, but it is subject to further discussion. He also noted that the homeowners association would be glad to discuss road maintenance with the adjoining land owners. Standards regarding the setbacks are determined by the zoning district guidelines and ridgeline zoning is determined by a previously set standard. Commissioner Murdock asked Mr. Pepper how he proposed to address Mr. Gilliland's concerns and Mr. Pepper responded that he would have to discuss it with his client, but felt some kind of resolution could be met with a realignment of driveway on Mr. Gilliland's property. Mrs. Swimley stated her concerns over the Commission requiring a condition that involves land not owned by the applicants. Placing the road in the open space is not something that can be determined today, but it would be difficult to do even if legal. Mr. Pepper suggested that Mr. Gilliland realign his driveway to

meet up with the public easement at the north of his property, lessening the steepness, and eliminating the problem of access through the neighbors land. Roy Steiner, Road and Bridge Department Staff Engineer reported that he would recommend the neighborhood remain in its existing state by approving the variance. He also noted that construction of the bridge and upgrading of the roads would indeed be a hardship to the developer with no benefit to them. Commissioner Olson moved to approve the variance request to not improve the roads beyond the cul-de-sac to County standards, finding that it would pose an undue hardship on the developer to the benefit of the neighbors and not to the developer. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Murdock stated that he sympathizes with Mrs. Knaub's concerns about the use of the open space and travel over their bridge. Mrs. Swimley stated that the Commission can't determine the uses of the land, that is left up to the zoning of the area. If the plat is approved, the lots will go through the zoning process for conditional uses. It was suggested that a condition be added to provide for a maintenance plan for the roads and bridges in the area. Commissioner Mitchell moved to approve the preliminary plat of the Two River minor subdivision finding that it meets the criteria set forth in section 76-3-608 MCA, complies with the survey requirements of the Montana Subdivision and Platting Act, complies with the local subdivision regulations and review process, provides easements for the location and installation of planned utilities, provides access to each parcel inside of the subdivision, complies with the Big Sky Zoning regulations, along with conditions 1-21 amending condition #8 to read "The interior subdivision roads shall lie within 60 foot public right of way easements. Cul-de-sacs shall be installed at the northwest corner of lot four at the southeast corner of lot 2. Except for existing roads beyond the cul-de-sacs, the existing interior roads shall be improved to a gravel standard as determined by the Gallatin County Road & Bridge Department.", and amending condition #12 to "...Section 7.G.2..." Seconded by Commissioner Olson. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the consideration of contracts with two of the city libraries. The contracts follow a formula previously prescribed, based on a percentage of utilization. Not all of the contracts have returned, but the other three will be arriving soon. The only changes to these contracts are small dollar amounts pursuant to the approved budget. These contracts have been approved by the individual libraries and are ready for Commission approval. Commissioner Olson moved to approve the library service contracts with the Town of Manhattan and the City of Three Forks. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the resolution from the Meadow View Cemetery District asking that it be placed at the maximum number of mill levies, explaining that it was received prior to your approval of the budget, but was not included in the resolution approved previously. Commissioner Murdock asked if the Commission could make a blanket motion to include the three districts not yet reporting in the FY 2000 budget if they respond by Friday the October 22, 1999. Commissioner Olson moved to approve the Meadow View Cemetery District resolution, as submitted and the Commission authorizes the inclusion of the Story Mill Fire District and Mount Green Cemetery District on the budget, provided the County has received a resolution from these two districts by 5:00PM on October 22, 1999 to the maximum extent allowed by law by Senate Bill 184. Seconded by Commissioner Mitchell. Commissioners Murdock and Olson voted in favor. Commissioner Mitchell voted no. Motion carried with a vote of two to one.

There being no further business the meeting was adjourned at 2:16 P.M.

Unavailable For
Signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING TUESDAY THE 26TH DAY OF OCTOBER 1999

The meeting, held at the Manhattan Police Station, was called to order by Chairman Bill Murdock at 9:02 a.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

OCTOBER 18, 1999

- A special meeting of the Commissioners was called to order for the purpose of considering contracts. In attendance were the three Commissioners, and Executive Secretaries Pat Lewis and Stacy Johnston. A contract with Atlatl, Inc. for Water Testing at the Logan Landfill was the first contract discussed. Commissioner Olson moved to approve the contract; Commissioner Mitchell seconded the motion; the Commissioners unanimously voted to approve the contract; motion carried. The second contract was a contract between Dr. Hiebert and the County Rest Home. Commissioner Olson moved to approve the contract; Commissioner Mitchell seconded the motion; the Commissioners unanimously voted to approve the contract; motion carried.
- The Commissioners attended a regularly scheduled meeting with the County Attorney's Office. In attendance were Commissioners Olson, Murdock, and Mitchell, Deputy County Attorney Chris Gray and Chief Deputy County Attorney Susan Swimley. Numerous legal matters were discussed. The Commission asked Mrs. Swimley to draft an opinion on whether or not a city must annex county roads included in land being annexed around them.

OCTOBER 19, 1999

- A special meeting of the three Commissioners was convened for the purpose of discussing "Clean Cities" with Jon Lear and Linda Weil. Mr. Lear gave an update on the progress of developing a clean cities regional plan, divided into four quadrants by state lines. Mr. Lear expressed his wishes to have the County and City of Bozeman to convert ten vehicles per year on a dual fuel basis to CNG for five years. The conversion would cost approximately \$5,000.00 per vehicle. The Commissioners requested that an invoice for the completed plan be submitted along with documentation to the County Auditor for payment.

OCTOBER 20, 1999

- The Commissioners conducted regular County business.

OCTOBER 21, 1999

- A special meeting of the Commissioners was convened for the purpose of approving Claims. In attendance were Commissioners Olson and Mitchell, County Auditor Joyce Schmidt, and Executive Secretary Pat Lewis. It is to be noted on the record that Ms. Schmidt brought the claims to the meeting for physical review, if necessary. Commissioner Mitchell moved that, at the recommendation of Fiscal Officer Ed Blackman, the following claims be approved: Batch 1, in the amount of \$27,617.77; Batch 2, in the amount of \$49,897.78; Batch 3, in the amount of \$30,437.74; Batch 4, in the amount of \$40,700.70; Batch 5, in the amount of \$65,102.61; Batch 6, in the amount of \$74,290.93; and Batch 7, in the amount of \$378,605.82. Total amount of the foregoing claims is \$666,653.35. Commissioner Olson seconded the motion; both Commissioners voted in favor of the motion; motion carried.
- A special meeting of the Commissioners was called to order for the purpose of considering a request to vacate public right of ways on County Fairgrounds property. In attendance were the three Commissioners and Executive Secretary Pat Lewis. Commissioner Mitchell moved that the Commissioners direct Fairgrounds Supervisor Sue Shockley to make application for another request to the City Of Bozeman (originally requested three years ago) to vacate all streets on the County Fairgrounds. Commissioner Olson seconded the motion; all three Commissioners voted in favor of the motion; motion carried. The Commissioners instructed Pat Lewis to contact Sue Shockley and Deputy County Attorney Chris Gray, to let them know that this meeting had taken place and to give them instructions to complete the necessary paperwork and send copies to the Commissioners for their records. Meeting adjourned.

OCTOBER 22, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- Approval of claims for PO #55534-08 for \$40,808.23, PO #58831 for \$1918.40, PO #46796 for \$865.00, and PO #57773 for \$103.38.
- A request for final plat approval of the C. Spencer Smith minor subdivision located in the NW¼ of Section 17, T1N, R4E, PMM, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic

326 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

- A request for final plat approval of the Wakarusa minor subdivision located in the NW¼, NE¼ of Section 26, T2N, R4E, PMM, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- A request for a family transfer exemption for Sterling R. Collett III located in Section 32, T2S, R6E, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- A request for a boundary relocation exemption for James A. Anderson and Diane L. Goldstein located in the SE¼ of Section 8, T7S, R4E, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- A request for a mortgage survey exemption for Valley Meadows LLC located in Section 3, T1S, R4E, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- A request for a boundary relocation exemption for Donna Hoffman and Samuel & Janis Hoffman, presented by Gallatin County Planner Jennifer Madgic.
- A request for a boundary relocation exemption for C. Burris Blackwood and Richard Blackwood located in Sections 29 and 30, T2S, R5E, and Section 25, T2S, R4E, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- A request for approval of a corrected plat for Raymond Ryan and Energy Quest located in the SW¼ of Section 31, T6S, R4E, presented by Gallatin County Planner Jennifer Madgic.
- A request for final plat approval of the Bradley minor subdivision located in the NE¼, SE¼ of Section 11, T1S, R4E, Gallatin County, Montana, presented by Belgrade City-County Planner Jason Karp.
- A request for final plat approval of the Wylie Creek Ranch located in the SW¼, NW¼ of Section 29, T1S, R5E, Gallatin County, Montana, presented by Belgrade City-County Planner Jason Karp.

There were no minutes. Gallatin County Planner Jennifer Madgic asked for the request for final plat approval of the C. Spencer Smith minor subdivision, and the request for a boundary relocation exemption for Donna Hoffman and Samuel and Janis Hoffman be pulled and continued until the following weeks meeting. Commissioner Mitchell asked for the request for final plat approval of the Wylie Creek Ranch to be pulled and placed on the regular agenda for discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on the request for final plat approval of the Wylie Creek Ranch. He explained that this subdivision is located on Love Lane, is in the Belgrade Planning jurisdiction, and that all of the conditions have been met with the exception of #30. This condition requires that a concrete diversion be created in the ditch, but the applicant does not think it is now necessary since they did not alter the ditch as they originally thought they would. Commissioner Murdock asked Mr. Karp for his opinion on the issue and Mr. Karp responded that the condition hasn't been met, but agrees that the ditch wasn't altered and it appears that all of the parties involved have their water. Public comment was heard from Jim Paugh, adjacent land owner, who addressed concerns regarding condition #25, which states that ditches on the final plat have a minimum of a thirty foot easement, but when Mr. Paugh measured the area himself it appeared to only be 27 feet. Mr. Paugh also addressed the issue regarding condition #30, giving a history of the problems he has had regarding water access. He noted that while he does not feel it necessary for the Commission to require condition #30, he would like for the head-gate to be locked and a key given to him so that he will always be assured of having his water, asking the Commission to make this a condition in order to assure that it is done. Justin Buchanan with Fluidyne, representative for the applicant, explained to the Commission that as the development came along, they realized that they no longer needed to alter the ditch as originally planned, and therefore would like to be relieved of that obligation. Mr. Buchanan assured the Commission that he doesn't have a problem putting a lock on the head-gate, but does not agree to making this a condition as it would delay final plat approval. Commissioner Mitchell asked about the possible discrepancy with condition #25 and the minimum ditch easement. Chief Deputy County Attorney Susan Swimley explained that although the physical site may not reflect the correct easement, the final plat does and that is what matters. Mr. Paugh asked for clarification from Mrs. Swimley on whether or not the Becken border did indeed have a thirty foot easement and she assured him that it does, stating that the fence can be moved if there is a discrepancy. Mr. Buchanan promised Mr. Paugh that within ten days he would place a locking mechanism on the head-gate and give a key to Mr. Paugh and a representative from the subdivision. Commissioner Olson moved to approve the final plat of Wylie Creek Ranch finding that all of the conditions have been met, removing condition #30. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

An annual report by the Gallatin County Libraries of services provided to residents in FY 1999 was given by the Library Board of Trustees and the Library Directors from the Belgrade, Manhattan, Three

Forks, West Yellowstone, and Bozeman Libraries. Ilene Casey, Belgrade Library Director reported an increase in circulation and use by patrons in the last year. She also noted that their library has recently created a foundation, receiving tax exempt status from the State. They are also working on putting their circulation record and card catalog on line in cooperation with Bozeman and West Yellowstone. Alice Meister, Bozeman Library Director reported a stagnation in circulation due to more people accessing information on-line. She also noted that they have been going through a revisioning process in order to find ways to best meet the communities needs. They are going to add a Life-Long Learning Center, an Information Literacy Center, and continue to teach people how to access information from computers as well as books. Mrs. Meister pointed out that Children's books circulation did go up and they have hired a consulting librarian to help define the needs of the future, and have hired a half-time Foundation Development Director to help with campaigning to raise money for more resources. The Bozeman library held a major conference at which 600 people attended. Commissioner Murdock asked Mrs. Meister about their electronic materials that are being coordinated with Belgrade and West Yellowstone and she explained that they have recently received a \$20,000.00 gift from Right Now Technologies to allow assistance through e-mail and maintain accurate records of this help. Colet Bartow, Manhattan Library Director reported on the exciting changes in their community library, noting that in the past year they combined the High School Library with the Community Library, resulting in a huge increase in circulation and patron use. She noted that a big reason for the increase in patronage is due to the availability of the Internet and e-mail. Emma Prokop, Three Forks Librarian reported that their library is at the far end of the County and actually serves Broadwater, Jefferson and Madison Counties as well as Gallatin County. She noted that she has been there since 1972. Mrs. Prokop reported that in the last year 136 new people applied for library cards, with a majority of these people being from out-of-state. She noted that they are very short on space, having out-grown their building, and are really unable to provide adequate service to the public. The Three Forks Library has increased their hours to 20 per week, hired an aide for 6 hours per week, and has noticed an increase in patronage largely due to providing computers and Internet access which were made possible by a grant received from the State Library System. Liz Kerney, West Yellowstone Librarian reported a large increase in circulation and patron use, again related in large to Internet access, literacy programs, advertising, and a general increase in enthusiasm for the library. They are also coordinating with Bozeman in providing the BridgerNet catalog, and providing resource sharing, giving more access of books to their patrons. She noted that they offer a courier service, through Galavan, and have a foundation in place. She also reported they are happy to say that 90% of the school age kids in West Yellowstone now have their own library cards. Commissioner Olson noted that he was very happy to see the cooperation taking place between the libraries, and thanked them for their reports.

Chief Deputy County Attorney Susan Swimley reported on the consideration of a resolution prescribing the form of resolutions, stating that departments all over the County prepare resolutions, and creating uniformity will expedite the signage and relieve confusion regarding who should sign the resolution based on the vote taken. Commissioner Mitchell moved to approve resolution 1999-69 prescribing the form of resolutions. Seconded by Commissioner Olson. Commissioner Mitchell noted her appreciation for the hard work Mrs. Swimley put into this resolution. None voting nay. Motion carried.

Commissioner Murdock reported on the release of security bond for Sweetgrass Hills RID performance bond. He noted that there are four criteria that have to be met before the release can take place: 1) A minimum 50% build-out of the subdivision, 2) verification that the RID was created with less than 10% property owners protesting the creation of the district, 3) confirmation that 90% of the lots in the district are held in separate and individual ownership, and 4) verification that the County will not impose any risk by releasing the money. Gallatin County Planner Randy Johnson reported that of the 91 lots in the subdivision, 46 have houses, meeting the 50% build-out criteria. Executive Secretary to the Commission, Pat Lewis prepared a report which the Commission read into the record stating that there has been fewer than the 10% maximum protests. Chief Deputy County Attorney Susan Swimley noted that she knew of three protests, keeping the number well below the 10%. The Assessor's Office confirmed that as of September 3, 1999, more than 90% of the lots in this RID are held in individual ownership. Mrs. Lewis' report also noted that the average sized lot in this district, with no home yet built on it, was assessed at a value of \$41,869.00 in May 1999 tax billing. The average modern home in this area is approximately \$200,000, and multiplying this total by 46, the number of lots with homes built on them, equals approximately \$11 million dollars. The Commission has to determine if the \$11 million would be sufficient for backing the remainder of the repayment of the bond debt. County Treasurer Jeff Krauss reported that the remainder bond is less than \$200,000. He also reported that the average value he could report for each lot was \$139,822, with more than half of these lots being empty, noting that the underlying value that backs up the bond is covered. Mr. Krauss encouraged the

Commission to release the bond, stating that he is completely comfortable that the remaining bond is sufficiently covered. Commissioner Olson moved to approve the release of Sweetgrass Hills RID performance bond, finding that the terms of the RID policy 1-4 have been met. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on a resolution of intent to levy and assess a tax on Harvest Hills RID #372, on the principal and interest on the bonds. This is a requirement of statute that a hearing be held on the levying and assessing, followed by a public hearing in one week to hear public comment. Chief Deputy County Attorney Susan Swimley noted that there is a correction that needs to be made stating that the resolution of intent to create is 98-372-b. Commissioner Mitchell moved to approve Resolution RID 98-372-f, a resolution of intent to levy and assess a tax on Rural Improvement District #372, improvements to roads in the Harvest Hills Subdivision in Gallatin County with the correction as noted by Deputy County Attorney Susan Swimley. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Randy Johnson presented a consideration of a request for preliminary plat approval for Klompien minor subdivision located in the SE $\frac{1}{4}$ of Section 4 and the SW $\frac{1}{4}$ of Section 3, T1N, R3E, Gallatin County, Montana. The subdivision was reviewed for the following primary criteria: Agriculture, agriculture water user facilities, local services, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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. 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. Farmall Lane shall be constructed to county standards for gravel roads. A cul-de-sac, constructed to county standards, shall be located at the west end of Farmall Lane. The section of Farmall Lane within the subdivision shall be within a 60 foot public dedicated right-of-way, and the section outside of the subdivision shall be within a 60 foot public right-of-way easement. 5. Interior road plans, road maintenance plans, drainage plans, lot access plans, and sign plans shall be submitted to the County Road & Bridge Department for approval prior to any road construction. 6. 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. 7. The interior subdivision road name shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 8. A road name sign shall be required at the intersection of Farmall Lane and Nixon Gulch Road. The road sign shall be installed or bonded prior to final plat approval. 9. A STOP sign shall be installed at the intersection of Farmall Lane and Nixon Gulch Road prior to final plat approval. 10. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2 of the Gallatin County Subdivision 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 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." 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 accordance with the Gallatin County Fire Protection Impact Fee Regulation. 15. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 16. A property owners' association for the subdivision shall be created. 17. Covenants

for the subdivision shall include the following provisions: a. Place responsibility for operation and maintenance of the interior subdivision road in the property owners' association. b. The property owners' association shall be responsible for the control of noxious weeds within the road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. c. All structures shall be constructed in compliance with the Uniform Building Codes, and the National Fire Protection Association (NFPA) codes. d. Property owners of the subdivision are informed that nearby uses may be agricultural. Property 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 fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. f. All newly constructed dwellings 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 hours notice, during construction and after completion. 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. 18. Two copies of the covenants, a copy of the preliminary approval document, 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 of title abstract prior to final plat approval. 19. The developer shall have three (3) years to complete the above conditions and apply for final plat approval. Mr. Johnson assured the Commission that there are no ditches to contend with on the property and that this subdivision is within the Manhattan zoning area and received approval the Manhattan Planning Department on June 16, 1999. He also noted that the two roads involved are built to County standard currently, and while Nixon Gulch Road does exceed the 100 trips per day limit for necessitating a requirement to pave, the addition of one lot should not place that responsibility on the hands of the applicant, and this has been agreed on from the Road Department. Dennis Foreman of Gaston Engineering reported that the applicant agrees to all of the conditions. Commissioner Olson moved to approve the preliminary plat for Klompien minor subdivision finding that it meets with MCA 76-3-608, complies with the Gallatin County Subdivision regulations, was approved by the Manhattan Planning Department, along with conditions 1-19 as listed. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Fairgrounds Director Sue Shockley facilitated the bid opening for the Gallatin County Fairgrounds' electrical project for underground electrical distribution and indoor arena lighting. One bid was received from Townsend Electric, with a modification received from the same at 6:48 AM this morning. The bid was picked up in the Clerk and Recorder's Office at 8:30AM by Mrs. Shockley and transported to the meeting. The bidder's Contract Registration number is U538. The bid includes notification of receiving the addendum, the bid bond, and the base price bid is \$100,000 even, with an alternate price of \$120,000 even. The modification asks that the opener deduct \$29,000 from the base price and \$20,000 from the alternate price. Mrs. Shockley asked that she be given a week to review the bid, present it to the construction committee, and have it placed on the following weeks meeting agenda. The Commission agreed.

- - - -

Commissioner Murdock stated that the Commission would like to give any public present the opportunity to ask questions or make comments since they are doing a remote meeting today. Wilbur Visser asked the Commission to explain why the County is placing a compost garbage plant in West Yellowstone. Commissioner Olson explained that a congregation of counties interested in the possibility of a composting site decided they needed a pilot plant to determine if this area has a climate conducive to composting. West Yellowstone hauls 3000 tons of garbage a year, where Bozeman, and the towns around it haul approximately 200 tons a day. Since West Yellowstone pays so much to haul their garbage and Yellowstone Park is contributing to the effort, they determined that it would be a good place to put the pilot project. If the pilot program works well, then a larger plant will be built down in the valley. This will reduce the cost of hauling for West Yellowstone and help the Park accomplish their Federal mandate to get "cleaner and greener." If the composting works, this will help with the recycling effort and eliminate up to 75% of the garbage currently going into the landfill. Mr. Visser asked about having to lease Forest Service land to build the plant on and the Commission assured him that the Forest Service is happy with the project and the County will not have to lease any land. Also, it was noted that the Forest Service and the DEQ will be holding concurrent meetings in order to assure standards are met

330 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

and help the process move forward. Manhattan Mayor Eleanor Mest thanked the Commission for coming to Manhattan and asked that they do so more often.

There being no further business the meeting was adjourned at 10:28 AM.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK/ATTEST

PUBLIC MEETING TUESDAY THE 2nd DAY OF NOVEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:00 a.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

OCTOBER 25-27, 1999

- The Commissioners conducted regular County business

OCTOBER 28, 1999

- A special meeting of the Commissioners was convened with the Detention Center Evaluation Committee to discuss logistics of the committee. A mission statement was drafted and it was determined that more citizens needed to be appointed as committee members. The Commission unanimously agreed to accept the committee's final recommendation regarding the Detention Center.

OCTOBER 29, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes for the Public Meetings on August 10th, 17th, 24th, 31st, and September 7th.
- Approval of claims for PO #55534-09 for \$66,806.69 and PO #53714 for \$48.18 which is a replacement for warrant #37695.
- A continuation of a request for final plat approval of the C. Spencer Smith minor subdivision located in the NW¼ of Section 17, T1N, R4E, PMM, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic
- The following contracts were reviewed and considered: Contract with Brent Morris for Executive Director Services for Open Lands Board, Taylor Architects, P.C. for design development of security exit doors for the Detention Center, Sprinkler Technology Design, Inc for engineering of a fire sprinkler system at the Detention Center, Van Dyken Engineering for electric engineering of a fire sprinkler system at the Detention Center, library contract with City of Belgrade, library contract with City of West Yellowstone, Public Defender contract with Todd Dawson Glazier for District Court 1.

The contract with Brent Morris for Executive Director Services for Open Lands Board was pulled. Gallatin County Planner Jennifer Madgic requested the continuation of final plat approval of the C. Spencer Smith minor subdivision be pulled and continued until the following weeks meeting. Commissioner Olson requested it be moved to the regular agenda for discussion rather than continued again. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic requested the continuation of C. Spencer minor be placed later in the meeting to allow the surveyor to be there for the discussion.

Fair Director Sue Shockley reported on the bid award for the electrical project at the Fairgrounds. Mrs. Shockley requested the bid from Townsend Electric be rejected due to budget constraints.

Commissioner Olson moved to accept the recommendation of the Fair Board and reject the bid received from Townsend Electric, finding that budget constraints will not allow them to accept the bid at this time. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley presented the second reading of Ordinance 99-04 to reduce the speed limit on Cottonwood Road in front of Anderson School. Commissioner Olson read the ordinance into the record, stating that it will reduce the speed on a portion of Cottonwood Road to 30 MPH, and contains sections on applicability, speed limit, and penalty. The Clerk and Recorder will post the ordinance, if passed, and have copies of it available to the public. Mrs. Swimley explained that if the Commission passes on the second reading of the ordinance, it will become effective after thirty days. Commissioner Olson moved to approve Ordinance 99-04 to reduce the speed limit on a portion of Cottonwood Road in front of Anderson School. Seconded by Commissioner Mitchell. Commissioner Murdock asked Interim Road and Bridge Superintendent Dave Fowler about the status of speed signs for the road. Mr. Fowler reported that the signs will not be ready for four months, but they have acquired some temporary signs that will be put in place until the permanent ones come. None voting nay. Motion carried.

The consideration of preliminary plat approval of the Silo minor subdivision was moved until later in the meeting to wait for Belgrade City-County Planner Jason Karp's arrival.

The Commission reported on the appointment of the Detention Center Evaluation Committee and the adoption of its mission statement. Commissioner Murdock explained that Gallatin County has embarked on a top priority effort to find solutions for the Detention Center problems. When the Commission could not reach an agreement to put the issue to a vote of the people, they decided to create a committee to review the issue and make a recommendation which all of the Commissioners have agreed to follow. Commissioner Mitchell read the mission statement: "The purpose of this committee is to evaluate the Detention Center information accumulated to date and make a recommendation to the County Commission as to how to proceed. Those recommendations can be anything from acquiring more information (and how), to an ultimate conclusion about the Detention Center, or anything in between. Status reports of progress in 6 months or sooner. This committee's final recommendation will be agreed to by the County Commission." The effort is to not reduplicate time spent and information gathered previously. Commissioner Olson read the list of Detention Center Evaluation Committee Appointees: Darrell Behrents, Jennifer Bordy, Dick Brown, Marilyn Burns, Jack Clarkson, Lee Copenhagen, Roger Curtiss, Everett Egbert, Bill Fairhurst, Nona Faith, Bruce Gerlach, Greg Hoell, Sam Hofman, Bill Martel, Grace Morgan, Dick Morgan, Esther Nelson, Tom Nopper, Dr. Peter O'Reilly, Bill Ogle, Dave Penwell, Gus Phaebler, Dave Pruitt, Greg Rath, Lisa Read, Lou Spain, Joe Townsend, Carol Townsend, Lonny Walker, Albie Wells, and Debe Youngberg. There was no public comment. Commissioner Mitchell moved to approve the list of committee appointees and adopt the mission statement put forth by the Commission. Seconded by Commissioner Olson. Commissioner Olson noted that they have the option of appointing additional or different people if needed, and that the committee will be choosing their own chairman. None voting nay. Motion carried.

Gallatin County Planner Jason Karp presented the consideration of a request for preliminary plat approval of the Silo minor subdivision located in the NE $\frac{1}{4}$ of Section 3, T1S, R4E, PMM, Gallatin County, Montana, and more particularly described as Lot 1 of Gallatin Valley Homesteads subdivision. The subdivision was reviewed for the following primary criteria: Wildlife and wildlife habitat, public health and safety, local services, natural environment, agriculture, and agriculture water user facilities. There is one variance being requested which would allow the access road right-of-way to be 40 feet wide instead of 60 feet wide. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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 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 joint use of an easement for 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 landowners 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 owners shall be responsible for the maintenance of the interior access road. e. 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 impact fees and fire impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations. 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 the 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. The developer must obtain an encroachment permit from Gallatin County for the access road off of Thorpe Road. 11. Road names shall be approved by the Road Office, and road name signs and STOP 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. 12. The interior access road shall be a sixty foot right-of-way, and shall be constructed to Gallatin County standards with a temporary cul-de-sac or "t" type turnaround at the north side of Lot 2-A. (If the variance is granted, a 40 foot right-of-way is required.) 13. All road work will need to be inspected and certified by a licensed engineer. The inspection and certification must be provided to the County Road Office in writing prior to final plat approval. 14. 30 feet of Thorpe Road south of the centerline shall be dedicated to the public along the entire width of the subdivision. If approved, 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. Commissioner Olson asked about the access permit and Mr. Karp explained that it will be for access to one driveway, as the other lot already has a driveway access. There was no comment from the applicant. Mr. Karp asked the Commissioners to add a condition requiring the developer to pay a reimbursement for the fill site located in the Summit Subdivision. This reimbursement would be paid to the Belgrade City-County Planning Department who would in turn appropriate it to the proper party. Interim Road and Bridge Department Superintendent Dave Fowler assured the Commission that the variance request is acceptable. Assistant Belgrade Fire Chief Bryan Connelley noted that the cul-de-sac turnaround would be adequate for emergency vehicles if the road was constructed to the standards set forth by the Gallatin County Road and Bridge Department. Commissioner Olson moved to approve the variance request, requiring the access easement be constructed at 40 feet rather than 60 feet. Seconded by Commissioner Mitchell, adding the finding that it will not be a detriment to public health and safety. None voting nay. Motion carried. Commissioner Mitchell moved to approve the preliminary plat for Silo Minor Subdivision, finding that it meets the requirements of MCA 76-3-608, complies with the Gallatin County Subdivision Regulations, received Belgrade City-County Planning Department approval, along with conditions 1-15, and adding a condition to state "The developer shall be responsible for paying a proportionate reimbursement to Summit Subdivision for the fill site", and changing condition #12 to read "40 feet." Seconded by Commissioner Olson. None voting nay. Motion carried.

- - - -

Fiscal Officer Ed Blackman presented the public hearing on levying and assessing of the bond and interest payments on the Harvest Hills RID #372. Under this resolution, the Treasurer's Office will determine the actual rate on a yearly basis for the actual levying and assessing of this pursuant to State Law and pursuant to the original bond documents. In addition, on a yearly basis the Commission will assess and notify the owners and contract holders of record of any special assessments associated with the maintenance assessment. The public hearing is to accept protests on the levying and assessing of this tax. Commissioner Olson asked if the assessment of \$75.05 per lot maintenance was calculated by the Treasurer and Mr. Blackman explained that it was figured out by Morrison-Maierle, and this would have been assessed on the property if the proper notice had been given to the owners. Chief Deputy County Attorney Susan Swimley explained that the RID was created and paving was completed, and then CI75 passed, prohibiting the County to require the owners to begin paying back the bonds. Gallatin

County Treasurer Jeff Krauss reported that each homeowner has received an assessment of \$3278.69 as their share of the outstanding principal, from this a levied amount of \$169.93 plus interest in the amount of \$188.79 for a total addition to their taxes this year of \$352.72, with a pay-off of twenty years. Mr. Krauss also explained that the effective rate is recalculated every year for each RID, with the effective rate this year being 5.758%. The reason for the additional interest is a result of the bonds being outstanding for awhile. There was no public comment. Commissioner Olson moved to adopt Resolution RID 98-372-g, levying and assessing tax on RID #372. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Gallatin County Planner Lanette Windemaker reported on the public hearing for a zone map amendment for Gene Cook from B-2 (Community Business) to M-1 (Light Manufacturing) in the Gallatin County/Bozeman Area Zoning District, located in the NW¼ of Section 16, T2S, R5E, Gallatin County, Montana, and more particularly described as Tract 1B of COS 1074-B. The staff report included the following: 1. Are the requested zoning designation and potential uses significantly different from the prevailing uses in the area? There is a mixture of existing uses in the area of this application. It is hard to determine prevailing uses. Some uses allowed in the M-1 designation are similar to existing uses in the area (recreational vehicle sales, plant nursery, veterinary clinics, etc.). 2. Does the requested zoning designation benefit a small area and only one or a few landowners, or does the requested zoning designation benefit the surrounding neighborhood, community, and the general public? The property is currently zoned B-2 (Community Business), which allows almost the same uses as the requested M-1 (Light Manufacturing) except such things as warehousing and truck facilities. The change to M-1 zoning was suggested during the zoning jurisdiction transition period. It was suggested that it might be appropriate to completely eliminate the option of B-2 zoning in the Gallatin County/Bozeman Area Zoning District, since B-1 zoning and M-1 zoning adequately provided commercial and industrial uses within the zoning district. 3. Is the requested zoning designation compatible with the Plan or is it a special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public? The requested M-1 zoning designation could be considered to be compatible with the Plan as providing buffering and transition land use between the heavily traveled U.S. Highway 191 (Huffine Lane) and the R-3 residential zoning and land use adjacent to the south. 4. Applications for zone map amendments must be made in accordance to Section 55 of the Gallatin County/Bozeman Area Zoning Regulations. Section 55 requires a finding that the zone map amendment is consistent with the intent and purpose of the Zoning Regulations, including but not limited to a finding that the amendment complies with the Gallatin County Plan. The Planning Board held a public hearing on the application October 12, 1999. The Gallatin County Planning Board received a letter, dated October 5, 1999 from Martin and Suzanne Erickson expressing concerns about fencing. The Gallatin County Planning Board received a letter, dated October 12, 1999, from Allen and Connie Lien expressing concerns about specific uses, Rae sewer district, ground water, and surface water rights. After the public hearing and consideration of the public comments, the Gallatin County Planning Board moved to deem the proposed revision to not be in the public interest as it does not promote the health, safety and general welfare of the community by: Finding the proposed zoning designation and potential uses to be significantly different from the prevailing uses in the area; and finding the proposed zoning designation to only benefit the property and property owners not the surrounding neighborhood, community and general public; and finding the proposed zoning designation to not be compatible with the Plan; and finding the proposed M-1 zoning designation to not be compatible with surrounding uses and of benefit only to a small tract and a single owner. The Planning Board motion achieved a majority vote. Therefore, denial is recommended by the Planning Board. If the Commission, after hearing and considering all public testimony, determines that the requested zone map amendment meets the criteria of Section 55 of the Gallatin County/Bozeman Area Zoning Regulations, a Resolution of Intention to adopt the zone change may be passed. Notice of the Resolution of Intention shall be published once a week for two weeks beginning the 30 day protest period. After the expiration of the protest period, the Clerk and Recorder shall report on the adequacy of the protests received. If the protests received are not adequate to void the adoption, within 30 days after the expiration of the protest period, the Commission may adopt a Resolution finalizing the zone map amendment. In addition, the following condition is suggested: 1. The zone map amendment shall be complete upon submittal of the \$100 mapping fee to the Planning Department for update of the Official Zoning Map. Commissioner Olson asked Mrs. Windemaker if the proposed land is in the three mile zoning area and she confirmed that it is. She also explained that the concerns stated in a letter from the Liens cannot be addressed until the land is developed when it will go through the standard review for permitted land use. Applicant, Gene Cook, explained that due to relatively high ground water and potential sewage problems in the area, he felt building mini-storage warehousing would be a good alternative for the land. He noted that he felt this use would cut down on traffic in the area and he would be willing to place a fence between this area and the people to the west. Commissioner Murdock asked Mr. Cook if he had been in contact with the zoning advisory committee about the development of the area. He stated that he hadn't but that the City had

expressed to him their desire to see the area re-zoned to M-1. There was no public comment. Board discussion took place regarding the zoning regulations for the B-2 and M-1 uses. The Commission noted that M-1 appears to be more controlled, granting fewer uses than B-2, and the area does not appear to be a good residential area anyway. Chief Deputy County Attorney Susan Swimley suggested the Commission address the findings, for the record. Commissioner Olson noted that the benefit depends on what is going on the land, and feels it impossible to determine where the benefit lies. Commissioner Murdock stated that the zone change would benefit the surrounding area more than if left under the current zoning.

Commissioner Murdock also noted that he agrees with Mrs. Windemaker that the requested zoning designation is compatible with the Master Plan, and is not designed to benefit only one or a few to the detriment of the adjoining land owners, and the zone map amendment is consistent with the intent and purpose of the regulations and complies with the Master Plan. Commissioner Olson stated that in accordance with the findings that have been made, he moved to approve the Cook zone map amendment application. Seconded by Commissioner Mitchell. Commissioner Mitchell added that she wished they were further along in the revision of the donut area ordinances and zoning. Commissioner Murdock concurred. None voting nay. Motion carried.

- - - -

Gallatin County Planner Lanette Windemaker reported on the public hearing for a zone map amendment for Cook-Lehrkind, Ferguson and Basile from B-1 to M-1 in Gallatin/Bozeman Area Zoning District located in the NE ¼ of Section 17, T2S, R5E, Gallatin County, Montana, and more particularly described as Lot 1 of Minor Subdivision #234. The staff report included the following: 1. Are the requested zoning designation and potential uses significantly different from the prevailing uses in the area? There is a mixture of existing uses in the area of this application. It is hard to determine prevailing uses. Some uses allowed in the M-1 designation are similar to existing uses in the area (recreational vehicle sales, plant nursery, veterinary clinics, etc.). 2. Does the requested zoning designation benefit a small area and only one or a few landowners, or does the requested zoning designation benefit the surrounding neighborhood, community, and the general public? The property is currently zoned B-1 (Neighborhood Service), which allows limited commercial types uses. The change to M-1 zoning was suggested during the zoning jurisdiction transaction period as appropriate consolidation of zoning designations in this area. 3. Is the requested zoning designation compatible with the Plan or is it a special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public? The requested M-1 zoning designation could be considered compatible with the Plan as providing buffering and transitional land use between the heavily traveled U.S. Highway 191 (Huffine Lane) and the R-3 residential zoning across Gooch Hill to the east or the agricultural land use adjacent to the south. 4. Applications for zone map amendments must be made in accordance to Section 55 of the Gallatin County/Bozeman Area Zoning Regulations. Section 55 requires a finding that the zone map amendment is consistent with the intent and purpose of the Zoning Regulations, including but not limited to a finding that the amendment complies with the Gallatin County Plan. The Planning Board held a public hearing on the application on October 12, 1999. The Gallatin County Planning Board received a letter, dated October 12, 1999 from Lawrence Birdie and Christie Kelley expressing concerns about impacts from an access easement on the property to the north. After the public hearing and consideration of the public comments, the Gallatin County Planning Board moved to deem the proposed revision to be in the public interest to promote the health, safety and general welfare of the community by: Finding the proposed zoning designation and potential uses to be significantly the same as the prevailing light manufacturing uses (recreational vehicle sales and service, plant nursery, and veterinary clinic) in the area; finding the proposed zoning designation to benefit the surrounding neighborhood, community and general public by making the zoning more consistent with the M-1 zoning adjacent to the west; and finding the proposed zoning designation to be compatible with the Plan as a "Buffering and Transitional Land Use" between the highway and the agricultural land to the south. The Planning Board motion failed to achieve a majority vote. Therefore, no action is recommended by the Planning Board. Commissioner Mitchell asked whether or not the concerns presented by Lawrence Birdie and Christie Kelly had been addressed. Mrs. Windemaker explained that there is an existing private access agreement that runs across their property to the north of their house that they didn't know about when they bought the property. Commissioner Murdock questioned the Planning Department's determination that B-1 is less intrusive than M-1, and Mrs. Windemaker and Mrs. Swimley explained that this is not an issue to be considered, the important thing is compatibility with surrounding zoning. Co-applicant Gene Cook explained that much of the surrounding land around this piece of ground is zoned M-1. He noted that there is more flexibility with M-1 than B-1, and in his opinion the change would ultimately result in less traffic volume, encroachments to the Highway, and sewage addition to the area. Commissioner Mitchell questioned Mr. Cook about what he intended to place on this piece of land and he responded that he is not sure at this time, but is considering something like a lighting shop or furniture store. Commissioner Murdock questioned Mrs. Windemaker about the staff report stating that this area is mainly zoned as rural

residential, yet most of the actual uses are not conforming to the plan. She explained that the plan is implemented through the zoning regulations and this is how the zoning has been handled in the area. Commissioner Murdock asked her if uses in M-1 and B-1 could be considered compatible with the Rural Residential zoning node. Commissioner Olson noted that granting this change is a harder decision in his mind, with the Planning Boards vote indicating to him that they had trouble deciding also. Commissioner Mitchell concurred, stating that she believes firmly in the "neighborhood node", with corner grocery stores that keep people from having to travel into town to shop. Commissioner Murdock also agreed, stating that while he sympathizes with the comments made by Mr. Cook, when he looks at finding #2, he feels that this change would be to the benefit to only a few, and the permitted uses of B-1 are more compatible with the area. Commissioner Murdock also noted that considering finding #3, he believes the change would not be as compatible with the Master Plan as what is currently there, and that the change is not consistent with the intent and purpose of the Zoning Regulations, as stated in finding #4. He stated that because of the reasons previously stated, he would not be voting for the zone change amendment. Commissioner Olson noted that changing the zoning from B-1 to M-1 would increase the possibilities, not necessarily change the types of uses. Commissioner Mitchell moved to approve the Ferguson, Cook-Lehrkind, and Basile Zone Map change request. Seconded by Commissioner Olson. In discussion, Commissioner Murdock noted that the change request does not meet criteria 1-4 and is not in the interest of public health, safety and general welfare. Commissioner Olson voted to approve Resolution 1999-71. Commissioners Mitchell and Murdock voted nay. Motion was denied with a vote of two to one.

Gallatin County Planner Jennifer Madgic asked that the Commission continue the final plat approval of the C. Spencer Smith minor subdivision, noting that the applicants, Assistant Fire Chief Bryan Connelley, Surveyor Ray Center, and the Planning Department agree that this is the best option at this time. Commissioner Olson moved to continue the final plat approval of the C. Spencer Smith minor subdivision until the following week's meeting. Seconded by Commission Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 10:42 A.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 9TH DAY OF NOVEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:00 a.m. Also present were County Commissioners Phil Olson, Jennifer Mitchell, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

NOVEMBER 1-2, 1999

- The Commissioners conducted regular County business.

NOVEMBER 3, 1999

- Commissioners attended a special meeting at the Fairgrounds with Fairgrounds Manager Sue Shockley, Superintendent of Schools Jill Richards, Fiscal Officer Ed Blackman, City-County Health Officer Stephanie Nelson, Personnel Director Kathy Nowierski, Sheriff's Detective Rob Christie, Clerk and Recorder Chief Deputy Eric Semerad, and Clerk and Recorder Shelley Vance to discuss consideration of strategic planning for the county. The discussion included what the group hoped to accomplish through a strategic planning conference, the costs, who could assist with the conference, when the conference would be held, and who should attend. The group recommended the Commission hire MSU Extension Community Development Specialist Dave Sharpe to facilitate the session because he has a strong knowledge of how county government works, has experience dealing with contentious groups successfully, and has the ability to work with strong willed individuals. The group recommended that the session be held on January 26 and 27, 2000 at the Sacajawea Inn in

336 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Three Forks, MT, and that elected officials and department heads should attend. Costs would be approximately \$6,000 for the two-day conference which includes two breakfasts, two lunches, two social hours, one dinner, twenty-five rooms for lodging, and materials and supplies for the facilitator. Selection of who should attend included the following criteria: a history of interaction with elected officials and/or department heads, boards with FTE's, significant county budgets, ability to hire/fire, budget authority, and decision making authority. Motion by Commissioner Mitchell to hire Dave Sharpe to facilitate the strategic planning conference. Seconded by Commissioner Olson. None voting nay. Motion carried. Motion by Commissioner Olson to establish a planning committee to meet with the facilitator and assist in organizing the strategic planning conference. The committee will include Sue Shockley, Jill Richards, Ed Blackman, Stephanie Nelson, Kathy Nowierski, Bill Slaughter, Rob Christie, Eric Semerad, and Shelley Vance. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Motion by Commissioner Mitchell to fund up to \$6,000 for the conference. Seconded by Commissioner Olson. None voting nay. Motion carried. The planning committee will meet with Dave Sharpe on November 5, 1999, at 1:30 at the Fairgrounds to start planning the conference and draft a letter inviting elected officials and department heads to attend the strategic planning conference.

NOVEMBER 4, 1999

- A special meeting of the Commissioners was called to order to discuss the Haynes Pavilion impact fee recommendation. In attendance were Commissioners Olson, Murdock and Mitchell, Deputy County Attorney Chris Gray, and Executive Secretary Stacy Johnston. Commissioner Mitchell made a motion to authorize Mr. Gray to proceed with an appeal for impact fees, noting that there is a \$180.00 fee for the appeal. Three areas of the appeal were set: 1) The decision doesn't apply to County Government definition. 2) Constitutional Issues (due process), and 3) Factual argument. Commissioner Murdock seconded the motion. There was no discussion. Motion passed unanimously.

NOVEMBER 5, 1999

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- Approval of claims for PO #55534-10 for \$14,892.83.
- Consideration of compensation to Paul Kruse for services rendered on behalf of Gallatin County relating to the Winter Use Environmental Impact Statement presented by the Commission.
- A continuation of final plat approval for the C. Spencer Smith minor subdivision located in the NW $\frac{1}{4}$ of Section 17, T1N, R4E, PMM, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic. The final plat was approved with condition #7 being changed to read "Applicant has entered into an improvements agreement for fire fill site requirements."
- A request for a family transfer exemption for Bernie & Myra Westra located in the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 6, T1S, R4E, Gallatin County, Montana, presented by Gallatin County Planner Jennifer Madgic.
- The following contracts were reviewed and considered: Brent Morris for Executive Director Services for Open Lands Board and Teton Communications for maintenance of communication equipment at 911.

There were no minutes. Commissioner Murdock asked that the contract with Brent Morris be pulled until the following weeks meeting, and for the consideration of compensation to Paul Kruse be pulled and place on the regular agenda for discussion. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Olson. None voting nay. Motion carried.

Commissioner Murdock reported on the consideration of compensation to Paul Kruse for services rendered on behalf of Gallatin County relating to the Winter Use Environmental Impact Statement. He explained that Mr. Kruse was hired by five counties, and Gallatin County initially contributed \$3,000 dollars for services rendered. The contract has run out, but he is continuing to work on the County's behalf until December 1, 1999. The County would like to pay him, in a range of three to five thousand dollars for this continued work. Commissioner Murdock asked Deputy County Attorney Chris Gray to discuss the issue for the record. Mr. Gray agreed that he could draw up an agreement with Mr. Kruse, based on the letter of agreement that was previously drawn up with him. This would memorialize any contract that was in place in the past. Mr. Gray noted that he needed to know the essential terms of the

contract, and could then draft the document. Commissioner Mitchell noted that Gallatin County has contributed in-kind labor from the Commission's secretary and travel expenses toward this effort. She asked that this be subtracted from the County's portion of the payment to Mr. Kruse. Commissioner Olson asked Mr. Gray if he could proceed based on the approval of the essential terms of the offer to Mr. Kruse, and draft the document in full at a later time, and Mr. Gray agreed that he could. Commissioner Murdock noted that other County contributions have ranged from \$3,000 from Park County, Montana, to \$30,000 from Park County, Wyoming, and suggested that Gallatin County pay him for services rendered and time that will be spent from now until December 1, to the maximum of \$4,000. Commissioner Mitchell noted that Fiscal Officer Ed Blackman wrote a note suggesting a payment of \$2,000, leaving her to believe that the issue needs more discussion before a decision is made. Mr. Gray explained that he does not feel that a motion is needed today, stating that the final transaction will be ratified by the Commission before it is approved. The Commission determined that the contract will be approved based on the regular contract process at a later date.

The Commission presented a proclamation declaring November 15, 1999 as "America Recycles Day." Commissioner Mitchell moved to proclaim November 15, 1999 as "America Recycles Day." Seconded by Commissioner Murdock. None voting nay. Motion carried.

The Commission presented appointments to the County Board of Adjustment for the Gallatin County/Bozeman Area Zoning District. Commissioner Mitchell read the names of the applicants: Dennis Hardin, Gus Pfaelher, Steve White, Ralph Miller, Joann Mueller, SueEllen Bradley and Betty Litle. All of the applicants live in the donut area, two have had previous experience in this type of area, and all have helped in revising the zoning ordinances. Commissioner Murdock noted that the Commission is concerned about appointing anyone that has active variance requests in process, and therefore made a motion to nominate Gus Pfaehler, Steve White, Ralph Miller, Joann Mueller, and Betty Litle as the Board of Adjustments for the Gallatin County/Bozeman Area Zoning District. Commissioner Olson concurred and reiterated that the two not chosen, Dennis Hardin and SueEllen Bradley are qualified, but have requests pending and therefore should not be on the board at this time. Seconded by Commissioner Mitchell. Discussion took place regarding the terms and how the appointees would be assigned their terms. Gallatin County Planning Director Dale Beland concurred that the terms are staggered and are generally chosen by the drawing of straws. Commissioner Mitchell asked Deputy County Attorney Chris Gray if the terms needed to be spelled out before the board is actually appointed and he responded that the County Attorney's Office would assure the proper statutory authority is there. Commissioner Mitchell asked to modify the motion to include "given the legal requirements provided by the County Attorney's Staff." The second was amended. Mr. Beland advised the Commission that the Bozeman Area Advisory Committee is proposing potential modifications to the regulation that sets up the Board of Adjustments as part of the whole overriding zoning regulations. There will be another opportunity in the future to amplify the text of the zoning regulations that defines the duties of the Board of Adjustments. Commissioner Mitchell questioned Mr. Beland about the function of the Board already being laid out by Statute. Mr. Beland explained that if there is a need for modification or revision, there will be a time for that in the future. None voting nay. Motion carried.

Gallatin County Planning Director Dale Beland reported on the consideration of a resolution of intention to amend the Gallatin County Floodplain Regulations to include the former Bozeman Extraterritorial Jurisdictional Area and also designate the County Floodplain Administrator. There is an exhibit attached to the resolution which details the literal changes that are to be made. The first is the "Adoption" section which would insert "the City of Bozeman, Montana Flood Insurance Study, Dated July 15, 1988." This is the set of data and analysis which lead to the definition of their floodplain regulations. The second change is in Chapter 3 in the "Floodplain Administrator" section which will delete "Subdivision Review Officer" and insert "Planning Director." The third change will amend Chapter 5 in the "Application" section to add "the Flood Insurance Rate Map Community Panel Numbers (300028 0001-0021) for areas outside the corporate limits of the City of Bozeman." These changes are basically "house-keeping" issues. In June the City Floodplain Administrator announced the City's intention to withdraw from the floodplain program effective the date the Commission acquired jurisdiction, on July 27. In the interim, it has been awkward for those people living in this area, as they were under no jurisdiction and in some cases were not able to acquire floodplain insurance until the jurisdiction was put in place. There was no public comment. Commissioner Olson moved to approve resolution 1999-72, a resolution of intention to adopt amendments to the Gallatin County Floodplain Regulations. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 9:32 A.M.

*Unavailable for
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING TUESDAY THE 15th DAY OF NOVEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 3:48 P.M. Also present was County Commissioner Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board Glenda C. Noyes.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

A public meeting was held to discuss Firelight Homeowner's Association's petition for re-hearing regarding Uplands Residential Cluster B. Attending the meeting were Commissioners Murdock and Mitchell, Chief Deputy County Attorney Susan Swimley, Acting Clerk to the Board Glenda Noyes, and parties representing Firelight Subdivision and Uplands Residential Cluster B. Mrs. Swimley explained that Firelight Homeowners Association filed a petition requesting the Gallatin County Commission vacate the conditional preliminary plat approval granted to Uplands Residential Cluster B on June 15, 1999. She noted to the Commission that they have two issues to deal with, the first being whether they actually have the authority to consider the petition for re-hearing, and the second being whether or not notice of the June 1, 1999 hearing was adequate. Mrs. Swimley laid out the facts involved for the Commission to determine and base their decision on. 1. An area of common open space adjoins Uplands Residential Cluster B on the west. 2. In May or April of 1999, the public hearing for the proposed Uplands Residential Cluster B was scheduled for June 1, 1999. 3. On May 13, 1999, Leelyn, Inc. and Wiley, MT, Inc. owned the common open space. 4. Uplands Residential Cluster B certified the adjacent property owners, addresses and property descriptions to the Gallatin County Planning Department. (Provided as Exhibit A.) 5. The certification lists Leelyn, Inc. and Wiley, MT, Inc. as owners of lot 20 in Firelight Subdivision. 6. The certification does not list the common open space. 7. On May 13, 1999, Leelyn, Inc. and Wiley, MT, Inc received certified mailing notice of the June 1, 1999 public hearing. 8. June 1, 1999, the Gallatin County Commission began a public hearing to consider the proposed Uplands Residential B subdivision. The matter was continued for two weeks. 9. June 8, 1999, a warranty deed transferring the common open space from Leelyn, Inc. and Wiley, MT, Inc. to the Firelight Homeowners Association was filed with the Gallatin County Clerk and Recorder. 10. June 15, 1999, the Gallatin County Commission granted conditional preliminary plat approval to the Uplands Residential Cluster B. 11. September 25, 1999, Firelight Homeowners Association filed a Petition for Rehearing and Request to Vacate Findings and Order Granting conditional preliminary plat approval to the Uplands Residential Cluster B. 12. September 19, 1999, the Firelight Homeowners Association filed a Request for Hearing. 13. October 4, 1999, Uplands Residential Cluster B filed a Motion to Dismiss. 14. November 12, 1999, Firelight Homeowners Association filed a Brief in Opposition and a Supplement to the Request for Rehearing. Mrs. Swimley asked that the Commission first consider whether or not they have jurisdiction to consider the petition for rehearing. She noted the law, Section 76-3-625 (2) and (3), MCA which states that a party (defined in subsection 3) who is aggrieved by a decision, may within 30 days appeal to the District Court. She also noted Section 2.D. of the Gallatin County Subdivision Regulations which states that a party who is aggrieved by a decision, may within 30 days appeal to District Court, and that the petition must specify the grounds upon which the appeal is made, and that section 13.F of the Gallatin County Subdivision Regulations states that the Commission may withdraw approval of a preliminary plat if they determine the information provided by the Subdivider, upon which approval was based, is inaccurate or incomplete, within 30 days. Ms. Black, attorney on behalf of Firelight Homeowners Association, alleges the Commission has equitable and case law power to rehear this matter now. Mrs. Swimley gave the opinion that because both parties have substantial investments in the proceeding, the Gallatin County Commission should seek a declaratory judgment action requesting the District Court determine if the Gallatin County Commission possesses the authority to re-open, reconsider, rehear or vacate the preliminary plat approval granted to the Uplands Residential B Cluster subdivision on June 15, 1999. Mrs. Swimley explained that there is no clear answer to this issue, and therefore recommends that the Commission not make a decision, but refer it to District Court for the initial decision on whether or not the Commission has jurisdiction. Commissioner Mitchell asked if this issue could have long-term impact on County decisions in the

future, and Mrs. Swimley agreed that if the Commission referred this to District Court, their decision could be precedent setting for the County and for the State if other counties look to us for their own decisions. Commissioner Murdock noted that he does not care to set a precedent, as the Commission, of re-hearing subdivisions whenever parties are not happy with the outcome. Discussion took place between Ms. Black and the Commission regarding the issue of authority and notice and Mrs. Swimley reiterated that she does not feel the Commission has the ability to make a decision on this issue right now. Brian Gallik, representative for Uplands Residential Cluster B, noted that they agree with Mrs. Swimley's opinion since they do dispute the notice issue, and think it best for District Court to determine whether or not the jurisdiction lies in the Commission's hands. He also asked that whatever the decision, it be done expeditiously. Commissioner Mitchell moved to take the advice of Chief Deputy County Attorney Susan Swimley and seek a declaratory judgment action requesting the District Court determine if the Gallatin County Commission possesses the authority to re-open, reconsider, rehear or vacate the preliminary plat approval granted to the Uplands Residential B Cluster subdivision on June 15, 1999. Seconded by Commissioner Murdock. Ms. Black asked for confirmation that they would be listed as a party in the action taken to District Court and Mrs. Swimley assured her that they would. Mrs. Swimley also noted for the record that she called Mr. Gallik and Ms. Black and asked them to agree on this course of action prior to this meeting, Mr. Gallik agreed and Ms. Black responded that the Commission needed to do their job. Ms. Black asked if she might ask the developer to modify the conditions, and Commissioner Murdock explained that while the Commission will not play the role of a mediator, the two parties are welcome to discuss anything in order to reach a compromise. The question was called. None voted nay. Motion was carried.

There being no further business, the meeting was adjourned at 4:19 P.M.

Unavailable for
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 16TH NOVEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:04 a.m. Also present was County Commissioner Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Deputy Clerk & Recorder Glenda C. Noyes, Acting Clerk to the Board.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

The following items were on the consent agenda:

NOVEMBER 8, 1999

- A special meeting of the Commissioners was called to order at 3:32 p.m. for the purpose of approving claims submitted on November 4, 1999. County Auditor Joyce Schmidt recommended approval of the regular run dated 10-31-99, batches 1-6, and recommended the board deny approval of PO#59040 for \$50.00. Commissioner Olson made a motion to approve the claims dated 10-31-99 for \$541,900.23. Commissioner Mitchell seconded the motion. Motion passed unanimously.

NOVEMBER 9-11, 1999

- The Commissioners conducted regular County business.

NOVEMBER 12, 1999

- A special meeting of the Commissioners was called to order for the purpose of considering a contract modification to Contract #2000-63 with Taylor Architects. Commissioner Olson made a motion to approve the modification to Contract #2000-63, allowing for the contractor to exceed the contract in the amount of \$1,920.00. Commissioner Murdock seconded the motion. Motion passed unanimously.

* * * * *

- Landfill Receipts for October 1999: \$75,966.12.
- A101's for October: \$25,436.25.
- Payroll for October 1999: \$946,192.02.

340 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

- Clerk & Recorder's Fees Collected for October 1999: \$33,158.75.
- New Hire Report for October 1999: REST HOME – Michello Maiuri, Jamie Page, Carisa Plum, Sheila Arthur, Stephanie Meier, Jolene Stolba, Barbara Foster, Melanie Holland; GIS – Chad Murray, Erin Bard; FAIRGROUNDS – Philip Hamel; 911 – Susan Franks; DETENTION CENTER – Don Peterson; YOUTH PROBATION – Daniel McDonald; PERSONNEL – Randolph Kuyath; ROAD & BRIDGE – Bruce Marcott; HEALTH – Leslie Rickard; SUPERINTENDENT OF SCHOOLS – Christine Burnett.
- Terminated Employees' Report for October 1999: REST HOME – Mary Jo Heier 9/29/99, Shannon Nelson 10/15/99, Carissa Plum 10/22/99, Jamie Page 10/26/99; GIS – Helen Motter 9/30/99; ITS – Mark Solyst 10/12/99; DETENTION CENTER – Michelle O'Neill 10/18/99; WEED – Brian Engle 10/21/99; SHERIFF – Vicky Ridgway 10/22/99.

Received & Approved Applications for Cancellation of Taxes for October 1999: \$71.00.

- Minutes
- Approval of claims for PO #55534-11 for \$16,904.38.
- A request for a family transfer exemption for Stanley Scott Tenney located in the SE¼ of Section 13, T1S, R4E, PMM, Gallatin County, Montana, and more particularly described as Tract 1 of COS 427, presented by Belgrade City-County Planner Jason Karp.
- A request for a family transfer exemption for Carol and Grace Idland located in the SW¼ of Section 35, T1N, R4E, PMM, Gallatin County, Montana, and more particularly described as Tract 1 of COS 512G, presented by Belgrade City-County Planner Jason Karp.
- A request for a security for construction financing exemption for Robert and Dolores Prescott located in the NE¼ of Section 26, T1N, R4E, PMM, Gallatin County, Montana, presented by Belgrade City-County Planner Jason Karp.
- A request for final plat approval of the Garvey Minor Subdivision located in the NW¼ of Section 9, T1S, R5E, PMM, Gallatin County, Montana, and more particularly described as Lot 2 of Minor 124A, presented by Belgrade City-County Planner Jason Karp.
- The following contracts were reviewed and considered: Brent Morris for Executive Director Services for Open Lands Board, Memorandum of Agreement between Gallatin County and the Bozeman Area Hockey Association for pavilion payment, and a contract with Securitec Safety Systems, Inc. for Duress Alarms at the Law & Justice Center.

There were no minutes. Chief Deputy County Attorney Susan Swimley requested that the family transfer exemption for Stanley Scott Tenney be pulled and placed on the regular agenda for discussion. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on the request for a family transfer exemption for Stanley Scott Tenney located in the SE¼ of Section 13, T1S, R4E, PMM, Gallatin County, Montana, and more particularly described as Tract 1 of COS 427. Chief Deputy County Attorney Susan Swimley asked Mr. Karp to clear up the confusion over to whom the tracts are being transferred. He explained that tract 2 is being transferred to Mr. Tenney's mother, tract 3 is being transferred to his father, and in turn tract three will be transferred from the father to Mr. Tenney's brother, and tract two will be transferred from the mother to Mr. Tenney's sister. Mrs. Swimley noted that while she never feels completely comfortable with a request for exemption when the land will be immediately transferred to someone else, she has no grounds on which the Commission could deny it. She also stated that since the transferring is remaining within the family, she is not as worried about the legitimacy of the exemption. Commissioner Mitchell moved to approve the request for family transfer exemption for Stanley Scott Tenney. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Disaster and Emergency Services Coordinator and Bozeman Fire Chief Aaron Holst acknowledged Deputy Mike Hoey, who will retire November 30, as having been a valuable part of the DES Department since 1975, and thanked him for his dedication and job well done for Gallatin County. The Commission, along with Mr. Holst presented Mr. Hoey with a plaque in appreciation of his service.

The HRDC Board of Directors has two openings resulting from the expiration of Joan Davies' and Emily Swanson's terms. Both of these members have expressed a willingness to serve again. One application was received on November 15 from Connie Two-Two. Joan Davies came forward and explained that Jeff Rupp told her there are other openings on the board that Ms. Two-Two could be appointed to, and requested that Mrs. Swanson and herself be re-appointed to the Board. Commissioner Mitchell stated that finding there will possibly be a place on the HRDC Board that Ms. Two-Two could be appointed, she moved to appoint Joan Davies and Emily Swanson to fill the advertised positions, both expiring

7/1/2002. Seconded by Commissioner Murdock. None voting nay. Motion carried. The Open Lands Board has one vacancy due to the resignation of Bill Brewster. Devon Sorlie has been attending the meetings regularly and has applied to be officially appointed to the Board. Commissioner Mitchell moved to appoint Devon Sorlie to the position on the Open Lands Board which will expire 2/9/2001. Seconded by Commissioner Murdock. None voting nay. Motion carried. As a result of the November 2, 1999 election, Wendell Ingraham, Dee Rothschilder and Stewart Peacock were re-elected to the board of the Big Sky Water and Sewer District. The Commission must then appoint a director. No other applications were received. Mr. John "Skip" Radick has expressed an interest in serving another six-year term, which would expire 11/2/2005. Commissioner Mitchell moved to appoint Mr. Radick as Director of the Big Sky Water and Sewer District. Seconded by Commissioner Murdock. None voting nay. Motion carried. The Three Forks Ambulance District has two openings as a result of two terms recently expiring for Fuss Damuth (9/1/99) and David Udey (9/1/99). Ms. Damuth has expressed an interest in serving another three year term, which would expire 9/1/2002. One application has been received for Mr. Udey's vacancy from Mr. Bill Frank. This term will expire 9/1/2001. Commissioner Mitchell moved to appoint Ms. Fuss Damuth to the position which will expire 9/1/2002 and appoint Mr. Bill Frank to the position which will expire 9/1/2001. There is currently one vacancy on the Big Sky Transportation District Board due to the resignation of Denise Wade. One application has been received from Wade (Yancey) Arterburn. Commissioner Mitchell moved to appoint Wade (Yancey) Arterburn to serve out the remainder of the vacated term which will expire 12/31/2000. Seconded by Commissioner Murdock. None voting nay. Motion carried. The County Planning Board has one opening as a result of Joe Skinner's term expiring on 11/1/99. Mr. Skinner has expressed an interest in serving another term. One application was received from Vito Quatraro. Commissioner Mitchell moved to re-appoint Mr. Joe Skinner to the County Planning Board, finding that he represents the agriculture interests of our community and has been a valuable part of the Board. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

Grants Administrator Larry Watson presented the 1999 Local Law Enforcement Block Grant for public hearing. He explained that in order to maintain receiving the grant, it is necessary to have this public hearing. The program began in 1996 and each year since Gallatin County has received an allocation from the grant which is reviewed by an advisory board. There are six people on the board which look at the amount of money available to Gallatin County each year and advise the Sheriff in pre-application for the funding, and submission of the application to receive the funds. The individuals on the board include Deputy County Attorney Gerry Higgins, Judge Gordon Smith, County Superintendent Jill Richards, Rob Meyers from the Bozeman Rotary Club, Jerry Wilson, Chief of West Yellowstone Police Department, and Gallatin County Sheriff Bill Slaughter. Under the 1999 program, Gallatin County is eligible to receive \$20,679. The program requires a match, and this year out of the Sheriff's budget a match of \$2,298 is proposed. A pre-application letter has been sent to the Bureau of Justice Assistance, letting them know that we plan to participate, and identifying an eligible activity for the pursuit of the funds. The Advisory Board identified the priority of their needs to be Alpha Numeric paging. This system used through 911 would allow for mass paging for disaster and emergency and all other law enforcement work. The final application with an indication of a match from the County will be due sometime before the end of the year. Gallatin County Sheriff Bill Slaughter reported that the amount the Sheriff's Department has received over the years has varied. He explained that since they are operational 24 hours a day, and equipment wears out frequently, this money allows them to try to keep up with the other departments in technology and replace worn out equipment. Commissioner Murdock inquired about the percent of the match of Gallatin County and Sheriff Slaughter explained that the match is 10% and comes from the department's operational budget. Commissioner Mitchell asked how long the department has been aware they would be receiving the grant and Sheriff Slaughter reported that they became aware of the money around preliminary budget time. Commissioner Murdock noted that Sheriff Slaughter is a member of the Board of Crime Control, and Sheriff Slaughter stated that he is the new chairman of the sub-grant review committee. No action was taken.

- - - -

County Planning Board member Nick Salmon presented an update on the Gallatin Plan Outreach Effort. The Community Participation Program, as adopted by the County Planning Board on 3/10/99, set the following goals: "to inform citizens about growth impacts and opportunities, to illustrate growth management options, and to facilitate consensus on planning for Gallatin County." The Public Participation Committee designed the format of the Round I meetings. The Planning Board, County Planning Department Staff and Gretchen Burton (GIAC) organized and attended 12 meetings throughout the county from May 13th to August 31st, 1999. These meetings were held in Dry Creek, Belgrade (Fire Station #2), Churchill, Three Forks, Belgrade (City Hall), West Yellowstone, Big Sky, Gallatin Gateway, Sedan, Manhattan, Bozeman, and Willow Creek. This represented a major effort and time commitment on behalf of staff and the board. The typical presentation at the meetings included an

overview of growth in the community, distinctions between planning, zoning, and subdivision, goals of the current County Plan, and the technology available through NSDI/GIS mapping effort. The participation at these meeting varied from 2-42 persons, typically reflecting the size of the community in which the meeting was located, with 170 total attending the meetings. The common comments, questions and concerns brought up by the public at the meetings included the following: Need some planning, not a lot of regulation; people need information on options; What good is planning, without implementation tools?; evaluate the effectiveness of the current County Plan; need alternative scenarios about the future; local zoning district can mean local people make their own rules; need to promote zoning process and options available to citizens; property owners need some level of predictability; How does plan affect property rights?; do not want city people planning county; need to have "controlled growth" - either grow or die; new development should pay its own way; need case studies of development to illustrate options. Based upon the input from the first round of meetings and additional technical support from Wil Orr of Prescott, Arizona (a consultant to NASA's earth-based projects), the Planning Board has decided not to repeat the effort of planning 12 small meetings, and instead will organize 3 large meetings targeting three major groups within our community: Agriculture & Agriculture Related Business; Real Estate & Development; and Conservation & Environment. The Board, Staff and Wil Orr will meet first with focus groups of 5 persons each and then with a large public forum. As the process builds toward the larger meetings in January they will engage in a wide-spread publicity effort which may include the development of the County Planning website, newspaper editorials and advertisements, radio and television interviews, and two special outreach tools: an insert 5-10 days prior to the public forums and a video summarizing the process available to groups or individuals who cannot attend. The Round II Focus Groups will start on Monday November 22nd at 7:00 P.M., with the three focus groups, Planning Board, Planning Staff, Open Lands Board, and County Commission meeting to overview Round I, and Round II goals, and introduce the spatial modeling techniques which will include a series of assumptions linked to land use such as: No development of prime agricultural land, development within 1 mile of existing services, development within 1/8 mile of existing roads; and restrictions on steep slopes, wetlands, winter range, etc. In this process, each assumption can be given greater value than others, such as development adjacent to existing services is more important than preservation of agricultural land, or vice versa. On Tuesday November 23rd the three targeted major groups, Conservation & Environment, Real Estate & Development, and Agriculture & Agriculture & Agricultural Related Businesses will meet individually to review and critique the spatial modeling tool, discuss expansion and refinement of assumptions and weight of assumptions, develop draft agenda for the January forums, and develop a draft list of groups, individuals and media resources to target for January forums. The Round II Forums will begin with a meeting mid January 2000. Participants in each of the three Focus Groups will be asked to assist the board in reaching as many of their peers as possible, and encouraging their attendance at the forums. They will also present the spatial modeling tool and develop alternatives suggested from the groups. Groups may select representatives to develop 2-3 alternative futures & potential policy statements, or the group may chose to summarize their input at the conclusion of the meeting. Round II Summaries will take place mid-February 2000. The Planning Board and Staff will receive the alternatives and determine where consensus may exist; indicate what draft policies may be needed to implement alternatives; and determine what tools may be needed to implement alternative future scenarios: TDR's, Open Space Bond, Zoning, and incentives for cluster subdivisions, etc. Round III Overview will take place March-May 2000. The dates will depend upon when the board receives Round II input. The Planning Board hopes to host three or four Open Houses sharing alternative futures generated during Round II, draft policies and implementation strategies. Feedback from Round III meetings will direct the Planning Board in potential revisions to the County Plan (if any). Mr. Salmon also noted that the Board feels they couldn't have gotten this far without the support from the committed County Planning staff. Commissioner Mitchell noted that she is excited about this project and the potential for public involvement. She also commended the Planning Board for the hours they have put into this effort. Mr. Salmon noted that the Outreach Committee is composed of Joe Skinner, Steve Forest, Dennis Phillipi, and himself.

Gallatin County Treasurer Jeff Krauss presented a review of the Quarterly Securities Report, reporting that the following is a verification of bank balances, the pledged securities against bank balances, and the reconciliation from the Treasurer.

CASH ON HAND AT THE CLOSE OF BUSINESS - September
30, 1999

STATE OF MONTANA)ss.
County of Gallatin)

I, Jeff Krauss, County Treasurer of Gallatin County, State of Montana, upon oath depose

and say:

That, at the close of business on September 30, 1999 there was on deposit to my credit in the following banks, balances as shown by the statements of cashiers of such banks herewith: that, from such balances, there should be deducted for checks outstanding, and added for deposits made, amounts as follows:

<u>BANKS</u>	<u>ACCOUNT NUMBER</u>	<u>BANK BALANCES</u>	<u>OUTSTANDING CHECKS</u>	<u>DEPOSITS</u>	<u>TREASURER'S BALANCES</u>
US Bank, Bozeman	4130018	closed	\$0.00	\$0.00	\$0.00
Norwest Bank, Bozeman Branch	712386 20491 315503	\$4,082,660.81 \$0.00 \$0.00	(\$24,570.55) \$0.00 \$425,332.77	(\$212,414.80) \$0.00 \$0.00	\$3,845,675.46 \$0.00 \$425,332.77
AMERICAN BANK	280102436	\$40,466.59	\$0.00	(\$17,776.60)	\$22,689.99
VALLEY BANK OF BELGRADE	108103	\$19,928.18	\$0.00	(\$5,641.34)	\$14,286.84
MANHATTAN STATE BANK	4100013	\$17,749.50	\$0.00	(\$10,132.45)	\$7,617.05
SECURITY BANK, THREE FORKS	5200116	\$14,029.71	\$0.00	(\$2,152.80)	\$11,876.91
FIRST SECURITY BANK, WY	700351	\$6,710.95	\$0.00	(\$284.95)	\$6,426.00
BIG SKY WESTERN BANK	101710	\$52,239.03	\$0.00	(\$1,227.00)	\$51,012.03
FISCAL AGENT	N/A	\$100.00	\$0.00	\$0.00	\$100.00
		-----	-----	-----	-----
		\$4,233,884.77	\$400,762.22	(\$249,629.94)	\$4,385,017.05

			Cash		\$367,907.57
			School Investments		\$12,820,915.60
			Airport Authority		\$7,213,895.78
			County and Pooled Investments		\$19,925,640.18

			TOTAL Cash on Hand		\$44,713,376.18

Discussion took place regarding investment of the County's money and Mr. Krauss explained that most of the investments are made into STIP since it is the most liquid and pays currently at 5%. Mr. Krauss also explained that typically the balances are lower in October than any other time of year, since this quarter's taxes have not been deposited yet.

Chief Deputy County Attorney Susan Swimley presented an Order declaring the territory of the 4 Dot Meadows County Sewer District. A petition was received to create the 4 Dot Meadows County Sewer District and a public hearing was held, and it was then referred to the Clerk and Recorder to conduct an election. It was determined that there were no registered voters within the district, but one Limited Liability Company was eligible to vote, and did so, voting in favor to create the district. The law then requires the County Commission to enter an Order upon the record acknowledging the boundaries of the district and the election. The order is under the form of resolution 1999-73. When a motion is made to approve the district, the Clerk and Recorder will then report to the Secretary of State with regards to the election results. Commissioner Mitchell stated that finding that all votes were cast in favor of organizing the 4 Dot Meadows County Sewer District, she so moved to approve Resolution 1999-73. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley presented a resolution on the decision concerning petition to abandon a portion of Fir Street in the Northern Pacific Addition to Logan. She detailed the law in regards to abandoning a road and explained that in July, 1999 the Commission received a petition to abandon Fir Street in Logan. A viewing committee was appointed and they reported back to the Commission on October 12, and a public hearing was held regarding the petition and the results of the investigation. The Commission decided at this time to approve the abandonment of Fir Street, and per the suggestion of Deputy County Attorney Chris Gray, the matter was then referred to the County Attorney's Office for findings to be made. Mrs. Swimley presented the Commission with a report from which their findings need to be made. The Commission needs to consider: a. previous platting: The street was dedicated on January 18, 1896, when the plat was filed in the Office of the Clerk and Recorder; b. manner in which the right-of-way was originally dedicated, granted, or conveyed: The

recorded plat grants and donates the street to the use of the public forever; c. the reasons stated in the petition requesting vacation: The street was not built in the dedicated right-of-way. A house and a garage are located within the dedicated right-of-way. Persons have been driving through the dedicated park instead of on the dedicated right-of-way; d. any agreement between adjacent property owners regarding the use of the vacated area: The public is the property owner on the west. Gary E. and Margaret Rutledge own Lot 16 of block 4 to the west. Rene Whitney owns Lots 1 and 2 of block 4 to the west. The Gallatin County Commission stated their intention to grant the abandoned land to the Rutledges and Mr. Whitney. Gary Rutledge and Rene Whitney agreed to pay the cost of a survey and filing of an amended plat. The resolution at hand reiterates the findings from the report, states the authority of the Commission to do the abandoning, and sets forth a timeline. Commissioner Mitchell moved to approve Resolution 1999-74, the decision concerning petition to abandon a portion of Fir Street in the Northern Pacific Addition of Logan with the findings as reported by the Chief Deputy County Attorney. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 10:13 A.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 23rd DAY OF NOVEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:00 a.m. Also present was County Commissioner Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board Glenda C. Noyes.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

The following items were on the consent agenda:

NOVEMBER 15, 1999

- The Commissioners attended a regularly scheduled meeting with the County Attorney's Office. In attendance were Commissioners Murdock and Mitchell, County Attorney Marty Lambert, Chief Deputy County Attorney Susan Swimley, and Deputy County Attorney Chris Gray. Discussion took place regarding numerous legal matters. It was determined that Mrs. Swimley and Commissioner Mitchell would negotiate with the landowners on West Babcock individually or as a group, at the discretion of the owners. The letter written to the City of Bozeman regarding negotiation points, and asking for a response by February 1, 2000 was approved. The Commission also approved a letter written to the West Babcock owners asking for a response by March 1, 2000.

NOVEMBER 16-19, 1999

The Commissioners conducted regular County business.

- Minutes
- Approval of claims for PO#48646 for \$2,401.87, PO#48650 for \$1,250.00, PO#48652 for \$10,860.38, PO#51198 for \$583.00, PO#54271 for \$7,585.00, PO#58292 for \$6,000.00, PO#59970 for \$580.00, and PO#60101 for \$175.00, and the following batches 11-20-99: Batch 1 for \$31,098.41, Batch 2 for \$21,594.43, Batch 3 for \$23,472.47, Batch 4 for \$47,810.47, Batch 5 for \$59,624.80, Batch 6 for \$84,144.05, and Batch 7 for \$93,306.32.
- The following contracts were reviewed and considered: Terrell's for maintenance of office equipment at Justice Court, and Department of Health & Human Services for WIC Program.

There were no minutes. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

A vacancy exists on the Reese Creek Fire Service Area Board due to David Svare's term expiring. The vacancy has been advertised and no applications have been received. Mr. Svare has expressed an interest in serving another term. Commissioner Mitchell moved to re-appoint David Svare to the Reese

Creek Fire Service Area Board, a three-year term which will expire April 1, 2002. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the consideration of a request for preliminary plat approval for the Steiner subsequent minor subdivision located in the NE $\frac{1}{4}$ of Section 34 and the NW $\frac{1}{4}$ of Section 35, T1N, R5E, Gallatin County, PMM, Montana, and generally located off of Clearview Road. The subdivision was reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, water supply and sanitary facilities, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. The applicant has requested two variance from the road design standards of the subdivision regulations. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. 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, and certificate prior to final plat approval. 4. Applicant shall record with 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. Applicant shall record the following covenants with the final plat (also including any covenants recommended by the Gallatin County Weed Control District and Belgrade Fire District): a) The property owners' association shall be responsible for the control of County-declared noxious weeds. b) 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. c) The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. d) The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment. 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. Applicant shall establish a property owners' association or join an existing association for enforcement of the required covenants and maintenance of Clearview Road. 9. A cul-de-sac, built to County standards, shall be required at the north end of Tract 38A. 10. Thirty feet of Clearview Road east of the centerline shall be dedicated to the public for the entire length of the development. 11. Applicant shall provide a second or emergency access to be reviewed and approved by the County Road Department. 12. Applicant shall extend Clearview Road or construct a County-standard road to the east or west as approved by the County Road Department. 13. Applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fee policy. 14. Applicant shall make payment of fire protection impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fee policy. 15. Applicant shall meet the fire protection requirements in accordance with the Subdivision Regulations and the Belgrade Rural Fire District. Applicant shall obtain written verification from the

District that the required water supply and any other conditions required of the Belgrade Rural Fire District have been provided. Inspections shall be scheduled, with a 48-hour notice, during construction and completion. 16. Applicant shall provide a final plat to the Belgrade Rural Fire District prior to final plat approval. 17. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Ms. Madgic explained that in 1973 an effective grid system regarding the roads was developed, allowing for roads to follow through, secondary accesses to be provided for, and eliminating dead-end cul-de-sacs. Since then Springhill Road has been realigned, resulting in a dead-end of Clearview Road at lot 38, with an easement which crosses undulating terrain and wetlands which meet up with Springhill Road. If Clearview Road were continued to meet up with Springhill Road, it would be a major public health and safety problem. In addition to this, the State placed a no-access strip along the southern portion of Springhill Road, which would prohibit Clearview Road from being continued north. Both variances concern Clearview Road and would require an extension of Clearview Road in some way. The options are to continue Clearview Road to the east or west. An easterly continuation would line it up with Springhill Road, or to the west lining it up with Ham Road, which would require permission from the adjacent property owners. There was a public hearing which took place before the Gallatin County Planning Board on November 9. The Planning Board recommended denial of the variances. The Road and Bridge Department and the Belgrade Rural Fire Department both support the variance requests. The Planning Board agreed that this proposal does comply with the goals and policies of the County Plan. Commissioner Mitchell asked Ms. Madgic to explain the letter that was received from Scot Smith regarding concerns about Montana Power Company. Ms. Madgic explained that this is an issue beyond the control of the Planning Department or the Commission. Commissioner Murdock asked Ms. Madgic to contact Mr. Smith and explain this to him. Dennis Foreman, surveyor with Gaston Engineering, noted that the applicant agrees with all of the conditions and suggested an alternative split of the lot which would provide potential for a secondary access to the west if lots 40 or 41 are ever developed, and would eliminate the need for the variance requests. Commissioner Murdock asked Dave Fowler, Road and Bridge Department Interim Superintendent to express his opinion on the variances and second proposal of the developer. Mr. Fowler concurred that they are in support of the variance requests and with the limited knowledge of the second proposal, thinks he is in agreement with it. He also reiterated that Springhill Road as constructed is off-set and would not be in the best interest of public health and safety for Clearview Road to be constructed further. He also explained that Clearview Road is currently 60-feet wide and the addition of this lot would only add 8 cars per day. Chief Deputy County Attorney Susan Swimley cautioned the Commission that if they would like to consider the option of splitting the lot the way proposed by Mr. Foreman, they would need to continue a decision until new drawings could be drawn up. Belgrade Rural Fire Marshall, Brett Waters reported that while they are usually against variances of this type, the lot owners have few options and the fire department is in support of the variance requests in this case. He also noted that the second option would be even better from EMS standards. Commissioner Murdock stated that he would be in support of approving the variance requests, but would also feel comfortable granting a continuance if the developer wanted to look into the second option for splitting the lot. Commissioner Mitchell concurred. Discussion took place between Planner Jennifer Madgic and Mrs. Swimley regarding whether the owners of lots 40 and/or 41 could be required in the future to develop the road that does not benefit their property, and Mrs. Swimley stated that she is sure it could be worked out since it will benefit the whole subdivision to have a second access. Dennis Foreman asked if the decision could be tabled for a couple weeks in order for the developer to look into the second option proposed. The extension was agreed to by the developer until December 7, or later if needed. The public hearing was then closed.

There being no further business the meeting was adjourned 9:31 A.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 30TH DAY OF NOVEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:02 a.m. Also present were County Commissioners Phil Olson and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board Glenda C. Noyes.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

NOVEMBER 22, 1999

- A special meeting of the Commissioners was convened to discuss a contract with Alcohol and Drug Services for the operation of Treatment Court with Treatment Court Evaluator Jennifer Haubenreiser. In attendance were Commissioners Murdock and Mitchell, Ms. Haurbenreiser, and Grants Administrator Larry Watson. Ms. Haubenreiser explained to the Commission the contract needs to be modified to accommodate the contracting of an independent evaluator. This modification does not increase or decrease the amount of the grant. Commissioner Mitchell made a motion to approve the contract modification pending approval and review by the County Attorney. Commissioner Murdock seconded the motion. Motion passed unanimously with a vote of two to zero.

NOVEMBER 23, 1999

- A special meeting of the Commissioners was convened for the purpose of considering a change order in the amount of \$1,400.00 to the Courthouse CTEP project. Commissioner Mitchell made a motion to approve the \$1,400.00 change order. Commissioner Murdock seconded the motion. Discussion took place and Commissioner Murdock noted that it is the understanding of the County that 85.58% of the amount is covered with CTEP funds. Motion passed unanimously with a vote of two to zero.

NOVEMBER 24-26, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- Approval of claims for PO #55534-13 for \$24,141.36, PO #47898 for \$9658.34, PO #60907 for \$130.00, PO #90906 for \$291.20, and PO #58288 for \$46,531.10.
- A request for final plat approval of the Shea Minor subdivision located in the NE¼ of Section 3, T1N, R4E, and generally located southeast of the intersection of West Dry Creek Road and Swamp Road, presented by Gallatin County Planner Jennifer Madgic.
- Consideration of a resolution adopting amendments to Section 42, "Land Use Permits" of the Gallatin Canyon/Big Sky Zoning Regulations, presented by W. Randall Johnson. Resolution #1999-75.
- A request for a boundary realignment exemption for Zale & Swetye located in the N½ of Section 16, T2S, R4E, presented by Gallatin County Planner Jennifer Madgic.
- A request for a boundary realignment exemption for Pessl & Pessl located in Section 19, T7S, R4E, presented by Gallatin County Planner Jennifer Madgic.
- A request for a family transfer exemption for Sara J. Thiem located in the E½ of Section 33, T2S, R4E, presented by Gallatin County Planner Jennifer Madgic.
- A request for a family transfer exemption for Herman VanDyken located in the SW¼ of Section 14, T1S, R4E, presented by Gallatin County Planner Jennifer Madgic.
- A request for a mortgage survey exemption for Ken White located in Section 18, T2S, R5E, and more particularly described as Tract A1A of COS 761E, presented by Gallatin County Planner Jennifer Madgic.
- A request for a correction survey exemption for Donna Hoffman and Janis Hoffman located in the SW¼ NE¼ of Section 23, T1S, R5E, presented by Gallatin County Planner Jennifer Madgic.
- A request for a family transfer exemption for Ann Monforton located in the SW¼ of Section 15, T1S, R5E, and more particularly described as Tract 1 of COS 1534, presented by Belgrade City-County Planner Jason Karp.
- A request for final plat approval for the K3 Minor subdivision located in the NE¼ of Section 17, T1S, R4E, presented by Belgrade City-County Planner Jason Karp.
- A request for final plat approval for the Royal K Minor subdivision located in the SE¼ of Section 4, T1S, R4E, and more particularly described as Tract 2 of COS 1583, presented by Belgrade City-County Planner Jason Karp.

There were no minutes. Gallatin County Planner Jennifer Madgic requested the request for final plat approval of the Shea Minor subdivision be pulled and placed on the regular agenda for discussion.

Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported that two letters regarding the floodplain evaluation for the Shea minor subdivision have been received, and in order to properly address the concerns of Douglas Daniels and Wallace and Patricia Brownell, she requested this item be continued. Mr. Daniels came forward and asked the Commission to recall his previous concerns addressed during preliminary plat discussion, stating that he feels the adjoining land owners need to be able to give input on the floodplain analysis. Gallatin County Planning Director Dale Beland explained that the letters were just received, and they have not had time to review the facts. He noted that he thinks it is important for the Commission to direct staff to review the floodplain analysis, the letters received, and get input from the DNRC in Helena, and report their findings. Commissioner Olson moved to continue action on this final plat approval, directing staff to work with DNRC, the applicant, and all effected parties before returning for final plat consideration. Seconded by Commissioner Mitchell, providing that both sides of the issue are involved in the discussions. None voting nay. Motion carried.

Gallatin County Planning Director and Floodplain Administrator Dale Beland reported on the consideration of a resolution to adopt amendments to the Gallatin County Floodplain regulations. On November 9, 1999 Resolution 1999-72, a resolution of intention to adopt amendments to the Gallatin County Floodplain Regulations was adopted. The amendments change the designated Floodplain Administrator from the Subdivision Review Officer to the Planning Director and includes the former Bozeman Floodplain Regulation Area which deals with the donut area outside the city limits. This amendment will complete the transition of this area into review control of the County. A resolution has not been prepared to be signed today, but the Commission can approve the amendments subject to a resolution being prepared. Commissioner Mitchell moved to approve the amendments to the Gallatin County Floodplain Regulations subject to a resolution being prepared and submitted at the following weeks meeting. Seconded by Commissioner Olson. None voting nay. Motion carried

Gallatin County Attorney Marty Lambert re-submitted his request to be granted longevity pay for his years of service as a Deputy County Attorney and County Attorney. Mr. Lambert explained that the Legislature passed a bill allowing longevity pay to be awarded to deputy County Attorneys for their years of service. A staff member in the Attorney General's office made the determination that a deputy's years of service was not to be applied to County Attorneys. Mr. Lambert wrote Attorney General Joe Mazurek a letter regarding this issue and asked him to issue an opinion on the matter. After 90 days the Attorney General did make the determination, in the form of a legal opinion, stating that under the discretion of the County Commissioners, County Attorneys could be awarded longevity pay and the State would come up with their contribution of the amount to be paid. Mr. Lambert gave a list of reasons why he felt the longevity pay should be awarded, stating that they are underpaid, deal with overwhelming issues, and stability in this type of business is critical. The amount allowed for the longevity pay is \$5,500 for service up to 11 years, and in the case of Mr. Lambert, an additional \$411.00 for benefits, with Gallatin County paying \$3161.00 as their portion. Commissioner Olson asked Mr. Lambert to explain how this pay increase would work and he explained that his salary would be increased by the set amount this year, retroactive to July 1, and it would stay the same each year after. Commissioner Mitchell stated that they have had many unforeseen expenses come up recently, like 911 and Victim Witness requests, and opening the juvenile detention wing, she asked Mr. Lambert to rank his pay increase according to the priority of these needs. Mr. Lambert replied that he rates the need to pay and keep good people as a very high priority. Commissioner Murdock asked Fiscal Officer Ed Blackman to answer some procedural questions. Mr. Blackman explained that the money would come from the General (Miscellaneous) Fund #19510100191. This account has a budgeted \$20,000, and historically 8-10 thousand dollars has been used out of the account in a year. So far the FY 2000 budget year has used money from this fund to give Roy Steiner a raise. The only other use that is a potential anticipated cost is changes resulting from union negotiations. Mr. Blackman also noted that regardless of whether or not the Commission grants the County Attorney longevity pay, they should set the salary for the County Attorney by resolution since he was excluded from the previous resolution that set elected official salaries. He also assured the Commission that this is a legal budget amendment and is allowed providing that the change does not exceed the budgeted amount in the fund. Chief Deputy County Attorney Susan Swimley concurred that a resolution setting the County Attorney's salary with or without the longevity pay has to be adopted, and would need to be prepared by the County Attorney's Office per instruction from the Commission. Commissioner Olson noted that he agrees that many people in County government are under paid, and that continuity, and retaining good people is a definite priority. Commissioner Mitchell agreed that there is a need to retain good people, but is also concerned about other costs that are coming up. She suggested that this issue be put off until the beginning of the

year or until next budget year. Commissioner Murdock agreed with Commissioner Mitchell, but stated that the position needs to be well paid, noting that he hoped the County Attorney will help other departments receive pay increases also. Commissioner Murdock moved to approve the County Attorney's request for longevity pay, retroactive to July 1, and directed the County Attorney's Office to draft a resolution setting the salary with this inclusion. Seconded by Commissioner Olson, amending the motion to include mention that the County has had the assistance in budgeting to have the money available to allow for the increase. Commissioner Mitchell reiterated that she is concerned about the availability of money to fund this increase and will not vote in favor of this action. Commissioner Olson noted that in government, as in private life, money issues are never cut and dried, and will never be all completed, and each issue needs to be dealt with individually. Commissioners Murdock and Olson voted to approve longevity pay for the County Attorney. Commissioner Mitchell voted nay. Motion carried with a vote of two to one.

- - - -

Chief Deputy County Attorney Susan Swimley reported on the consideration of the Gallatin County LEPC. She explained that the original desire was to adopt the LEPC plan, though some parts are not finished, in order to ensure that the plan doesn't fall through the cracks with the retirement of Mike Hoey. She noted that the County Attorney's Office does not recommend approval because the document is not completed, and they fear it will go on as such if it is approved. Mike Hoey, Deputy Director of Emergency Services, explained that the plan is mandated by statute, and required that multiple participants develop the plan. He explained that there has been very poor attendance, making it difficult to complete the plan. In the event of a hazardous waste spill, the county could be held liable for not having the plan in place. He also noted that they are eligible for grants, but must have an active plan in place before they can receive any of the money. He urged the Commission to approve the plan, stating that not doing so would result in a loss of revenue, increase in liability, and with his departure, possible result in what has been developed in the plan falling through the cracks. Mr. Hoey asked the Commission to encourage their peers to get involved, demonstrating leadership, and demanding involvement where they are able. Commissioner Olson asked why this plan couldn't be integrated into the Emergency Operations Plan (EOP), and Mr. Hoey explained that when something is too big, it is less user friendly, and would like the LEPC plan to be considered an annex to the EOP. Ken England, chairman of the LEPC, reported that he feels the community's right to know is a vital part of this plan. He encouraged the Commissioner to accept the plan, fearing that once Mr. Hoey is gone, all of their hard work will be gone also. Mrs. Swimley explained to the Commission that while she sympathizes with Mr. Hoey, and appreciates the hard work that he has put forth on this effort, she thinks there are more things to be considered such as the fact that key elements are missing. Commissioner Mitchell pointed out some of the missing elements, noting that they are critical to the plan and need to be included. Mr. Hoey reiterated to the Commission his desire to have the plan approved, explaining that Mr. Holst will not let the ball drop, and with direction from the Commission, requiring attendance, directing the various entities to complete their portion of the plan, etc., it will continue. Commissioner Olson moved to start the process to adopt the Gallatin County LEPC as presented by Mike Hoey and Ken England and have the necessary resolutions brought to the Commission to facilitate this. Seconded by Commissioner Mitchell. Deputy County Attorney Chris Gray addressed the Commission and advised them that they do have a liability for not having the plan in place, but if they adopt the plan as written, it is his opinion that they will have an even greater liability, based on the fact that they will have a plan that isn't ready to go. There are two levels of liability, and in order to decrease both levels of liability it is imperative that the process be moved forward to complete the plan. The Commission needs to make it a priority to take the steps to complete the plan, but also very important to not adopt the plan as is. Commissioners Murdock and Mitchell stated that they agree with the County Attorney's Office and would like to see the motion withdrawn. Commissioner Olson stated that he did not wish to withdraw the motion. Commissioner Olson voted in favor of the action. Commissioners Murdock and Mitchell voted nay. Motion denied with a vote of two to one. Commissioner Mitchell moved to work toward completing the LEPC, setting a deadline for 60 days. Mr. Hoey cautioned her that this is not a reasonable time frame, and that 6 months would be more realistic, noting that in his experience things generally take twice as long as you think it will take. Commissioner Mitchell withdrew her motion. The Commission took no action.

- - - -

Clerk and Recorder Shelley Vance reported on receipt of petitions to annex properties into the Bridger Canyon Rural Fire District. On September 24, 1999 the Clerk and Recorder's Office accepted on behalf of the County Commission 30 petitions to annex property into the Bridger Canyon Rural Fire District. The petitions are from adjacent property owners and owners that have property in which part of the parcel resides in the district and they wish to have the total property included. The Bridger Canyon Rural Fire Trustees have reviewed and approved the petitions, and request that the Commission do the same so that these pieces can be included in the 2000 tax year calculations. Mrs. Vance explained that due to the large number of petitions, and that they are not contiguous pieces, she prepared three reports

which combine the petitions into three like groups in order to make the process simpler. The first report states that the Clerk and Recorder examined the petitions for Lots 9A and 9B of Block 2 of Aspen Meadows Subdivision, Tract 2 of COS 410, and Tract 15 of COS 95B and certifies that according to the records located in the Clerk and Recorder's Office, the property listed on the attached petitions is located inside the current boundaries of the fire district; the petition contains the signatures of owners of 50% or more of the privately owned lands who constitute a majority of the taxpayers who are freeholders; and their names appear upon the last completed assessment roll. The second report states that the Clerk and Recorder examined the petition for Tract 6 of COS 95B and certifies that pursuant to Section 7-33-2125, M.C.A. 1999, that the property is adjacent to the fire district; the petition does not contain the signatures of owners of 50% or more of the area of the privately owned lands who constitute a majority of the taxpayers who are freeholders; and their name does not appear upon the last completed assessment roll. Mrs. Vance reported that the property was sold in April, yet the previous owner signed the petition in August. The third report states that the Clerk and Recorder has examined the petition which contains various individually owned parcels of land and certifies that pursuant to Section 7-33-2125, M.C.A. 1999, the property is adjacent to the fire district; the petition contains the signatures of owners of 50% or more of the area of the privately owned lands who constitute a majority of the taxpayers who are freeholders; and their names appear upon the last completed assessment roll. The Board of Trustees of the fire district has accepted the property for annexation. According to the records of the Clerk & Recorder, portions of most of these parcels are already in the fire district. The petitioners desire to bring 100% of the area of these parcels into the fire district boundaries. Chief Deputy County Attorney Susan Swimley suggested the Commissioners address each report individually. Commissioner Olson moved to reject the petitions described in the first report, finding that the property is already located in the current fire district. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Mitchell moved to reject the petition described in the second report finding that the Clerk and Recorder found the signatures to be insufficient. Seconded by Commissioner Olson. None voting nay. Motion carried. Commissioner Olson moved to accept the petitions described in the third report, finding that they are sufficient, and setting the public hearing date for December 28, 1999 for consideration of annexation. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 10:45 A.M.

*unavailable for
signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING TUESDAY THE 7TH DAY OF DECEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:00 a.m. Also present were County Commissioners Phil Olson and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board Glenda C. Noyes.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

NOVEMBER 29, 1999

- The Commissioners conducted regular County business.

NOVEMBER 30, 1999

- A special meeting of the Commissioner was called to order for the purpose of considering signing the substantial completion document of the Courthouse CTEP project. In attendance were Commissioners Olson, Murdock, and Mitchell and Grants Administrator Larry Watson. Discussion took place and it was noted that the punch-list has several items left to be completed. The architect, Prugh and Lenon, will meet with Mr. Watson to determine that amount of retainage needed for the remainder of the work. Commissioner Mitchell made a motion to sign the substantial completion document. Commissioner Olson seconded the motion. Motion passed unanimously.

DECEMBER 1, 1999

- The Commissioners conducted regular County business.

DECEMBER 2, 1999

- A special meeting of the Commission was called to order at 9:45 a.m. for the purpose of considering repair to the truck scale concrete apron at the Logan Landfill. In attendance were the three Commissioners and Executive Secretary Stacy Johnston. This repair work will cost an estimated \$1,988.00, inclusive of fees for Concrete Specialties (\$1,055) and MSE-HKM Engineering (\$933). At a meeting of the Logan Landfill Advisory Board on December 1, Bob Marshall moved to accept this proposal. The motion was seconded, with no opposition, and the motion carried.

Commissioner Olson moved to approve the cost of repair work finding that funds are available in the Landfill fund. He also directed Stacy Johnston to forward Concrete Specialties' bid proposal to Greg Underhill at MSE-HKM for payment. Commissioner Mitchell seconded the motion; all Commissioners voting aye; none voting nay. Motion carried and meeting was adjourned.

- A special meeting of the Commission was called to order by Chairman Bill Murdock at 3:10 p.m. for the purpose of considering acceptance of the Certificate of Substantial Completion for the Phase I-D Liner Expansion Project at the Logan Landfill. In attendance were the three Commissioners and Executive Secretary Stacy Johnston. It was noted that MSE-HKM Engineering, the landfill operators, the commission representative of the Logan Landfill Advisory Board (Phil Olson) and the Board itself all recommended unanimously to sign off on the Certificate of Substantial Completion.

Commissioner Mitchell moved to accept the Certificate of Substantial Completion based on the recommendation of the parties listed above and providing the following addendum recommended by Deputy County Attorney Chris Gray be included: "Acceptance by OWNER is made consistent with the actual agreements made with both the ENGINEER AND CONTRACTOR and OWNER waives no rights thereunder." Commissioner Olson seconded the motion; all Commissioners voting aye; none voting nay. Motion carried and meeting was adjourned.

DECEMBER 3, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes
- Approval of claims for PO#55534-14 for \$2401.87 and the following batches dated 11-30-99: Batch 1 for \$39,485.85, Batch 2 for \$33,183.61, Batch 3 for \$37,879.00, Batch 4 for \$89,948.96, Batch 5 for \$88,990.08, and Batch 6 for \$254,613.05.
- The following contracts were reviewed and considered: Lease with Bozeman Baseball, Inc. for Fairgrounds, Targhee Readimix for snowplowing in West Yellowstone, Public Defender contract with Watson & Watson for Gallatin County Treatment Court, Public Defender contract with Alfred F. Avignone for District Court No. 1, Modification to Contract #2000-31 with Barnard Construction for Pavilion project, and Paul Kruse for Winter Use EIS Consultant Services.
- A request for approval of an improvements agreement for Bridger Lake Meadows Subdivision located in the NE¼ of Section 10, T1S, R5E, PMM, presented by Belgrade City-County Planner Jason Karp.
- A request for release of funds of an improvements agreement for Old Place Subdivision located in the SW¼ of Section 28, T1N, R4E, presented by Belgrade City-County Planner Jason Karp.

There were no minutes. Deputy County Attorney Chris Gray asked for the Lease with Bozeman Baseball, Inc. for the Fairgrounds be continued until the following week's meeting. Commissioner Mitchell asked for the contract with Paul Kruse for Winter Use EIS Consultant Services be placed on the regular agenda for discussion. Commissioner Olson moved to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Olson announced that he would not be running for re-election in 2000, stating that he is ready to retire and do other things. Commissioner Murdock asked him to confirm that he would be finishing out his term and he stated that he would be.

Commissioner Mitchell addressed her concerns regarding the contract with Paul Kruse for Winter Use EIS Consultant Services. She pointed out that traditionally the Commission does not sign a contract until the contracting party has signed it, and Mr. Kruse has not yet signed. She also wanted to know whether the other counties and the neighboring cities that have been involved with this project were also contributing more to his reimbursement based on them stating they would reimburse for "funds pending." Commissioners Murdock and Olson stated that they were not aware of any additional

contributions at this time. Commissioner Olson noted that Mr. Kruse has done a lot of work on our behalf and whether or not others are contributing should not effect the payment Gallatin County makes to him. Commissioner Murdock concurred. Commissioner Mitchell clarified that she does not dispute his services or the quality of his services, she is just concerned about the procedural issue of signing the contract and would like to see a letter written to the other entities that received Mr. Kruse's services to inform them of the in-kind services that were provided by Gallatin County. Deputy County Attorney Chris Gray explained that legally it does not matter who signs the contract first, but County policy has been to have the contracting party sign prior to Commission signature. He noted that the contract can be approved today, and as a matter of housekeeping, the contract can be sent to Mr. Kruse for signature before the Commission signs. Commissioner Mitchell questioned Mr. Gray about the insurance issue on the contract and he explained that he does not handle this, it is typically the responsibility of the Department Head of the responsible department to handle this. Commissioner Olson moved to approve the contract for the amount specified for Paul Kruse, and have the contract sent to Mr. Kruse for his signature prior to the Commission signing the document. Seconded by Commissioner Murdock. Commissioner Mitchell reiterated that she wishes to have a letter sent regarding the in-kind services provided. Commissioner Murdock stated he is not opposed to writing the letter, but does not want to offend the other counties involved, since they have contributed a lot of time and monetary compensation also. The question was called. None voted nay. Motion carried. Commissioner Mitchell moved to write a letter documenting Gallatin County's in-kind donations to Paul Kruse. Seconded by Commissioner Olson. None voting nay. Motion carried.

- - - -

The Commission considered board appointments for Three Forks Rural Fire District. Five members' terms on the board recently expired: Dennis Rahn, Henry Hecker, Jack Jorgenson, Jay Hankin, and Ralph Wilcox. All of these members have expressed their interest in serving another three-year term. These vacancies have been advertised and no other applications have been received to date. Commissioner Olson moved to appoint Dennis Rahn, Henry Hecker, Jack Jorgenson, Jay Hankin and Ralph Wilcox to three-year terms on the Three Forks Rural First District Board. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Gallatin County Planner Lanette Windemaker reported on the consideration of a resolution to adopt the zone map amendment for Gene Cook from B-2 to M-1 in the Gallatin County/Bozeman Area Zoning District, located in the NW¼ of Section 16, T2S, R5E, and more particularly described as Tract 1B of COS 1074B. She explained that a public hearing was held on November 2, 1999 to consider the zone map amendment and a resolution of intention to adopt the zone map amendment was passed. Notice was published November 4 and November 9 to inform the public of the proposed amendments. Clerk and Recorder Shelley Vance reported that there have been zero protests received regarding the amendment. Commissioner Mitchell moved to approve resolution 1999-76 to adopt a zone map amendment in the Gallatin County/Bozeman Area Zoning District. Seconded by Commissioner Olson. None voting nay. Motion carried.

- - - -

Gallatin County Planner W. Randall Johnson reported on the continuation of consideration of a request for preliminary plat approval for the Ross Creek amended plat, also known as the Steiner Subsequent minor subdivision located in the NE¼ of Section 34 and the NW¼ of Section 35, T1N, R5E, and generally located off of Clearview Road. Mr. Johnson explained that he is reporting on this subdivision since Planner Jennifer Madgic is out of town. Commissioner Olson stated that he would abstain from this discussion since he was not present at the initial consideration. The continuation of this preliminary plat was a result of the developer offering to entertain the idea of an alternate division in order to avoid the need for the variance requests. A letter was received from Daniel Ballestero objecting to the alternate division, noting that this would have a negative effect on his property value and result in a road twenty feet from his house. He also noted in the letter that the original plat called for Clearview Road to be continued north which would provide frontal access for all of the lots, and he asked the Commission to abide by the original plan. Mr. Johnson reported that the developer decided not to attempt to divide the lot from north to south, and thus the staff report remains the same. He also asked the Commission to make the three determinations regarding the variances and approval of the plat. He noted that if the variances are approved, conditions 11 and 12 will be removed from the conditions. Dennis Foreman with Gaston Engineering and Surveying stated that the applicant, Mark Steiner, met with Mr. Ballestero who strongly objected to the alternate split, and they did not go further with that idea, and noted that they are in support of the conditions as written and asked for the variances to be approved. There was no public comment. Chief Deputy County Attorney Susan Swimley reminded the Commission that at the previous public hearing for this preliminary plat it was made clear that an extension of Clearview Road is impossible since it would have to cross wetlands, create a dangerous intersection, a State no-access strip exists and testimony was received from the fire department in favor of the variance requests.

Commissioner Mitchell moved to approve the variance request regarding secondary or emergency access, finding that it would be unsafe for Clearview Road to continue through to Springhill Road, the State has a no-access strip, it would have to cross wetlands, and it is not desirable from the public or governmental entities involved. Seconded by Commissioner Murdock noting that it would also result in an undue hardship on the part of the applicant. None voting nay. Motion carried. Commissioner Mitchell moved to approve the second variance request concerning cul-de-sac length of Clearview Road, finding that there is a need to avoid a dangerous situation with a dead-end. Seconded by Commissioner Murdock noting that the alternate lot split was not in the best interest of adjacent property owners or the interest of public health and safety. None voting nay. Motion carried. Commissioner Mitchell moved to approve the preliminary plat for Steiner subsequent minor subdivision amended plat of Lot 38 of Ross Creek major subdivision finding that it meets the requirements of the Montana Subdivision and Platting Act, the Gallatin County Subdivision Regulations and Gallatin County Plan. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Mitchell moved to re-open her motion to amend it to include the conditions 1-17 minus conditions 11 and 12. Seconded by Commissioner Murdock. None voting nay. Motion carried. Commissioner Mitchell moved to add conditions 1-17 minus conditions 11 and 12 to the preliminary plat approval for the Steiner subsequent minor subdivision. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley reported on the consideration of a resolution amending the process for medical claims and refunds. Earlier in the year a number of the County offices asked about the review of handwritten and emergency warrants. The County Attorney's Office issued a County Attorney Opinion 1999-9 which set forth the requirements for the County Commission reviewing warrants and claims. Out of this process there were difficulties with the self-funded employee health and welfare benefit plan. As a result of the delays that occurred from the County Commission approving all of the warrants at the public meetings, we have had medical providers which refuse to see County employees and bill Intermountain Administrators directly due to the delays in payment. The County Commission then asked the County Attorney's Office and other applicable departments to address the problem and develop a resolution accordingly. The resolution amends the process and removes it from the normal claims process and place it under the internal services fund with the external auditor being responsible for auditing that fund. Commissioner Murdock asked if the County Auditor had been consulted on this issue and Mrs. Swimley stated that she has discussed it with Mrs. Schmidt. Commissioner Murdock asked Mrs. Schmidt if she is okay with this and she stated that she is so far. Commissioner Olson read the intent of the resolution, stating that all medical claims and refunds shall be managed through Gallatin County Personnel Services in the employee health insurance internal service fund. All medical claims and refunds shall not be viewed as a claim against the county requiring review consistent with County Attorney Opinion 99-9 and that medical claims shall be audited by the external auditor who must comply with the provisions of Title 50, part 16. Commissioner Olson moved to approve resolution 1999-77 to amend the process for medical claims and refunds. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planning Director Dale Beland reported on the consideration of a resolution amending the Floodplain regulations. He explained this is the last step in the process to amend the Floodplain regulations to place the donut area under County review. Commissioner Olson moved to approve resolution 1999-78 to adopt amendments to the Gallatin County Floodplain regulations. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley reported on resolution 1999-52A setting the County Attorney's salary. The resolution memorializes the action taken during the November 30 meeting. Commissioner Olson moved to approve resolution 1999-52A setting the salary of the County Attorney. Seconded by Commissioner Murdock. Commissioners Murdock and Olson voted in favor. Commissioner Mitchell voted nay. Motion carried with a vote of two to one.

There being no further business the meeting was adjourned at 9:37 A.M.

Unavailable For
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 14TH DAY OF DECEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:05 A.M. Also present were County Commissioners Phil Olson and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board Glenda C. Noyes.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

DECEMBER 6-8, 1999

- The Commissioners conducted regular County business.

DECEMBER 9, 1999

- A special meeting of the Commissioners was held to determine whether or not Gallatin County wanted to participate in the CTEP Program for FY 2000. In attendance were Commissioners Olson and Murdock, Grants Administrator Larry Watson, and Commissioners' Executive Secretary Stacy Johnston. Commissioner Olson moved that Gallatin County participate in this program and receive their allocation of available CTEP funds. Bill Murdock seconded the motion. All voted in favor; motion passed unanimously. The participation agreement was signed and given to Larry Watson to send to the Montana Department of Transportation.

DECEMBER 10, 1999

- A special meeting of the Commissioners was called to order at 8:45 a.m. to consider the following: Change Order #5 from Prugh & Lenon for \$600, and acceptance of Certificate of Substantial Completion for the Big Sky Bike/Pedestrian Path. Present were Commissioners Olson and Murdock, Grants Administrator Larry Watson, and Commissioners' Executive Secretary Stacy Johnston. Commissioner Olson moved to accept Change Order #5 from Prugh & Lenon Architects, reflecting a \$600 credit for the Courthouse Renovation project. Bill Murdock seconded the motion. All voted in favor; motion passed unanimously.

Additionally, Commissioner Olson moved to accept the Certificate of Substantial Completion for the Big Sky Bike/Pedestrian Path, finding that acceptance of same was recommended by Larry Watson, Greg Underhill and County Attorney Chris Gray. Bill Murdock seconded the motion. All voted in favor; motion passed unanimously.

* * * * *

- Landfill Receipts for November 1999: \$62,786.92.
- A101's for November 1999: \$47.18.
- Payroll for November 1999: \$945,234.38.
- Clerk & Recorder's Fees Collected for November 1999: \$32,245.50.
- New Hire Report for November 1999: REST HOME –Wendy Jablonski, Erin Harrell, Wendy Fowler, Misty Ewing, Danielle Rassler, Terri Eddy; YOUTH PROBATION – Lee Copenhagen; DETENTION CENTER – Kara Vashey, Joy Pitkin; SHERIFF – Kyle Kelso, Don Peterson, Douglas Pyeatt; 911 – Jennifer Kleid; LWQD – Kerri Fleming.

Terminated Employees' Report for November 1999: REST HOME – Christine Crowell 10/29/99, Misty Ewing 11/15/99, Rebecca Phillips 11/23/99; DETENTION CENTER – Christine Bulski 10/31/99, Lorna Greer 11/15/99; COUNTY COMMISSION – Patricia Lewis 11/5/99.

The following items were on the consent agenda:

- Minutes for the weeks of December 28, 1998 - January 5, 1999, January 4, 1999 - January 12, 1999, and January 11, 1999 - January 19, 1999; and Public Meeting minutes for September 28, October 12, 19, 26 and November 2, and 9.
- Approval of claims for PO#55574 for \$186.49, PO#55575 for \$10,189.05, and PO#60710 for \$381.00.
- A request for a family transfer exemption for Pam Pattison located in Section 14, T4N, R4E, presented by Gallatin County Planner Jennifer Madgic.

- A request for a family transfer exemption for Charles V. Williams located in the SW¼ of Section 27, T1N, R2E, presented by Gallatin County Planner Jennifer Madgic.
- A request for a family transfer exemption for Valerie L. Otto located in the NE¼ of Section 35, T2N, R4E and more particularly described as Tract 14 of COS 617N, presented by Gallatin County Planner Jennifer Madgic.
- A request for a reduction in the Letter of Credit for the Lone Moose Meadows Subdivision Improvements Agreement, presented by Gallatin County Planner W. Randall Johnson.
- The following contract was reviewed and considered: Continuation of Lease with Bozeman Baseball, Inc for the Fairgrounds.

Chief Deputy County Attorney Susan Swimley requested the consideration of lease with Bozeman Baseball, Inc for the Fairgrounds be continued until the following week's meeting. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Olson. None voting nay. Motion carried.

Russ and Lisa Tuckerman presented a report on the Sundance Springs Park land acquisition. The land is being purchased from PC Development. The current funding projections anticipate \$100,000 of the needed money coming from public contributions, \$50,000 from the City of Bozeman, a requested \$20,000 from the County, and the remainder coming from a loan funded from The Conservation Fund and guaranteed by the Tuckerman's. The Bozeman City Commissioners voted 5-0 in favor of supporting this land acquisition. The City would be responsible for maintaining the park. The Tuckermans assured the Commission that if final approval was not granted, all of the money donated from individuals or government entities would be returned. The Commission reiterated to the Tuckermans that at the present time they are not able to commit a certain amount of money but can assure them they are in support of the plan and will do what they can to help out financially after the first of the year. Commissioner Murdock referred to a letter sent to the Tuckermans stating that based on the Commission's criteria for supporting individual subdivision parks they stand a good chance of receiving County support.

Gallatin County Planning Director R. Dale Beland reported on the consideration of a waiver of impact fees for Genesis Business Park. The requested waivers would eliminate fire and road impact fees for Lots 1, 11, 12 and 18 which are non-buildable because they provide wastewater treatment facilities and drainfield area for this subdivision. Commissioner Olson moved to approve the waiver of impact fees for lots 1, 11, 12, and 18 in the Genesis Business Park finding that there will be no dwellings built on these lots. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner John C. Shephard reported on a request for approval of an improvements agreement for Genesis Business Park located in the NE¼ of Section 23, T2S, R5E. Mr. Shephard stated that the improvements agreement has been reviewed by Chief Deputy County Attorney Susan Swimley and she found it to be acceptable. In order to receive final plat approval the improvements agreement has to be approved. Commissioner Olson asked for confirmation that the approval of this agreement is contingent on final plat approval. Mr. Shephard confirmed this. Commissioner Mitchell moved to approve the improvements agreement for Genesis Business Park finding that it is contingent on approval of the final plat. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner John C. Shephard reported on the consideration of a request for final plat approval of the Genesis Business Park located in the NE¼ of Section 23, T2S, R5E, and more particularly described as Tract 2A-1 of COS 2029. Mr. Shephard reported that all conditions have been met and the improvements agreement has been approved. Commissioner Olson moved to approve the request for final plat approval of the Genesis Business Park finding that the waiver of impact fees and the improvements agreement has been approved. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the consideration of a request for preliminary plat approval of the Christie minor subdivision located in the SE¼ of Section 36, T1S, R6E. The subdivision has been reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, water supply and sanitary facilities, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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. 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. 3. 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. 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. 5. A Memorandum of Understanding shall be signed between the Weed Control District and the applicant prior to final plat approval. 6. Applicant shall establish a property owners' association for enforcement of the required covenants. 7. 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) 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. c) 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. 8. The 100-year floodway of Bridger Creek shall be delineated on the final plat. 9. A 40-foot-wide ditch maintenance easement shall be provided and shown appropriately on the final plat. 10. 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. 11. Applicant shall obtain an encroachment permit from the County Road Department for Lot 2. 12. A no-access strip shall be required along Lots 1 and 2, with the exception of approved County approaches or existing farm approaches. 13. Applicant shall make payment of road impact fees in accordance with the Subdivision Regulations. 14. Applicant shall make payment of fire protection impact fees in accordance with the Subdivision Regulations. 15. Applicant shall provide a water supply for fire protection in accordance with the Subdivision Regulations. Applicant shall have the Bridger Canyon Fire Chief review and approve the water supply prior to final plat approval. 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. 16. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Commissioner Mitchell asked Ms. Madgic about the 125 foot setbacks delineated on the plat and Ms. Madgic explained that these are standard in Bridger Canyon due to zoning regulation requirements. She also noted that the owner will have to get an encroachment permit which should not be a problem. Commissioner Olson inquired about condition #14, noting that since a residence is already on one of the parcels, no impact fee is required on this piece. Ms. Madgic explained that she put this in the conditions since it is standard and in case of any changes in the future which would mitigate a need for a fee to be assessed to this piece. Commissioner Murdock questioned Ms. Madgic on DEQ approval and she explained that when the lot size is over 20 acres, DEQ approval is not required, but if a residence is built they will have to go through review at that time. Tom Kallenbach, representative with Fluidyne reported that the applicant is in favor of all of the conditions with the exception of #10. They requested that the wetlands investigation be included in the land use permit so that final plat approval could be achieved sooner. Chief Deputy County Attorney Susan Swimley expressed her concerns about this request. She noted that subdivision regulations require delineation on the final plat of the wetlands investigation and no variation has been requested to remove this requirement. If Lot 2 were sold without the delineation on the plat, the buyers might be uninformed of the nature of their property. The Commission agreed with the advise of Mrs. Swimley, noting that tying the wetlands investigation in with the land use permit would not be feasible. Commissioner Olson stated that based on the staff report, he moved to approve the request for preliminary plat approval for

the Christie Minor subdivision finding that it conforms to Gallatin County Subdivision Regulations, and conforms to the Bridger Canyon zoning regulations, with conditions as stated, deleting condition #9. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the consideration of a request for preliminary plat approval for the amended plat of Lot B-2 of Minor subdivision 167 located in the NE¼ of Section 30, T1S, R7E. The subdivision was reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, water supply and sanitary facilities, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. If the Commission grants preliminary plat approval the planning staff recommends the following conditions be met 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. Two copies of the covenants, a copy of the conditions of preliminary plat 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. 3. Road name signs shall be required at all intersections. 4. A "no-access" strip shall be required along Lot B-2, except at approved and permitted approaches. 5. Applicant shall be responsible for the shared maintenance of the access road with all affected parties. Any maintenance agreements shall be submitted to the County Road & Bridge Department. 6. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Minor 167 received final plat approval in 1995 and contained a condition which set access to Lot B-2 in the northwest corner of the lot. Legal and physical access to the lot was provided off of Bridger Canyon Road. The applicant would like to gain access off a private road located south of the site, and lift an existing no-access provision along the property's southern boundary. Due to the nature of this amendment, there are minimal conditions. Commissioner Mitchell noted that the State highway might benefit from not having another access onto Bridger Canyon Road. Commissioner Murdock stated that this is a bad curve and eliminating an access would be a good idea. Ms. Madgic assured the Commission that there is no detriment to the public with this amendment, and the Road Department and Bridger Canyon Rural Fire District are in support of the amendment. Chief Deputy County Attorney Susan Swimley asked Tom Kallenbach of Fluidyne to confirm that the neighbors are agreeable to taking out the no-access strip and gaining access from the private road, and he stated that they are. Commissioner Mitchell moved to approve the request for preliminary plat approval for the amended plat of Lot B-2 of Minor subdivision 167 (Pedersen minor subdivision) finding that it meets the requirements of the Montana Subdivision and Platting Act, is in the best interest of public health, safety and welfare, with conditions 1-6. Seconded by Commissioner Olson. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on the receipt of a petition to create the Gallatin River Ranch Rural Fire District. The petition was received on August 18, 1999. The petition contains all of Sections 13, 14, 15, 16, 21, 22, 23, 24, and 25 and; all of sections 26, 27 and 28 north of the East Gallatin River; and portions of Section 10, 11, 12 and 20 all in T2N, R3E. Mrs. Vance certified that the larger corporate landowners did not sign for individual parcels, but believes that it was their intent to incorporate all of the parcels they owned by signing the petition one time. After counting the signatures to represent all of the parcels they own, in addition to individual petitioners, the petition does contain 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, according to Section 7-33-2101, M.C.A. 1999. If the Commission chooses to accept the petition, the Clerk and Recorder's Office will prepare, post, publish and mail notice of a public hearing regarding this issue. The petitioners have requested the district be created before the end of the year in order to allow it to be placed on the tax roles for 2000. Commissioner Mitchell asked Mrs. Vance if she had written confirmation from the land owners that they wished all of their lots to be covered by one signature. Mrs. Vance explained that the petition signed contained the legal description in full and based on the fact that the large owners have multiple parcels within the defined legal description, she determined that it was their intention to sign once for all parcels. Commissioner Murdock noted that Belgrade Fire Chief Bret Waters called the Commission and expressed some concerns about the creation of this district. Commissioner Murdock asked Mr. Waters to return to the December 28 public hearing and express his concerns publicly at that time. Commissioner Olson stated that based on the advise of Clerk and Recorder Shelley Vance he moved to accept the petition submitted to create the Gallatin River Ranch Rural Fire District. Seconded by Commissioner Mitchell who added that the public hearing will be held on December 28, 1999. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance reported on the receipt of a petition to create Blue Grass Meadows Paving RID. The petition was received on November 10, 1999. The petition submitted is to create a Rural Improvement District (RID) within the Blue Grass Meadows subdivision Phases 1, 2, and 3; lots 1-33. Mrs. Vance certified that she has examined the petition and reports that 21 parcels were represented by qualified signatures, with 64% of the possible parcels being signed for. According to County policy 60% of the parcels are required. Three lots contained signatures that did not qualify: Lot 26 was signed for by only one of the two owners, Lot 31 was signed for by a Power of Attorney and the validity of the Power of Attorney document attached was questionable, and Lot 33 is held in a trust but was signed as individuals, not as trustees. Commissioner Mitchell asked if all of the Lot owners were given a chance to sign the petition and Mrs. Vance stated that she did not know. Chief Deputy County Attorney Susan Swimley reviewed the process, explaining that if the petition is accepted, they will then consider a resolution of intention at a later date, a public hearing will be held, and if the RID is created, a final resolution will be adopted, the boundaries set, and a thirty day protest put in place. Mr. Ray White spoke regarding his concerns that if the boundaries of the proposed district are expanded it will include his property which is used for agriculture and it would cost him more money than he makes on the land. He also noted that his family, who owns 6 individual lots in the subdivision were not contacted to sign the petition, and he is concerned that for some reason his family has been singled out regarding the signing of the petition. Mr. Mike Powers, submitter of the petition, commented on Mr. White's concerns, stating that every property owner was given a letter about the petition and invited to meetings regarding it. He noted that Mr. White's property is not in the proposed district and that he has not attended the meetings and is possibly uninformed due to this. Finding that the Clerk and Recorder has certified that 64% of the registered owners signed the petition and the number is above the required amount, Commissioner Olson moved to accept the petition to create a Rural Improvement District for paving roads in Blue Grass Meadows subdivision. Seconded by Commissioner Mitchell who also expressed her concern about all of the property owners being given a chance to sign the petition. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 10:20 A.M.

*Unavailable for
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING TUESDAY THE 21ST DAY OF DECEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:05 A.M. Also present were County Commissioners Phil Olson and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board Glenda C. Noyes.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

DECEMBER 13, 1999

- A special meeting of the Commissioners was held to consider approval of Task Order KG99-1 from Kathy Gallagher in the amount of \$8,800 to assist with a geoprobe survey to be performed by MSE-HKM at the Logan Landfill. This amount is inclusive of fees for both Kathy Gallagher and MSE-HKM. In attendance were Commissioners Olson, Murdock and Mitchell, Deputy County Attorney Chris Gray, and Commissioners' Executive Secretary Stacy Johnston. Phil Olson moved to approve the task order as presented by Chris Gray contingent upon available funding. Commissioner Olson noted for the record that the Logan Landfill Advisory Board also approved this task order for payment. Commissioner Mitchell seconded the motion. All voted in favor; motion passed unanimously.

DECEMBER 14-17, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Minutes from the public meetings November 23 and 30, and December 7, 1999.

- Approval of claims for batches dated 12-20-99: Batch 1 for \$32,691.65, Batch 2 for \$18,868.19, Batch 3 for \$64,882.84, Batch 4 for \$86,550.80, Batch 5 for \$56,312.44, Batch 6 for \$17,926.85, and Batch 7 for \$67,210.51.
- A request for a boundary relocation exemption for Peter & Bonnie Alberda and Leroy & Wilma Logterman located in Section 2, T2S, R3E, presented by Gallatin County Planner Jennifer Madgic.
- A request for a boundary relocation exemption for Michael's of Oregon located in the NW¼ of Section 2, T1S, R4E, presented by Belgrade City-County Planner Jason Karp.
- A request for final plat approval of the McMullen minor subdivision located in the SW¼ of Section 3, T1S, R5E, and more particularly described as Tract 3 of COS 1998, presented by Belgrade City-County Planner Jason Karp.
- The following contracts were reviewed and considered: Continuation of lease with Bozeman Baseball, Inc for Fairgrounds, GIF License Agreement with Unisys Corporation for Gallatin County GIS, Health Services Contract with Gallatin City/County Health Department. Counteroffer from BAHA for Pavilion project, Contract with Rae Water & Sewer District for administration for CDBG, Pharmacy services contract with Price Rite Pharmacy for Gallatin County Rest Home, and the contract with Alcohol & Drug Services for disbursement of County Alcohol Tax Funds.
- Consideration of conservation easements for the following people: Richard Pew, Harry & Mary Piper, Glen L. Smith, and John & Kiku Hanes.

Commissioner Mitchell moved to approve the consent agenda. Seconded by Commissioner Olson. None voting nay. Motion carried.

The presentation on the Montana Conservation Corps Trail Maintenance was moved to the end of the meeting.

District Court Judge Thomas Olson was asked by Commissioner Murdock to begin the presentation on the opening of the Juvenile Detention Facility at the Gallatin County Jail. Judge Olson reported that he has been associated with the court system and detention issues for 31 years. Last month, Children's Comprehensive Services in Butte notified Gallatin County and the other Southwestern Region counties that they were closing their doors effective January 1, 2000. The alternative proposal for detention of juveniles for Gallatin County would be to send them to Medicine Lake Washington. The Judges in Gallatin County find this alternative to be unacceptable. Judge Olson expressed his very strong feelings on this issue, stating that it is a sin against the children and families of these children to send them so far away rather than dealing with them locally. He explained that when the current Detention Center was built a juvenile wing was constructed, and at the time it was the most modern facility of its kind in Montana. When a law was passed prohibiting juveniles to be housed in the same facility as adults, the wing was closed down. He explained that there is an immediate need to address this problem. Currently the Detention Center has fifty inmates being detained for trial purposes. The Judges are not advocating releasing inmates, but need to approach the issue rationally and bring the adult count down, placing the needs of our children as a priority. Discussion took place about the transporting of adults versus children, and it was noted that it is complicated to move adults because it results in a lot of travel time on the part of lawyers or inmates for attorney communication, but the costs are higher for moving children, so you can't determine which is more costly. Sheriff Bill Slaughter spoke to the Commission about the consequences of re-opening the juvenile wing, noting that while he agrees that moving kids is a bad deal, the effect on the system as a whole needs to be considered. If the juvenile wing were opened, the County estimate of staffing requirements is 7.5 with a supervisor. The State estimate is 8.5 without a supervisor. There are also gender issues to be considered, since it is required that if there is a female inmate, a female staff member must be present at all times. Recruiting and training of new employees in a department that already has 100% turnover, is a major road block to the opening of this wing. The effect on the Detention Center population as a whole will be a reduction in adult beds by 6, displace the employee lunch room, coat closets, and eliminate a supervisor's office. This change would also push the capacity from 45 to 39, including portable beds. Another important consideration is staff safety and their ability to work with prisoners during their shift. Sheriff Slaughter explained to the Commission that fewer adult beds means the courts don't always have a place to send dangerous criminals and eliminates the ability of the court to send people directly to jail, resulting in a powerless court system. The reduction in beds will result in a "felony-only" facility, meaning that DUIs, domestic violence participants, and misdemeanor assault cases will be sited and released, resulting in a public safety concern. Sheriff Slaughter pointed out that while these are very serious concerns, the facility as it currently is running will be "felony-only" within a year anyway. Commissioner Mitchell questioned Sheriff Slaughter about the closing of the facility originally and he explained that this was due to new legislation and the opening of Rivendale, which gave the County an alternative to costly remodeling of the existing juvenile wing. Commissioner Olson inquired about being able to take youth from other

counties to help with the costs of running the wing. Sheriff Slaughter explained that with certification they will have the ability to take kids from 8 other counties. A letter was given to the Commission from Greg Bud who responded to the site visit, noting four areas that need fixing before the wing could be opened. These include individual cell smoke detectors need changed, the shelves in the cells need to be anchored differently, the sprinkler system needs to be brought to code, and the TV day room shelf needs fixed. Commissioner Murdock asked for an estimate on the cost of the budget, and Sheriff Slaughter reported that running at cap capacity, with the shift differential at 7.5, the cost will be approximately \$317,000 a year. Using the State differential would increase this amount significantly. Discussion regarding the transportation of adults versus youths took place and Sheriff Slaughter explained that there is not an empty adult bed in 200 miles yet the incarceration of youths elsewhere is much higher than that of adults, therefore it is expensive either way. Attorney Brock Albin spoke in support of youth, asking the Commission to recall the quote made by Jane Adams in 1899, stating that we need to treat children like a kind and just parent would. He noted that the majority of youth he has worked with have parents who do stay involved and want to visit their children, and incarceration far away would inhibit this ability and the benefit gained from parents staying in touch. Commissioner Olson asked Judge Olson if opening the juvenile wing would end the Drug Court. Judge Olson stated that while it will effect the available consequences for those brought to Drug Court, it would not end the program. County Attorney Marty Lambert addressed his two main concerns, stating that he hopes the Commission will proceed cautiously in order to make non-emotional decisions based on fact rather than panic. Mr. Lambert explained that currently there are 37 registered sex offenders, 48 registered violent offenders, and 390 adult probation enrollees in Gallatin County, all who could at anytime have need to be incarcerated, and if the jail capacity is reduced, they could be turned away, endangering our community greatly. He also noted that eliminating incarceration as a consequence for people in programs such as Drug Court will only lessen the program's success rates. Mr. Lambert also expressed his concerns about funding the operation of the additional wing, noting that increased staffing needs and operation costs are expensive. He also noted that we may be wedded to this facility if it is opened. Chief Probation Officer Dave Gates spoke in support of opening the juvenile wing. He explained that last year 25 kids were placed in Detention from Gallatin County. When the southwestern region was notified that Rivendale was shutting down they went into a panic, and as of yet the nine counties have not found an alternate facility. Currently juveniles are placed in jail for felonies only, not for consequences, though this would be an effective measure at times. He stated that there are at times female inmates but this happens very seldom. Mr. Gates acknowledged that while staffing concerns and operation costs are big, the kids needs to be of first priority. Commissioner Olson asked if there was a way to get a commitment from other counties that they would bring their youths here for incarceration and Mr. Gates reported that at the last regional meeting all of the Counties except Butte were in favor of using Gallatin County if they opened a juvenile facility. Roger Curtiss, Executive Director of Alcohol and Drug Services of Gallatin County stated that everyone has expressed legitimate concerns but there are also other issues to be addressed. He inquired about a feasibility study, and how treatment issues will be dealt with for these kids. He also noted that there are many options that can be looked into, but is concerned that other counties are waiting around for us to make a decision, rather than addressing their own needs. Commissioner Mitchell asked Roy Steiner of the Gallatin County Road Department about the current status of the code issues. Mr. Steiner reported that the remodel committee is working with designers, with the number one priority being the juvenile wing and the upgrading of the sprinkler system. He predicted that March would be the soonest date for completion of the upgrades, weather permitting. Detention Center Supervisor Anita Shaw-Tymrak stated that she will respect whatever decision the Commission makes regarding the opening of the juvenile wing, but begs them to do it correctly if they do decide to open the wing. The opening of the facility needs 100% commitment, and in order to make it work, there are a lot of things that need to be changed. Proper staffing, furniture, education of staff are all of utmost importance and need to be done correctly, not patched together based on minimum standards. Commissioner Mitchell reiterated that the Southwestern Juvenile Board is seriously considering designating Gallatin County as the juvenile detention center for the area. She also expressed her desire to see all of the players working as a team. Commissioner Murdock stated that this is a difficult situation, and the problem is not going to go away but only get worse. He suggested that one of the first things that needs to be done is for the judges, law enforcement officials and attorneys to come up with a philosophy in order to clarify who needs jailing, length of incarceration, and what kind of jailing is needed. In the short term, Commissioner Murdock stated, we shouldn't be shipping our juveniles. Commissioner Olson noted that he is in favor of the logistics of the issue, if it can be put together, stating that the County should pursue the opening of the juvenile wing until it is determined to be unfeasible to proceed. Commissioner Mitchell stated that there are lots of ways to pursue hiring and made a motion to follow through with all of the necessary steps to reopen the juvenile wing in the Detention Center. Seconded by Commissioner Olson. Commissioner Olson noted that the motion indicated they will proceed whether or not the County can fund the project. Commissioner Murdock

concurrent and asked Commissioner Mitchell if she would be willing to amend the motion to state "funding permitted." Commissioner Mitchell agreed and amended her motion to state "funding permitted." Commissioner Olson amended his second. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on the consideration of a request for preliminary plat approval of the Roesener minor subdivision No. 2 located in the SW¼ of Section 4, T1S, R4E, and more particularly described as Tract 11A of Plat 1 Book 25C. The subdivision was reviewed for the following primary criteria: Effect on wildlife and wildlife habitat, public health and safety, local services, natural environment, agriculture, and agriculture water user facilities. If the Commissioner grants preliminary plat approval the planning staff recommends the following conditions be met prior to 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 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 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. The covenants shall provide for the establishment of a Property Owner's Association.
 - d. All fences bordering agricultural lands shall be maintained by the Property Owners Association in accordance with State Law.
 - e. Lot owners within the subdivision shall participate with the Bon Marron Subdivision Homeowners for the shared maintenance of Tracey Ann Drive.
 - f. All structures must meet fire flow requirements as outlined in the current adopted edition of the Uniform Fire Code unless alternative provisions are approved by the 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 Division (or the City of Belgrade Building Department if annexed by the City) and the Belgrade Rural Fire District for review and approval.
 - i. No lot owner may remove water or cause to be removed water from irrigation ditches without deeded water rights, and before any maintenance or improvements are performed on any of the ditches, the owner of the waterway must give written permission for the work to be done.
 - j. 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. Fire and road impact fees shall be paid as per County impact fee regulations.
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. The final plat shall show a no access strip for vehicles along the south property line except at MDOT approved driveways and a no access strip for vehicles along Tracey Ann Drive for a distance of 75 feet from the north edge of Old Highway 10 (MT 205).
11. Tract B-2 and B-3 must have legal and physical access from MT 205, or the access along the north property line will need to be a sixty foot right-of-way, dedicated to the public, with a road name approved by the County Road Department, constructed to Gallatin County gravel standards with a cul-de-sac or approved "T" type turnaround at its east end. The road also must have road name signs and stop signs as required by the road department.
12. Encroachment permits are required from the Montana Department of Transportation for driveways intersecting with MT 205.
13. All roadwork will need to be inspected and certified by a licensed engineer. The inspection and certification must be provided to the County Road Office in writing

prior to final plat approval. 14. The developer shall be responsible for providing a water supply for fire protection as per Belgrade Rural Fire District requirements. If the Fire Department determines that nearby fill-sites may be utilized the developer shall be responsible for paying a proportionate reimbursement of the total construction cost of the fill site(s) to the Belgrade City-County Planning Office which will reimburse the entity responsible for maintaining the fill site(s). 15. The final plat shall contain a statement that 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. 16. The final plat(s) shall show a maintenance easement of a minimum 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. 17. The name of the irrigation ditch owner shall be indicated 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. Two variances were requested, one from the requirement to pave Stagecoach Trail to County standards, and the second from the requirement that lots adhere to a 3 to 1 length to width ratio. The Belgrade Planning Board met and voted to recommend the variance for lot length to width ratio be denied because it is not compatible with adjacent lots. Mr. Karp noted that if the paving variance is not granted, a condition will have to be added requiring Stage Coach Trail be paved to County standards. Mr. Karp also explained that originally a two lot minor split was approved, but the applicant has decided to add an additional lot. Commissioner Mitchell questioned Mr. Karp about the adjacent property sizes. He reported that across the street the parcels are 5+ acres, this subdivision would not be a part of the existing subdivision to the north, and the original split basically conforms to the original Stage Coach Subdivision. Mr. Karp noted that the Master Plan does state lots should be compatible with adjacent subdivisions and share in their maintenance agreements for common roads. Mark Chandler of C&H Engineering spoke on behalf of the applicant, stating that he was not notified of the meeting of the Planning Board and felt that two of the planning board members should have excused themselves from the meeting due to personal conflicts. He noted that there is no zoning or covenants for this area to restrict the lot size. Mr. Chandler explained that the applicant wishes to retain the middle lot with the house and sell the other two lots. Approval has been granted by Environmental Health for sanitation permits for the other two lots, if the houses are placed the same distance from the road as the existing house. This will help maintain a good distance from the river for the septic systems. Mr. Chandler addressed the issue of the lot width vs. length and noted that the back yard on the lots are recreational land, and the lots do have lots of frontage and width for the houses. He stated that it is his belief that the 3 to 1 standard was designed for city lots rather than county lots, and that the variance request is based on the lots being larger with adequate road frontage. The variance for paving Stagecoach Trail is based on the premise that they would be paving 920 feet of road, creating a substantial financial hardship for the applicant. He suggested that the correct way to handle the development of this road would be to pave through an RID, beginning with the signing of a waiver of right to protest on the final plat for paving. Commissioner Mitchell asked about the original split, noting that it separated the house from the garage, but this lot split leaves the house and garage together. Mr. Chandler explained that originally they intended to sell the lot with the house, and build a house on the lot with the garage for themselves. After doing some research they decided this was not feasible and determined that the current proposed lot split would be the best way to go about the sale. Commissioner Olson noted that the adjacent property does not have size restrictions, but lots further away do. Deputy County Attorney Chris Gray asked Mr. Chandler for some clarification whether or not the variance for unusual lot size was for each lot. It was determined that due to an existing fence, a domino effect took place, creating the unusual lot configuration and necessitating the variance request for all lots. Commissioner Murdock questioned Road and Bridge Staff Engineer Roy Steiner about the public safety issue involved in the variances. Mr. Steiner reported that in his opinion there isn't a public safety concern since the lots are not on a curve. He also stated that the Road Department agrees with the variance request for paving Stagecoach Trail since paving that portion would require more maintenance from the road department, with no maintenance agreement in place for reimbursement. He suggested that the best solution would be for the whole road to be paved through an RID. Commissioner Olson stated that based on the testimony of Mr. Steiner he moved to approve the variance for the paving of Stagecoach Trail, stating that it is a subdivision road, not a County Road, and would not be included in the maintenance agreement currently in the area. Seconded by Commissioner Mitchell. Deputy County Attorney Chris Gray suggested that a finding be included to note that it is not detrimental to public health and safety, and paving the short distance would create a hardship for maintenance of the road. Commissioner Olson added that the addition of one lot will not create a hazard, and agreed to the addition of the findings suggested by Mr. Gray, and thus amended his motion. Commissioner Mitchell amended her second. None voting nay. Motion carried. Commissioner Mitchell moved to approve the variance request on the length to width ratio finding that two of the lots are in the Gallatin River floodplain and portions of them are unbuildable, the lots do have adequate frontage and site distance from the road, an undue hardship would be placed on the applicant if they had to move buildings, and approval of the variance will not have a

significant negative effect on public health and safety. Seconded by Commissioner Olson, adding that similar variances have been granted in the area. None voting nay. Motion carried. Commissioner Olson moved to approve the Roesener Minor Subdivision #2 with conditions as submitted, changing condition #9 from Belgrade Fire Department to Amsterdam Fire Department, finding that the subdivision conforms to the Gallatin County Subdivision Regulations and Montana Subdivision and Platting Act. Seconded by Commissioner Mitchell, adding that it conforms to the Belgrade Master Plan and the variances have been granted. Commissioner Murdock added that the approval does differ from the Belgrade Planning Board recommendation, but does not feel that it means it is not compatible with the Master Plan. Commissioner Olson stated that he does not agree that the approval is compatible with the Master Plan. The question was called. None voting nay. Motion carried.

- - - -

Belgrade City-County Planner Jason Karp reported on the consideration of a request for preliminary plat approval of the Eoff minor subdivision located in the SE¼ of Section 28, T1N, R4E. The subdivision was reviewed for the following primary criteria: Effect on wildlife and wildlife habitat, public health and safety, local services, natural environment, agriculture, and agriculture water user facilities. If the Commissioner grants preliminary plat approval the planning staff recommends the following conditions be met prior to 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 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 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 Homeowners shall participate with the other property owners along Stage Coach Trail for the shared maintenance of Stage Coach Trail. The developer shall enter into a maintenance agreement for the shared maintenance of Stage Coach Trail on a pro-rated basis. Said maintenance agreement shall be approved by the Gallatin County Road Department. e. The proper permits must be obtained from the Gallatin County Floodplain Administrator for any proposed development in the floodplain. 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. 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 Impact fees and Fire Impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations. 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. 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 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). 11. 30 feet of Stagecoach Trail Road along the west boundary of the subdivision shall be dedicated to the public on the final plat. 12. A building envelope on Lot 11-A-1 and Lot 11-A-2 shall be shown on the final plat. The building envelope shall not extend to the east beyond the bench line shown on the preliminary plat. 13. The Gallatin River flood plain shall be shown on the final plat. 14. An easement shall be shown on the final plat for the existing drainfield for Lot 11-A-2. 15. An encroachment permit must be obtained for Lot 11-A-1 and Lot 11-A-3 from the Gallatin County Road Department. 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 applicant has requested one variance from the requirement for lots to have less than a 3 to 1 length to width ratio. Mr. Karp explained that this will be a commercial subdivision located adjacent to the bus barn in Belgrade. There is an existing warehouse building located on Tract B-1. Mr. Karp noted that while public notice was not required because this is the first minor subdivision of this land, the applicant did speak to neighbors and had no negative feedback from them. Commissioner Olson inquired about the zoning in this area and Mr. Karp explained that it is outside of the one mile zoning area. He also noted that the bus barns were originally moved to eliminate diesel fumes in this area, and placing this commercial subdivision between the bus barns and the residential subdivisions would be a good buffer. Dave Albert with Stahly Engineering reported that the applicant's biggest worry is that the northern road will have to be developed. The applicant has obtained an encroachment permit which will allow a standard approach to both of the lower lots. He also explained that the shape of the lots is due to the necessity to have room for tractor trailers to turn around. If the lot shape variance is not granted, it will ruin access to the warehouse buildings. Mr. Albert reiterated the statement made by Mr. Chandler that the lot ratio requirement was originally intended for city lots rather than county lots. Discussion took place regarding the irrigation ditch easement in the conditions. The condition states that the final plat shall show a maintenance easement of a minimum of 15 feet on one side and 5 feet on the other side of irrigation ditches. Mr. Albert noted that it is his belief that the existing easement differs from this, granting the owner 10 feet on one side and 10 feet on the other, and placing an easement over the top of an existing one would not be prudent. Mr. Karp stated that the ditch owner's preference is the top concern. It was determined that this condition would be re-worded to reflect the existing easement. Howard Eoff, developer of the minor subdivision, stated that his intention is to rent out the warehouses and remodel an existing building to be rented out. He also has approval from the state to construct a breezeway between an existing building and the second warehouse. The building will be constructed against the tree line. The ditch in question is behind the trees and the fence of the bus barn is against the other side. He noted that he has spoken with Mr. Karp and the adjoining neighbors about his plans, and hasn't received any negative feedback. He explained his intention for building of fences and noted that he is doing his best to match the surrounding buildings and area. Commissioner Mitchell moved to approve the variance request on the Eoff Minor Subdivision that requires less than 3 to 1 length to width ratio for lots, finding that because of the odd shape of the original parcel, the proposed configuration designed for the use from the north to the south would work better, and would be to the benefit to the public and the neighborhood to do so. Seconded by Commissioner Olson who added that some of the desire is to save the trees. None voting nay. Motion carried. Commissioner Olson moved to approve the Eoff Minor Subdivision with the conditions listed, changing condition #16 to read "The final plat(s) shall show a maintenance easement of a minimum of 15 feet on one side, and 5 feet on the other side of the irrigation ditches, or as required by ditch owner, and before any maintenance or improvements are performed on any of the ditches, the owner of the waterway must give written permission for the work to be done." Deputy County Attorney Chris Gray stated that the condition also needed to read "consistent with the subdivision regulations" after "or as required by ditch owner." The condition will read "The final plat(s) shall show a maintenance easement of a minimum of 15 feet on one side, and 5 feet on the other side of the irrigation ditches, or as required by ditch owner consistent with subdivision regulations, and before any maintenance or improvements are performed on any of the ditches, the owner of the waterway must give written permission for the work to be done."

Commissioner Murdock agreed with Mr. Gray and Commissioner Olson agreed to add this to his motion. Commissioner Murdock also added that the subdivision is consistent with the Belgrade Master Plan and Gallatin County subdivision regulations. Commissioner Mtichell noted she is happy to see that adjacent subdivisions have been considered, the division seems to be well thought out and there has been

no negative feedback from the neighbors. Commissioner Olson added that the Planning Board did vote to recommend approval. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Don Jackson, regional supervisor of the Montana Conservation Corps (MCC) presented a request for a letter of support from the County Commission for their CorpsLINK program. He explained that MCC is an organization who works with youth at risk, giving them an opportunity to make restitution and providing a tool for them to connect to the community. He stated that MCC will do trail maintenance in 2000 on the existing Mainstreet to Mountains trails. The MCC CorpsLINK crew will work on the trails every Saturday from May through October, as well as other days throughout the summer season. Commissioner Olson applauded the program for its efforts. Commissioner Mitchell asked Mr. Jackson if he could provide any statistics on their success rate. He stated that they are such a new program they don't have any statistics to provide, but Dave Gates may have some he could provide the Commission. Commissioner Murdock suggested Mr. Jackson get in touch with the Community Corrections Board who might be able to help MCC, or use their services. Mr. Jackson noted to the Commission that CorpsLINK receives no funding from either the County or the City, they rely on a United Way grant in Gallatin County. In other regions CorpsLINK does received funding from the County and court system, but so far have not received it from Gallatin County. The Commission noted that the County does not have a trails department, but will consider this option in the future. Commissioner Mitchell moved for the Commission to sign the letter of support for the Montana Conservation Corps, finding that it does not commit funds, but supports the concept of supporting the at risk youth in Gallatin County. Seconded by Commissioner Olson. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 11:53 A.M.

*Unavailable For
Signature*
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 28TH DAY OF DECEMBER 1999

The meeting was called to order by Chairman Bill Murdock at 9:00 A.M. Also present were County Commissioner Phil Olson, Chief Deputy County Attorney Susan Swimley, and Clerk to the Board Shelley Vance.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

DECEMBER 20, 1999

- A special meeting of the Commission was called to order at 11:55 a.m. In attendance were Commissioners Murdock and Olson, Facilities Director Bob Isdahl, and Executive Secretary Stacy Johnston. Bob requested that he be removed from the Phases II-IV Committee. He feels his duties as Facilities Director are being compromised as this role is very demanding of his time and requires a long-term commitment. Commissioner Phil Olson moved to accept Bob's request to be removed as a member of the Phases II-IV Committee contingent upon Bob making himself available in an advisory capacity to the Committee on an as-needed basis. Commissioner Murdock seconded the motion. All voting in favor, motion passed unanimously.

The Commissioners then asked Bob if he felt he would have the time to be Project Manager (PM) for the Victim/Witness Remodel Project finding this is a short-term project and will require much less time. Bob agreed that he would be able to fit this into his regular schedule. Commissioner Phil Olson then moved to appoint Bob as Project Manager for the Victim/Witness Remodel Project. Let it be noted that Bob is in no way responsible for any additional funding that may be necessary to complete this project and can begin his role as PM once he feels funding has been secured. Commissioner Murdock seconded the motion. All voting in favor, motion passed unanimously.

DECEMBER 21, 1999

- At a meeting of the Strategic Planning Committee, a contract with the Sacajawea Hotel in Three Forks was being considered. As Facilitator Dave Sharpe was unable to attend this meeting, no decisions could be made regarding accommodations for the upcoming two-day work session.

Commissioner Olson moved to continue the signing of the contract until such time as Dave Sharpe was available to answer questions. Commissioner Mitchell seconded the motion. All voting in favor, motion passed 3-0.

DECEMBER 22, 1999

- A special meeting of the Commissioners was convened at 3:00 p.m. for the purpose of considering an Addendum to Contract #2000-51 with Argus Security for the detention of inmate Robert Lewis at Bozeman Deaconess Hospital, and approval of an audit letter from Knaub & Co. In attendance were Commissioners Murdock, Olson and Mitchell, and Deputy County Attorney Chris Gray. Commissioner Olson moved to approve the Addendum with Argus Security. Commissioner Mitchell seconded the motion. All voted in favor, motion passed 3-0. Commissioner Olson also made a motion to approve and sign the audit letter from Knaub & Co., requesting that next year's letter be more specific to the exact nature of county government. Commissioner Mitchell seconded the motion. All voting in favor, motion passed unanimously.

DECEMBER 23, 1999

- A special meeting of the Commissioners was held for the purpose of considering a modification to the Harvest Hills RID No. 372 contract. In attendance were Commissioners Olson, Murdock and Mitchell, Deputy County Attorney Chris Gray and Executive Secretary Stacy Johnston. The meeting was called to order at 8:40 a.m., and continued until 11:00 a.m. Upon reconvening, Phil Olson made a motion to approve Change Order #1 in the amount of \$4,405.50, finding that Chris Gray recommended approval, Ed Blackman verified available funds, and the contract time would not be affected. Commissioner Mitchell seconded the motion. All voting in favor, motion passed unanimously.

DECEMBER 24, 1999

- All County offices were closed in observance of Christmas Day.

The following items were on the consent agenda:

- Minutes for the weeks of January 26; February 2, 9, 16; March 2, 9, 16, 19 (special meeting); and Public Meeting Minutes for September 14, 21, and 23 (special meeting); and November 15, 16, 1999.
- Approval of claims for PO #61802 for \$18,760.00, PO #60614 for \$193.32, and PO #61005 for \$775.00.
- A request for a boundary relocation exemption for Lost Trails Retreat located in Section 28, T6S, R3E, presented by Gallatin County Planner Jennifer Madgic.
- A request for a mortgage exemption for Big Sky Water & Sewer District #363 located in Section 36, T6S, R3E, Section 31, T6S, R4E, and more particularly described as COS 1354A, presented by Gallatin County Planner Jennifer Madgic.
- A continuation of a request for final plat approval of the Shea Minor Subdivision located in the NE¼ of Section 3, T1N, R4E, presented by Gallatin County Planner Jennifer Madgic.
- The following contracts were reviewed and considered: Asbestos Sampling for Phase II Courthouse remodel with Resource Technologies, Inc.; Modification to Detention Center Physician Agreement (Contract #1999-39); License for use of a portion of Law & Justice Center by Roger Durham for Coffee/Snack cart.

County Planner Jennifer Madgic requested that the Lost Trails Retreat boundary relocation exemption and the consideration of final plat approval of the Shea Minor Subdivision be removed from the consent agenda indefinitely. Commissioner Olson moved to approve the consent agenda excepting the boundary relocation exemption and final plat approval as requested by Ms Madgic. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Fiscal Officer Ed Blackman requested approval of a resolution amending the FY1999 budget to change individual line items within departments and funds for the County Coroner, County Planning, Miscellaneous Department and Employer Contributions. There was no public comment. Motion by

Commissioner Olson to adopt Resolution 1999-79, based on Mr. Blackman's advise. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Fiscal Officer Ed Blackman explained that this was a public hearing for the Commission to consider a resolution to amend the Gallatin County Final Operating Budgets for receipt of unanticipated moneys and to balance expenditures for FY1999. There was no public comment. Mr. Blackman requested the Commission adopt the resolution. Motion by Commissioner Olson to approve Resolution 1999-80 based upon the recommendation of Mr. Blackman. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Clerk and Recorder Shelley Vance stated that the notice of this public hearing to consider annexation of various property into the Bridger Canyon Rural Fire District was published in the Bozeman Daily Chronicle on December 12 and 19, 1999. Mrs. Vance also stated that the Clerk and Recorder's Office did not receive any written protests regarding these annexations. There was no public comment. Motion by Commissioner Olson to adopt Resolution 1999-81. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Clerk and Recorder Shelley Vance reported that notice of the public hearing to consider creation of the Gallatin River Ranch Rural Fire District was published in the Bozeman Daily Chronicle on December 17 and 24, 1999; mailed to all freeholders as listed on the last completed assessment roll on December 17, 1999; and posted on the front door of the Gallatin River Ranch Equestrian Center, the front door of the Gallatin River Ranch Sales Office, and on the mail/newspaper boxes for residents of Gallatin River Ranch on December 20, 1999 pursuant to state statute. Mrs. Vance reported that the Clerk and Recorder's Office did not receive any written protests regarding the creation of this district. Roland Ligtenberg, Chairman of the Board of Trustees of the Manhattan Rural Fire District, (MRFD) stated that the district supports annexation of Gallatin River Ranch provided certain conditions are met. Those conditions include 1) Bridge and road access to all structures within the ranch area that is safe and compliant with Gallatin County Road Standards. 2) A fire protection plan for the Gallatin River Ranch agreed to and financially guaranteed by the developer and approved by the MRFD. The requirements of the approved fire protection plan shall be applied as covenants to all properties in the ranch. The developer shall grant the MRFD standing for the purposes of enforcing the fire protection covenants. Mr. Ligtenberg stated that the trustees and numerous developers have addressed fire protection issues related to the ranch since 1992. The properties described within the ranch are not in the district. During a period from August through November 1998 landowners within the ranch were put on notice, under the advice of the County Attorney's Office, that they are not within the boundary of the MRFD. Structures, vegetation, and wild land fire are significant fire protection risks in this area. There are no fire protection water sources on the land that meet Gallatin County Fire Council Fire Protection Standards for large residential structures (some 7,000 square feet) and commercial buildings (some over 12,000 square feet). Access to the land is over Nixon Gulch Bridge which is of questionable condition and over roads on the ranch that do not appear to meet Gallatin County Road Standards. Nixon Gulch Bridge is currently signed with a load capacity of 13 tons for a two axle vehicle. In February, 1998, Road and Bridge Superintendent Sam Gianfrancisco stated that "The road and bridge department believes this bridge structure to be very questionable. It is therefore our recommendation that a fully loaded truck not cross this structure". Structure fire apparatus operated by the MRFD and other fire departments in the county including engines and water tenders exceed the weight limit of the bridge, even when trucks are empty. The trustees are not aware of an engineering study which verifies that the ranch roads comply with Gallatin County Road Standards. The developer stated to them that some of the road grades approach 12%. The trustees observe that the roads appear to be very steep, appear to be significantly narrower than the County Road Standards, and the surface finish of some of the roads does not appear to meet the County Road Standards. Commissioner Murdock stated that the petition submitted was to create the Gallatin River Ranch Fire District. He asked Mr. Ligtenberg if it was the position of the MRFD trustees that a better alternative would be to annex into the MRFD if they met certain conditions. Mr. Ligtenberg stated that that was correct. Chief Deputy County Attorney Susan Swimley asked the distance between the proposed district from the MRFD. Mr. Ligtenberg stated that from the fire department to the furthest build structure is approximately 8-9 miles. The north boundary of the MRFD goes to the south side of the river. The south boundary of the proposed Gallatin River Ranch fire district goes to the north side of the river. Petitioner Tom Langel explained the history of events leading up to the petition to create this fire district. Based upon a map used by the MRFD and

per (then) fire chief Mark Eisenbeis in 1992 the front sections of the ranch were within the MRFD. In addition, all front sections had been paying taxes into the MRFD for decades. In 1993 they sought out the MRFD to annex the balance of the Gallatin River Ranch into the district. At the request of the MRFD they built a large fill site and planned for building others later as homes were built. They were under the impression that all was going along well until sometime later the annexation process bogged down. In 1997 they began to push for the annexation again. They had received letters from the MRFD indicating that they had no fire protection whatsoever and that the fire department could not cross the bridge. They contacted Chairman Roland Ligtenberg to see what could be done such as buy trucks and place them on the other side of the river so that the bridge would not be an issue. Mr. Langel stated that because there is nothing they can do about the bridge or the roads, their only solution is to put trucks on the other side of the river. It always was and still is their desire to be within the MRFD. However, at this time it is impossible because of the bridge. Mr. Langel urged the Commission to create the fire district so that their property is protected. Commissioner Murdock asked if they have a time-table for purchasing equipment and training programs. Mr. Langel explained Mark Eisenbeis has assisted them with searching for equipment and they will purchase a truck when they find one. A fire department building is currently under construction. There are currently 19 homes either built or under construction who are working towards these goals. The developers, Mr. Langel and Mr. Vidar, have funds available, and if necessary, will put up the money to start the process whether it is buying a truck or having the proper manpower. Commissioner Murdock stated that if a district is created, the people in the district have the impression that you can provide fire protection, and the district would need to be able to provide services. Commissioner Olson stated that the bridge and the roads are preventing annexation into the MRFD and that the developers would have to start over with construction of the roads. Mr. Langel concurred. Commissioner Olson asked what level of fire protection are they willing to provide. Mr. Langel stated they would provide the best possible protection that they are capable of providing. Ken Vidar, current president of Gallatin River Ranch Homeowners Association and co-developer of Gallatin River Ranch stated their preference is to annex into MRFD. Due to certain requirements which are out their control or can not be met, they believe that the district needs to be created as soon as possible, and they will continue to work with MRFD with the possibility that sometime in the future there would be a merger between the two districts. Mr. Vidar explained that they had conversations with Road and Bridge Superintendent Sam Gianfrancisco regarding the Nixon Gulch Bridge. They believed that the bridge was one of 324 replacement bridges in Montana. The county was negotiating with the state to determine what level of participation the state, county, and feds would have. Sam had explained that there was no budget within the county to do anything. It was understood that they, as developers, would pay the contribution that was required by the county in order to get the bridge completed. After about two and one half years they were told they were no longer on the list and if the bridge ever gets replaced it would be fifteen to twenty years. Since that time they have worked with Morrison and Maierle on cost estimates of putting in a new bridge, had discussions about acquiring the Sappington Bridge over the Jefferson River which included state participation in the amount of \$25,000 to help move the bridge, which ended in being more costly than putting in a new bridge, and have investigated placing a single lane bridge just for emergencies. Mr. Vidar stated that he believed a single lane bridge for emergencies could be placed within the 60 foot easement. Mr. Vidar's response to the MRFD's list of conditions included the following: They would like to continue to work with the fire council to annex into MRFD provided that the criteria to do so is workable based on existing limitations of what exists at the ranch. Roads may or may not be to County Standards, however, they are well constructed and do not exceed a 12% grade. There are multiple ways to get to all properties without using the roads which have higher grades. They are willing to work on areas that need improvement but keep in mind the roads all ready exist. Mr. Vidar suggested that there could be an understanding that MRFD could provide a basic level of service due to the type of equipment that could come across the bridge, or the ranch could provide equipment on the other side of the river. They agree with the fire protection plan for residents beginning construction after January 1, 2000; agree to fire sprinklers in the equestrian center and would like 36 months to complete due to budget constraints; agree with items 3 - 16.3 regarding buildings; agree to have all commercial structures sprinkled and alarmed with an off site central station; do not agree that water supply shall meet with the requirements of the UFC for fire flow and duration because they do not know what that means and if it could be accomplished at the ranch; do not agree with item 17.3 because of the same concerns; agree to the concept of installing underground tanks however, can not agree to the item as written because it is unclear exactly what they are requesting; do not understand item 18.2 and can't agree to it; and agree with items 19 - 19.3. Commissioner Murdock stated that the Commission does not have copies of these items. Mr. Vidar stated that in general they are in agreement with most of the items MRFD is requesting and recognize that MRFD is looking for a level of protection that helps save lives. They request the commission create the district so they have coverage. They currently have a 700 gallon truck and a 4000 gallon truck which can be used as tenders and will be fitted with the proper pumps; a fire station which is about 75% complete and built to hold 2 water tenders and

either a pumper truck or an engine; and a maintenance shop area. They are willing to hire consultants to get a department together to meet a certain level of standards that the fire council suggests. They will hire a fire chief and believe that they have enough people in the area to maintain fire protection. Commissioner Olson's preference would be fewer fire districts but people do need fire protection. Commissioner Murdock asked if they would fund a single lane bridge and Mr. Vidar stated yes they would. Wayne Speakman, Fire Chief MRFD stated that they would like to provide fire protection if the bridge, as their main concern, and wider road issues could be resolved. If roads are not wide enough during an emergency, there are people trying to evacuate the scene and emergency crews trying to get to the scene which creates problems. George Reich, president of Gallatin County Fire Council submitted a letter from the fire council who's opinion is that discussions and negotiations continue. Their first alternative would be for MRFD to provide protection, however there are access issues which prohibit mutual aid. The Council has set out guidelines which they believe are minimum standards to establish a fire district. The concept of a one lane bridge could be useable but is not preferred. MRFD Trustee Robert Yadon stated that they have responded in this area in the past and support providing protection. Resident of the ranch Ed Abbott stated as a citizen and taxpayer who has paid into the MRFD he encourages the Commission to create the district promptly so they have fire protection and at a later date they can consider annexation into MRFD. Chief Deputy County Attorney Susan Swimley explained that the Commission has a petition to create a fire district. They have held their public hearing and are required to make a decision within 30 days. The Commission could postpone any decisions and ask people to continue discussing, however, if the Commission does not make a decision today, the property will not be on the tax rolls for 2000. The process to annex into a fire district is a new petition which requires the board of trustees of the district to accept the annexation prior to Commission action. There are statutes that allow for the consolidations of fire districts. They require both boards of trustees to vote in favor of consolidation and create a plan. If both boards vote to consolidate, the Commission holds a public hearing after notice, and then there is a protest period. In addition, fire districts can be dissolved the same way they are created. Commissioner Olson stated support of creating the new district today so they can have a taxing district as of next year and hopes that they will do the things necessary to annex into Manhattan at some later date. Commissioner Murdock stated that he would like to see the property annexed however he does believe that people deserve fire protection when they ask for it. Commissioner Murdock asked the petitioners if they would still make a good-faith effort to work towards consolidation with MRFD if the Commission created the district today. Mr. Vidar stated that they intend to keep on with negotiations to combine with MRFD because they see an open door and a willingness to work something out. Mr. Vidar believes that their tax dollars will contribute a great number of dollars, and they would like to see a sub station on their side of the river. Because the petition is before they Commission, discussions are now taking place. Commissioner Murdock asked Roy Steiner, Road Department, if a one lane bridge is something they could work with and if it is a possibility. Mr. Steiner stated that he was sure there was a file on this subject which he could look into and investigate, but at this moment he can not respond without knowing the specifics. Commissioner Olson asked Mr. Ligtenberg if the MRFD will actively work towards consolidation of the two fire districts. Mr. Ligtenberg responded that he does not see any immediately problems as long as their requirements are met. They will continue to work with Gallatin River Ranch. Commissioner Murdock stated that if a consolidation occurs, the MRFD will need to agree, and recognizes that there will be minimum standards required. He also stated that he hoped that within a year everyone will be back to discuss consolidation of the two districts. He stated that the Commission will work with them regarding solving bridge problems and encourages the two groups to work together. Motion by Commissioner Olson to approve resolution 1999-82 to establish the Gallatin River Ranch Rural Fire District with the assumptions that everyone will work together and be back to consolidate the districts at a later date. Seconded by Commissioner Murdock. MRFD Fire Chief Wayne Speakman asked who would be responsible for EMS calls on the ranch if the district is created today. The MRFD has been providing these services in good faith due to the confusion of whether the ranch was in the MRFD or not. Chief Deputy County Attorney Susan Swimley explained that if the Commission creates this district it is it's own district with it's own responsibilities. That does not eliminate mutual aid and what you do with mutual aid. None voting nay. Motion carried.

There were no pending resolutions. There being no further business the meeting was adjourned at 10:40 A.M.

.. *unavailable*
for signature
 CHAIRMAN APPROVAL

Shelley Vance
 CLERK ATTEST

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Clerk to the Board Shelley Vance.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

DECEMBER 27-31, 1999

The Commissioners conducted regular County business.

The following items were on the consent agenda:

- minutes
- approval of claims for PO 58185 for \$304.00, PO 58186 for \$100.00, and the following batches dated 12-31-99: Batch 1 for \$29,731.01, Batch 2 for \$37,781.00, Batch 3 for \$58,060.61, Batch 4 for \$37,276.33 and Batch 5 for \$46,291.26. Claims from December 24 through December 31, 1999 total \$209,544.21
- request for preliminary plat approval of the Byron Minor Subdivision
- review and consideration of the following contracts: Figgins Sand and Gravel, Inc. for RID snowplowing; Montana Department of Transportation to replace Rocky Creek Bridge; Non-disclosure agreement with 3 Rivers Telephone Cooperative; STD/HIV task order with Montana Department of Health and Human Services; Change Order No. 3 for Rest Home flooring project

There were no minutes to consider. Chairman Olson announced that the request for preliminary plat approval of the Byron Minor Subdivision would be moved to the first item on the regular agenda. Motion by Commissioner Murdock to approve the consent agenda as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley explained that the action the Commission should be considering regarding the Byron Minor Subdivision is final plat approval and not preliminary plat approval as listed on the agenda. She stated that the staff report indicated that all conditions have been met. There was no public comment. Motion by Commission Mitchell to grant final plat approval of the Byron Minor Subdivision. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner John Shepard reported on a variance request from the PUD review process required by Sections 12.030, 12.040, and 12.050 of the Gallatin County/Bozeman Area Zoning Regulations. Mr. Shepard's report included the following: The PUD review process determines lot area and width, lot coverage and floor area, and year area. The applicant, Suellen Bradley, proposes to divide Lot 1A, Block 1, of the amended plat of Mountain Meadows Subdivision and located in Section 16, T2S, R6E into two lots. The property is located at 871 Bozeman Trail Road, Bozeman, and is zoned R-S. Lots 1A and 2A were created in March of 1988 by a relocation of common boundary exemption, moving the property line from a north-south to an east-west direction. Currently, one single-family house, a large detached garage and other accessory structures exist on Lot 1A. Section 56.060 of the Gallatin County/Bozeman Area Zoning Regulation specifies criteria for consideration of a variance. It states the following: "In approving an application for a variance, the board or commission shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare, and shall find as follows: That the variance will not be contrary to the public interest; that a literal enforcement of this title will result in unnecessary hardship owing to conditions unique to the property; The spirit of this title will be observed and substantial justice done." Certified mail has been sent to adjacent property owners, legal notice was published in the Bozeman Daily Chronicle on December 19, 1999 and two notices were posted on site on December 20, 1999, as required by the regulation. If the Commission, after hearing and considering all public testimony, finds that the variance requested will not be contrary to the public interest, and meets the criteria of Section 56 of the zoning regulation, the following conditions are recommended: 1. Lot dimensions shall be as follows: Minimum lot area shall be 1.0 acre and minimum width 100 feet, maximum lot coverage shall be 25%, minimum dwelling unit size shall be 1,000 square feet, minimum yards shall be 35 feet in front and 25 feet in the rear and each side yard. 2. As all conditions of this variance will run with the land, condition

number 1 shall be recorded with the Gallatin County Clerk and Recorder within six months of approval and prior to application for subdivision review or a land use permit. 3. Application for subdivision review will be made, and approval of preliminary plat received, within one year of this date or the variance will lapse. 4. Any new lot on this parcel will be subject to the requirements of the Gallatin County Subdivision Regulations for review as an amended plat. 5. A land use permit, and any necessary building permits, must be obtained prior to any construction. When asked about adjacent lot sizes Mr. Shepard stated that there are a variety of sizes anywhere from ¾ acre to larger. He indicated that on average, most lots are approximately 1-2 acres in size. There is no minimum lot size in the R-S district. Dr. William Bradley, applicant, explained that they intend to construct a single family home on the newly created lot and request a variance from the PUD review process. Dr. Bradley stated the creation of a new lot is compliant with goals and objectives of the 1990 Bozeman area master plan because both lots will maintain at least 1 acre of land, a frontage of more than 100 feet, the home will be concurrent with the surrounding homes, consume less than 25% of the lot, will not be in excess of 1,000 square feet, and will meet proposed yard set backs. One objective of the PUD review is to encourage the development of vacant properties within developed areas. Dr. Bradley stated that this proposal is consistent with surrounding properties and presently, there are four ½ acre lots within this subdivision. The applicants believe that a lengthy PUD review process would cause unnecessary hardship for a small, one-time split in this subdivision. For their situation, conditions of a variance are more applicable than the standard PUD review process. Don Bachman, member of the Bozeman Area Zoning Advisory Committee, stated that the committee recognizes the need for revisions to the regulations regarding the promotion of in-fill development. Motion by Commissioner Murdock to approve the variance finding it is not contrary to public interest, the literal enforcement of this title would result in unnecessary hardship owing to conditions unique to the property, and the spirit of this title will be observed and substantial justice done, with the conditions as presented by staff. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Christopher Gray explained that a resolution is proposed to correct Resolution 1999-58 to impose a clean record that the Commission's intention was to amend Resolution 1995-55 not to supersede Resolution 1995-55. There was no public comment. Motion by Commissioner Mitchell to adopt Resolution 1999-58A. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There were no pending resolutions. There being no further business the meeting adjourned at 9:30 a.m.

Unavailable.

For Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 11TH DAY OF JANUARY 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, and Clerk to the Board Shelley Vance.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

JANUARY 3, 2000

- A special meeting of the Commissioners was called to order at 10:15 a.m. In attendance were Commissioners Olson, Murdock and Mitchell, Deputy County Attorney Chris Gray and Executive Secretaries Stacy Johnston & Glenda Noyes. The purpose of this meeting was to consider a contract with Bear Creek Respite Center to provide medical services for Robert Lewis, a current inmate at the Gallatin County Detention Center, for the rate of \$150/day. Commissioner Olson moved to approve the contract finding this is a substantial savings from the \$390/day the County's been paying Bozeman Deaconess Hospital for the same services; Commissioner Mitchell seconded the motion. There being no further discussion, the Commissioners unanimously voted to approve the motion.
- The Commissioners' annual organizational meeting was called to order at 10:30 a.m.. In attendance Commissioners Olson, Murdock and Mitchell, and Executive Secretaries Stacy Johnston & Glenda

372 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Noyes. Bill Murdock moved to nominate Phil Olson as Chairman for 2000. Jennifer Smith Mitchell seconded the motion. None voting nay; motion carried unanimously. Board assignments for 2000 were discussed and determined as follows:

<u>Bill Murdock</u>	<u>Phil Olson</u>	<u>Jennifer Smith Mitchell</u>
Board of Health	911 Admin Board	CIP Committee
Danforth Foundation	Bridger Ridge Radio Users	Extension Advisory Board
Detention Center Project Team	Composting Committee	Fair Board
MACo Subdivision Committee	Eaglehead Radio Users	Missouri River Task Force
Transportation Coordinating Committee	Headwaters Recycling	Phase I & II Project Team
Victim/Witness Advisory Board	Logan Landfill Advisory Board	Southwest Regional
West Yellowstone/Hebgen Basin Refuse District Board	MACo Ag Committee	Juvenile Detention Brd
(Board of Health Representative)	Mental Health Advisory Board	Weed Board
Yellowstone National Park Winter Use EIS Committee	West Yellowstone/Hebgen Basin Refuse District Board	

Other discussion items included a letter from LWQD Chairman Kathy Gallagher requesting the Commission extend Cyndi Crayton's temporary employment until such time as an LWQD Manager is hired. Phil Olson moved to approve this extension; Bill Murdock seconded the motion, finding this extension is not to exceed nine months without further action by the Commission per the Gallatin County Personnel Manual. There being no further discussion, the Commissioners unanimously voted to approve the motion. A letter will be sent to Kathy Gallagher notifying her of this action.

JANUARY 4, 2000

- The Commissioners conducted regular County business.

JANUARY 5, 2000

- A special meeting of the Commissioners was held to consider applications for appointment to the Gallatin County Fair Board. In attendance were Commissioners Olson, Murdock, and Mitchell, and Executive Secretary Glenda Noyes. There were five vacancies to be filled. On 12/31/1999, terms expired for Greg Rath, C. Spencer Smith, Lon Lundberg and Andy Leep; they have all reapplied to serve additional terms. Pauley Marshall resigned on October 3, 1999. Five additional applications were received from Dennis Simard, Ramona Brastrup, Mark Barnet Headley, James Cannata, Jr., and Robert Brekke. Commissioner Murdock made a motion to reappoint the four members whose terms have expired and appoint Ramona Brastrup to fill the position open due to the resignation of Pauley Marshall. Commissioner Mitchell seconded the motion. In discussion, Commissioner Olson discussed his choices for appointment, explaining why he would be voting against the motion. Commissioners Murdock and Mitchell voted in favor of the motion. Commissioner Olson voted against the motion. The motion carried with a vote of 2-1.
- The Commissioners met to discuss a number of pending issues including, but not limited to, the appointment of Chérie Colvin and Carroll Henderson to the Detention Center Evaluation Committee. The Commission agreed that they had intended to appoint Ms. Colvin and Mr. Henderson back in November, but it had apparently been overlooked. Jennifer Mitchell moved to correct this oversight and appoint Ms. Colvin and Mr. Henderson; Bill Murdock seconded the motion. There being no further discussion, motion passed unanimously with a vote of 3-0.

JANUARY 6, 2000

- The Commissioners conducted regular County business.

JANUARY 7, 2000

- A special meeting was called to order by Acting Chairman Jennifer Smith Mitchell for the purpose of considering a contract with the Sacajawea Hotel for the Strategic Planning Workshop, which requires a \$250.00 deposit. Commissioner Murdock moved to approve the contract as presented for the Sacajawea Hotel, finding that it has been approved by both Fiscal Officer Ed Blackman and Deputy County Attorney Chris Gray. Commissioner Mitchell seconded the motion, adding that although Commissioner Olson is absent, he has seen the contract and has given his verbal approval of same.

* * * * *

- Payroll for December 1999: \$966,551.94.
- Clerk & Recorder's Fees Collected for December 1999: \$33,596.75.

- New Hire Report for December 1999: REST HOME –David Knoll, Cory Webb, Michael Jaconetty, Dawnteese Smith, Christopher Anderson, Ami Stanley; DETENTION CENTER – Donna Morgan, Kristine Evans, Richard Flink, Christopher Evans; GRANTS – Jennifer Blossom.
- Terminated Employees' Report for December 1999: REST HOME – Wanda Galloway 11/26/99, Amanda Evans 11/27/99, Debra Barrett 11/28/99, Sara James 11/29/99, Erin Harrell 11/30/99, Stephanie Meier 11/30/99, Dawnteese Smith 12/03/99, Jenny Knudvig 12/08/99, Angela Curtis 12/10/99, Stephanie Teske 12/10/99, Heather Jones 12/10/99, Erica Eckerson 12/12/99, Wendy Jablonski 12/19/99, Terri Eddy 12/21/99; PLANNING – Virginia Zanella 11/26/99; 911 – Donna Sparacino 12/04/99; HEALTH – Diane Barry 12/15/99; DETENTION CENTER – Mary Jane Falconer 12/16/99.
- Received & Approved Applications for Cancellation of Taxes for December 1999: \$472.13.

The following items were on the consent agenda:

- minutes
- approval of claims from December 30, 1999 through January 6, 2000 for PO 57502-21-24 for \$6,576.29, PO 60501 for \$693.00, PO 61642 for \$30.00, PO 61643 for \$2,239.70, PO 61644 for \$1,081.00, PO 61645 for \$1,056.00 for a total of \$11,675.99
- request for final plat approval of the Corners Four Business Park No. 2 amended plat County Planner W. Randall Johnson submitted a staff report dated January 11, 2000 which stated that the conditions for final plat approval have been met.
- consideration of the following contracts: Montana Board of Crime Control proposal for Intensive Supervision for Juveniles; Montana Board of Crime Control for Community Corrections pilot; snowmobile lease agreement with Jerry's Enterprises for Gallatin County Sheriff Department

Motion by Commissioner Mitchell to approve the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

The following is a listing of board assignments and the Commissioner who will sit on each board: Commissioner Olson - 911 Admin Board, Bridger Ridge Radio Users, Southwest Montana Composting Committee, Headwaters Recycling, Local Emergency Plan Committee, Logan Landfill #1 Advisory Board, MACo Ag Committee, Mental Health Advisory Board, West Yellowstone/Hebgen Basin Refuse District Board. Commissioner Murdock - Gallatin City/County Board of Health, MACo Land Use & Planning Committee, Transportation Coordinating Committee, Software RFP Committee, West Yellowstone/Hebgen Basin Refuse District Board (Board of Health Representative) Yellowstone Nation Park Winter Use/EIS Committee. Commissioner Mitchell - CIP Committee, Extension Advisory Board, Fair Board, MACo Urban Counties, Missouri River Task Force, Local Water Quality District, Phase II & III Renovation Team, Southwest Regional Juvenile Detention Board, Weed Board. Chairman Olson announced that the Commission would rotate the attendance on certain committees such as Rural Fire Council, Detention Center Committee, Open Lands Board, Planning Board, Community Corrections, Three Forks Airport, Gallatin Field, Victim Witness, Lewis & Clark Bicentennial, and Clean Cities.

Motion by Commissioner Murdock to reappoint Pamela Hainsworth and Gary France to the Belgrade City/County Planning Board for two year terms. Seconded by Commissioner Mitchell. There was no public comment. None voting nay. Motion carried. Motion by Commissioner Mitchell to reappoint Meg O'Leary to the Big Sky Transportation District for a two year term. Seconded by Commissioner Murdock. There was no public comment. None voting nay. Motion carried. Motion by Commissioner Mitchell to reappoint Mark Daugherty and Edward Clark Jr., and appoint Len Eric Albright, David Petersen, and Patsi Peterson to serve on the DUI Task Force for two year terms. Seconded by Commissioner Murdock. There was no public comment. None voting nay. Motion carried. Motion by Commissioner Mitchell to reappoint Richard Schendel to the Fairview Cemetery Board for a two year term. Seconded by Commissioner Murdock. There was no public comment. None voting nay. Motion carried. Motion by Commissioner Murdock to appoint Katie Cady, Bud Burkhart, and Pete Fay to the Fort Ellis Fire Service Area Board for a three year term. Seconded by Commissioner Mitchell. There was no public comment. None voting nay. Motion carried. Motion by Commissioner Mitchell to reappoint Martha Lonner and appoint and Mark Cechovic to the Gallatin City/County Board of Health. Seconded by Commissioner Murdock. During discussion Commissioner Murdock stated that he would like to have Seth Pincus serve on the Board of Health and also supported appointing Martha Lonner.

Commissioner Mitchell withdrew her motion. Commissioner Murdock withdrew his second. Motion by Commissioner Mitchell to reappoint Martha Lonner to the Gallatin City/County Board of Health for three year term. Seconded by Commissioner Murdock. There was no public comment. None voting nay. Motion carried. Motion by Commissioner Murdock to appoint Seth Pincus to the Gallatin City/County Board of Health for a three year term. Seconded by Commissioner Mitchell. During board discussion Commissioner Mitchell stated that she believed that Seth Pincus would be reappointed by the city as a city appointee and supported having someone new on the board. Commissioner Olson stated that Mark Cechovic is a hydrologist and appointing him would be similar to Kathy Gallagher's expertise. There was no public comment. Commissioner Murdock voting aye. Commissioners Mitchell and Olson voting nay. Motion denied. Motion by Commissioner Mitchell to appoint Mark Cechovic to the Gallatin City/County Board of Health for a three year term. Seconded by Commissioner Olson. There was no public comment. Commissioners Mitchell and Olson voting aye. Commissioner Murdock voting nay. Motion carried. Tim Rourke, Environmental Health Director, reported that he believes that Seth Pincus will be the City of Bozeman's appointee. Mr. Rourke stated that he believes the city will be announcing their appointment next Monday or Tuesday. Mr. Rourke believes that Seth Pincus has applied with both the city and the county. Motion by Commissioner Mitchell to reappoint Robert Marshall and Dr. Edward L. King to the Logan Landfill #1 Advisory Board for a three year term. Seconded by Commissioner Murdock. There was no public comment. None voting nay. Motion carried. Motion by Commissioner Murdock to reappoint Cathy Ligtenberg and appoint Theresa Johnson to the Manhattan City/County Planning Board for a two year term. Seconded by Commissioner Olson. There was no public comment. During board discussion Commissioner Mitchell stated that she would like to advertise until the Commissioner receives some other applications. Commissioner Murdock withdrew his motion. Commissioner Olson withdrew his second. Motion by Commissioner Murdock to re-advertise for applications to the Manhattan City/County Planning Board. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Motion by Commissioner Mitchell to reappoint Martin Douma to the Meadow View Cemetery Board for a three year term. Seconded by Commissioner Murdock. There was no public comment. None voting nay. Motion carried. Motion by Commissioner Murdock to reappoint Chan Cooper to the Mount Green Cemetery Board for a three year term. Seconded by Commissioner Mitchell. There was no public comment. None voting nay. Motion carried. Motion by Commissioner Mitchell to reappoint Robert Nowierski and Leo Schlenker to the Weed Board for a three year term. Seconded by Commissioner Murdock. There was no public comment. None voting nay. Motion carried.

There were no pending resolutions. There being no further business the meeting adjourned at 9:30 a.m.

Unavailable
for signature
 CHAIRMAN APPROVAL

Shelley Vance
 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 18TH DAY OF JANUARY 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Clerk to the Board Shelley Vance.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

JANUARY 10, 2000

- A meeting of the County Commissioners was held to discuss a variety of issues. Also in attendance were Executive Secretaries Stacy Johnston and Glenda Noyes, and Grants Administrator Larry Watson. (1) Grant Reconciliation: Due to continued reportables on the external audit, Larry is proposing that a 1% indirect cost increase be included in all grants to be received on or after July 1, 2000, and the Grants Department would assume responsibility for reconciliation of ALL grants. Commissioner Mitchell opposed and felt they should be given an option of whether to accept this responsibility within their own department or shift responsibility to the Grants Department. Commissioner Olson agreed. Commissioner Murdock advised Stacy Johnston to amend the draft memo. Commissioner Murdock moved to draft a grant reconciliation memo, advising all departments that they are to reserve 1% of each grant request for the financial reconciliation process,

and that they can do the reconciling themselves, or the Grants Department will do it for them. Commissioner Mitchell seconded the motion. Motion passed unanimously. (2) Junk Vehicle Grant: Commissioner Murdock moved to sign the re-up of the junk vehicle grant. Commissioner Mitchell seconded the motion. Discussion took place and the Commissioners noted that this action is per the review of the contract by Ed Blackman. Motion passed unanimously.

JANUARY 11-12, 2000

- The Commissioners conducted regular County business.

JANUARY 13, 2000

- A special meeting of the Commissioners was called to order for the purpose of considering a boundary relocation exemption for Glen Kraft. In attendance were Commissioners Olson, Murdock, Mitchell, Executive Secretary Glenda Noyes, Planning Director Dale Beland, and Planner Jennifer Madgic. Ms. Madgic explained that the applicant was under the impression that this item was to be heard at the January 11 Public Meeting and scheduled the closing of the property to be sold based on that date. As a favor, she asked for the special meeting in order to accommodate the applicant. In order to give Ms. Madgic an opportunity to speak to Chief Deputy Susan Swimley about the exemption, the Commission continued the decision until after the zoning meeting. The meeting was reopened at 1:21 P.M. It was determined that the situation arose as a result of problems on the County level, not the applicant. Commissioner Murdock moved to approve the request for a boundary relocation exemption for Glen Kraft finding that it is based on staff recommendation that this is a proper use of the exemption. Commissioner Mitchell seconded the motion. Motion passed unanimously.

JANUARY 14, 2000

The Commissioners met with Bob Isdahl, Facilities Operations Officer, to discuss monthly business. Commissioner Murdock moved to fund the records move out of the Contingency Fund. Commissioner Olson seconded the motion. Motion passed unanimously.

The following items were on the consent agenda:

- Minutes
- Approval of claims presented by the Auditor from January 7 through January 13, 2000 for PO 55591 for \$279.28, PO 58743 for \$36,385.47, PO 58744 for \$367.53, PO 61538 for \$250.00, PO 61539 for \$425.00, PO 62145 for \$185.00, PO 62146 for \$70.00 PO 62361 for \$21,688.80, PO 62362-01-05 for \$2,289.71, PO 62363 for \$4,186.79 and from January 18, 2000 Batch 1 for \$66,902.42, Batch 2 for \$24,237.57, Batch 3 for \$42,976.99, Batch 4 for \$2,304.36 for a total of \$202,548.92
- Request of mortgage exemption from Mariah Hollister located in Section 20, T4N, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Request of mortgage exemption from Joseph P. Deason located in Section 23, T1N, R5E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Request of boundary relocation exemption from John and Donna Mandeville and Craig and Connie Mandeville located in Section 36, T1S, R5E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act. However, the property is located within a zoning district with a 20 acre minimum lot size. There is an existing non-conforming tract (under 10 acres) and a new tract (Tract 2-A) also under 10 acres. It is unclear whether the boundary realignment would meet zoning regulations.
- Request of boundary relocation exemption from Andrea and Jonathan S. Melvin and Arthur Yadon located in Section 11, T1N, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Request for the release of security under an improvements agreement for the Amended Royal Village Phase 1 subdivision. County Planner Jennifer Madgic reported the original letter of credit in the amount of \$126,656.25 was issued by Big Sky Western Bank. The applicant is requesting a reduction in security of \$40,988.75, for a new letter of credit in the amount of \$85,667.50. A letter from Big Sky Western Ban referencing this reduction and a letter from TD&H certifying completion of the improvements is attached to the staff report. Staff recommends approval of the request.
- Request of family transfer exemption from Larry and Jo Ann Hermance to their son Craig Hermance located in Section 8, T1S, R5E. Belgrade City/County Planner Jason Karp reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.

- Consideration of the following contracts: Memorandum of understanding with Madison County for the Big Sky Transportation study.

Planner Jennifer Madgic requested that consideration of the Mandeville boundary realignment exemption be continued until January 25, 2000 for further staff research. There were no minutes available. Motion by Commissioner Mitchell to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Commissioner Mitchell reported on vacancies to the Manhattan City/County Planning Board, the West Yellowstone/Hebgen Basin Refuse District Advisory Board and the Reese Creek Fire Service Area Board of Trustees. Motion by Commissioner Murdock to reappoint Cathy Ligtenberg to the Manhattan City/County Planning Board for a two year term. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Motion by Commissioner Murdock to reappoint Jim Micklewright to the West Yellowstone/Hebgen Basin Refuse District Advisory Board for a three year term. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Motion by Commissioner Mitchell to appoint Michael Wachter to the Reese Creek Fire Service Area Board of Trustees. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jason Karp reported that preliminary plat approval of the High K subdivision was granted on April 21, 1998 with Condition #6.l. which prohibited large animals (horses, cows, llamas, etc.). The provision for horses was discussed at length at the April 21, 1998 public hearing before the Commission. The Commission found that the soil in the area had limitations for supporting animals. Based on the County Extension agent's indication that a minimum of 5 acres was required to support a horse or other large animal, the Commission required a covenant that prohibits horses and other large animals within the subdivision. The applicant is requesting to amend a condition of preliminary plat approval to allow for larger animals on some of the lots, has indicated that the western half of the subdivision was designed with horses in mind, and the Commission's decision to prohibit horses in the subdivision severely affects the marketability of the larger lots. The applicant also stated that nitrate levels on the site have dropped dramatically since past agricultural practices on the property have ceased. The applicant is proposing covenants to allow the homeowner's association to deal with nuisance animals should a problem arise. Current policy has been to limit horses and other large animals to a maximum of two per 5 acres in several subdivisions in the Belgrade Area, including the recently approved Royal K Minor Subdivision which is located adjacent to the property and owned by the same developer. Staff recommends that if the Commission votes to amend the required covenants as requested by the developer that a covenant be included which gives the homeowner's association the power to require horses to be removed from a lot if a nuisance exists. A condition of nuisance would include excessive noise, foul odors, creation of dust, unsightly hay, straw, or manure piles, etc. Mr. Karp reported that after discussion with the Belgrade City/County Planning Board the following amendments to conditions and additional conditions are proposed: Condition 6.l. is amended to read "One large animal unit (horse, cow, llama, etc. and dependent young) is permitted per 2.5 acres of lot area."; additional condition 6.q. "A provision giving the homeowner's association the power to required nuisance animals to be removed from the subdivision. A condition of nuisance would include excessive noise, foul odors, creation of dust, unsightly hay, straw or manure piles, etc."; and additional condition 6.r. "If large animals are kept, the lot owner must remove the accumulated manure from the High K Subdivision a minimum of two times per year." Mark Chandler, C&H Engineering & Surveying reported that groundwater samples taken in December 1998 compared to samples taken in November 1999 indicate that nitrate levels have been reduced quite dramatically due to the elimination of past agriculture practices on this property. Mr. Chandler stated that the proposed covenants will be consistent with covenants in surrounding subdivisions. Applicant Nadia Beiser stated that test well 2 is located on Lot 6, test well 1 is located on Lot 4, test well 3 is located on Lot 20, and test wells 4, 5, and 6 are located on the north and east boundaries of the proposed subdivision. Ms Beiser stated that there are currently 12 lots over 2.5 acres with a potential for up to 15 lots exceed 2.5 acres due to a possible road realignment. During board discussion Commissioner Murdock stated support for the proposed amendment but wanted an additional condition to address possible problems if nitrate levels increase due to ability to have large animals. Chairman Olson called a recess in order for staff from environmental health to compose an additional condition. Denise Moldroski, Gallatin County Environmental Health Department submitted the following proposed condition: Should Department of Environmental Quality determine that total allowable nitrogen concentrations exceed those limits set in DEQ approval #99-2093, then large animals shall no longer be permitted. Nadia Beiser stated that she was in agreement

with all of the conditions. Motion by Commissioner Murdock to grant the modification request based on public health, welfare, and safety and based on Belgrade Planning Board's recommendations with the amended conditions and new conditions submitted by Jason Karp and adding a sentence to the end of condition 6.1. as follows: "Should DEP determine that total allowable nitrogen concentrations exceed those limits set in DEQ approval #99-2093, then large animals shall no longer be permitted. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

County Planning Director R. Dale Beland reported that Lynn and Peter Rugheimer have requested a conditional use permit to allow rental of an existing residence as a lodginghouse located on 375 acres in Section 32, T1S, R6E in the Gallatin County/Bozeman Area Zoning District. The property is zoned A-S "Agriculture Suburban. The applicants have stated that the proposed lodginghouse is currently used by their farm employees and when not so used, would be rented to non-employees on a short term basis. The regulations do not specifically list "lodginghouse" as a permitted or conditional use. However, under Section 6.060 of the regulation, Mr. Beland has previously determined that this use is similar and no more intensive than listed conditional uses such as bed and breakfast, guest house and day care centers. (A lodging house is a conditional use in the R-3a, R-3, R-4 and R-O Districts.) Abutting land use in the area includes a mixture of industrial, commercial and residential uses. Notice of public hearing was published in the Bozeman Daily Chronicle on November 30, 1999, posted on the property, and mailed to abutting property owners. Letters of support have been received from Ami Carpenter, Ruth D. Dodge, Don Jackson, and Catherine Belke. On January 11, 2000, the Gallatin County Planning Board unanimously recommended approval with the following conditions: 1. The conditional use permit is for the use of a three-bedroom farm workers' residence as a lodginghouse in the location indicated in Exhibit A & B. 2. The applicant shall submit evidence of compliance with Gallatin County Environmental Health Department requirements for sanitary facilities for the proposed use. 3. The applicant shall also submit evidence of any required State of Montana occupancy permit for the lodginghouse use. 4. The right to the CUP shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure. 5. All of the special conditions shall constitute restrictions running with the land use, shall be binding upon the owner of the land, his successors or assigns, and shall be recorded as such with the Gallatin County Clerk and Recorder's office by the property owner prior to the issuance of any building permits, final site plan approval or commencement of the conditional use. 6. All of these conditions shall be consented to in writing by the applicant and submitted to the Planning Department. Chief Deputy County Attorney Susan Swimley recommended that condition #1 should read "The conditional use permit (CUP) is for the use of the three-bedroom farm workers' residence as a lodginghouse in the location indicated in Exhibit A & B." Applicant Lynn Rugheimer stated that the proposed conditions were acceptable and that the lodginghouse would allow for additional revenue to the farm. Jeff Krauss, 508 Park Place, stated support for the application which has a historical value and will assist in preserving ag land by allowing for additional income to the farm/ranch operation by allowing for the rental of property. Motion by Commissioner Mitchell to grant the conditional use permit with proposed conditions 2-6 and amended condition 1 finding that the proposed site is adequate in size, the proposed uses are in conformance with the Gallatin County Plan, the conditional use has complied with all conditions stipulated in Section 50, the conditions stipulated in the approval are deemed necessary to protect the public health, safety, and general welfare, notice of public hearing was published in the Bozeman Daily Chronicle on November 30, 1999, posted on the property, and mailed to abutting property owners, letters of support have been received from three abutting landowners, and the Gallatin County Planning Board has recommended approval. Seconded by Commissioner Murdock. During board discussion Commissioner Murdock stated that this application meets the intent of the AS zone and will be one way to help preserve ag land. None voting nay. Motion carried.

Fiscal Officer Ed Blackman explained a proposed resolution of intent to amend the Belgrade Rural Fire District FY 2000 budget. The amendment would allow the district to expend \$125,000 for a fire truck and apparatus from impact fees collected. Brian Connelley, Assistant Belgrade Rural Fire Chief, reported to the Commission that if pending litigation requires dollars collected from impact fees to be refunded back, that the fire district has resources available to pay those refunds. There was no public comment. Motion by Commissioner Murdock to adopt Resolution of Intention 2000-01. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting adjourned at 10:25 a.m.

Unavailable For
Signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 1ST DAY OF FEBRUARY 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Clerk to the Board Shelley Vance.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

JANUARY 24, 2000

- At the weekly office meeting, a discussion took place regarding the need for new computers in the Commission Office. The Commissioners unanimously agreed to allow the purchase of two new computers for Executive Secretaries Stacy Johnston and Glenda Noyes, finding that there is money available in the budget to do so if the purchase of the laptop is postponed until next fiscal year. Stacy was instructed to pursue the purchase of these items.

JANUARY 25, 2000

- A special meeting of the Commissioners was called to order at 8:32 A.M. for the purpose of considering a contract with Sime Construction for cost-sharing of the paving on a portion of Stucky Road. In attendance were Commissioners Olson and Murdock, Deputy County Attorney Chris Gray, Road Department Engineer Roy Steiner, and Executive Secretary Glenda Noyes. Mr. Gray explained that this contract is a formalizing of an on-site hand shake agreement that took place previously. Mr. Steiner noted for the record that the County is responsible for the maintenance of this road, and it is always desirable to pave when able to. He also noted that with an increase in traffic at this location, paving is necessary to cut down on the dust level. He stated that when the County has an opportunity to pave a road with someone else paying for half of the cost, it is always in the public's best interest to do so. Mr. Steiner also entered into the record that the price is fair and reasonable. Ordinarily they pay \$4.00 a square foot for paving, the cost of this contract is \$8.00 a square foot, but it includes other things such as the gravel needed and the labor. Commissioner Murdock stated that finding this contract to be fair and reasonable, similar contracts have been entered into previously, it is in the best interest of the public, and has been recommended by the Road Department and County Attorney's Office, he so moved to enter into the contract with Sime Construction for the cost-share paving of Stucky Road. Commissioner Olson seconded the motion. Motion passed unanimously.

JANUARY 26-28, 2000

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

- Complete Minutes for the weeks of March 23, 1999, March 30, 1999, and April 6, 1999 and Public Meeting Minutes for December 14, 1999, December 21, 1999, December 28, 1999, and January 4, 2000
- Approval of claims presented by the Auditor dated January 31, 2000, for Batch 1 - \$40,134.54; Batch 2 - \$28,490.33; Batch 3 - \$57,261.63; Batch 4 - \$62,506.77; Batch 5 - \$26,776.93; Batch 6 - \$74,070.41; Batch 7 - \$96,790.61; Batch 8 - \$986.68 for a total of \$387,017.90
- Consideration of the following contracts: Roof repair for the Road Department with KB Building and Supply, Inc.; Fire extinguisher service agreement with fire Suppression systems, inc. for Courthouse, Rest Home, and Law 7 Justice Center; fire extinguisher lease agreement with Fire Suppression systems, Inc. for Gallatin County Sheriff Department; Snowmobile lease agreement in Big Sky with Jerry's Enterprises for Gallatin County Sheriff Department; Modification to Contract #2000-93 for groundwater monitoring with Kathy Gallagher; Modification to Contract #1999-124 for Engineering Services with MSE-HKM, Inc.; Modification to Contract #2000-50 for field inspection services with MSU Extension Service

Jan Harman requested that the modification for groundwater monitoring with Kathy Gallagher be placed on the regular agenda to explain what the modification to the contract is. Motion by Commissioner Murdock to approve the consent agenda excepting the modification to contract with Kathy Gallagher. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman explained that the modification was to include the contract for the rest of this fiscal year. Motion by Commissioner Mitchell to approve the modification to Contract #2000-93 for groundwater monitoring with Kathy Gallagher. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There was no public comment regarding the vacancy of a county representative on the Bozeman City Planning Board. Motion by Commissioner Mitchell to reappoint Lynn Rugheimer to the Bozeman City Planning Board for a two year term expiring January 31, 2002. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There was no public comment regarding the seven vacancies existing on the Open Lands Board. Motion by Commissioner Murdock to reappoint Ray Rasker, Ranger Dykema, Nancy Flikkema, and Mike Lane and to appoint John Baden to fill Tom Milesnick's vacancy. The terms are for two years and will expire on February 9, 2002. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There was no public comment on the vacancy to the Manhattan City/County Planning Board. Motion by Commissioner Mitchell to appoint Ron Klompfen to a two year term expiring December 31, 2001 replacing Dee Ann Langel. Commissioner Murdock stated he received a phone call from Manhattan Mayor Eleanor Mest who recommended appointing Theresa Johnson. Seconded by Commissioner Murdock. Commissioners Olson and Mitchell voting aye, Commissioner Murdock abstains. Motion carried.

There was no public comment regarding the vacancy on the Gallatin County Airport Board. Motion by Commissioner Murdock to appoint Jim Laird to fill the remainder of Bob Warwood's five year term. Mr. Laird's term will expire on March 4, 2003. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley explained the need for adopting a resolution to correct staggered terms for fire district trustees. This resolution will establish a notification procedure when districts have vacancies, set out a process for appointed trustees to establish staggered terms, and if elections are held, establish a process for elected trustees to determine staggered terms. Assistant Belgrade Fire Chief Brian Connelley asked if the resolution was distributed to all the fire districts for their review. Mrs. Swimley explained the resolution will not affect how the fire districts operate and will attend the March 8 fire council meeting to explain the resolution to the districts. Motion by Commissioner Mitchell to adopt Resolution 2000-04 adding an amendment to include a process for elected trustees to establish staggered terms. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Fiscal Officer Ed Blackman submitted a resolution for consideration to amend the Junk Vehicle FY 2000 budget to transfer appropriation between personnel line items and contracted services. Mr. Blackman stated that Montana Department of Environmental Quality Junk Vehicle Program Manager Darrell A. Stankey approved the proposed amendment January 25, 2000. Mr. Blackman explained that a large volume of vehicles were picked up in West Yellowstone which has not been done for a number of years. The towing of these vehicles exceeded anticipated costs. County Junk Vehicle Director Dave Fowler recommended approving the amendment. There was no public comment. Motion by Commissioner Murdock to adopt Resolution 2000-05. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Belgrade City/County Planner Jason Karp reported C&H Engineering on behalf of Irvan Christy has requested preliminary plat approval of a twelve lot subdivision on 20 acres located in the SW¼ of Section 34, T1N, R4E, P.M.M., Gallatin County, Montana. Mr. Karp's staff report included comments addressing review of primary criteria including the effects on wildlife and wildlife habitat; public health and safety; local services; natural environment; agriculture; and agriculture water user facilities. The Commission needs to determine whether or not the proposed subdivision meets the requirements of Section 76-3-608 MCA. If the 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. 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 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 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. Large animal units (horses, cows, llamas, etc. and their dependent young) are limited to one per 2.5 acres.
 - g. A Property Owners Association shall be established and be required to maintain the access road.
 - h. No lot owner may remove water or cause to be removed water from irrigation ditches without deeded water rights, and before any maintenance or improvements are performed on any of the ditches, the owner of the waterway must give written permission for the work to be done.
 - 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. Fire and Road Impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact fee regulations.
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. The final plat shall show a no access strip for vehicles along the south boundary of the subdivision except at county approved locations and no access strips on the first 75 feet of the access road in front of Lots 1 and 6.
11. The access roads shall be named with names approved by the Gallatin County Road Department. The roads shall be 60 foot right-of-ways, or be public easements conforming to Section 7-B of the Gallatin County Subdivision Regulations. The roads shall be constructed to County gravel standards except the first 75 feet of roads off Thorpe Road shall be paved.
12. 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.
13. 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.
14. Encroachment permits must be obtained from the Road Department for the access road intersections with Thorpe Road.
15. The developer shall submit a cash-in-lieu of parkland dedication to Gallatin County in the amount equal to 5% of the value of 13.8422 acres un-subdivided, unimproved land and 2.5% of the value of 3.6372 acres of un-subdivided, unimproved land.
16. The developer shall be responsible for paying a proportionate share of the cost of the Summit Subdivision fill-site to the Belgrade City-County Planning

Office, which will reimburse the entity responsible for maintaining the Summit Subdivision fill-site. 17. The developer shall be responsible for paying a proportionate share of the cost of the paving of Thorpe Road to the Belgrade City-County Planning Office, which will submit 25% to the Gallatin County Road Department and use the remainder to reimburse the record lot owners in the Summit Subdivision. 18. 30 feet of Thorpe Road north of the centerline shall be dedicated to the public along the entire width of the subdivision. 19. The final plat shall contain a statement that 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. 20. The final plat(s) shall show a maintenance easement of a minimum of 15 feet on one side, and 5 feet on the other side of the irrigation ditches or as required by the ditch owner consistent with subdivision regulations, 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. 21. The name of the irrigation ditch owner shall be indicated 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. Mr. Karp reported that the Belgrade City/County Planning Board recommended unanimous approval of the subdivision with the conditions on January 26, 2000. Based on public comment at their meeting the Planning Board has concerns with road dust and the use of the property. They would like the Commission to consider an additional covenant (5.j.) which reads "Mobile homes located on lots 1-3 and 6-8 shall be a 1995 model or newer" and a dust retardant covenant. The applicant has consented to the proposed conditions. In addition, the board found the subdivision is consistent with their Master Plan. It was reported that the 12 lot subdivision will generate less than 100 trips per day, so no condition was proposed to require roads to be paved, which will be consistent with the County Subdivision Regulations. The subdivision is approximately 1 mile from Belgrade water and sewer and approximately ¼ mile from River Rock water and sewer. Mark Chandler, C&H Engineering, representing the applicant, addressed the following issues: this area not being good for agriculture, no zoning, groundwater is at least 27 feet below surface, nitrates are not a problem, they will be utilizing the fire fill site in Summit Subdivision, no impact to the irrigation ditch to the south except to place culverts where the roads cross, anticipated traffic not resulting in excessive dust, and the owner preferring stick homes but not wanting to preclude future homeowners from other options. There was no public comment. Roy Steiner, Road Department, stated that dust should not be a issue because 5 lots front on a road to the west, and 5 lots front on a road to the east. Traffic will flow the shortest way out. Chief Deputy County Attorney Susan Swimley advised the Commission that they are not allowed to zone through subdivision review and they have no authority to zone houses if it does not relate to public, health, and safety. The applicant may place covenants if they want to and no covenants may be changed without approval of the County Commission. Finding that Christy Subdivision is consistent with the Belgrade Master Plan and Gallatin County Subdivision Regulation, and recommend by the Belgrade City/County Planning Board, motion by Commissioner Murdock to approve preliminary plat approval subject to the original conditions which do not include proposed condition 5.j. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman introduced a resolution which would amend the Belgrade Rural Fire District FY 2000 budget by appropriating revenues received from the fire impact fees for the purchase of a fire truck and apparatus. Notice of this hearing was published on January 23 and 29, 2000. Resolution of Intention #2000-01 was passed on January 18, 2000. Impact Fee Coordinator Dale Beland reported the proposed resolution is entirely consistent with the stipulations of the impact fee regulations. Assistant Belgrade Fire Chief Brian Connelley stated that if ending litigation on the fire impact fee lawsuit resulted that this money would need to be paid back, that the Belgrade Rural Fire Department was prepared to repay this money by obtaining a loan. There was no public comment. Motion by Commissioner Mitchell to adopt Resolution #2000-06. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Fiscal Officer Ed Blackman introduced a resolution of intent to amend the Victim Witness and County Attorney FY 2000 budgets. Motion by Commissioner Murdock to adopt Resolution of Intent 2000-07. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Fiscal Officer Ed Blackman introduced a resolution of intent to amend the Health Department's general fund and Maternal Child Health fund FY 2000 budgets. Motion by Commissioner Mitchell to adopt Resolution of Intent 2000-08. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Grants Administrator Larry Watson introduced a resolution of intent to amend the Community Development Block Grant for Rae Water and Sewer. Motion by Commissioner Murdock to adopt Resolution of Intent 2000-09. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Grants Administrator Larry Watson introduced a resolution of intent to amend the Community Development Block Grant contract with Department of Commerce. Motion by Commissioner Mitchell to adopt Resolution of Intent 2000-10. Seconded by Commissioner Murdock. None Voting nay. Motion carried.

There being no further business, the meeting adjourned at 10:30 a.m.

Unavailable
for signature
CHAIRMAN APPROVAL

Shelley Vance
CLERK ATTEST

PUBLIC MEETING TUESDAY THE 15th DAY OF FEBRUARY 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were Gallatin County Commissioners Bill Murdock and Jennifer Smith Mitchell, Chief Deputy County Attorney Susan Swimley, and Clerk to the Board Shelley Vance & LeeAnna Iverson.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

JANUARY 31-FEBUARY 4, 2000

- The Commissioner conducted regular County business.

FEBRUARY 7-10, 2000

- The Commissioners conducted regular County business.

FEBRUARY 11, 2000

- A special meeting of the Commissioners was called to order for the purpose of considering signing Resolution 2000-02a, an amendment of Resolution 2000-02 to amend the General Fund G.I.S. and Local Water Quality District Departments FY 2000 Budget to appropriate State Grant Monies. In attendance were Commissioners Olson and Murdock, Fiscal Officer Ed Blackman, and Executive Secretary Glenda Noyes. Commissioner Murdock made a motion to approve Resolution 2000-02a, amending the original resolution of intent to amend the General Fund G.I.S. and Local Water Quality District Departments FY 200 Budget to appropriate State Grant Monies. Commissioner Olson seconded the motion. Motion passed unanimously.
- A special meeting of the Commissioners was called to order for the purpose of signing a release of retainage to TMC, Inc. for Phase 1-D Liner expansion for the Gallatin County Landfill. Also in attendance was Executive Secretary Glenda Noyes. Commissioner Mitchell moved to approve the release of retainage to TMC, Inc. for final payment for the Phase 1-D Liner expansion for the Gallatin County Landfill. Commissioner Murdock seconded the motion and asked that the following information be entered into the record: The signing of this release is per the recommendation of Greg Underhill, Project Manager; per Fiscal Officer Ed Blackman's budget approval; and with the understanding that the State of Montana has agreed that the project has been completed. Motion passed unanimously.
- At a meeting between the Commissioners and the Facilities Director, Bob Isdahl, discussion took place regarding how to handle records storage. The Commission reached a consensus that Records storage costs should be calculated per box.

* * * * *

- Payroll for January 2000: \$997,331.11.
- Clerk & Recorder's Fees Collected for January 2000: \$34,905.37.
- New Hire Report for January 2000: SHERIFF – Heather Chavez, Susan Phelan, Terry Brack, Andrea Lower; MOTOR VEHICLE – Jamie Derleth, Daryl Monroe-Bilotti; REST HOME – Kalani Pierce-Cummins, Kristi Geddes, Misty Ewing, Jeremiah Ramos; 911 – Tamera McCauley; ITS – Robert Blair Howze; GIS – Helen Motter.

Terminated Employees' Report for January 2000: MOTOR VEHICLE – Jamie Derleth 12/29/99; FAIRGROUNDS – Sue Christie 12/31/99; REST HOME – Anne Huey 1/01/00, Mike Jaconetty 1/01/00, Teresa Vela 1/02/00, Jeremiah Ramos 1/13/00, James Ratliff 1/20/00, Beth Geysler-Helsby 1/21/00, Earl Cronsell 1/25/00; ENVIRONMENTAL HEALTH – Sandy Mastendrea 1/18/00; CLERK OF COURT – Amanda Hamilton; SHERIFF – Stephen Mosely 1/24/00, John Poppe 1/25/00; YOUTH PROBATION – Daniel McDonald 10/31/99.

The following items were on the consent agenda:

1. Approval of Public Meeting Minutes for January 11, 2000 and January 18, 2000.
2. Approval of claims presented by the Auditor dated February 04, 2000 through February 10, 2000 for P.O.# 57695 for \$300.00; P.O.# 60417 for \$301.75; P.O.# 62909 for \$242.70; and February 15, 2000 for Batch 1 for \$25,167.22; Batch 2 for \$24,098.75; Batch 3 for \$16,236.77; Batch 4 for \$28,786.19; Batch 5 for \$57,263.01; Batch 6 for \$49,566.74; Batch 7 for \$129,708.57; Batch 8 for \$2,559.96; totaling \$334,231.66.
3. Bozeman City Planner Therese Berger reported on the consideration for final plat approval of the Aldworth's Rearrangement of Block 24 of Electric Heights Subdivision, Lot 3, Block 4 of Graf's First Subdivision and Tract 1 of Certificate of Survey No. 2015. The County Commission granted preliminary plat approval on August 3, 1999. As portions of each lot are both within and outside of the city limits, the Bozeman City Commission took similar action to grant preliminary approval on August 2, 1999. The Bozeman City Commission granted final plat approval on February 7, 2000. The Planning & Community Development Office recommends the County Commission grant final plat approval based on their review.
4. Gallatin County Planner John C. Shepard received a request by Terry Threlkeld, PE, of Allied Engineering Services for release of the Genesis Business Park Subdivision Improvements Agreement. The security of \$285,750.00 is held by Big Sky Western Bank, Gateway Branch. Based on review of the original Improvements Agreement, the submitted request and certifications/approvals, staff recommends that the Commission approve the requested release.
5. Request of boundary relocation exemption from Shedhorn Partners, located in NW¼ of Section 12, T2S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
6. Request of boundary relocation exemption from John & Donna Mandeville and Craig & Connie Mandeville, located in the SW¼ of Section 36, T1S, R5E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
7. Request of boundary relocation exemption from Ralph Robinson, Lost Trails Retreat Family, located in NE¼ SE¼ of Section 28, T6S, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
8. Agricultural Exemption for Alberda Grain & Livestock, located in the NE ¼ of Section 30, T2S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
9. Request of family transfer exemption from the Estate of Agnes Huyser (applicant passed away after signing survey documents) to her son and daughter Mark and Sheri Huyser, located in the NE¼ SE¼ of Section 16, T3S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
10. Request of family transfer exemption from the Bryon Dingman to his father Wes Dingman, located in Sections 20, 21; T1S, R6E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
11. Request of family transfer exemption from Mark R. Aafedt to his mother Theresa Aafedt, wife Denise Aafedt; son Bridger Aafedt and daughter Megan Aafedt, located in the SW¼ of Section 10, T3S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.

384 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

12. Request of family transfer exemption from Daniel M. Behr to his daughter Shana Behr, located in Section 10, T3S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
13. Request of correction survey for Gaston Engineering (Klompjen survey), located in Section 4, T1N, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
14. Request of relocation of common boundary exemption from Tom Olson on behalf of the Olson Family Limited Partnership, located in the SW¼ of Section 4, T1S, R4E, Gallatin County. Belgrade City/County Planner Jason Karp reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
15. Request for approval of an Improvements Agreement for the Herbster Minor Subdivision. Belgrade City-County Planner Jason Karp reported that the applicant Carol Sutton is requesting that the Commission approve an improvements agreement with a financial guarantee to insure completion of certain conditions regarding seeding, installation of stop sign and road name signs. Based on review of the Improvements Agreement by Chief Deputy County Attorney Susan Swimley, approval of roads within the subdivision by Roy Steiner, Gallatin County Road Department, and the applicant's submittal of a check in the amount of \$1,665.00 payable to Gallatin County which will be deposited with the County Treasurer, Mr. Karp recommended that the Commission approve the Improvements Agreement.
16. Belgrade City-County Planner Jason Karp reported that Rocky Mountain Engineers, on behalf of Carol Sutton, has requested consideration for final plat approval of the Herbster Minor Subdivision, located east of Belgrade off Airport Road in the SE¼ of Section 4, T1S, R5E. The County Commission granted preliminary plat approval on May 13, 1997. With the Commissions' approval of an Improvements Agreement for the seeding of areas disturbed by the road construction and installation of required traffic signs on February 15, 2000, the applicant has demonstrated compliance with each of the conditions as required by preliminary plat approval. Mr. Karp stated the conditions for final plat approval have been met and recommended granting final plat approval.
17. Consideration of the following Proposal(s): Grant application to the Montana Board of Crime Control for continuation of operation "Freedom from Fear"; Grant application to the Montana Board of Crime Control application for continuation of the Victim Witness Assistance Program; and Grant application to the U.S. Office of Justice programs for FY 2001 funding of the Gallatin County Adult Drug Treatment Court in cooperation with Alcohol and Drug Services of Gallatin County.
18. Consideration of the following contract(s): Grease elimination program with Ecolab for Rest Home; and Modification to Contract #2000-04 for Mountain Land Rehabilitation Amendment-CPT Codes.

Commissioner Murdock read the consent agenda. Chief Deputy County Attorney Susan Swimley requested the family transfer exemption for Mark R. Aafedt be placed first on the regular agenda for further discussion. Motion by Commissioner Mitchell to approve the consent agenda, as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Mark Aafedt explained that the exemption was being claimed for the benefit of his children, ages 8 and 10. He and his wife will be the guardian, and based on advise from his attorney they are using the uniform transfer to minors act. Motion by Commissioner Murdock to approve the Aafedt family transfer. Seconded by Commissioner Mitchell. None voting nay.

Subsequent to the creation of the Gallatin River Ranch Fire District on 12/28/99 and in accordance with Section 7-33-2106 MCA, the Commissioners shall initially appoint five trustees to hold staggered terms of office until their successors are elected or appointed. The initial terms of office must be drawn by lot and include: one trustee to serve three-years; two trustees to serve two years; and two trustees to serve one year. Upon expiration of these initial terms, each trustee shall serve a three-year term. There was no public comment. Motion by Commissioner Mitchell to appoint Kenneth Vidar, Michael Libster, Tom Langel, Herb Eighmy and Edward Jackson. Seconded by Commissioner Murdock. None voting nay. Motion carried. One vacancy exists on the West Yellowstone/Hebgen Basin Solid Waste District Board due to the resignation of Sue Ritchey. One application was received from Brad Loomis. The Board also sent a letter on 1/23/00 recommending Mr. Loomis' appointment. If appointed, Mr. Loomis would fill the remainder of Ms. Ritchey's term, which expires on June 20, 2001. There was no public comment. Motion by Commissioner Mitchell to appoint Brad Loomis to the West Yellowstone/Hebgen Basin

Solid Waste District Board to fill the remainder of Sue Richey's term, which expires June 20, 2001. Seconded by Commissioner Murdock. None voting nay. Motion carried. Nine vacancies currently exist on the Search & Rescue Advisory Board due to the term expirations of Bonnie Gafney, Scott Gill, Jerry Grant, Scott Dreblow, C. J. Hanan, Travis Thorson, Todd Gahagan, Linda Marshall and Carolyn Robinson. All members, with the exception of Mr. Gahagan, reapplied to serve additional three-year terms. Donald Wilson has been nominated to replace Mr. Gahagan as the Ham Radio Club representative. In an effort to maintain the staggered terms of this board and due to the fact that the expirations are seriously delinquent, it is the recommendation of Deputy County Attorney Chris Gray that the Commission reappoint these members retroactively. There terms expirations are as follows: Bonnie Gafney, 1/31/99; Scott Gill 6/30/99; Jerry Grant 11/1/97; Scott Dreblow 6/30/98; C. J. Hanan 6/30/98; Travis Thorson 6/30/99; Donald Wilson 6/30/99; Linda Marshall 1/31/99; and Carolyn Robinson 6/30/99. Motion by Commissioner Mitchell to reappoint Bonnie Gafney, Scott Gill, Jerry Grant, Scott Dreblow, C.J. Hanan, Travis Thorson, Linda Marshall, Carolyn Robinson and appoint Donald Wilson to the Search & Rescue Advisory Board. Seconded by Commissioner Murdock, adding it was the intent to have the expiration dates on the letters sent to the appointees. None voting nay. Motion carried.

Gallatin County Fairground's Director Sue Shockley opened the one bid for the Gallatin County Fairgrounds Electrical Project. The bid from Christie Electric, Inc., included the bid bond at 10% of the bid amount. The bid amount was for \$157,165.00, with no alternate bid amount. Mrs. Shockley requested the opportunity to review the bid with the Fair Board and return next week with a recommendation.

Gallatin County Fiscal Officer Ed Blackman introduced a resolution to amend the Victim Witness Fund budget for Gallatin County, Fund No. 2912 and the County Attorney Departments budget for FY 2000. There was no public comment. Motion by Commissioner Murdock to adopt Resolution #2000-09. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Grants Administrator Larry Watson introduced a resolution of intent to amend the Gallatin County Community Development Block Grant Fund FY 2000 budget to include unanticipated grant revenues for the Rae Water and Sewer District. There was no public comment. Motion by Commissioner Mitchell to adopt Resolution of Intention #2000-10. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman introduced a resolution to amend the Health Department's General Fund and Maternal Child Health Fund FY 2000 budget. There was no public comment. Motion by Commissioner Mitchell to adopt Resolution #2000-11. Seconded by Commissioner Murdock. None Voting nay. Motion carried.

Gallatin County Planning Director & Floodplain Administrator Dale Beland reported on the consideration for final plat approval of the Shea Minor Subdivision, located in the NE¼ of Section 3, T1N, R4E, PMM. Preliminary plat approval was granted on September 7, 1999. Mr. Beland pointed out that local landowners expressed concerns regarding unknown drainage issues affecting a broader area than the Shea Minor Subdivision. Subdivision Regulations must delineate on property and not a wider area. These issues in question are not relevant to this two lot minor subdivision. It was noted that Karl Christians, Floodplain Management Section Supervisor, Montana DNRC, confirmed his concurrence with the January 6, 2000 floodplain study submitted by Gaston Engineering. After review of additional information and discussions with Doug Daniels, he affirms his conclusion that the study is adequate for definition of the floodplain on the subject property. Mr. Beland stated that in his view condition #8 has been met. The Commission received letters from Dr. Kathy Hansen and Tim Crawford and Doug Daniels in opposition of the subdivision. Portions of these letters were read into the record. The applicant's representative Mark Fasting, of Gaston Engineering reiterated that they have met the requirements of the regulations on the 2 lot minor subdivision and requested approval. Commissioner Murdock stated that the applicants have worked

very hard to address the concerns, although he would vote against the minor subdivision because he believed that the issues have not been addressed to his satisfaction based on Mr. Daniels and Ms. Hansen's concerns. Motion by Commissioner Mitchell to approve the Shea Minor Subdivision for final plat, based on the best information made available at this time, finding that staff found they have met all of the conditions required. Seconded by Chairman Olson, concurring with Commissioner Mitchell. Commissioners Olson and Mitchell voting aye. Commissioner Murdock voted nay. Motion carried.

Subdivision and Zoning Review Manager W. Randall Johnson reported on the consideration for preliminary plat approval of the Three Trees Major Subdivision located in the SW¼ Section 32, T2S, R6E. The proposed subdivision is within the Gallatin County/Bozeman Area Zoning District. On June 17, 1999, while under the jurisdiction of the Bozeman City-County Planning Board, the City of Bozeman Zoning Board of Adjustment granted a variance allowing the proposed subdivision to exceed the one-acre maximum lot size requirement for cluster developments within the A-S zoning district. The zoning designation of the property is Agriculture Suburban. The applicant has chosen the Cluster Development option. As shown on the preliminary plat, the proposed subdivision will create six residential lots ranging in size from 2.56 acres to 1 acre, and a 30.1-acre lot with a one-acre building envelope. Under the cluster development option, the property can utilize up to five dwelling units as permitted under Figure 10.030 of the Zoning Regulations. The subdivision application proposes to use the permitted five dwelling units and two bonus density units for a total of seven new lots. The County Commission needs to determine if the subdivision proposal complies with the Cluster Development Option and density bonus provision of the Gallatin County/Bozeman Area Zoning Regulations. Section 7.A.(8) of the Subdivision Regulations states that the subdivider shall provide all subdivisions with six or more lots with a second means of access. The applicant has requested a variance from providing a second access to the subdivision. According to the applicant, the intent of the subdivision is to maintain pristine conditions, and additional roads would not benefit this aspect. The County Road and Bridge Department is not requiring a second access to the subdivision. The Gallatin County Planning Board recommended approval of the variance and the application with staff conditions at their January 25, 2000 meeting. Mr. Johnson summarized the staff report that contained criteria for the Commission to evaluate for considering the subdivision along with the suggested conditions. The County Commission needs to make the following determinations: 1. A determination as to whether or not the application complies with the Cluster Development Option and density bonus provisions of the Gallatin County/Bozeman Area Zoning Regulations; 2. A determination as to whether or not the application meets the requirements of Section 76-3-608 MCA of the Montana Subdivision and Platting Act; and, 3. A determination as to whether or not the requested variance should be granted (Finding No. 7). According to Section 13 of the 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. 4. A determination as to whether or not the application complies with the provisions of the Gallatin County Subdivision Regulations. If the County Commission approves this subdivision application, 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. 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. Limestone Creek shall be within a 100 foot wide public stream corridor and access easement as shown on the preliminary plat. 4. A 35 foot wide watercourse setback, along both sides of Limestone Creek, shall be delineated on the final plat. 5. A 20 foot wide irrigation ditch maintenance easement, along both sides of the irrigation ditch, shall delineated on the final plat. 6. A 310 permit for the crossing of Limestone Creek shall be obtained from the DNRC. A copy of the approved permit shall be submitted to the Gallatin County Planning Department prior to final plat approval. 7. All identified U.S. Army Corps of Engineers jurisdictional wetlands shall be delineated on the final plat. 8. A 404 permit for construction activities within the Limestone Creek wetlands shall be obtained from the U.S. Army Corps of Engineers. A copy of the approved permit shall be submitted to the Gallatin County Planning Department prior to final plat approval. 9. 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. 10. A cash-in-lieu of parkland dedication donation shall be submitted to the Gallatin County Planning Department prior to final plat approval. The cash donation shall be equal to the fair market value of the un-subdivided, unimproved land. The subdivider shall provide a current appraisal of the fair market value by a certified real estate appraiser. 11. A 10-foot

wide public trail easement, located along the east side of Limestone Creek, shall be delineated on the final plat. 12. Thirty-three feet of the Sourdough Road right-of-way, east of the centerline and extending the entire length of the development, shall be dedicated to the public on the final plat. 13. Encroachment permits for Brajenka Lane and Lot 4 off Sourdough Road shall be obtained from the Gallatin County Road & Bridge Department prior to final plat approval. 14. A "no access" strip for Sourdough Road shall be located along the west boundary line of Lots 1, 4, and 7, except at existing and approved county approaches. The no access strip shall be delineated on the final plat. 15. A "no access" strip for Lots 1 and 7 fronting Brajenka Lane, for a distance of 100 feet east of Sourdough Road, shall be delineated on the final plat. 16. 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 the interior subdivision roads. 17. Brajenka Lane shall be within a 60-foot right-of-way dedicated to the public. The first 75 feet east from the Sourdough Road intersection shall be paved to county standards, and the remaining portion shall be constructed to county gravel standards. 18. The cul-de-sac at the end of Brajenka Lane shall either be within a public dedicated right-of-way or public easement, and be constructed to county standards. 19. All road construction shall be inspected and certified by a Montana registered civil engineer. The subdivider shall obtain written verification from the County Road & Bridge Department that all roads have been brought to county standards. 20. Subdivision road names shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 21. A road name sign at the intersection of Sourdough Road and Brajenka Lane shall be installed or bonded prior to final plat approval. 22. A STOP sign at the intersection of Sourdough Road and Brajenka Lane shall be installed or bonded prior to final plat approval. 23. The final plat shall contain a statement requiring lot access to be built to the standards of Section 7.G.2. of the Gallatin County Subdivision Regulations. 24. The subdivider shall reimburse the developers of the Triple Tree Ranch Subdivision for their proportionate share of the cost of improvements previously made to Sourdough Road. 25. 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"*. 26. The subdivision shall be annexed into the Sourdough Rural Fire District. 27. The subdivider shall provide an NFPA water supply for fire protection in accordance with the Gallatin County Subdivision Regulations and the Sourdough Rural Fire District. The subdivider shall obtain written verification from the fire district that the required water supply and all required fire safety provisions have been provided. 28. The subdivider record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 29. The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 30. The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 31. A property owners' association for the subdivision shall be created. 32. Covenants for the subdivision shall include the following provisions: a. The private open space area within Lot 4, outside of the designated one-acre building envelope, shall be restricted to agricultural uses only. b. All structures shall be constructed in compliance with the current Uniform Building Codes. c. The property owners' association shall be responsible for the control of noxious weeds within the Limestone Creek open space corridor and all road right-of-ways. Lot owners shall be responsible for the control of noxious weeds within their property. d. The property owners' association shall be responsible for the operation and maintenance of all interior subdivision roads. e. Property owners of the subdivision are informed that nearby uses may be agricultural. Property 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. f. All fire protection covenants as required by the Sourdough Rural Fire District. 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. 33. The developer shall have three (3) years to complete the above conditions and apply for final plat approval. Mr. Johnson noted a minor correction on condition #12 to read as follows: Thirty feet of the Sourdough Road right-of-way, east of the centerline and extending the entire length of the development, shall be dedicated to the public on the final plat. Further discussion took place with regards to parkland dedication and trails. Deputy County Attorney Susan Swimley summarized the determinations to be made by the Commission for approval. The applicant's representative Dennis

Foreman, of Gaston Engineering outlined the proposal. Staff is requiring a fire fill for fire protection and Mr. Foreman requested that it be changed to read as per the letter submitted (Exhibit "B") to the Planning Department dated December 13, 1999, to replace condition #27. They were in agreement with the remaining conditions. There was no public comment. Motion by Commissioner Murdock to approve the cluster development option with density bonus provisions, finding that the developer is providing open space protection and public access amenities which are consistent with the regulations that would allow the granting of those cluster options. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Motion by Commissioner Murdock to grant the variance to the second access, finding that strict compliance would create an undue hardship and would be detrimental to the interest of the public and would not be essential to the public health, safety, and general welfare because the second access would require a road to cross Limestone Creek and disrupt the open space area and that the County Road and Bridge Department did not require that second access. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Brian Crandell, on behalf of the Sourdough Rural Fire Department spoke in support of the applicant's request to change the language in condition #27. Chief Deputy County Attorney Susan Swimley read condition #27 as it should read: The subdivider shall provide for fire protection in accordance with the Gallatin County Subdivision Regulations and the Sourdough Rural Fire District. The subdivider shall obtain written verification from the fire district that all required fire safety provisions have been provided as listed in "Exhibit B". The developer affirmed agreement to the suggested language. Finding that the Three Trees Major Subdivision complies with the Bozeman Area Master Plan and the Gallatin County Subdivision Regulations, Commissioner Murdock motioned to approve the subdivision subject to all the conditions recommended by staff with the following changes: condition #12 to read: 30 feet, instead of 33 feet; and changing condition #27 to read as amended and re-lettering condition #32 from the second d in the staff report to read e, f & g. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on the request for preliminary plat approval of a five lot minor subdivision on 20 acres for C & H Engineering & Surveying on behalf of Jerry Krushensky for the Krushensky Minor Subdivision located in the SE ¼ of Section 13, T1S, R4E, P.M.M. The subdivision is located south of Belgrade between the Yukon Subdivision and Horseshoe Meadows Subdivision on McMillan Lane. The proposed subdivision is a first minor subdivision of a tract of record. The developer is proposing to connect McMillan Lane to Bluegrass Drive in the Horseshoe Meadows Subdivision. The connection of McMillan to Bluegrass will cause Bluegrass to be over 100 adt's, therefore a condition is suggested which requires Bluegrass Drive to be paved from McMillan Lane to Cameron Bridge Road. Mr. Karp went into some detail with regard to the impact this subdivision will have on adjacent subdivision roads. The Belgrade City-County Planning Board voted at their January 26, 2000 public meeting to recommend preliminary plat approval of the subdivision, subject to the conditions. Mr. Karp summarized the staff report that contained criteria for the Commission to evaluate for considering the subdivision along with the suggested conditions. The County Commission needs 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 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. 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 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 Owners Association shall be responsible for the maintenance of the interior roads, shall participate with the Horseshoe Meadows Subdivision for a proportionate per lot share of the maintenance of Bluegrass Drive, and shall participate with the Yukon Subdivision for a proportionate per lot share of the maintenance of McMillan Lane. e. A Property Owners Association shall be established. f. The developer's proposed covenants for Lots 2 and 3 shall be required with the addition of a provision stipulating that if Lot 1 is further subdivided, the lots adjacent to the Horseshoe Meadows Subdivision shall be a minimum of 1 acre in size and conform to the same covenants as Lots 2 and 3. 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.

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 Impact fees and Fire Impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations. 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. Road names shall be approved by the Road Office, and road name signs and STOP 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. 11. Bluegrass Drive from McMillan Lane to Cameron Bridge Road is required to be paved to Gallatin County Standards prior to final plat approval. 12. All roadwork will need to be inspected and certified by a licensed engineer. The inspection and certification must be provided to the County Road Office in writing prior to final plat approval. 13. Road name signs and stop signs shall be installed as required by the Gallatin County Road Department. 14. McMillan Lane shall be a sixty-foot right-of-way (or public easement in accordance with County Subdivision Regulations) constructed to County gravel standards from Bluegrass Drive to the Yukon Subdivision. 15. The developer shall be responsible for a paying a proportionate share of the cost of the construction of the Horseshoe Meadows Subdivision fill site to the Belgrade City-County Planning Office, which will reimburse the entity responsible for the maintenance of the fill site in accordance with the Gallatin County Subdivision Regulations. 16. The final plat shall show a no-access strip for vehicles for Lots 1 & 2 onto Bluegrass 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.

Discussion took place with regards to area parks. Chief Deputy County Attorney Susan Swimley reviewed condition 5 and stated that a, b, c, d, & e would apply to all five lots and 5(f) would apply to Lots 2 & 3 and conditionally apply to Lot 1, if it is further subdivided. Mr. Karp suggested requiring that for Lot 1, whether or not it is subdivided. Mark Chandler, of C & H Engineering & Surveying stated the main reason for this subdivision is to separate the property between Mr. Krushensky and Dave Johnson. He explained that they addressed McMillan Lane, the design of the road and that the applicant voluntarily decided to make the two adjoining lots for stick built homes. This would provide a buffer for the Horseshoe Meadows Subdivision. A fill site on the Horseshoe Meadows Subdivision would be utilized and the new subdivision would pay a proportionate share. Bluegrass Drive would provide the two access points and would be paved from Cameron Bridge Road to McMillan Lane. Ms. Swimley asked if Mr. Chandler represented both Mr. Krushensky and Mr. Johnson. Mr. Chandler replied with yes, adding that his clients are in agreement with the Planning Board covenants. Public comment: Kevin McNelis, submitted a blue notebook containing 17 pages of pictures and information concerning the development of this project labeled Exhibit "A"; Ben Roy; John Murray; Bill Monaghan of the Horseshoe Subdivision; Patty Christman submitted a letter labeled Exhibit "B"; and Jerry Cox of the Yukon Subdivision were in opposition to the history of the project and the proposed project. Assistant Fire Chief Bryan Connelley, on behalf of Belgrade Rural Fire stated that the Horseshoe Meadows fill site was an option if the developer wanted to use it, but did request that the developer forward a copy of the signed agreement to the owners of the fill site. It was his understanding that the State Highway Department was looking to do some work at the intersection of Cameron Bridge and Jackrabbit Lane due to the numerous accidents. Residents of the two subdivisions feel that the minor subdivision is a way to differ from the environmental assessment that is required for a major subdivision and are very concerned with health and safety issues regarding water and traffic. Mr. Chandler stated that they were getting ahead of themselves and talking about a mobile home park, not the minor subdivision that was being considered at this time. He addressed issues regarding the park; weed management plan; paving of the road; and groundwater problems. Further discussion took place regarding whether or not a pre-application was submitted for this proposal and the compatibility to adjacent subdivisions. Ms. Swimley requested that Mr. Chandler explain compatibility of this proposal with existing subdivisions relative to the Belgrade Area Master Plan. Mr. Chandler responded with reference to

Horseshoe Meadows stating that it was not real wise to develop that large based acres so close to Belgrade. He believed they had it solved by putting the one-acre lots adjacent to Horseshoe Meadows with stick built homes to try and make a transition of which Belgrade Planning was agreeable. Mr. Chandler explained that the Master Plan states higher density in this area too, so there are conflicting elements in this particular case. Public comment was closed. Roy Steiner, on behalf of the Gallatin County Road and Bridge Department spoke regarding the road requirements, adding that they were compatible with the Subdivisions Regulations. Discussion took place with regards to subdivision roads extending to future developments to avoid situations of becoming landlocked. Mr. Karp noted the proposed change to condition 5(f) as follows: The developer's proposed covenants for Lots 2 and 3 shall be required with the addition of a provision including Lot 1 in the covenants for Lots 2 & 3 and stipulating that if Lot 1 is further subdivided, the lots adjacent to the Horseshoe Meadows Subdivision shall be a minimum of 1 acre in size and conform to the same covenants as Lots 2 and 3. Because some new information was brought forth, discussion took place with regards to requesting the applicant to consent to an extension should the Commission choose not to make a decision today. Chairman Olson preferred to have a plan for the whole area because he believed it was going to be a huge public safety issue with the road situation as presented. Ms. Swimley responded there was no real information on the preliminary proposal for the adjacent 20-acre parcel, which was brought to their attention. Commissioner Murdock looked at criteria that would affect the overall plan and even though they could not require it he asked to see the overall development plan. He also noted they were suppose to consider under the law, additional information. He believed they had additional information that says there might be public safety concerns to the neighbors, of which they need an overall development plan to address the issue of compatibility. For those reasons, Commissioner Murdock stated that he could not vote in support of the proposal. Chairman Olson asked Mr. Chandler if he would be agreeable to grant an extension. Mr. Chandler stated that the owner would be agreeable to allow an extension to provide additional information as requested. Chairman Olson questioned if the owner would be agreeable to supply the Commission with a full development plan of that area? Mr. Chandler did not believe they had the option to do that for this tract because of some type of tax exchange involved and they can not develop the remainder of the property for another two years. He is not sure that the developer would be willing to comply. Commissioner Mitchell's concerns were compatibility of both traffic and the size of lots and also the fire fill site. Mr. Chandler stated it would be two to three weeks before this would be back before the Commission.

Gallatin County Grants Administrator Larry Watson introduced a pending resolution to amend the Gallatin County Community Development Block Grant Fund FY 2000 budget to include unanticipated grant revenues for the Grants Administration Department to conduct small business innovation research technical assistance activities. There was no public comment. Motion by Commissioner Murdock to adopt Resolution #2000-12. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business, the meeting adjourned at 12:27 P.M.

Unavailable
for signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 22ND DAY OF FEBRUARY 2000

The meeting was called to order by Chairman Phil Olson at 9:04 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, and Acting Clerk to the Board Glenda C. Noyes.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

FEBRUARY 14, 2000

- A special meeting of the Commissioners was called to order for the purpose of approving the FY 2001 budget timetable and target levels. In attendance were Commissioners Murdock and Olson,

Fiscal Officer Ed Blackman, and Executive Secretary Glenda Noyes. Discussion took place regarding the split in the traditional three day off-site budget work session. It was determined that the split was necessary in order to follow the law and hold the canvass of the Primary Election within three days of the election. Commissioner Murdock made a motion to approve the FY 2001 Budget Timetable as presented by Fiscal Officer Ed Blackman. Commissioner Olson seconded the motion. It was noted for the record that the timetable calls for finalization of the budget on August 1, 2000. Motion passed unanimously.

- At the regularly scheduled office meeting, the Commissioners discussed numerous items. A request for permission to accrue excess compensatory time from Kathy Nowierski was discussed. The Commission agreed unanimously to approve the request. Facilities Director Bob Isdahl submitted a request for a transfer of budget funds for a Duress Alarm System. The Commission agreed unanimously to approve the request.

FEBRUARY 15, 2000

- A special meeting of the Commissioners was called to order for the purpose of approving a contract for Bad Check Program Software from Gary Rylander. In attendance were Commissioners Murdock and Olson, Deputy County Attorney Chris Gray and Executive Secretary Glenda Noyes. Commissioner Murdock made a motion to approve the contract with Gary Rylander for the Bad Check Program Software with the understanding that there is money in the budget for the software and the contract is consistent with policy. Mr. Gray also added that the contract is subject to minor language adjustments approved by the County Attorney. Commissioner Olson seconded the motion. Motion passed unanimously.

FEBRUARY 16-17, 2000

- The Commissioner conducted regular County business.

FEBRUARY 18, 2000

- A special meeting of the Commissioners was called to order for the purpose of approving hand-issue claims. In attendance were Commissioners Olson, Murdock and Mitchell, County Auditor Joyce Schmidt and Executive Secretary Glenda Noyes. Commissioner Murdock made a motion to approve the hand issue requests received January 28, 2000 thru February 3, 2000 in the amount of \$19,429.65. Commissioner Mitchell seconded the motion. Discussion took place and it was determined that these claims were inadvertently overlooked at the Tuesday public meeting on February 15 and needed to be approved today. Motion passed unanimously.

The following items were on the consent agenda:

- Approval of Public Meeting Minutes for the weeks of January 25, 2000 & February 01, 2000.
- Approval of claims presented by the Auditor dated from February 11, 2000 through February 17, 2000 for P.O.# 58678 for \$650.00, P.O.# 59874 for \$800.00, P.O.# 63326 for \$5,828.63
For a Total \$7,278.63.
- Consideration of contract(s): Grant Extension between DNRC & LWQD for Groundwater Monitoring and Evaluation Project.
- Request of boundary relocation exemption for Hill Country, Inc./Elizabeth Buck located in Section 23 and 24, T2N, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
- Request of family transfer exemption from the Estate of George Cook, located in Sections 3 and 34, T2S, R4E and T1S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act
- Gallatin County Planning Department Planner John C. Shepard reported on the consideration for final plat approval of the Pedersen Minor Subdivision located in the SE¼NE¼ of Section 30, T1S, R7E. The County Commission granted preliminary plat approval on December 14, 1999. The Planning & Community Development Office recommends the County Commission grant final plat approval based on their review.

Chairman Olson read the consent agenda. There was no public comment. Motion by Commissioner Murdock to approve the consent agenda as read. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chairman Olson noted that Item #4 on the regular agenda was removed until further notice.

Todd Kesner of Extension Services and Tom Wagner, Gallatin County citizen presented a historic saddle to the County for a fundraiser for the Gallatin 4-H Foundation. Mr. Wagner found the saddle in a pawnshop and proceeded to restore it and research its history. The saddle was made by Frank Esler, a Bozeman Saddler, between 1880-1883. Mr. Wagner donated the saddle with the restriction that it cannot be raffled or auctioned off. He noted that saddles are the best representation of this time period, before automobiles and before Montana became a State. Mr. Kesner assured the Commission that the saddle will not be auctioned or leave the County's possession. It will, however, travel to various businesses that donate at least \$500.00 to the Foundation. When the fund-raising is complete, Mr. Kesner asked the Commission to agree to allow the saddle to be placed in a case and displayed in the County Courthouse. Mr. Wagner agreed to maintain the saddle as long as he is able to do so. Commissioner Murdock moved to accept the historic saddle to be displayed in the County Courthouse on behalf of the 4-H Foundation, and to prepare a resolution to recognize Thomas Wagner for his efforts to bring this history to us and to restore the saddle to its original condition. Seconded by Commissioner Mitchell who expressed her appreciation for the time and effort of Mr. Wagner. None voting nay. Motion carried.

Fairgrounds Manager Sue Shockley reported on the bid award for the Gallatin County Fairgrounds Electrical Project. Ms. Shockley recommended rejecting the bid submitted finding that the bid amount exceeds the Fairground's budget. There was no public comment. Motion by Commissioner Mitchell to take the advice of the Fairground Manager and reject the Gallatin County Fairgrounds Electrical Project bid, finding that there is not enough money in the budget to fund the proposals. Seconded by Commissioner Murdock, findings that the bid amount was too high for the budget based on the recommendation of the Fairground Manager. None voting nay. Motion carried.

Personnel Director Kathy Nowierski presented the selection of vendor to review position classification and pay plan review. Ms. Nowierski recommended CMS (Communication and Management Services, LLC) of Helena, MT for the purpose of reviewing the current position classification and pay plan for County employees. This recommendation is based on the selection criteria, which includes four items: 1. Experience of the contractor or firm in dealing with similar projects. 2. Qualifications of professional personnel assigned to the project. 3. Ability to meet project timelines. 4. Projected costs to complete the project. The County Attorney's office advised that they did not need to go through a request for qualifications process however, given prior experience she found this to be the most efficient and fair way to proceed in selecting a vendor. Although all five of the vendors who responded appear to be qualified, CMS appears to have the most favorable experience in working with and evaluating systems similar to the County's point-factor class evaluation system. CMS plans to: Review all existing job class descriptions. Make recommendations regarding changes to the descriptions. Conduct job audits/interviews with employees and managers for job reclassification requests submitted for FY 2001. Write new job descriptions if new positions are requested. Classify jobs in accordance with the existing plan this fiscal year to ensure internal equity. Make recommendations to adjust the existing plan to reflect market-based salary survey data to ensure external competitiveness. Accomplish this work for approximately \$14,925. The final criterion was price. The price proposal submitted by CMS for the scope of work to be accomplished is also the lowest of the finalists. Ms. Nowierski noted that the work needs to begin immediately in order to assure the pay matrix is submitted to the Commission by May 26, 2000 and that final discussions can take place on June 9. Commissioner Murdock stated that he hoped an emphasis for the recommendations reflects market-based data and that retention is also taken into consideration. Commissioner Mitchell asked if CMS has had experience working with other counties in Montana and Ms. Nowierski noted that they have done work on the State level and with MSU. Gallatin County Treasurer Jeff Krauss expressed that he thinks this is money well spent, as the need to look closely at how we retain and compensate employees is great. Commissioner Mitchell moved to accept the recommendation of Personnel Director Kathy Nowierski for position classification and pay plan review to be completed by CMS of Helena, Montana. Seconded by Commissioner Murdock, adding that the Commission has asked

the Personnel Department to complete this task and they have delivered. Commissioner Mitchell amended her motion to acknowledge that the work will be done for approximately \$14,925.00. Commissioner Murdock amended his second. None voting nay. Motion carried.

Grants Administrator Larry Watson presented a public hearing concerning the availability of funding under the Community Development Block Grant (CDBG) Program and the HOME program. This is the first of two hearings required to retain Gallatin County's eligibility for application for CDBG and HOME funds. The purpose of this meeting is to: 1) Inform citizens about the CDBG and HOME programs, 2) Identify the amount of funds available, 3) Explain how it may be used, 4) Discuss the range of activities eligible for funding, and 5) Explain other program requirements, including proposed changes for FY 2000. Gallatin County will also hear public testimony on community needs and priorities in the four category areas. Citizens are encouraged to propose specific projects or ideas that may address the needs of low and moderate-income individuals. A second hearing will be held March 28, 2000. This hearing will call for a presentation of any proposed Economic Development projects and provide an opportunity for public comment on any applications to be presented to the Montana Department of Commerce. A CDBG application must be sponsored by a unit of local government. Gallatin County can sponsor one application per year in each CDBG category. The other incorporated communities in Gallatin County can also sponsor applications. Because of heavy demand for funding, CDBG is only able to fund about one third of the applications received. Montana's total CDBG allocation for 2000 is \$7.8 million dollars, which is approximately the same as 1999. There are three CDBG funding categories (Economic Development, Housing, and Public Facilities). In 2000, approximately \$3.4 million is allocated for the Public Facilities program and \$1.2 million is allocated for Housing. The balance of \$2.5 million is available for Economic Development Projects.

The Housing category has an application deadline of September 1, 2000. Funding for this category is available in the amount of \$400,000. Applicants can apply only for the money needed to complete a specific project. Projects require matching funds of 25% of the amount requested. CDBG funds in this category are most often used to make low or no interest loans to low and moderate-income families to allow them to rehabilitate homes in substandard condition. Funds can also be used to finance or subsidize the construction of new permanent residential units when the CDBG funds will be used by a local non-profit organization.

The Public Facilities category has an application deadline of May 26, 2000. Funding for this category is available in the amount of \$500,000. Applicants can apply only for the money needed to complete a specific project. Projects require matching funds of 25% of the amount requested. CDBG funds in this category are most often combined with other federal, state or local funds to make public improvements affordable to low and moderate-income families. Applicants must provide, as appropriate, a preliminary engineering or architectural plan or study which is sufficiently detailed to describe the scope of the problem to be addressed as well as the technical components of the estimated costs for the proposed facility or improvements. Currently it appears that Gallatin County is ineligible to receive a grant from this category due to the Rae Water and Sewer project grant currently in progress.

The proposed changes to the first two categories include raising the grant ceiling from \$400,000 to \$500,000, and setting the ceiling for administrative costs at 10% with the exception of housing projects, which would allow 15%. The Grant Administrator also encourages all entities to be sure they have all the steps in order before applying for the grant, in order to save time and assure efficiency.

The Economic Development category accepts applications any time after April 20, 2000. This category is treated separately from the other two CDBG programs. A designated amount of money is set aside in this category each year. Currently, loans will be given at approximately 6% interest with a maximum term of seven years. 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 CDBG 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. This is a program which allows the County to re-loan money forever, as long as it is paid back on schedule. Currently there is approximately 1 million dollars in the fund, with \$130,000 of that money in reserve. When the balance on the reserve exceeds \$100,000, the County can then solicit more funds. This amount has changed from the amount of \$150,000 last year. There are many proposed changes to this category. In FY 2000 the CDBG proposes adding a Workforce Investment Category which will add employee training as an eligible, stand alone project activity with a maximum of \$400,000 in grant funding per local government in a program year. The maximum grant amount to a for-profit or non-profit business per employee trained would be

394 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

\$5,000. They also suggest reducing the maximum amount of funding that can be requested for a loan to \$15,000 per job created vs. the current \$20,000. They also propose deleting the debt to equity ratio of 5:1 as a threshold for funding. The CDBG loan interest rate would also be raised to 8%.

The final category, Technical Assistance/Planning, grant application deadline for FY 2000 is April 7, 2000. Currently, CDBG planning matching grants are available in amounts of up to \$10,000. Under current guidelines, local governments must provide a 50-50, dollar for dollar, match that must be firmly committed by the time CDBG funds are released. For FY 2000, CDBG proposes to allow the substitution of "in-kind" services for cash match, as long as the value of the match can be adequately documented. Matching grants for local water and sewer systems can also be obtained through this category. The Montana Department of Natural Resources and Conservation also administers a matching grant program to assist local governments, and applicants must first apply to the DNRC for funding, before applying to the CDBG.

Mr. Watson suggested that the lack of public input at today's meeting might be an indicator that there is need for a Countywide needs assessment. This would survey the people to find needs of concern, especially for low-income citizens. He explained that the last time one was done was in 1994 and the information used to apply for grants may be outdated. Mr. Watson suggested that this assessment would be most beneficial if it were completed later in the year for use with next year's grant applications. No action was needed or taken on the issue. The second public hearing will be held March 28, 2000.

There were no pending resolutions. There being no further business, the meeting adjourned at 10:07 p.m.

*Unavailable
for signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 29TH DAY OF FEBRUARY 2000

The meeting was called to order by Chairman Phil Olson at 9:03 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Clerk to the Board LeeAnna Iverson

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

FEBRUARY 21, 2000

- All County offices were closed in observance of President's Day.

FEBRUARY 22, 2000

- A special meeting of the Commission was called to order at 1:20 p.m. for the purpose of considering renewal of the County's external audit contract with Knaub & Co. In attendance were Commissioners Olson, Murdock and Mitchell, and Executive Secretary Stacy Johnston. Jennifer Mitchell moved to exercise the renewal option, hereby extending the contract for a period of one year. Bill Murdock seconded the motion. There being no further discussion, the Commissioners unanimously approved the motion. Meeting adjourned at 1:24 p.m.

FEBRUARY 23-25, 2000

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

1. Minutes
2. Approval of claims presented by the Auditor dated from February 18, 2000, through February 24, 2000, for P.O.#62054-02 totaling \$44.65.
3. Consideration of the following contract(s): Cost-Share agreement with Triple O Ranch and Leadbetter for Upgrading a portion of Bear Creek Road.
4. Consideration of a resolution approving the Gallatin Associates Variance Requests.

5. Request for Approval of an Amended Final Plat for the Bradley Minor Subdivision to Correct Drafting Errors. Allied Engineering on behalf of James C. and Robert L. Bradley has requested approval of a corrected final plat of the Bradley Minor Subdivision. The subdivision is located south of Belgrade on Thunder Road in the SE $\frac{1}{4}$ of Section 11, T1S, R4E. The commission voted at their October 26, 1999, public meeting to grant final plat approval of the Bradley Minor Subdivision
6. Request for One-Year extension of the Preliminary Plat Approval for the Old Place Subdivision Phase 2. Old Place Subdivision received preliminary plat approval from the County Commission on May 27, 1999, in two phases. Phase 1 received final plat approval from the Commission on February 16, 1999. C & H Engineering and Surveying, Inc., requested that the preliminary plat approval for the Phase 2 of Old Place Subdivision be extended for an additional year. The project is being reviewed for sanitation approval by the Montana Department of Environmental Quality. Upon DEQ approval the developer intends to begin construction. Phase 2 consists of 16 lots located in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 28, T1N, R4E.
7. Request for One-Year Extension of the Preliminary Plat Approval for the 4 Dot Subdivision. The subdivision received preliminary plat approval from the County Commission on May 27, 1997. C & H Engineering and Surveying, Inc., requested that the preliminary plat approval for 4 Dot Meadows Subdivision be extended for an additional year. The approved preliminary plat consists of 174 lots located in the W $\frac{1}{2}$, NW $\frac{1}{4}$ of Section 28, T1N, R4E.
8. Request for Approval of an Improvements Agreement and Extension of the Preliminary Plat Approval for the Gallatin Valley Homesteads Subdivision Phase 3. Gallatin Valley Homesteads received preliminary plat approval from the County Commission on June 13, 1995. Phases 1 and 2 received final plat approval from the Commission on November 28, 1995. The Commission granted a 1-year extension to the preliminary plat approval of Phase 3 on June 23, 1998. On June 2, 1999, Nadia Beiser submitted an improvement's agreement with a letter of credit and requested that preliminary plat approval for Phase 3 be extended beyond the additional year that was already granted. Phase 3 consists of 50 lots located in the N $\frac{1}{2}$ of Section 3, T1S, R4E.

Commissioner Mitchell read the consent agenda, noting there were no minutes for consideration. There was no public comment. Chief Deputy County Attorney Susan Swimley recommended the removal of consent agenda Item #8, and continue for one week. Commissioner Mitchell moved to approve the consent agenda, as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Chairman Olson announced there was a letter from the Planning Department regarding regular agenda Item #5, the North 27th Avenue Area Master Plan Amendment, recommending that the Commission open the public hearing and continue, pending further research by staff. Regular agenda Items #6, 7, 8, and 9, (zone map amendments) were also continued indefinitely because they first have to go before the Planning Board for recommendation.

Eric Semerad, Chief Deputy Clerk and Recorder reported on the petition requesting annexation into the Sourdough Rural Fire District for Tract 1 of COS 1560B, located in the SW $\frac{1}{4}$ of Section 32, T2S, R6E. Mr. Semerad reported on behalf of Clerk and Recorder Shelley Vance verifying that the petition meets all the requirements. The recommended hearing date is scheduled for 28th of March. Commissioner Murdock made a motion to accept the petition to annex the described property into the Sourdough Rural Fire District, finding it was recommended that it was a valid petition. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Jennifer Madgic, Gallatin County Planner requested a continuation until March 14, 2000, for the consideration of a request for preliminary plat approval of the amended plat of the James C. Boyd Subdivision G-34-C.

Jennifer Madgic, Gallatin County Planner requested that both items three (3) & (4) on the agenda be opened and discussed at this time. Item number 3 reads as follows: Consideration of a request for a variance and amended plat of the Royal Village Major Subdivision to reduce width of utility easements.

Item number 4 reads as follows: Consideration of a request for variance and amended plat of the River Rock Major Subdivision, Phase 3, to reduce width of utility easements. The reason for the joint reporting is that they are very similar in nature. Number three and four descriptions read as follows: Item #3) Request for variance and amended plat of the Royal Village Major Subdivision to reduce width of utility easement -- from 20 feet to 16 feet and also to vacate certain utility easements. The property is located in the River Rock Zoning District (formerly the Royal Village Zoning District) and is legally described as seven tracts of land located in the SW¼ and SE¼ and Section 3, T1S, R4E, PMM. Generally located north of Amsterdam Road, approximately two miles west of Belgrade. This request affects condition #5 of the approved preliminary plat of the Royal Village Major Subdivision. Item #4) Request for variance and condition modification request by Potter Clinton Development to reduce width of utility easements in the River Rock Major Subdivision - Phase 3, to 16 feet width instead of 20 feet as required under Section 6.D of the Gallatin County Subdivision Regulations. River Rock Mobile Home Park Major Subdivision includes 234 manufactured home rental spaces in approximately 60.5 acres in the River Rock Zoning District. The property is zoned R-MH (Residential Mobile-Home District) and is located in the SE¼ of Section 3, T1S, R4E, PMM. Generally located north of Amsterdam Road, approximately two miles west of Belgrade. This request affects condition #6 of the approved preliminary plat of the River Rock Major Subdivision - Phase 3 development. Item #3: The Commission has two determinations to make with this application: 1. A determination as to whether the proposed variance request should be approved. The 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. 2. A determination as to whether the proposed amended plat should be approved. The basis for the 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 and the Gallatin County Subdivision Regulations. If the Commission decides to approve the amended plat and variance request, 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. All utility easements shall be shown on the final plat. Utility easements shall be sixteen (16) 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.* Item #4: The Commission has two determinations to make with this application: 1. A determination as to whether the proposed variance request should be approved. The 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. 2. A determination as to whether to approve the proposed change of condition. The Commission may change conditions where it is found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. If the Commission decides to approve the variance request, the following modifications to the conditions for final plat approval are suggested: 1. All utility easements shall be shown on the final plat. Utility easements shall be ~~twenty (20)~~ sixteen (16) 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.* Ms. Madgic reported the reason for changing the utility easement is to accommodate lot sizes on the mobile home lots that were created in the 1970's. Ms. Madgic received letters from the pertinent utility companies and they are all in agreement with the proposed changes. The applicant's representative, Attorney Joby Sabol presented copies of the letters from the utility companies. Mr. Sabol summarized the history of the easements, the variance request, and the modification and amendment of the zoning. Commissioner Murdock stated that they received a letter from an adjacent landowner concerning a road relocation, and questioned if this variance request for reduction of utility easements had anything to do with the road. Mr. Sabol replied that it had nothing to do with the road relocation at this time. Developer Mike Potter explained that they wanted Mr. Sabol to define their hardship. Details were worked out with the Fire Department, and they agreed to egress windows on the mobile homes, which is part of the covenants. He pointed out that this would not affect any of the roads, Amsterdam Highway, or Kessler Road. Public comment: Ray Haugland; and Jeannie Heckman. (Item #3) Finding that the variance request to reduce the utility easement would result in an undue hardship based on the testimony received today, and the size of the lots that were in existence in this unique situation with a long standing subdivision that has undergone many changes in the last year to make it saleable and put it in a marketable condition and finding that it would not be essential to the

public health, safety, and general welfare based on the Montana Power and phone companies which stated that the 16 feet would work, Commissioner Murdock moved to approve the amended plat with the variance. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Murdock requested to reopen Item #3, and moved to amend the motion and include the condition as presented by staff. Commissioner Mitchell agreed to reopen Item #3, and seconded the motion. None voting nay. Motion carried. Commissioner Murdock moved to approve the variance with the staff suggested conditions for the reasons already stated. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley explained that on February 15, 2003 the Commission approved Resolution of Intention #2000-012 for the Community Development Block (CDBG) Grant Fund Budget to accept unanticipated revenues, which should be Resolution of Intention #2000-010. Commissioner Murdock moved to approve the change of resolution #2000-012 to be resolution #2000-010. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Chief Deputy County Attorney Susan Swimley explained on the same date the Commission approved Resolution of Intention #2000-010, to amend the FY 2000 budget with regard to the expenses for the Block Grant for Rae Water and Sewer, and it should be Resolution of Intention #2000-009. Commissioner Mitchell moved to approve the change of resolution #2000-010 to be resolution #2000-009. Seconded by Commissioner Murdock. None voting nay. Motion carried

Chief Deputy County Attorney Susan Swimley explained on the same date the Commission approved a resolution of intention to amend the County Attorney's budget to exclude out the Victim Witness activities and their budget with regard to the surcharges, which was numbered as Resolution of Intention #2000-009. It should be renumbered Resolution of Intention #2000-012. Commissioner Murdock moved to approve the change of resolution #2000-009 to be resolution #2000-012. Seconded by Commissioner Mitchell. None voting nay. Motion carried

There were no pending resolutions. There being no further business, the meeting adjourned at 10:35 a.m.

Unavailable
for signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 7TH DAY OF MARCH 2000

The meeting was called to order by Chairman Phil Olson at 9:03 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board LeeAnna Iverson

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

FEBRUARY 28, 2000

- At a regularly scheduled office meeting the Commissioners considered approval of a request from County Superintendent of School, Jill Richards, for the County to reimburse her \$250.00 for the deductible paid on her vehicle when she had an accident while on County business. In attendance were Commissioners Olson, Murdock, and Mitchell, Fiscal Officer Ed Blackman, and Executive Secretary Glenda Noyes. Commissioner Mitchell moved to pay Superintendent Jill Richards for her deductible on her personal car that was in an accident while on County business, per precedent and policy. Commissioner Murdock seconded the motion. Motion passed unanimously. In discussion the Commissioners asked Fiscal Officer Ed Blackman to notify Jill

398 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

of the decision and review the Personnel Policy for needed changes regarding paying the deductible for incidents that include citations, and placing a ceiling on the amount of a deductible that will be paid. Mr. Blackman agreed.

FEBRUARY 29, 2000

- A regularly scheduled meeting took place between the Fiscal Officer, Ed Blackman and the three Commissioners. Discussion took place and it was determined that the original Contract Committee should be reconstituted. Commissioner Murdock made a motion to reconstitute the Contract Committee that will consist of Stacy Johnston, Shelley Vance, Chris Gray, Ed Blackman, and Joyce Schmidt. Commissioner Mitchell seconded the motion. Motion passed unanimously.

MARCH 1, 2000

- A special meeting of the Commissioners was called to order for the purpose of considering approval of a hand issue claim in the amount of \$820.00 for fines on the Road Department crusher. In attendance were Commissioners Olson and Murdock, County Auditor Joyce Schmidt, and Executive Secretary Glenda Noyes. Discussion took place and it was noted that the original fine was for approximately \$2,900.00 and most of this was waived – if the remaining \$820.00 were paid and postmarked by March 2, 2000. Commissioner Murdock made a motion to approve the hand issue claim in the amount of \$820.00 for fines on the Road Department crusher. Commissioner Olson seconded the motion, noting that the balance is what is owed on a fine from the Mine, Safety & Health Administration. Phil stated that he discussed this issue with Deputy County Attorney Chris Gray who did not give advice, but did state that non-payment of this would mean appeal to the Federal Government and take a lot of time and effort of the staff. The question was called. Motion passed unanimously.

MARCH 2, 2000

- A special meeting of the Commissioners was called to order for the purpose of considering approval of a hand issue claim for \$6,248.52 for the Robert Planalp lease payment. In attendance were Commissioners Olson and Murdock, County Auditor Joyce Schmidt, and Executive Secretary Glenda Noyes. Discussion took place and it was determined that this item was missed at the regularly scheduled time due to a human error and since the lease agreement states we will make the payment by the first of each month, it has to be taken care of immediately rather than in a public meeting setting. Commissioner Murdock made a motion to approve the claim in the amount of \$6,248.52, lease payment to Robert Planalp. Commissioner Olson seconded the motion. Motion passed unanimously.

MARCH 3, 2000

- A regularly scheduled meeting between the County Commissioners and Facilities Operator Bob Isdahl took place. Numerous issues were discussed, including the need to approve the Victim/Witness remodel design work and base code building improvements. Commissioner Mitchell made a motion to approve the Victim/Witness remodel designwork of \$7,000.00 and base code building improvements of \$2,720.00. Commissioner Olson seconded the motion. Motion passed unanimously.

* * * * *

- Landfill Receipts for February 2000: \$.
- A101's for February 2000: \$47.26
- Payroll for February 2000: \$966,486.33.
- Clerk & Recorder's Fees Collected for February 2000: \$34,377.64.
- New Hire Report for February 2000: REST HOME–Dayna L. Barth, David A. Helm, Katrina J. Vaira, Sara D. James, Susan A. Williams, Sharon DeShields, Erica Eckerson, Michelle D. Feldman; CLERK OF COURT– Evelyn S. Kerr; FAIRGROUNDS – Cory M. Oseland, Luigi Ben Mostefa, Loren W. Perkins; CLERK & RECORDER – LeeAnna R. Iverson; 911– Lisa R. Carpenter.
- Terminated Employees' Report for February 2000: CLERK OF COURT– Evelyn Kerr 1/28/00; 911 – Jennifer Kleid 2/10/00; CLERK & RECORDER – Dalyce Thayer 2/11/00; FAIRGROUNDS– Luigi

Mostefa 2/13/00, Cory Oseland 2/13/00, Loren Perkins 2/13/00; CORONER – Ray Ruffalto 2/14/00; TREASURER – Shannon Perin 2/15/00; DETENTION CENTER – Joyce Harper 2/17/00; REST HOME – Michelle D. Feldman 2/24/00, Elaine Atkins 2/22/00.

The following items were on the consent agenda:

1. Minutes.
2. Approval of claims presented by the Auditor dated February 25, 2000 through March 2, 2000, for P.O.#62912 for \$10,465.39, and March 7, 2000 for Batch 1 for \$31,771.94, Batch 2 for \$28,658.06, Batch 3 for \$43,760.89, Batch 4 for 23,247.31, Batch 5 for \$58,639.56, Batch 6 for \$50,123.22, Batch 7 for \$194,380.85, Batch 8 for \$63,891.89 and for a Total \$504,939.11.
3. Consideration of the following contract(s): Prugh & Lenon for Victim/Witness Renovations; Public Defender Contract w/Edward Guza (District Court #2); and Index Service Agreement for GCSO.
4. Continuation of Request for Approval of an Improvements Agreement and Extension of the Preliminary Plat Approval for the Gallatin Valley Homesteads Subdivision Phase 3, located in the N ½ of Section 3, T1S, R4E. Preliminary plat approval was granted on June 13, 1995. A one-year extension to the preliminary plat approval was granted on June 23, 1998. The Gallatin County Attorney's office reviewed the proposed Improvements Agreement.
5. Request for Boundary Relocation Exemption for Corral Bar Inc./Burcalow Family LLC, located in Section 28, T7S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
6. Request of Boundary Relocation/Aggregation of Lots for Cronin/Hall, located in Section 2, T7S, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
7. Correction Survey for Gaston Engineering, located in Section 32, T2N, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.

Commissioner Murdock read the consent agenda, noting there were no minutes to consider. Chief Deputy County Attorney Susan Swimley requested that consent agenda Item #4, be placed on the regular agenda as Item #4, for further discussion. Motion by Commissioner Murdock to approve the consent agenda, as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Greg Underhill with MSE-HKM, the engineers for the Logan Landfill spoke regarding the removal of approximately 25,000 cubic yards of historical waste from the existing Landfill. The Landfill has been in operation since before the early 60's. In the late 80's the federal government reviewed the present Landfill requirements. In the review they decided what waste could be grand fathered in and what waste was required to meet the new requirements. In the course of the expansion Gallatin County Landfill started putting in liners. As far as the expansion of Landfill goes, the historical waste is in the way of the proposed new Landfill. They can do one of two things, they can leave it in place and cover it with two feet of soil as per state regulations or they can remove it. If it were left in place, the cost would be approximately \$30,000. By leaving it in place they will be inhibiting the expansion of the Landfill by approximately 5 acres, which would equate to approximately 214,000 tons of potential storage or waste they could not place in that area. To remove the waste it will cost approximately \$312,000, however the removal of the historical waste will bring in additional revenue and it will extend the life of the landfill by six years. Further discussion took place regarding the options. The Landfill will pay for the removal of the waste and will not cost the taxpayers. The operator that is currently contracted at the landfill will be able to negotiate a cost for this type of additional work. Chairman Olson requested that County Fiscal Officer Ed Blackman expand on this point. Mr. Blackman is hoping that the current fund structure will be sufficient, provided they can control the number of dollars spent on this proposed project. He encouraged the County to do this project in phases. There was no public comment. Commissioner Murdock was satisfied that it will not cost the taxpayer's extra money and that it meets all the criteria that have been set forth. He suggested that the Commission proceed at the advice of legal council whether or not they can have the onsite operators do the work or if they have to bid it out. Commissioners Mitchell and Olson concurred. Commissioner Murdock moved to approve removal of the historic waste and expansion as recommended by Mr. Underhill and do so with the advice of legal

council on how to proceed and who should perform the work, finding this is something that should be done because they are going lose approximately \$325,000 if it is not expanded. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on the estimated costs to open a Juvenile Detention Wing at the Gallatin County Detention Facility. The preliminary decision was based on availability of money. Mr. Blackman's estimates are based on 5 beds being used on an average daily basis, with a minimum of 3 beds coming from outside Gallatin County. The suggested per day rate is \$240/day. Topics of discussion were as follows: Assumptions used in preparing cost analysis; Explanation of staffing; Operational costs-one time and on going; Estimated first year costs; Estimated future year costs; and Conclusion. Gallatin County would subsidize the Juvenile Detention activity for a minimum of \$183,047.00 in the first year and at a minimum of \$125,506.00 (before inflation) in the future years. Based on Mr. Blackman's review of current budgets and the FY 2001 revenue stream, he cannot recommend the creation of the new facility. Especially since this is very labor intensive and is used by approximately 20 Gallatin County juveniles per year. All calculations are based on charging \$240 with only 2 beds reserved for Gallatin County. He did not estimate the cost of housing Adult Prisoners at other institutions as a result of this decision. These could be up to an additional \$109,000 in costs. If the Commission makes a decision to proceed they should set policies on: Per day charge -- \$240.00 per day, County vs. other user's bed policy -- Gallatin County would be limited to a maximum of 2 beds unless others were available. Others can use up to 4 beds, if gender problems require transport, then the gender with the least number of users would be transported; and State prisoners first, other jurisdiction second, county last. Public comment: Thomas A. Olson, District Court Judge and Juvenile Court Judge spoke in support of opening of the Juvenile Detention Facility. Gallatin County Attorney Marty Lambert recommended they look at what it is going to cost the county across the board to all those involved and decide whether \$522,000 a year to run a facility for 5 juveniles is really worth it. He agreed with Mr. Blackman that it was not worth it. He commented that the management situation with regard to the turn over at the Detention Center should be of extreme concern to the Commission. With continual turnover, he added that it was very difficult to get stability within this type of facility and questioned why they should hire another 12-14 employees. Mr. Lambert commented on the inadequacies of the current jail facility. Mr. Lambert respectfully asked the Commission to deny the proposed facility. Bill Slaughter, Gallatin County Sheriff spoke regarding adult incarceration and transportation. Sheriff Slaughter believed the real answer to these problems would be to build a new facility that will properly house our juveniles. He will provide the Commission with some information regarding private corrections and jails. Sheriff Slaughter stated that he could not vote either way on this proposal.

Further discussion took place with regards to where juveniles are currently being transported. David Gates, Chief Probation Officer for Gallatin County spoke in support of opening this facility. Mr. Gates requested the Commission consider opening this facility and to move ahead with plans to build a new facility and an assessment facility for emotionally disturbed youths. Brock Albin, Attorney for Youth spoke regarding his role with juveniles. Mr. Albin begged the Commission to keep the juveniles in our community. Commissioner Murdock stated that today's testimony had not swayed his mind from opening a juvenile facility, although the long-term solution would be a bigger adult and juvenile facility, which the County is working towards. He added that it was not a matter of subsidy, it is not a matter of paying its way, it is a matter of what we need to do for the youth in our community. Commissioner Mitchell, seeing a greater value in our youth, stated that money should not be an issue when it comes to the children in or community. Chairman Olson stated that the ability to keep our youth at home is essential to their development. Once the funds are identified, Commissioner Olson would be in favor of this facility. Commissioner Mitchell requested Mr. Blackman to come forward and discuss funding for the first year. Mr. Blackman stated that there were sufficient funds for FY2001, adding in his opinion there are not sufficient funds for future years. Roy Steiner, on behalf of the Gallatin County Road and Bridge Department responded to questions concerning update of the fire code situation in the juvenile wing. He commented that it should be brought up to code compliance by the end of June. The cost was approximately one quarter of a million dollars. Commissioner Murdock moved to proceed based on the cost estimates provided by the Fiscal Office, to open a 5 bed Juvenile facility, 2 beds for Gallatin County and 3 for other counties as soon as possible and to do so with a rate recommended by Mr. Blackman, but subject to change if there is further review. He would propose that they do not use an outside private agency to run the facility, and use the staff under the existing Detention Center Administrative procedures. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Belgrade City-County Planner, Jason Karp reported on the consideration of a request to amend the preliminary plat on behalf of C & H Engineering for High K Subdivision, Phase, located west of Belgrade off Royal Road. The property is described as Tract 3 of COS 1583 and Lots 33, 34 and 37 of High K Subdivision situated in the SE¼ of Section 4, T1S, R4E. The reason for the request is that the developer will obtain a portion of the old railroad right-of-way to the north of the subdivision currently owned by Roger Wells. The developer desires to rearrange the lots in the subdivision to create 8 lots within Phase 2 that can accommodate horses as per the County Commission required covenant that limits large animal units to 1 per 2.5 acres. The developer desires to reduce the lot sizes in the rest of the subdivision to 1 acre because of market demand. All lots within the proposed Phase 2 will be restricted by covenants to residential uses. The High K Subdivision received preliminary plat approval on April 21, 1998. The amended preliminary plat of High K Subdivision, removing Phase B and aggregating lots in Phase A, C, & D, was approved on February 16, 1999. Phases A, C, and D of High K Subdivision received final plat approval on August 19, 1999. High K Ranch Minor Subdivision received final plat approval on October 27, 1998. High K Corner Minor Subdivision final plat approval on February 16, 1999. Royal K Minor Subdivision received final plat approval on November 30, 1999. The following corrections were noted in the staff report: change North Doe Road to Stag Street and South Doe Road to Skipper Street. The Belgrade City-County Planning Board reviewed the request to amend the High K Subdivision. The Planning Board voted unanimously to recommend that the request be approved with amended conditions. Notice of this public hearing was sent to adjoining property owners and a notice was published in the High Country Independent Press on February 10, 2000. Mr. Karp briefly summarized the staff report that contained criteria for the Commission to evaluate for considering the subdivision along with the suggested conditions. The County Commission needs to make the following determination: A determination as to whether or not the proposed amended subdivision preliminary plat meets the requirements of Section 76-3-608 MCA. If the Commission finds that the proposed amended 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: *Note: The following reflects the conditions that were required for the High K Major Subdivision. Due to the amended plat of Phase 2, some of the conditions are recommended to be amended. Amendments are shown as ~~strikeouts~~ through existing wording to be deleted, and underlines for new wording. Also note that several of the conditions have been completed as part of the approval of Phases A, C, & D.*

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. The feasibility of a central sewer system shall be investigated and if appropriate for this subdivision, a central sewer system shall be installed and approved by the Department of Environmental Quality and the Gallatin County Environmental Health Department. 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 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.
 - 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 roads. k. The homeowner's association shall be responsible for the maintenance of all parks in the subdivision. l. One large unit (horse, cow, llama, etc and dependent young) is permitted per 2.5 acres of lot area. Should DEQ determine that total allowable nitrogen concentrations exceed those limits set in DEQ approval #99-2093, then large animals shall no longer be permitted. m. Residential structures shall be 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 50-65 & 72-79 as shown on the preliminary plat Phase 2 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. q. A provision giving the homeowner's association the power to require nuisance animals to be removed from the subdivision. A condition of nuisance would include excessive noise, foul odors, creation of dust, unsightly hay, straw or manure piles, etc. r. If large animals are kept, the lot owner must remove the accumulated manure from the High K Subdivision a minimum of two times per year. 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 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(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 of 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 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-sac or "T" type turnarounds built to County Standards. a. ~~Road R-5 Buckskin Road shall be paved 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 Stag Street.~~ 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. Deleted.~~ c. ~~Road R-1 shall be constructed from Amsterdam Road as shown on the preliminary plat with a permanent cul-de-sac at its north end prior to final plat approval of Phase C. Deleted.~~ 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. Stag Street shall be paved as shown on the preliminary plat for Phase 2 from the west boundary of the subdivision to Skipper Road.~~ f. Skipper Road shall be paved as shown on the preliminary plat for Phase 2 from Stag Road to Buckskin Road. g. Doe Road shall be paved as shown on the preliminary plat for Phase 2 from Royal Road to Skipper Road. 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, 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 on 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 contains 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. 29. 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, 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 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. 30. The applicant will obtain and submit to the MDEQ 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. 31. Prior to MDEQ review and determination of "cumulative" non-degradation impacts of this subdivision; the applicant should organize and attend a meeting between their consultants, MDEQ, Gallatin City-County Environmental Health Services and LWOD staff to determine a reasonable approach and methodology for evaluating "cumulative" groundwater which may result from development in the area. ~~32. Road R-4 from the eastern boundary of Phase E to Royal Road shall be constructed to Gallatin County Standards, and be a public easement conforming to the following prior to final plat approval of Phase E. 1. The easement shall be approved. 2. The easement shall be recorded with the Clerk and Recorder. 3. The easement shall clearly grant to the public an unrestricted right of ingress and egress from a public road to the property to be subdivided. 4. Documented proof of maintenance of the easement must be provided. Deleted. Road R-4 became Doe Road and was dedicated to the public as part of Royal K Minor Subdivision.~~ 33. The lot 22 designation on the modified preliminary plat over the former Phase B site shall be removed from the plat and the former Phase B site shall not be included in the subdivision. The developer shall have three (3) years from April 21, 1998 (the date High K Major Subdivision received preliminary plat approval from the Commission) to complete the above conditions and apply for final plat approval. Mr. Karp summarized the differences from the original proposal and the amended proposal. Applicant Nadia Bieser reiterated Mr. Karp's presentation and expounded on the reasons for the modifications. Ms. Bieser noted some confusion between Phase 2 and Phase E, and recommended that the Commission refer to the residential only section in the conditions by lot number. The lot numbers in that area are 38-61, which will eliminate the confusion in that area. It was suggested changing the first line in Condition 6(o) to read: The residential only section is Lots 38-61 shall be restricted to residential uses. She pointed out two easement issues on the plat. There was no public comment. Roy Steiner, on behalf of the Gallatin County Road and Bridge Department stated his only concern was with the future dedicated easement to the adjacent property, and recommended that the road be built and dedicated to the public. Chief Deputy County Attorney Susan Swimley stated at this point a private easement would be sufficient. Having no concerns about the changes, Commissioner Murdock believed they were in the public interest, adding that he would adopt the findings made for the original, noting this was a similar subdivision, and that it was consistent with the Master Plan, and the Belgrade Planning Board recommended approval. Further discussion took place with regards to the easement. Commissioner Murdock moved to approve the High K Phase 2 revisions, finding that it meets all the requirements of the subdivision laws of Montana and the Gallatin County Subdivision Regulations, finding that it is consistent with the Belgrade Master Plan, with all the conditions as suggested by staff as follows: amend condition #6(o) strike the words "Phase 2" and add the words "Lots 38-61"; condition 15, change "North Doe Road" to "Stag Street" and "South Doe Road" to "Skipper Street". Seconded by

Commissioner Mitchell. Commissioner Murdock added that the Commission was readopting the findings that were originally made. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported on the continuation of a request for approval of an Improvement's Agreement and extension of the preliminary plat approval for the Gallatin Valley Homesteads Subdivision Phase 3. Mr. Karp explained that some adjustments were needed because the applicant was unable to get a Letter of Credit for as long of a period as they originally wanted therefore they need to amend the second sentence in Section 3 of the proposed Improvement Agreement to read as follows: Phase III must be completed by the Subdivider within one (1) year of recordation of the final plat so long as the final plat is recorded prior to June 13, 2000. In Section 7, second paragraph, second sentence should read as follows: The form of security shall be valid until June 13, 2001. Chief Deputy County Attorney Susan Swimley outlined the process for the Commission, noting the proposed Improvement's Agreement was consistent with the policy. If there were to be approved, Ms. Swimley stated that Chairman Olson would need to initial on the pages that have been amended and sign on the last page. There was no public comment. Commissioner Mitchell moved to approve the Gallatin Valley Homestead Subdivision Phase 3 request for preliminary plat extension and Improvement's Agreement with the changes as requested by staff. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Belgrade City-County Planner, Jason Karp reported on the continuation of the request for C & H Engineering on behalf of Jerry Krushensky for preliminary plat approval of the Krushensky Minor Subdivision, located in the SE ¼ of Section 13, T1S, R4E. The proposed five-lot minor subdivision located on 20 acres is located South of Belgrade between Yukon Subdivision and Horseshoe Meadows Subdivision on McMillan Lane. The Belgrade City-County Planning Board reviewed the preliminary plat and voted at their January 26, 2000, public meeting to recommend preliminary plat approval of the subdivision, subject to the conditions. The Gallatin County Commission reviewed the preliminary plat at their February 15, 2000, public meeting. The Commission heard testimony from concerned residents in the adjacent Horseshoe Meadows Subdivision, and the nearby Yukon Subdivision. Most of the concerns related to this subdivision tying the road system in the Horseshoe Meadows Subdivision with the Yukon Subdivision. There were also concerns expressed about the compatibility of the developer's proposals for all his property in the area. The Commission voted to table the subdivision so the developer could provide a development plan for the area. The developer submitted a master plan sketch for his properties located between Horseshoe Meadows and Yukon (attached to staff report). Mr. Karp clarified that this property was close enough to Belgrade that if the city were to expand its current one-mile donut area to two miles after the 2000 census this area would be within that two miles. Mr. Karp went into detail regarding zoning jurisdictions in this area. The Belgrade Area Plan-1999 Future Land Use Map designates the area of this subdivision as "High Density." The High Density designation is defined in the plan as follows: "(High Density) areas are located adjacent to Belgrade's zoning jurisdiction and are likely to be zoned and/or annexed by the City in the future. Property north of Belgrade adjacent to the airport noise contour, and areas along Jackrabbit Lane south of Belgrade should be expected to develop commercially. Commercial areas should be developed with adequate buffers from residential development. Whether the existing development is commercial or residential, the new development should be in character with adjacent existing development. Most of this area should support higher density residential development than is normally seen subdivisions located outside City zoning jurisdictions in Gallatin County. Residential subdivisions with lots smaller than one acre with central water and/or sewer systems are strongly encouraged, and development should be reviewed as if it will someday be located within the City of Belgrade. The City of Belgrade is currently defined as a 3rd Class City by state law. 3rd Class Cities may extend their zoning not more than one mile outside of their jurisdiction. Due to Belgrade's growth, it is anticipated that the City will be eligible to be designated a 2nd Class City after the 2000 Census. 2nd Class Cities may extend their extra-territorial zoning "donut area" two miles outside the City limits as per state law. The site of the Krushensky Minor Subdivision, as well as the Horseshoe Meadows and Yukon Subdivisions, would be located within that two-mile radius. Mr. Karp explained that there were no changes made to this subdivision proposal since the last meeting with the exception that the applicant provided the proposed master plan sketch. Jim McLean, Attorney representing the applicant addressed the compatibility issues. He pointed out that the proposed area is recommended by the Belgrade Master Plan to be the higher density area. Gary France, member of the Belgrade Planning Board and as a private citizen commented on tying the road system together, noting part of the criteria of the Master Plan is to develop a road system that would encompass the whole area. Jerry Krushensky, the proposed developer stated one of the reasons they were doing the minor is to get the road through for future development,

adding the other reason is because they have a separate interest in the other 20 acres of ground. Mr. Krushensky pointed out that this plan was to provide affordable housing in Belgrade. He commented on several issues that have become problematic with this proposal and the mitigations they have attempted to solve those problems. A suggestion by Commissioner Mitchell was to consolidate parkland with the adjacent subdivision. Mark Chandler, C & H Engineering summarized the preliminary traffic study and commented on the proposed paving. Further discussion took place with regards to paving and the primary and secondary accesses. Public comment: Ben Roy, Treasurer of the Horseshoe Meadows HOA; Kevin McNelis; Dan Mott; Alex Martin; and Bill Monaghan. Those speaking in opposition spoke regarding the following concerns: compatibility; fill site capacity; paving; access; larger lots; park; drainfields; decrease in property values; density; and traffic. Further discussion took place regarding access and the use of a cul-de-sac coming in from Horseshoe Meadows. Brian Connelly, Assistant Fire Chief of Belgrade Rural Fire confirmed that they would not require a secondary access for a five lot minor if they do not exceed the cul-de-sac length. He also confirmed that the fire fill sight in the Horseshoe Meadows Subdivision was adequate to service this proposed minor subdivision. Commissioner Mitchell believed that the cul-de-sac would mitigate many of the problems and concerns from those in opposition. If the cul-de-sac idea were used, she would not have a problem approving this 5 lot minor. However, she mentioned that she was concerned about the eventual transition between lower density to higher density. Further discussion took place with regards to paving the cul-de-sac. Mr. Karp stated that if a cul-de-sac is used it would not be required to be paved. Commissioner Murdock commented that Mr. Krushensky had the right to develop his property and it was the Commission's responsibility to encourage development in the Master Plan area. Although, he agreed it was the Commission's job to make the new proposals be compatible with the adjoining subdivisions. He stated one way to do that was to cul-de-sac this and do it on the western edge of the lot so it does not extend to the property line, and not require it to be paved. Chairman Olson agreed that affordable housing is needed, and applauded Mr. Krushensky for trying to develop affordable housing for first time buyers. He voiced his concern regarding the location of the second access, noting he did not want it to come out through the Horseshoe Subdivision. Finding that the Krushensky 5 lot Minor Subdivision has been approved by the Belgrade City Planning Board; it is consistent with the Belgrade Master Plan; and with the conditions as suggested by staff and amended as follows: condition #11: McMillan Lane shall be constructed to County gravel standards from Bluegrass Drive to the east boundary of Lot 4 with a temporary cul-de-sac; and #14: McMillan Lane shall be a sixty foot right-of-way (or public easement in accordance with County Subdivision Regulations) constructed to County gravel standards from Bluegrass Drive to the cul-de-sac and shall not extend to the east boundary of the subdivision, Commissioner Murdock moved to approve the Krushensky Minor Subdivision, adding that they are balancing the need for higher density and more infill in the Belgrade Donut with their own requirement, which is in some cases is contradictory with the compatibility with adjoining properties. Seconded by Commissioner Mitchell, finding that it also mitigates a lot of the traffic concerns that have been expressed as impacts by the neighboring subdivisions. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the consideration of a request for Morrison-Maierle, Inc., on behalf of Jerald E. Swenson for a Conditional Use Permit for the Heritage Park CUP to allow a recreational vehicle park (66 total overnight accommodations) in the Agricultural-Suburban (A-S) District of the Gallatin County/Bozeman Area Zoning District (the "Zoning District"). The property contains approximately seven acres located in a portion of Lots 1 and 2 of Minor Subdivision #221, SW¼ of Section 26, T1S, R5E: generally located south of the intersection of Valley Center Road and Westlake Road; with access off Valley Center Road. Applicant requested one variance from Section 50.020(9.b) of the Gallatin County/Bozeman Area Zoning Regulation (the "Zoning Regulation"), General Building and Development Standards, which requires internal circulation roads be paved with a concrete or asphaltic concrete surface. *Variances are heard before the Gallatin County/Bozeman Area Board of Adjustment; with approvals to be conditioned upon Commission approval of the CUP (heard and denied 2/15/00).* The Planning Board heard the CUP on February 22, 2000 and voted 3:3 with one abstention, issuing a vote of NO RECOMMENDATION to the Commission. Ms. Madgic summarized the application contents that included: staff report; Environmental Assessment; Planning Board recommendation; Findings of Fact from the Board of Adjustment; letters from (Nelson, Benedict, Lubbers, Frank, Reed, Lane, Heidelberg, Perlinski, and Wheeler) (7) in support. There were two petitions received as follows: in support 535, opposition 325. Ms. Madgic read the petitions as written. In support: We the undersigned want to express our support of the proposed RV Park located near the corner of West Lake Road and Valley Center Road. The RV Park is referred to as Heritage RV Park proposed by Jerald Swenson. In Opposition: We the undersigned, all resident preholders of Gallatin County, MT, do hereby express our opposition to the application of Jerald Swenson of the preliminary plat and Conditional Use Permit for the Heritage Park RV Subdivision; on the grounds and for the

reasons, that the land involved is designated as Urban Residential in the 1990 Bozeman Area Master Plan Update. The use of the land for an RV Park is inappropriate in the entryway corridor overlay district. Municipal services are not available to the land development of an RV Park on wells and septic fields would adversely affect the area. Fire protection is inadequate. The increased traffic is excessive all of which indicates that the project as proposed would have an adverse effect on the health, safety and general welfare of the residences of the area. Ms. Madgic pointed out that during the course of the review it was found that this application was submitted as a phased project (172 sites) and they could find no way to phase a Conditional Use Permit. So they went back to the applicant and asked what they would like to do. The applicant decided that they would like to break it down into phases and just submit Phase I (66 sites). All publication notices referred to 172 sites, and the Planning Board agreed not to re-notice. Attorney Joseph Sabol submitted a letter noting this as a potential flaw in the noticing process. Chief Deputy County Attorney Susan Swimley did not have an issue with the notices that were published. She commented that it is up to the Commission to decide if they can make an adequate decision with the information they have in front of them. The Commission agreed to proceed. Ms. Madgic summarized the CUP hearing process, the Planning Board vote and recommendations, and the following items for the Commission's consideration: 1) Gallatin County/Bozeman Area Master Plan, 2) CUP Criteria, 3) RV Park/Campground Standards, 4) Entryway Corridor. The Planning Board reviewed all (4), voting on each one and voted overall on the CUP criteria. The Gallatin County Commission has one determination to make with this application: A determination as to whether to approve the proposed Conditional Use Permit. The basis for the Commission decision shall be whether the proposal as submitted meets the requirements of the Gallatin County/Bozeman Area Zoning Regulation, including the criteria for approving a Conditional Use Permit, the Entryway Corridor Overlay District criteria, the Recreational Vehicle Park & Overnight Campground standards; and that the proposal meets the Gallatin County Plan. If the County Commission approves the Conditional Use Permit, the following conditions are suggested: 1) Applicant shall submit a preliminary plat application for a major subdivision as required under Section 12 of the Gallatin County Subdivision Regulations for subdivisions created by rent or lease. 2) Lot lines of Minor Subdivision 221 shall be realigned to conform with proposed design prior to preliminary plat application, or in conjunction with such application. 3) Applicant shall not proceed with any construction work on the proposed RV Park until the County Commission has approved the preliminary plat application. 4) Department of Environmental Quality approval shall be obtained for the proposal. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. Applicant shall obtain the Gallatin County Health Officer's approval. 5) The proposed recreational vehicle park shall be screened (as defined in the GC/BA Zoning Regulation) from view from any residential development. 6) Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged so as to deflect light down and/or away from any adjoining residential district and shall not detract from driver visibility on adjacent streets. In addition, all lighting (except for security purposes) shall be turned off between 11:00 p.m. and 6:00 a.m. 7) Lighting standards used to illuminate off-street parking areas shall not exceed 20 feet in height. 8) Applicant shall provide a permanent enclosure for temporary storage of garbage, refuse and other waste materials. Trash enclosures shall be constructed so that contents are not visible from a height of five feet above grade from any abutting street or property. The trash enclosure shall be conveniently located, with the location shown on the site plan. The enclosure shall be constructed of solid or ornamental pierced masonry walls or other appropriate material of sanitary conditions. Enclosure shall be architecturally compatible with principle structure and shall be of sufficient height to conceal contents. 9) The proposed RV park and uses operated within shall meet all the miscellaneous requirements outlined in the Zoning Regulations including requirements relating to: smoke, dust and other particulate matter; bulk storage; water quality, hazardous wastes and wastewater; odors and toxic gases; noise; vibrations; electrical disturbances; glare and heat; fire and explosive hazards; liquid or solid waste; and/or fissionable, radioactivity or electromagnetic disturbance. 10) Applicant shall obtain a recommendation from the Bozeman Area Bicycle Advisory Board (BABAB) regarding incorporation of bicycle lanes into improvements made to Westlake Road. 11) Applicant shall provide adequate bicycle parking facilities to accommodate bicycle-riding residents and/or employees and customers. Bicycle parking facilities shall be in conformance with standards recommended by the Bozeman Area Bicycle Advisory Board. 12) Applicant shall submit landscape plan and comply with general landscaping provisions provided in Zoning Regulations. 13) Applicant shall comply with the parking requirements of the Zoning Regulation. 14) All internal circulation roads shall be paved with a concrete or asphaltic concrete surface to be reviewed and approved by the County Road Department. 15) Individual recreational vehicle parking pads shall be plainly marked and maintained with a dust-free surface. 16) Individual recreational vehicle parking pads shall be set back at least 30 feet from the perimeter of the park and 30 feet from any public street right-of-way. 17) Approved trash disposal and bathroom and laundry facilities, including facilities for the handicapped, shall be provided for use of overnight campers. 18) Applicant shall prepare a comprehensive fire and life safety plan, which includes use of fire protection equipment, an evacuation plan and other relevant information, to be reviewed and

approved by the Rae Fire Department. 19) Fire sprinkler systems shall be installed in all existing (to include existing "guest services building") and new buildings to be reviewed and approved by the Rae Fire Department. 20) Applicant shall provide a fire protection water supply with an approved volume, delivery rate and pressure, to be reviewed and approved by the Rae Fire Department. 21) All buildings shall be built to meet or exceed requirements of the current edition of the Uniform Building Code and shall meet the requirements of the Bozeman Building Division. 22) Parked recreational vehicles shall be spaced a minimum of 10 feet, when parked side by side; a minimum of eight feet, parked side to end; and a minimum of six feet, parked end to end. Parking pads shall be designed to meet these minimum requirements. 23) Applicant shall post, in a conspicuous location, all emergency information as required by the Rae Fire Department. 24) Proposal shall include only those uses which are specifically permitted by zoning and shall not include commercial uses proposed in submittal (convenience store, gas pumps, cabins or any commercial services intended to serve the general public and not specific to RV park usage). 25) Applicant shall submit a new plan incorporating any changes as approved through the CUP process to be reviewed and approved by the Planning Department. 26) Applicant shall obtain a land use permit prior to construction of all structures. Greg Stratton, Morrison-Maierle, Inc., the applicant's representative outlined the proposed layout, including wastewater and sewage disposal; water supply; traffic; access; emergency services; and buffering and screening. Phase 1 consists of 66 overnight sites, 26 RV sites, 22 tent sites, 18 chuck wagon sites, 3 dumpsters, and 1 RV dump station. The applicant submitted a letter that addressed both the Commission and the Rae Fire Department expressing the applicant's willingness to meet all the requirements that the Rae Fire District has set forth. Bob Lee, Morrison-Maierle, Inc., spoke regarding the zoning regulations in the proposed area relative to Conditional Use Permits. Mr. Lee outlined the applicant's response for each of the CUP criteria and compliance with the Design Standards. Mr. Lee's conclusion is that this proposal is in compliance with the Master Plan by virtue of being in compliance with the zoning. The applicant is in agreement with the conditions. Tom Anacker, legal representative for applicant 's Jerry and Carlene Swenson commented on the legal issues that came up during the Planning Board presentation. He pointed out that RV parks and campgrounds are listed as conditional uses in the AS zone, adding there is no provision within any other district in the City of Bozeman and the Donut area for this use. The Montana Supreme Court has held, that there must be provision for all legitimate and lawful uses in zoning jurisdictional areas. The reason he raised this issue was that several Planning Board members caused some concern from this legal standpoint. He also spoke in detail regarding density, adding that the AS zone's basic density is one dwelling unit per 20 acres. In closing, he stated that the RV Park and campground is a legitimate use that conforms with the Master Plan and is recognized as a conditional use in the AS Zoning. Public comment: Attorney Joe Sabol representing Donald and Cecilia Vaniman and other interested parties similarly situated in the area spoke of their concerns. He requested that the record reflect that they not only oppose this application, they oppose the hearing of this application today as well, of which, reasons were set forth in his letter. He stated that there was no application prepared, submitted, or reviewed for Phase I, and no staff report or notice for Phase I. He stated that the information submitted was the original with 5 phases, reiterating that the CUP does not allow phasing. Mr. Sabol summarized the application outlining in detail the reasons for opposing this application. He stated that there was no way to analyze an application solely on Phase I, since the application before the Commission is the Five Phase plan. He stated that this application should have been rejected when it was discovered it was a phased application and a CUP could not be phased. Mr. Sabol submitted exhibits from the application (Exhibits "A" through "E") to the Commission. He pointed out that an RV Park is inappropriate in this area for a number of reasons. He stated it was obvious that 172 overnight RV spaces would have a detrimental effect on the abutting property owners. In conclusion, Mr. Sabol stated that this project is not appropriate on this parcel of land in the entryway corridor, and public health, safety and general welfare without question will be jeopardized without municipal services. Harry Murphy and Neal Ganser spoke in support of this application. Don Vaniman presented pictures of the area to the Commission. Mr. Vaniman pointed out the statistics of RV Parks in the area, stating there was not a need for this proposed RV Park. Cecelia Vaniman spoke regarding screening issues. She presented pictures to the Commission showing the trees that were planted between their property and the proposed RV Park. Ms. Vaniman also commented on wastewater disposal and water quantity. Ms. Vaniman presented more pictures to the Commission of the presently owned RV Park that the Swenson's own, pointing out permanent housing situations in the RV Park. Vernon Westlake expected to be notified of a new application. Mr. Westlake commented on how the paving required in this project would affect his property. Terry Shaplow (unavailable to speak). Kevin Thane, Quality Water Systems appeared at the request of Morrison-Maierle stated that he would like to set the record straight and try to set the balance between the sewage that Mr. Sabol described and the sewage that may come out of this proposed subdivision. He presented to the Commission a sample of actual treated wastewater. He stated that the water actually meets 1993 drinking water standards. Chief Deputy County Attorney Susan Swimley noted that the pictures submitted by Ms. Vaniman were marked Exhibits "A" through "E", and the water sample submitted by Mr. Thane was marked Exhibit "F". She confirmed that the applicant's letter dated March 6, 2000,

regarding fire protection was entered into the record. She also noted a letter from Mr. Perlinski, a letter from Mr. Sabol dated February 24, 2000, and a handout from Mr. Sabol labeled Exhibit "G", should be entered into the record. Mr. Stratton responded to some of the technical issues raised by those in opposition regarding the application, sewage disposal and the entryway corridor. Mr. Lee addressed the issue of the notice of advertising for this permit, adding that the notice and application is more complete than required. He reiterated that Ms. Swimley was comfortable on a legal basis with the notice that has been given and the application itself. He also responded to comments regarding the suitability of the use of this property. He pointed out if the applicant's do not comply with the rules and regulations that the permit could be pulled. Mr. Lee suggested that the Commission look at the addresses of the people that have signed the petitions, adding that he believed the majority of the neighboring properties signed Mr. Swenson's petition. In board discussion, Chairman Olson stated he has not heard one thing that would say this is absolutely against the regulations. Commissioner Murdock was comfortable that the Conditional Use Permit was consistent with the Master Plan. He felt this project is a good transition from the commercial properties and could not understand the neighboring property owner's opposition. However when reading the CUP criteria that states "has no adverse effects on the abutting property" Commissioner Murdock had a hard time making that finding. Chairman Olson had great respect for the opposed property owners. Commissioner Mitchell felt as if there are a lot of pros and cons and that they do not balance. Although she had many concerns (water, sewage, screening) with this project, Commissioner Mitchell believed that it was needed on this end of town. Further discussion took place with regards to the approval of the proposed request and the location of this proposal relative to the Master Plan jurisdiction boundary in order to determine incompatible uses. Commissioner Murdock commented that he was not happy with the density of future phases. He preferred that they give this decision some thought and continue for further review. The subject property was located on the Gallatin County/Bozeman Area Zoning District map, and Mr. Sabol pointed out and summarized the Master Plan jurisdictional boundary and adjacent property owners. In response to a question regarding West Lake Road, Mr. Stratton stated that all the work would be within the right-of-way. Mr. Anacker agreed to a continuance until March 28, 2000, providing all three Commissioners are in attendance. It was noted that there would be no further public comment. Commissioner Murdock requested it to be placed first on the agenda.

There were no pending resolutions. There being no further business, the meeting adjourned at 5:35 PM.

*Unavailable For
Signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 14TH DAY OF MARCH 2000

The meeting was called to order by Chairman Phil Olson at 9:07 A.M. Also present were County Commissioners Bill Murdock and Jennifer Smith Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board LeeAnna Iverson.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

MARCH 6-10, 2000

- The Commissioners conducted regular County business.

* * * * *

- Landfill Receipts for February 2000: \$24,437.76.
- A101's for February 2000: \$47.26.
- Payroll for February 2000: \$966,486.33.
- Clerk & Recorder's Fees Collected for February 2000: \$34,377.64.
- New Hire Report for February 2000: REST HOME – Dayna Barth, David Helm, Katrina Vaira, Sara James, Susan Williams, Sharon DeShields, Erica Eckerson, Michelle Feldman; CLERK OF COURT –

Evelyn Kerr; FAIRGROUNDS – Cory Oseland, Luigi Mostefa, Loren Perkins; CLERK & RECORDER – LeeAnna Iverson; 911 – Lisa Carpenter

Terminated Employees' Report for February 2000: CLERK OF COURT – Evelyn Kerr 1/28/00; 911 – Jennifer Kleid 2/10/00; CLERK & RECORDER – Dalyce Thayer 2/11/00; FAIRGROUNDS – Luigi Mostefa 2/13/00, Cory Oseland 2/13/00, Loren Perkins 2/13/00; CORONER – Ray Ruffalto 2/14/00; MOTOR VEHICLE – Shannon Perin 2/15/00; DETENTION CENTER – Joyce Harper 2/17/00; REST HOME – Elaine Atkins 2/22/00, Michelle Feldman 2/24/00.

The following items were on the consent agenda:

1. Minutes
2. Approval of claims presented by the Auditor dated March 03, 2000 through March 9, 2000, for P.O.#61575 for \$34,667.27, P.O.#62805 for \$346.41, P.O.#63391 for \$4,406.00, totaling \$39,419.68.
3. Consideration of the following contract(s): Independent Contractor Agreement with Nona Faith; and Library Service Contract with City of Bozeman.
4. Request for Release of Credit for Ramshorn Major Subdivision, Phase 1, Improvements Agreement. Applicant requested and received a partial release of this security September 21, 1999. This request would release remaining security, a balance of \$15,000, for improvements pertaining to the project's water system. Based on review, Gallatin County Planner Jennifer Madgic recommends that the Commission approve the requested release and authorize the Chairman to sign the request documentation.
5. Request for a Boundary Relocation Exemption for Liz Edwards and Janet Bierrum, located in Section 12, T2S, R6E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
6. Request for a Family Transfer Exemption for Peggy Schaplow, located in Section 5, T3S, R6E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
7. Request for a Family Transfer Exemption for Milton Schaplow, located in Section 5, T3S, R6E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
8. Request for a Boundary Relocation Exemption for John Hecht, located in NW¼ of Section 27, T1S, R5E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
9. Request for Final Plat Approval for the Eoff Minor Subdivision. The Gallatin County Commission voted to grant preliminary plat approval on December 21, 1999. Belgrade City-County Planner Jason Karp reported that the conditions for final plat approval have been met.

Commissioner Olson announced that item #6 on the regular agenda which is the public hearing and resolution of intention to adopt North 27th Avenue Area Master Plan Amendment application (M-2000-010) to the 1990 Bozeman Area Master Plan Update portion of the Gallatin County Plan has been withdrawn indefinitely at the request of Morrison-Maierle until it can be determined which map will be used.

Commissioner Mitchell read the consent agenda, noting there were no minutes available for consideration. Commissioner Mitchell requested that Items #4 and 9, be placed on the regular agenda for further discussion. Motion by Commissioner Mitchell to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic requested that consent agenda Item #4, be heard as Item #2 on the regular agenda.

Belgrade City-County Planner Jason Karp approached the Commission for questions regarding consent agenda Item #9, the final plat approval of the Eoff Minor Subdivision. Commissioner Mitchell's questions considering final plat approval related to whether or not the Eoff's would be keeping trees for a boundary, if the trees had been chopped down, if neighbors had complaints, and if the Eoff's have a

landscaping plan. Mr. Karp explained that a variance was granted because of the irregular shape of the original tract and size issues of the lots as it related to an irrigation ditch. Applicant Howard Eoff explained to the Commission the issues regarding the trees located next to the irrigation ditch along the boundary line of the property. The trees were leaning and falling creating problems with the adjacent landowner, damaging fences, and creating flooding problems. Mr. Eoff showed pictures to the Commission. Motion by Commissioner Mitchell to grant final plat approval for the Eoff Minor Subdivision. Seconded by Commissioner Murdock. None voting nay. Motion carried.

County Planner Jennifer Madgic reported on consent agenda Item #4, the release of credit for the Ramshorn Major Subdivision, Phase 1 Improvements Agreement. This is the second request for a release of security, leaving a balance of \$15,000, for improvements pertaining to the project's water system. The applicant has met all the requirements and this is the final balance due. Commissioner Murdock moved to release the credit for Ramshorn Major Subdivision, Phase 1 improvements. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Larry Watson, County Grants Administrator reported on the Community Transportation Enhancement Project CTEP funding availability. This hearing is to inform the public of the availability of funding through this program. Gallatin County receives an allocation annually through this program and is currently sitting on three years of allocations. The following are the remaining allocations: FY 1998 \$81,602.00, FY 1999 \$121,732.00, FY 2000 \$131,729.00, for a total of \$335,063.00. Gallatin County can only carryover three years, therefore the Commission needs to allocate the FY 1998 allocation or forfeit the funds. The minimum project size is \$10,000.00, and requires a local match of 13.42%. Projects must be located on existing public property or property procured for public use. Projects must follow the competitive bidding process and projects must be maintained for as long as they remain in the system. The eligible projects are as follows: Bicycle pedestrian facilities, acquisition of scenic or historic easements or sites, scenic or historic highway programs, landscaping and other scenic beautification's, rehabilitation and operation of historical transportation buildings and structures, historic preservation, archeological planning and research, mitigation of water pollution due to high run off, preservation of abandon railway corridors including conversion of those corridors to bicycle pedestrian trails, control and removal of outdoor advertising and provision of safety and educational activities for pedestrians and bicyclist. There will be two additional public hearings, to hear comments on proposed applications. The application review hearings are scheduled for May 9th and May 16th, 2000. Mr. Watson submitted a letter from Kim Davit, Corridors of Life Program Coordinator for American Wildlands requested the opportunity to apply for Community Transportation Enhancement Project (CTEP) funds for research directed at reducing vehicle-caused wildlife mortality while maintaining habitat connectivity. Research is to determine how the Bozeman Pass area is being used by wildlife. Public comment: Alice Jones, Gallatin Gateway, reported they have serious concerns of traffic along Highway 191 and pedestrian biker safety. Ms Jones requested an application for a pedestrian bike trail that would run along Highway 191, for approximately 1.5 miles from Rabel Lane North to Zachariah Lane. This area encompasses a large number of children that walk to the Gallatin Gateway School, in addition to a number of adults that use this area as a recreation trail. Estimated costs for the project amount to \$205,000.00 for the 1½-mile trail, two bridges, and a culvert. Ms. Jones is a member of a 15-member committee that has local support of the school system, Gateway Youth Group, and the Willing Workers Ladies Aid, which have already pledged 1/3 of their matching funds. Their goal for the future is to provide a beautification trail system that would go from Zachariah Lane on the north to Little Bear Road on the south and then down into the Gateway community to the bridges. They have tremendous support from the public, but the big issue is safety. Commissioner Murdock suggested that Ms. Jones attend the March 28th public meeting, which will include a speed zone study in this area. In addition, he suggested Ms. Jones contact the head of a trails subcommittee Gretchen Rupp. Commissioner Olson suggested, Ms. Jones contact Emily Swanson for further information on trails. There was no further comment.

Jason Karp, Belgrade City-County Planner reported on the request for preliminary plat approval for Rocky Mountain Engineers on behalf of Paul and Nicole Griffis for a two lot minor subdivision on 20 acres, described as Tract 11 of COS #1619, situated in the SW ¼ of Section 25, T1N, R4E, P.M.M., Gallatin County, Montana. The subdivision is located north of Belgrade on Spooner Road. The proposed subdivision is a first minor subdivision from a tract of record therefore the requirements for an

environmental assessment and public hearing are waived. The applicant requested a variance from the Subdivision Regulations that require Spooner Road to be paved due to the creation of only one additional lot. A waiver of RID will be required. The Belgrade City-County Planning Board voted at their February 23, 2000 public meeting to recommend granting the requested variance due to past policy of not requiring paving for 2 lot minor subdivisions. The Planning Board voted to recommend preliminary plat approval of the subdivision, subject to the recommended conditions. Mr. Karp briefly summarized the staff report that contained criteria for the Commission to evaluate for considering the subdivision along with the suggested conditions. The Commission needs 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 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. 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, Water and Sewer Districts, and annexation into the City of Belgrade 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 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 Owners shall be responsible for the maintenance of the interior access road. e) 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 Impact fees and Fire Impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations. 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) The developer must obtain an encroachment permit from Gallatin County for the access road off of Spooner Road. 11) Road names shall be approved by the Road Office, and road name signs and STOP 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. 12) Jackpot Lane be a sixty foot right-of-way, and shall be constructed to Gallatin County standards with a cul-de-sac or "T" type turnaround at the east side of Lot 1. 13) All roadwork will need to be inspected and certified by a licensed engineer. The inspection and certification must be provided to the County Road Office in writing prior to final plat approval. 14) 30 feet of Spooner Road east of the centerline shall be dedicated to the public along the entire width of the subdivision. 15) The developer must obtain permission from the Belgrade City Council to utilize the City's water system to provide a fire protection water supply. 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 reported that the applicant was in agreement with the conditions. There was no public comment. Commissioner Murdock moved to approve the variance from the paving requirement finding that it would cause undue hardship to require the Griffis's to pave this portion of the road, adding there have been similar conditions in the past with 2 lot minors that exist in this area where they do not require it. He added that it would not be to the detriment of the public health, safety and welfare as long as they have the waiver of right to protest. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Murdock moved to approve the subdivision, finding that it is

consistent with the Belgrade Master Plan and it comports with the Subdivision Regulations, with all the conditions proposed by staff. Seconded by Commissioner Mitchell, questioning the ditch easement. Mr. Karp recommended an additional condition #16 to read as follows: "The ditch easement shown on the preliminary plat be shown on the final plat." Mr. Center approved of the addition of condition #16. In response to a question concerning the roads, Roy Steiner, Gallatin County Road Department reported that all roads meet the requirements of the Subdivision Regulations. Commissioner Murdock amended the motion to include condition #16. Commissioner Mitchell amended the second. None voting nay. Motion carried

Gallatin County Planner Jennifer Madgic reported on the continuation of consideration of a request for approval of the amended subdivision plat, Lot 2A, Block 10A for the amended James C. Boyd Subdivision G-34-C for Fluidyne, Inc., on behalf of Donald S. and Donna M. Kostelecky to create three lots from an existing 4.044-acre lot. The property is located in the SW ¼, SE ¼, SE ¼, SE ¼, of Section 35, T2S, R5E, Gallatin County, PMM, Montana; generally located east of Boyd Road, north of Cattle Drive. No variances have been requested. According to the regulations pertaining to subsequent minor subdivisions, the review process for a major subdivision applies to this proposal. The property is located in the Residential-Suburban (RS) Country Estates District of the Gallatin County/Bozeman Area Zoning District. The Gallatin County Planning board held a hearing February 22, 2000 and voted unanimously to recommend approval of the project subject to the conditions. Ms Madgic briefly summarized the staff report that contained criteria for the Commission to evaluate for considering the subdivision along with the suggested conditions. The Commission has one determination to make with this application: A determination whether or not to approve the proposed subdivision. The basis for the 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, Gallatin County Subdivision Regulations, the 1990 Bozeman Area Master Plan Update, and the Gallatin County/Bozeman Area Zoning District. 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. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. 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, and certificate prior to final plat approval. 4) Applicant shall record with 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 applicant prior to final plat approval. 7) Applicant shall record the following covenants with the final plat (also including any covenants recommended by the Gallatin County Weed Control District and Sourdough Volunteer Fire District): a) The property owners' association shall be responsible for the control of County-declared noxious weeds. b) 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. c) The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. d) The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. The cost

and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment. 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) Applicant shall establish a property owners' association or join an existing association for enforcement of the required covenants and maintenance of Boyd and Johnson roads. 9) A cul-de-sac, built to County standards, shall be required at the north end of Boyd Road. 10) Road name signs shall be required at all intersections. 11) Applicant shall enter into a joint agreement with the Boyd Subdivision Homeowners' Association for the joint maintenance of Boyd Road and Johnson Road. 12) All roadwork shall be inspected and certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Department in writing and final approval shall not be given until this documentation is received. 13) Applicant shall make a proportionate reimbursement of paving costs to Boyd Subdivision as required by the Subdivision Regulations. 14) Applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fee policy. 15) Applicant shall make payment of fire protection impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fee policy. 16) Applicant shall dedicate parkland or make a cash-in-lieu payment in accordance with the Subdivision Regulations. 17) Applicant shall meet the fire protection requirements in accordance with the Subdivision Regulations and the Sourdough Volunteer Fire District (see 11/8/99 letter from District). Applicant shall obtain written verification from the District that the required water supply and any other conditions required of the Sourdough Rural Fire District have been provided. Inspections shall be scheduled, with a 48-hour notice, during construction and completion. 18) Applicant shall provide a final plat to the Sourdough Volunteer Fire District prior to final plat approval. 19) Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Ms. Madgic presented a copy of a letter to the Commission from Brian R. Blicher, Project Engineer concerning the waiver of park requirements. She made note of the fact that in past subsequent subdivisions they have not gone into any parkland donation or cash-in-lieu because those donations have been made up front with the original subdivision. However that was not the case with this subdivision because in 1968 parkland dedication was not required. It is now required and Ms. Madgic added condition #16, requiring cash-in-lieu because it was not feasible to put a parkland donation on this property because of its size. Chief Deputy County Attorney Susan Swimley asked if this was a planned unit development, or if anything was submitted which protects critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or preserves ascetic value which would be reduced to an amount equal to or exceeding the required park dedication amount. Ms. Madgic responded no. Brian Blicher, Fluidyne, Inc., the applicant's representative confirmed that the applicant agrees to comply with all the conditions with the exception of the park requirement, which they requested a waiver. Mr. Blicher explained that the applicant is giving each lot to their children and the children intend on building and living on the lots. Because the proposed subdivision is a subsequent subdivision of an existing major subdivision, the family transfer process could not be utilized. Considering this, the cash-in-lieu of parks requirement essentially penalizes the Kosteleckys due to a technicality. There was no public comment. Commissioner Murdock stated that he could find no reason in the public interest to grant the waiver therefore he was in support of the condition as written. Chief Deputy County Attorney Susan Swimley advised the Commission that nothing submitted supports the waiver. Motion by Chairman Olson to grant the waiver. Seconded by Commissioner Murdock. Commissioner Olson voting aye. Commissioners Murdock and Mitchell voting nay. Motion failed. Commissioner Murdock moved to approve the Boyd Subsequent Minor Subdivision with all the conditions as presented by staff, finding that it is compatible with the Bozeman Area Master Plan and the Gallatin County Subdivision Regulations. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Gallatin County Manager of Subdivision and Zoning Review W. Randall Johnson reported on consideration of a public road and utility easement agreement for the Amended Plat of Lot 4 of Minor Subdivision #221 (Davis Minor Subdivision) and final plat approval. Preliminary approval by the County Commission was granted on July 21, 1999. The purpose of the amended plat was to remove language restricting building construction within Lot 4 until Roxi Lane is constructed to county standards. Since this subdivision received preliminary approval, the extension of North 27th Avenue has surfaced as an alternative primary access road through the property. The new (amended) language on the final plat restricts building construction within Lot 4 until either Roxi Lane or North 27th Avenue has been improved to county standards. A condition of final plat approval for the amended plat requires the following: 4. "The Public Road and Utility Easement between Jerald E. Swenson (or his successor(s)), and Gallatin County for a 60-foot wide public access and utility easement through Lot 1 of Minor Subdivision No. 221 shall be filed at the Clerk and Recorder's Office prior to final plat approval of the

414 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

subdivision." Mr. Johnson recommended that the Commission enter into the agreement prior to granting final plat approval for the amended subdivision plat. There was no public comment. Motion by Commissioner Murdock to accept the public road and utility easement agreement for the amended plat of Lot 4, finding that it does not materially affect the previous approval of the subdivision. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Motion by Commissioner Mitchell to approve the request for final plat approval of the amended plat of Lot 4 Minor Subdivision #221 (Davis Minor Subdivision), finding that it meets all the requirements and conditions as specified in the staff report. Seconded by Commissioner Murdock, finding that staff confirmed the conditions have been met. None voting nay. Motion Carried.

There were no pending resolutions. There being no further business, the meeting adjourned at 10:25 A.M.

Unavailable
For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 21ST DAY OF MARCH 2000

The meeting was called to order by Chairman Phil Olson at 9:03 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and Shelley Vance, Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

MARCH 13-17, 2000

The Commissioners conducted regular County business.

The following items were on the consent agenda:

1. Minutes
2. Approval of claims presented by the Auditor dated from March 10, 2000 through March 16, 2000 for Batch 1 for \$24,063.82, Batch 2 for \$36,639.63, Batch 3 for \$20,895.60, Batch 4 for \$79,312.16, Batch 5 for \$20,589.02, Batch 6 for \$95,494.03, Batch 7 for \$48,510.74, Batch 8 for \$47,656.44, Batch 9 for \$87,700.30, Batch 10 for 25,051.18, Batch 11 for \$2,405.35, for a grand *Total \$488,318.27.*
3. Consideration of the following contracts:
 - Internet and E-Mail services agreement with Summit Net
 - Copier Maintenance Agreement with Davis Business Machines.
4. Request of family transfer exemption from Carroll L. Knapp to her daughter Carla Zbojniec. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
5. Request of Mortgage exemption for Valley Meadows LLC located in Section 3, T1S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
6. Request for Zoning Improvements Agreement for the Right Now Technology Office Buildings (L00-064). Consideration of an improvements agreement with Genesis Partners, LLC, for the Right Now Technology's Office Buildings currently under construction on lots 9 & 10 in the Genesis Business Park Subdivision. The agreement and security have been reviewed and approved as to form by the Gallatin County Attorney's Office.

Commissioner Murdock read the consent, noting there were no minutes for consideration. Commissioner Mitchell made a motion to approve the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Determination of disposition of tax deed properties for Tract A of COS 998 located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, T1S, R3E in Gallatin County, commonly known as the A.E. Montana property of Campcreek Road. Chairman Olson received a call from Clinton Cain who stated the he would be willing to start bidding at \$40,000. Gary France, a certified appraiser prepared the appraisal and estimated the value range of the property to be \$6,000 - \$8,000. This property would have a higher value on a gross amount if the debris on the property were cleaned up. Discussion took place with regard to the processes required by law for disposition of the property. Commissioner Mitchell stated that the property was estimated to be worth \$36,000, and clean up cost to be \$27,680. Mr. Murdock noted that the Rural Fire Council would like to use this as a training facility. Public comment: Dave Hoekema, Fire Council Training Coordinator and head of training facilities presented a general overview on training, adding that this property would serve their purpose well. In discussion, it was pointed out that there would be plenty of room for both the Fire Council and the Road Department to utilize this property. Discussion took place with regard to the proper procedures for selling or leasing the property. It was noted about two years ago the back taxes were approximately \$100,000, of which was noted along with the penalty and interest would need to be considered in the selling price of the property. If the Commission makes a decision to sell the property, Deputy County Attorney Chris Gray will work with the Treasurer to prepare an order of sale. Chairman Olson leaned toward keeping the property. Commissioner Murdock suggested the Commission should consider the time it would take to prepare this for an auction. He was in favor of leasing and/or selling the property to the Rural Fire Council, adding that it was in the public interest. Mr. Gray pointed out that the lease for this property will trigger classification of all the property the County owns, not just this piece. Chief Deputy County Attorney Susan Swimley reiterated the property distribution process as follows: (1) Whenever the county acquires land by tax deed, it is the duty of the board of county commissioners, within 6 months after acquiring title, to enter and order to: a) sell the land at public auction; b) donate the land to a municipality, as provided in subsection (3), if the land is within the incorporated boundaries of the municipality; c) donate the land to a nonprofit corporation as a provided in subsection (3); or d) retain the land for the county as provided in subsection (3). (2) When tax-deed land is to be sold, the sale may not be made for a price less than the sales price determined and fixed by the board prior to making the order of sale. The sales price may be set in an amount sufficient to recover the full amount of taxes, assessments, penalties, and interest due at the time the tax deed was issued to the county plus the county's costs in taking the tax deed and in conducting the sale and additional taxes due, if any, at the time of the sale. (3) A board of county commissioners may, upon expiration of the repurchases period provided for in 7-8-2303: a) sell the land as provided in subsections (2) and (4); b) donate the land to a municipality with the consent of the municipality; c) donate the land to a nonprofit corporation for the purpose of constructing; (i) a multifamily housing development operated by the corporation; or (ii) single-family houses. Upon completion of a house, the nonprofit corporation shall sell the property to a low-income person who meets the eligibility requirements of the corporation. Once the sale is completed, the property becomes subject to taxation. d) retain the land for the county pursuant to 7-8-2501. Ms. Swimley provided a copy of her letter dated April 19, 1999, which states the proper procedures and outlines their options. Motion by Commissioner Murdock to retain the land in accordance with the law based on (d) and go through the process described in Section 7-8-2501, MCA, for the reasons stated, noting that it is in the public's interest to retain this land and to lease or make some arrangement with the Fire Council to use for fire safety training, based on the appraised value of which is only between \$6,000 and \$8,000, and the fact that they can park a road grader there. Seconded by Commission Mitchell, noting that she was not in support of the motion. Although the rural fire department could use the training grounds, she felt the amount of time it would take to classify all the lands according to the criteria in (d) MCA 7-8-2501 is too much for staff as they are overloaded with projects now. She suggested the Fire Council could work with somebody who might purchase this land at auction and perhaps lease from them. Thereby taking the county out of liability, out of the maintenance business, and re-cooping some back taxes. Chairman Olson was not in support of either option however he stated that he would vote to retain and classify. Further discussion took place with regard to how many pieces of land needed to be classified. Commissioners Murdock and Olson voting aye. Commissioner Mitchell voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on the Railroad Right-of-way, (Lot #3, Block 7, RGG 26392 in Figgins Subdivision). Mr. Gray explained that this was the same issue although a different set of facts. An appraisal of the property was completed. Public comment: Betsy Tomaszewski, an adjacent landowner who wants to purchase the property. Ms. Tomaszewski contacted Gallatin County Treasurer Jeff Krauss and he advised her that this property had been put up for auction twice. He recommended

416 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

that she start the process again and make a bid. Mrs. Tomaszewski submitted her letter on January 5 to Commission requesting to purchase the property. The bid was for \$1,000.00. Motion by Commissioner Mitchell to request Mr. Gray to pursue the order of sale and/or process that may have already been started to sell this Railroad right-of-way, Lot 3, Block 7, RGG26392 in Figgins Subdivision. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There were no pending resolutions. There being no further business, the meeting adjourned at 9:55 A.M.

unavailable

For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 28TH DAY OF MARCH 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, Chief Deputy County Attorney Susan Swimley, and LeeAnna Iverson, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

MARCH 20, 2000

- A special meeting of the Commissioners was held to discuss the Rural Fire District trustee elections and or appointments. In attendance were Commissioners Olson, Murdock and Mitchell, Clerk and Recorder Shelley Vance, and Deputy County Attorney Gerry Higgins. Mrs. Vance reported that she has cancelled elections of trustees in the following districts due to the fact that the number of candidates is equal to or less than the number of positions to be elected. They are: Amsterdam, Belgrade, Bridger Canyon, Gallatin Canyon Consolidated, Gallatin Gateway, Sourdough, and Willow Creek. Commissioner Mitchell made a motion to declare elected by acclamation as trustees, to the following: Del Van Den Berg, Amsterdam Rural Fire District; Richard Danforth and George Dringle, Belgrade Rural Fire District; Michael Bucher, Ken Kok, Jerry Perkins, and Herbert Rosengren, Bridger Canyon Rural Fire District; Kirk Dige and Edward Hake, Gallatin Canyon Consolidated Rural Fire District; Dick Fluke, Edward Jackson, and Phillip LaFournaise, Gallatin Gateway Rural Fire District; Eugene Geddes, III (Pete), Jack Harper, and Dave Kraft, Sourdough Rural Fire District; and Samuel Butcher, Ire Gene Crow, Le Roy Miller, and Nolan Murphy, Willow Creek Rural Fire District. Commissioner Olson seconded the motion. Motion passed unanimously. Commissioner Mitchell made a motion to appoint, pursuant to 7-33-2106 (4), Andy Douma, Roland Ligtenberg, and Robert Yadon to the Manhattan Rural Fire District. Commissioner Murdock seconded the motion. Motion passed unanimously. Commissioner Murdock made a motion to appoint Betty Bradley, Swede Jensen, and J. Russell Williams to the Story Mill Fire District. Commissioner Mitchell seconded the motion. Motion passed unanimously. Commissioner Mitchell made a motion to have the Commissioners' secretary advertise in the West Yellowstone newspaper the two vacancies on the Northside Rural Fire District Board, asking for applications for appointment. Clerk and Recorder Shelley Vance was asked to send a letter to the fire district, informing them that the Commissioners are advertising for appointments, and include an application with the letter. Commissioner Murdock seconded the motion. Motion passed unanimously. Discussion took place about the law, 7-33-2106 (4) MCA, and how to proceed regarding the lack of interest on the part of the public to serve on the Sedan Rural Fire District Trustee Board. No appointments were made to the Sedan Rural Fire District Board pending the results of a meeting with Deputy County Attorney Gerry Higgins, Rural Fire Chief Brett Waters, and Sedan residents about their fire protection.
- The Commissioners held a regularly scheduled office meeting to discuss numerous items of interest. In attendance were Commissioner Olson, Murdock, and Mitchell, Executive Secretaries Stacy Johnston and Glenda Noyes, and Fiscal Officer Ed Blackman. Mr. Blackman reported on a request for the Sheriff's Department, namely Sergeant Wade, to use \$4,942 for the purchase a 1989 Ford Bronco and Motorola radio equipment to replace the Missouri River Drug Task Force Corsica. He

explained that there are funds available for this purchase. Commissioner Murdock made a motion to approve this special expenditure based on Ed's recommendation. Commissioner Mitchell seconded the motion. Motion passed unanimously. County Auditor Joyce Schmidt submitted a request to transfer funds to pay the Clerk & Recorder's film clerk, Pam Nordheim, for the time she has spent filming records for the auditor. Commissioner Murdock made a motion to approve the transfer of funds providing that it is in her budget, is a legal transfer, and has Fiscal Officer Ed Blackman's approval. Commissioner Olson seconded the motion. Motion passed unanimously. Fiscal Officer Ed Blackman submitted a memo for approval, written to Clerk and Recorder Shelley Vance, for the transfer of fees in order to close out RID 370. Commissioner Murdock made a motion to approve the memo dated March 17, 2000 regarding RID 370 per Mr. Blackman's recommendation. Commissioner Olson seconded the motion. Motion passed unanimously.

MARCH 21, 2000

- A special meeting of the Commissioners was held to consider approval of two emergency claim requests. In attendance were Commissioners Olson, Murdock, and Mitchell, County Auditor Joyce Schmidt, Clerk and Recorder Shelley Vance, and Accountant Susan Lang. Mrs. Schmidt reported that the claims in question are valid claims against the County, but were not turned in on time to be processed with the run dated March 16, 2000. She also noted that they have been declared as emergencies because one would be a hardship to the vendor if not paid and the other's invoice date is March 1, 2000 and she is trying to process it in a timely manner. Commissioner Murdock made a motion to approve the claims based on the Auditor's recommendation. Commissioner Mitchell seconded the motion. Motion passed unanimously. Discussion took place regarding the need to find a different way to process claims. The Commissioners requested the Auditor and Clerk and Recorder come up with a revised plan to process claims in order to pay claims in a more timely fashion and eliminate extra meetings.

MARCH 22-24, 2000

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

1. Minutes
2. Approval of claims
3. Consideration of contract(s): GC and U.S. Office of Justice Programs for Local Law Enforcement Block Grant; and Maintenance Agreement with Davis Business Machines for Copier Revolving Fund
4. Consideration of Proposal(s): DPHHS for Funding under Community Incentive Program
5. Request of boundary relocation exemption for Saralee Visscher/Theisen Ranch LTD, located in the NW ¼ Section 31, T1S, R7E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
6. Request of boundary relocation exemption for Lucille Donlan/Daniel & Phyllis Astheimer, located in Section 23 & 24, T2S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
7. Request of boundary relocation exemption for Mike & Pamela Dale, located in the NW Section 24, T2S, R7E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
8. Request of boundary relocation exemption for Robert & Carol Baird, located in Section 20, T1S, R6E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
9. Request for final release of the letter of credit for the Aspen Groves Phase II Subdivision Improvements Agreement. Applicant requested and received a partial release of this security totaling \$355,905.92. This request would release remaining security, a balance of \$439,487.83 for improvements pertaining to the project's water system improvements, sewer system improvements, storm drainage improvements, and road improvements.

Commissioner Olson announced that regular agenda Item #1, Continuation of a request for a Conditional Use Permit for the Heritage Park CUP; Item #4, Consideration of a resolution of the Gallatin County

Commission amending the Land Use Plan Map and the Official Zoning Map for the Gallatin Canyon/Big Sky Planning and Zoning District, per the request of Gallatin County Planning; and Item #5) Consideration of a resolution of the Gallatin County Commission amending the Gallatin Canyon/Big Sky Zoning Regulation to add Section 21.A ("Town Center Commercial") and Section 21.B ("Town Center Residential"), were continued indefinitely.

Commissioner Murdock read the consent agenda, noting there were no minutes or claims for consideration. There was no public comment. Larry Watson, County Grants Administrator requested that consent agenda Item #4, be continued indefinitely. Commissioner Mitchell requested that the GC and U.S. Office of Justice Programs for Local Law Enforcement Block Grant contract be placed on the regular agenda, for further discussion. Commissioner Mitchell made a motion to approve the consent agenda, as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Larry Watson, County Grants Administrator reported on the GC and U.S. Office of Justice programs for Local Law Enforcement Block Grant. Discussion took place with regard to whether or not this was a matching fund grant. Motion by Commissioner Murdock to approve the contract with GC and U.S. Office of Justice programs for Local Law Enforcement Block Grant. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Lee Alt, Butte District traffic engineer with the Montana Department of Transportation presented the Speed Zone Study recommendation for US 191, noting they would be allowing 60 days from the date of his letter to receive written comments. Once the comments are received they will schedule it for the Highway Commission meeting. The speed zone study included US 191 from the mouth of Gallatin Canyon to the Yellowstone Park boundaries. The portion of the route within the boundaries of Yellowstone National Park was not included, which is posted with a 55 mph speed limit. Mr. Alt explained how they make their determinations. As indicated by the range of the 85th percentile speeds and pace, the speed profile within the corridor From the City of West Yellowstone to the south boundary of Yellowstone Park the 85th percentile speeds ranged 64 mph to 70 mph. The pace ranged from (52 mph - 62 mph) to (58 mph - 68 mph). From the north Yellowstone Park Boundary to the intersection with MT 64 the 85th percentile speeds ranged between 60 mph and 68 mph. The pace of traffic ranged from (49 mph - 59 mph) to (58 mph - 68 mph). North of the intersection with MT 64 within the Gallatin Canyon the 85th percentile speeds range from 57 mph to 65 mph. The pace speeds range from (46 mph - 56 mph) to (55 mph - 65 mph). This variance in the travel speeds occurred throughout the segment of US 191 from the intersection with MT 64 to the north end of the canyon. He also went over the accident history. From this investigation and the resulting conclusions the MDOT recommends the following 60 mph speed limits for US 191. A 60 mph rural speed limit beginning at the north boundary of Yellowstone National Park and continuing north to the 55 mph speed limit at Big Sky, and a 60 mph speed limit beginning at the mouth of the canyon and continuing to Big Sky. In discussion regarding school zones, Jason Giard, MDOT District Engineer clarified that any school zone could be reduced by 20% at the Commission's request. He also noted that WTI is looking at special signs to be put into the canyon that would have suggested speed limits and would adjust to various weather conditions. This process is probably two years away and they are also not enforceable. Further discussion took place with regard to a plan to make additional turnouts along the road and setting speed limits. Mr. Giard explained that the MDOT is in the process of reviewing turn bays all the way through the canyon and four (4) lane sections down throughout the canyon, as well as a passing section. Mr. Alt will get a letter out to the Commission, letting them know when the 60 days will start for receiving comment. Public comment: Kim DeBruycker (submitted (7) photos), Alice Jones (submitted MDOT letter regarding safety statistics labeled Exhibit "A"), Russ DeRemer, Duane Walker, Tim Browning, Lori Davis, Brad Flategraff (signed up, did not speak), Lauri Olsen, Alan Brown, Richard Barton (submitted a written copy of his testimony), Robin Cunningham, and Candace Heath from the Gallatin Gateway and Big Sky Communities were in support of the MDOT immediately lowering the speed limit on both sides of the flashing yellow sign near their school; setting a reasonable speed limit from Four Corners to the mouth of the canyon; a four way stop light where the flashing lights currently are; development of the proposed tunnel for the safe passage of children/pedestrians and more law enforcement of the speed limits. Mr. Giard commented on problems with signals, noting that a tunnel would be a much better proposal to get children across the road. He proposed a project to improve the geometrics and install a tunnel and conduct a speed zone study for a two to three mile section through Gallatin Gateway. Commissioner

Mitchell suggested they conduct a study at the intersection for a signal as well. Mr. Giard/MDOT stated on the record that the Commission may use the October 1, 1996, School Crossing study to base their 20% reduction from the 65 mph calculated. Commissioner Mitchell requested that the MDOT do an additional study due to the four-year span in the study and because of major changes that have taken place in the Gallatin Gateway area. Mr. Giard presented the Commission with four items that the MDOT will proceed with: 1) conduct signal warrant study at the intersection 2) speed zone study for 3 mile section through Gallatin Gateway 3) proceed to nominate a project to realign the approaches 4) work on installing the tunnel as soon as possible. Further discussion took place with regards to the speed limit from Four Corners to Violet Road and to the mouth of the canyon. Ms. Swimley requested the exact distance and the beginning and ending of the reduced school speed zone. Mr. Giard will send a recommendation in writing to Ms. Swimley this week so she can draft an ordinance for the Commission to consider. Mr. Giard requested that the Commission put together all the information they have received and send the compiled information to him within 60 days.

Shelley Vance, Gallatin County Clerk and Recorder reported on the public hearing for annexation of property into the Sourdough Rural Fire District, described as Tract 1 of COS 1560B located in the SW¼ of Section 32, T2S, R6E. Notice of this public hearing was published in the Bozeman Daily Chronicle on March 12 and 19, 2000. The Commission received this petition on February 29, 2000. Public comment: Norm Lloyd owner of the property spoke in support of the annexation. Brian Crandell on behalf of the Sourdough Fire Department confirmed that the trustees and the fire department were in full support of the annexation. Commissioner Mitchell motioned to approve Resolution #2000-14. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Larry Watson, County Grants Administrator reported on the second public hearing concerning availability of funding under the Community Development Block Grant (CDBG) Program and the HOME Program. The purpose of this hearing is that it is required by the funding provider to maintain the county's eligibility to receive funding. There are three categories for funding: housing; public facilities; and economic development. The County is not eligible to receive funding under the public facilities category this year because the county currently holds a grant in this area for Rae Water and Sewer. The application deadline for the Housing and the HOME Program is not until September 2000, so there is still a substantial amount of time to apply for these categories. Mr. Watson pointed out the following changes. The most significant change to the program this year is the increase in the interest rate for the Economic Development Program to 8%. Mr. Watson is anticipating a small increase in the county's interest rate due to the marketability of the loans to approximately 7%. Another change is the number of jobs that need to be created for the amount of money that is borrowed. There is a new category for work force investment, which allows company's to borrow up to \$5,000.00 per employee for work force training to establish qualified workers. The state begins accepting applications on April 20th and continues until the money is gone. Public comment: Jack Joyner spoke regarding interest rates.

Shelley Vance, Gallatin County Clerk and Recorder reported on the receipt of petition for annexation of Tract 14 of COS 1684A into the Story Siding Herd District #7. Said tract of land is located in the S½ SW¼ of Section 24 and the N½ NW¼ of Section 25, all in T2S, R7E. Ms. Vance verified that the petition meets all the requirements. She recommended that the public hearing date be scheduled for April 25, 2000. Publication dates will be April 2nd, 3rd and 4th. There was no public comment. Commissioner Mitchell motioned to accept the petition and set the public hearing date for April 25, 2000. Seconded by Chairman Olson. Commissioner Murdock abstained from voting. Motion carried two to one.

Fiscal Officer Ed Blackman introduced a pending resolution to amend the Gallatin County Community Block Grant Fund FY 2000 budget to include unanticipated grant revenues for the Grant's Administration Department to conduct small business innovation research technical assistance activities. Motion by Commissioner Murdock to adopt Resolution #2000-10A. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

420 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Fiscal Officer Ed Blackman introduced a pending resolution of intent to approve the request by the Gallatin Gateway Rural Fire District Board of Trustees to expend revenues received from fire impact fees for the purchase of a fire apparatus. Motion by Commissioner Mitchell to adopt Resolution of Intent #2000-15. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Fiscal Officer Ed Blackman introduced a pending resolution setting the public hearing date for consideration of approving tax benefits Lattice Materials Corporation, pursuant to Statute 15-24-1402 MCA. Motion by Commissioner Mitchell to adopt Resolution #2000-16. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business, the meeting adjourned at 11:25 A.M.

*Unavailable
for signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 4TH DAY OF APRIL 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Smith Mitchell, Deputy County Attorney Chris Gray and LeeAnna Iverson, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

APRIL 17, 2000

The Commissioners attended a regularly scheduled office meeting where numerous items were discussed and decisions made. In attendance were Commissioners Olson, Murdock, and Mitchell, and Executive Secretaries Stacy Johnston and Glenda Noyes. The following are the decisions made:

- Grants Administrator Larry Watson reported on SBIR Vendor Payment Authorization. He noted that Deputy County Attorney Chris Gray had been consulted on this issue. Mr. Gray and Mr. Watson request that the Commission approve the vendor contracts as a whole so that they might be included in the regular P.O. run rather than as small individual contracts to save time and expense paying these small invoices individually. Commissioner Murdock made a motion to approve the small contracts under the vendor contract, to be paid as part of the P.O. run. Commissioner Mitchell seconded the motion. Discussion took place and Commissioner Mitchell asked that the SBIR payments be noted individually as part of the claims approval process on the Public Meeting agenda. Motion passed unanimously.
- Grants Administrator Larry Watson reported on the Juvenile Accountability Block Grant. This grant is in jeopardy due to the fact that the plan changed from constructing a new facility to remodeling the current facility. In order to keep the grant, a proposal needs to be submitted to allow the grant to be used on the current changes instead. Commissioner Murdock made a motion to approve a modification to the original Juvenile Accountability Block Grant proposal. Commissioner Olson seconded the motion. Motion passed unanimously.
- Commissioner Mitchell gave an update on the Phase II, Gallatin County Courthouse Remodel. A letter from Roy Steiner requesting Commission opinion on various remodel issues was brought to the table. The Commission approved all of the issues at hand.
- FY 2001 ITS budget requests were discussed and it was determined that the Commissioners will request \$1,000.00 be set aside for upgrades and \$2,500.00 be designated for purchasing a laptop for Commissioner Mitchell.
- Executive Secretary Stacy Johnston reported that she obtained two estimates for appraisals of the Mendenhall properties; one from Gary France and one from Dan McCloy. Both were for \$800.00.

Gary France completed a previous appraisal for the County, hence the Commission decided to request Dan McCloy do these appraisals, since the estimates were comparable. Commissioner Murdock made a motion to request Dan McCloy complete an appraisal on Block D, Lots 30-31 and 32-33 of Tracy's 1st Addition. Commissioner Mitchell seconded the motion. The Commissioners asked that Mr. Mike McKenna be notified that Mr. McCloy would be completing the appraisals. Motion passed unanimously.

APRIL 18-20, 2000

- The Commissioners conducted regular County business.

APRIL 21, 2000

- A special meeting of the Commissioners was held in cooperation with the U.S. Forest Service and County Road Department. In attendance were Commissioners Murdock and Olson; Jonathan Kempf, Gene Gibson and Jeff Hiedeman of the U.S. Forest Service; Jan Lerum and Nancy Halstrom of the Bozeman Ranger District; and Gallatin County Road Superintendent Lee Provance. Items on the agenda for discussion were review of the Cooperative Road Maintenance agreement for the summer 2000 and the present Forest Service Public Road program and the potential effects of it. Two agreements were made regarding these issues. Schedule A Year 2000 Maintenance will be added to the U.S. Forest Service Cooperative Agreement and submitted to the County Commission for approval. Road Superintendent Lee Provance will continue the 50' width restriction for Bear Canyon Road. The second agreement pertains to cooperative road issues. The Forest Service and the County agreed to get together mid-summer or fall to address the cooperative road issues.

The following items were on the consent agenda:

1. Approval of Commissioners' 1999 Daily Minutes for weeks of August 16, 23 & 30; September 6, 13, 20 & 27; October 11, 18 & 25; November 8, 15, 22 & 29; and December 6, 13, 20 & 27.
2. Approval of claims presented by the Auditor dated April 14, 2000 through April 20, 2000 for P.O. #49750 for \$508.50, P.O. #49751 for \$244.60, P.O. #62925 for \$50.00, P.O. #62926 for 269.96, P.O. #62930 for \$199.00, P.O. #64768 for \$9,950.00 totaling \$11,222.06.
3. Consideration of Contract(s): Lease of Rest Home Annexation Land to John Ham; MBCC for the Youth Probation Intensive Supervision Program; Juvenile Accountability Block Grant Fund for FY 2001; Temporary Floodplain Administrator Agreement with Morrison-Maierle; Public Defender Contract with Schraudner & Hillier, LLP for Justice Court; Public Defender Contract with Bowen & Parker for Justice Court; and Continuation of Mail & Courier Services Agreement with Same Day Delivery.
4. County road cost share agreement - Menard Road

Commissioner Mitchell read the consent agenda, noting that Item #4 was continued. Commissioner Olson requested that the Temporary Floodplain Administrator Agreement with Morrison-Maierle be placed on the regular agenda for further discussion. Motion by Commissioner Mitchell to approve the consent agenda, as modified. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Chairman Olson noted that regular agenda Item #2, consideration of a resolution to amend the Gallatin County Planning Board FY 2000 budget to include unanticipated revenues from the Bozeman Jurisdictional (Donut) Area has been continued for one week.

Chairman Olson was concerned with the wording provision of the Temporary Floodplain Administrator Agreement with Morrison-Maierle. Deputy County Attorney Chris Gray agreed that the wording for the provisions should be re-written however in the past Morrison-Maierle has been hesitant in changing their standard form. Chairman Olson preferred to visit with Morrison-Maierle before the Commission agrees with this contract. Motion by Chairman Olson to continue action for one week. Seconded by Commissioner Mitchell. Commissioners Olson and Mitchell voting aye. Commissioner Murdock voting nay. Motion carried.

Joe Driskell, Gallatin County Treatment Court Coordinator presented to the Commission a proclamation declaring the Month of May 2000 as "National Drug Court Month", and a report on the status of the project. Mr. Driskell read the proclamation. The Commission commented that they were extremely proud of this program and congratulated it on its success. Commissioner Murdock made a motion to claim this "National Drug Court Month". Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Shelley Vance, Gallatin County Clerk and Recorder reported on the public hearing to consider a petition for the annexation of Tract 14 of #1684A, commonly known as Tract 14 of the Timberline Creek Subdivision. Said tract of land is located in the S ½ of the SW ¼ of Sections 24 and the N ½ of the NW ¼ of Section 25, all in T2S, R7E, PMM, Gallatin County, Montana. The petition was submitted to Gallatin County on March 13, 2000. Notice of today's public hearing was published in the Bozeman Daily Chronicle on the April 2, 3, and 4, 2000. Based on the records in the Clerk and Recorder's Office, Ms. Vance examined the petition and certified that it does meet the criteria. She presented a map, which was entered into the record and will be attached to the petition. The Clerk and Recorder's Office have received no protests. Public comment: Susan Killian representing Mona Beauchamp who could not be present, spoke in support of the Story Siding Herd District. Ms. Killian provided information about the proposed annexation. She stated if fences were put up it would disturb the migrations of elk on this land. They believe that they have met all the requirements for the annexation. Commissioner Murdock was not in support of the annexation. Commissioner Mitchell was concerned that this did not keep the district in a regular shape, and was also disturbed they were going to see these annexations one at a time. The Commission was concerned about the shape of the property and the reasons for bringing this property forward now. Commissioner Olson did not believe it was symmetrical and was not inclined to vote in favor of this annexation. Ms. Vance requested that the Commission continue this discussion for the end of the agenda, until she could provide another map showing the whole district. The Commission agreed to the continuance.

Deputy County Attorney Chris Gray reported on consideration of a resolution regarding a second order of sale for Gallatin County Tax Deed Property located in the Abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad adjacent to Lot 3, Block 7 of Figgins Addition 4th Phase to Bozeman, Montana. On August 21, 1992 Gallatin County accepted a tax deed on the said property. On September 30, 1992 the property was offered for sale at public auction pursuant to Section 7-8-2301 MCA. The sale price of the property was set at \$970.00. No bids were received at the auction and the original taxpayer from who the tax delinquencies were assessed did not attempt to repurchase the property pursuant to Section 7-8-2303 MCA. A second auction before the County Commission can formally entertain offers of a negotiated sale; Gallatin County fully intends to accept offers for a negotiated sale for the property before the auction takes place. There was no public comment. Commissioner Murdock made a motion to adopt Resolution #2000-24. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on consideration of a request to amend a condition of preliminary plat approval for Fluidyne Inc., on behalf of George and Marie Christie for the Christie Minor Subdivision. This request would affect Condition #9, which concerns provision of a wetlands delineation. The proposed two-lot Christie Minor Subdivision consists of a 102.1-acre parcel located in the SE¼ of Section 36, T1S, R6E, PMM, Gallatin County, Montana; or generally located southeast of the intersection of Bridger Canyon and Kelly Canyon roads. The two proposed lots would contain the following acreage: Lot 1: 43.8 acres; and Lot 2: 58.3 acres. The Gallatin County Commission approved the preliminary plat of this proposal December 14, 1999. Section 13.G of the Gallatin County Subdivision Regulations addresses changes to conditions after approval as follows: Upon written request of the subdivider, the Commission may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. A public hearing notice was published on April 2, 2000 in the Bozeman Daily Chronicle. Certified letters were mailed to adjacent property owners. To date, no comment has been received regarding the proposed request to modify a condition. The County Commission has one determination to make with this application: 1) A determination as to whether to approve the proposed

change of condition. The Commission may change conditions where it is found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. If the Commission decides to approve the condition(s) modification request, the following amendment(s) for final plat approval are suggested: Condition #9 of the Findings of Fact would be eliminated and replaced with the following: 1) The final plat shall include the following statement: "Lot owners are advised that wetlands are present within the boundaries of this subdivision. Section 404 of the Clean Water Act prohibits construction activities within wetlands without a permit from the US Army Corps of Engineers. 404 Permits require site-specific wetland delineation in the area of proposed construction." Presently condition #9 reads as follows: "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 certified consultant. The wetlands delineation shall be shown on the final plat." Tom Kallenbach with Fluidyne Inc., representing the applicant reported on the justification for the modification. Public comment: Robert Bellows is in opposition of this subdivision and fears that his water sources will be jeopardized. The Commissioners took his concerns into consideration in their discussion. Some assurances were noted through the Subdivision Regulations and the Bridger Canyon Zoning District and Regulation that provide some security as far as creeks and wetlands are concerned. Commissioner Murdock moved to approve the condition as proposed by staff and amend it according to the staff report, finding that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Manager of Subdivision & Zoning Review, W. Randall Johnson reported on the consideration of a request to amend a condition of preliminary plat approval for Leelynn, Inc., and Wiley MT, Inc for the Spanish Peaks Estates Phases 1-4 Major Subdivision. This request would affect Conditions #5, 28, 40 and 52 of the approved preliminary plat pertaining to these phases. The proposed Spanish Peaks Estates Phase 1-4 Major Subdivision includes 102 single-family residential lots, with lots ranging in size from 2.01 to 6.7 acres. The property is located in a portion of Sections 3, 9 and 10; T7S, R3E, PMM, Gallatin County, Montana. The property is generally located between the Big Sky Meadow Village, Mountain Village, and the Pioneer Mountain Resort. The Gallatin County Commission approved the preliminary plat of this proposal in August 1999. Section 13.G of the Gallatin County Subdivision Regulations addresses changes to conditions after approval as follows: Upon written request of the subdivider, the Commission may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. A public hearing notice was published on April 2, 2000 in the Bozeman Daily Chronicle. Certified letters were mailed to adjacent property owners. To date, no comment has been received regarding the proposed variance request or requests to modify the conditions. The County Commission has one determination to make with this application: 1) A determination as to whether to approve the proposed change of condition. The Commission may change conditions where it is found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. If the Commission decides to approve the condition(s) modification request, the following amendment(s) for final plat approval are suggested: Conditions #5, 28, 40 and 52 as applied to Phases 1, 2, 3 and 4, would be eliminated and the following irrevocable covenant would be added as a condition to all phases: 1) A site specific analysis and geotechnical study, prepared by a licensed professional engineer, shall be required in connection with proposed construction of any single-family residence. This covenant is irrevocable. Presently conditions #5, 28, 40, and 52 read as follows: A geotechnical study shall be completed for each lot within Phases 1, 2, 3 and 4. A professional engineer, licensed in the State of Montana, shall certify that no geotechnical constraints exist that would adversely affect development. Attorney Joe Sabol, representing Leelyn, Inc. and Wiley MT, Inc., presented information to support the amendment to the conditions of preliminary plat approval. There was no public comment. Satisfied that the request is in the public interest, and finding that the condition was unnecessary the way it was written, Commissioner Murdock moved to approve the amendment to the conditions of preliminary plat approval, with the language to be amended as written by staff. Seconded by Mitchell Commissioner. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on consideration of a request for a one-year extension of preliminary plat approval Richard Kerin of Kerin & Associates, on behalf of The Settlement Inc. for the Settlement Major Subdivision. The following agenda item was heard simultaneous. The County Commission approved the preliminary plat of Phase II on May 2, 1995, and granted a one-year extension of preliminary plat approval on April 28, 1998. That extension expired May 2, 1999. At the time, the

applicant was unable to complete improvements within the required timeframe. Applicant is now requesting a second, one-year extension to complete required improvements pertaining to Phase II. From preliminary plat this would extend final plat for six years. Section 3.D.7 of the Gallatin County Subdivision Regulations grants the Commission the authority to grant a one-year extension of preliminary plat approval. If approved, the preliminary plat of Phase II of the Settlement Subdivision would expire May 2, 2001. The original Settlement Subdivision consisted of Phases 1 through IV, which included 61 lots, ranging in size from 6,800 to 10,000 square feet. Phase I received final plat approval on August 26, 1997. The proposal is located within the Churchill community. The County Commission has one determination to make with this application: 1) A determination as to whether to grant the one-year extension request. If the Gallatin Commission decides to approve the extension, the following conditions are suggested: 1) Applicant shall receive a variance to allow a one-year extension of the improvements agreement. 2) Applicant shall receive a one-year extension for the Improvements Agreement for Phase II improvements, to be reviewed and approved by the County Attorney's Office. 3) Preliminary plat approval for the Settlement Subdivision, Phase II, shall expire on May 2, 2001. There was no public comment. Commissioner Mitchell moved to extend for one year the final plat approval for Phase II of the Settlement, with the same findings and conditions as suggested by staff. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on consideration of a variance request for Richard Kerin of Kerin & Associates, on behalf of The Settlement Inc. for a one-year extension of the Improvements Agreement pertaining to Phase II improvements for the Settlement Subdivision. The applicant entered into an improvements agreement for such improvements and has since extended the maximum time period allowed under the Subdivision Regulations. This request would require a variance from the Subdivision Regulations. The original Settlement Subdivision consisted of Phases I through IV, which included 61 lots, ranging in size from 6,800 to 10,000 square feet. Phase I received final plat approval on August 26, 1997. The proposal is located within the Churchill community. The County Commission has one determination to make with this application: 1. A determination as to whether or not to grant the 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. If the Commission decides to approve the variance the following conditions are suggested: 1) Applicant shall receive a one-year extension for the Improvements Agreement for Phase II improvements, to be reviewed and approved by the County Attorney's Office. 2) Preliminary plat approval for the Settlement Subdivision, Phase II, shall expire on May 2, 2001. Project Engineer Rick Kerin outlined the reasons for the requested variance and the one-year extension of preliminary plat approval. He reported to the Commission that this does meet all the criteria required. Attorney Joby Sabol representing the applicant commented that this request was financially driven, adding that this subdivision meets the Master Plan to a tee. Mr. Sabol suggested that the public interest would not be best serviced if they had to go back and resubmit as a major subdivision. There was no public comment. Finding this would not serve the public's interest or county to start over, given so much work has been done, and that it does meet all the criteria, other than the loss of impact fees, Commissioner Mitchell moved to grant the variance request, finding that the strict compliance would create undue hardship and it is not essential to the public health, safety and general welfare, including the conditions suggested by staff. Seconded by Commissioner Murdock, finding Mr. Sabol's comments are on point. None voting nay. Motion carried

Gallatin County Manager of Subdivision & Zoning Review W. Randall Johnson reported on the request for preliminary plat approval for Gaston Engineering and Surveying, on behalf of Brian Wheeler for the Sleeping Bear Minor Subdivision for a five (5) lot minor subdivision. The proposed subdivision also includes 12.1 acres of common open space. The subdivision will be serviced by individual on-site water wells and septic systems. The property consists of 23.486 acres located in the NE ¼ of Section 34, T6S, R3E, P.M.M., Gallatin County, Montana. In general, the property is located off Highway 64, approximately 4.5 miles west of the intersection of Highways 191 and 64. Mr. Johnson briefly summarized the staff report that contained criteria for the Commission to evaluate for considering the subdivision along with the suggested conditions. The County Commission needs to make the following determinations: 1) A determination as to whether or not the application meets the requirements of Section 76-3-608 MCA of the Montana Subdivision and Platting Act; and, 2) A determination as to whether or not the application complies with the provisions of the Gallatin County Subdivision Regulations. If the County Commission approves the subdivision, 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)

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) An encroachment permit for access on to Highway 64 shall be obtained from the Montana Department of Transportation. 4) The section of the interior access road which crosses Tract 2 of COS 1504 shall be within a public right-of-way easement. 5) Interior road plans, road maintenance plans, drainage plans, lot access plans, and sign plans shall be submitted to the County Road & Bridge Department for approval prior to any road construction. 6) The unnamed interior subdivision road shall have a 60-foot public dedicated right-of-way, 50-foot radius cul-de-sac, and be constructed to county road standards, with the first 75 feet off Highway 64 paved. The subdivider shall either: 1) construct the interior access road prior to final plat approval, or; 2) complete the construction of the interior subdivision road under an approved improvements agreement with Gallatin County. 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 interior subdivision road name shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 9) A road name sign and STOP sign shall be required at the intersection with Highway 64. Road sign and 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 7.G.2 of the Gallatin County Subdivision 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 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". 12) The subdivider shall either: 1) cause the subdivision to be included in the Gallatin Canyon Rural Fire District; or 2) contract for fire protection services with the Gallatin Canyon Rural Fire District ; or 3) provide other reasonable protection as recommended by the Fire Chief, his designee or the fire district and approved by the County Commission. 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 record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 15) The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 16) The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 17) A property owners' association for the subdivision shall be created. 18) Covenants for the subdivision shall include the following provisions: a) Place title to common open space property with the property owners' association. b) Common 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) As concerns common open space; the property owners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. e) As concerns common open space; assessments levied by the association must be able to become a lien on the property. f) As concerns common open space; the property owners' 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 common 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 property owners' association. i) The property owners' 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) Class A or B fire-rated roofing materials shall be used. l) Spark arrestor screens shall be placed on all fireplace and wood stove chimneys. m) Smoke detectors shall be installed on each level of dwelling units. n) The vegetation reduction and clearance guidelines of the Fire Protection Guidelines for Wild land Residential Interface Development shall be used. o) Open fires shall be prohibited, except at designated locations. p) The artificial feeding of all big game wildlife shall be prohibited. q) All garbage shall be stored in animal-proof containers or otherwise be made unavailable to animals. r) 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. s) Fencing along the exterior boundaries of lots shall be prohibited. t) The taking of any wildlife species within the property is prohibited, except for catching fish. u) Pets shall be controlled by each owner, and not allowed to roam within the subdivision. v) 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. 19) Two copies of the covenants, a copy of the preliminary approval document, documents establishing the property owners' association, improvements agreement, public 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, improvements agreement, public road easement documents, and certificate of title abstract prior to final plat approval. 20) The developer shall have three (3) years to complete the above conditions and apply for final plat approval. Dennis Foreman, Gaston Engineering representing the developer stated that they are in complete agreement with all the conditions. There was no public comment. Finding that this subdivision is consistent with the Big Sky Master Plan and the Gallatin County Subdivision Regulations, Commissioner Murdock moved to approve the Sleeping Bear Minor Subdivision with the conditions as presented by staff. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Continuation of consideration of a petition for annexation into the Story Siding Herd District. Clerk and Recorder Shelly Vance presented a new map of the entire area to the Commission to present the district in a different perspective. This map in addition will also be labeled and attached to the petition. Further discussion took place with regard to the requirements of those outside the district. Deputy County Attorney Chris Gray read what the Commissions obligations are today in relation to the annexation itself as follows: Pursuant to 81-4-310(2) MCA. "If the County Commissioners determine that the boundaries are reasonably regular and symmetrical in shape in relation to the geographical features of the properties proposed for annexation, the County Commissioners may declare that those properties are annexed into the herd district". The Commissioner's determination at this point is whether or not the boundaries are reasonably regular and symmetrical in shape in relation to the geographical features of the property proposed for the annexation. A secondary source would be the definition of symmetrical: Capable of division by a longitudinal plane into similar halves. Which means you can fold it in on itself. The line is not clear on the law on who is responsible for building a fence on the property. Commissioner Murdock reiterated that he was not in support of this herd district, noting if the annexations come in piece meal he felt it was unreasonable to place on the people required to fence out their livestock the possibility of changing fence lines, adding that it was not in the public interest. Motion by Commissioner Murdock that the Commission finds that the boundaries are not reasonably regular and symmetrical in shape in relation to the geographical features of the properties proposed for annexation based on observations, the maps presented, and the dictionary definition of symmetrical as read by the Mr. Gray. Seconded by Commissioner Mitchell. Commissioner Murdock adding that they are looking at this particular piece that is being proposed for annexation in relationship to the entire herd district and recent additions. None voting nay. Motion carried. Commissioner Murdock made a motion to deny the annexation request based on the previous findings. Seconded by Commissioner Mitchell. None voting nay. Motion Carried.

There were no pending resolutions. There being no further business, the meeting adjourned at 11:15 A.M.

LeeAnna Iverson
for signature

CHAIRMAN APPROVAL

Shelly Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 11TH DAY OF APRIL 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, Deputy County Attorney Chris Gray and LeeAnna Iverson, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

APRIL 3, 2000

- At the regularly scheduled office meeting, numerous items of priority were discussed. In attendance were Commissioners Olson, Murdock and Mitchell, and Executive Secretary Stacy Johnston. Commissioner Olson called the meeting to order at 10:40 a.m. Commissioner Murdock first moved to approve the Cooperating Counties' response, noting changes as proposed by Commissioner Mitchell, to NPS' announcement that Alternative G is its new preferred alternative for the Winter Use EIS plan. Commissioner Mitchell seconded the motion; motion passed unanimously. Commissioner Murdock moved to approve a change order for \$326 from KB Building and Supply was submitted to cover additional roofing insulation not considered in Contract No. 2000-98 with Gallatin County Road Dept. Commissioner Mitchell seconded the motion; motion passed unanimously. Commissioner Mitchell moved to authorize the Sheriff's Dept. request to move ahead in negotiations with Ford Motor Credit for a new Explorer. Commissioner Murdock seconded contingent upon Fiscal Officer Ed Blackman's approval. Motion passed unanimously. Commissioner Murdock moved to order limited appraisals of adjacent properties to the courthouse, namely 322 and 404 W. Mendenhall. Commissioner Mitchell seconded the motion; motion passed unanimously. Secretary Stacy Johnston was directed to contact Dan McCloy to perform these appraisals.

APRIL 4-6, 2000

- The Commissioners conducted regular County business.

APRIL 7, 2000

- The Commissioners attended a regularly scheduled Finance Committee meeting. In attendance were Commissioners Olson, Murdock and Mitchell, Treasurer Jeff Krauss and Clerk and Recorder Shelley Vance. The Finance Committee voted unanimously to make three goals for the 2000 year as follows: (1) Have a clean audit and no continuing audit comments; (2) Have a Systems and Internal Control Analysis; and (3) Develop an Accounting Manual/Alternate Accounting manual. The group also discussed the recommendation of the Treasurer and Clerk & Recorder to hire or contract with an outside accounting professional to reconcile the Claims and Payroll Clearing funds cash on a monthly basis from June 1998 to May 2000. Commissioner Murdock made a motion to accept the recommendation of the Treasurer and Clerk & Recorder, with County Attorney review and approval. Commissioner Mitchell seconded the motion. Motion passed unanimously.

* * * * *

- Landfill Receipts for March 2000: \$66,537.83.
- Payroll for March 2000: \$965,079.60.
- Clerk & Recorder's Fees Collected for March 2000: \$35,437.92.
- New Hire Report for March 2000: SHERIFF – Jamie Young, Morgan Roberts, Jay Childress; REST HOME – Erica Eckerson, Mechelle Holmes, Danielle Perry, Melissa Purdham, Karen Knoelke, Amanda Evans, Carrie Denton; HEALTH (WIC) – Lindsie Feldner; MOTOR VEHICLE – Daryl Monroe-Bilotti, Amy Dileo; 911 – Lois Starr; CLERK OF COURT – Judith Acker; ENVIRONMENTAL HEALTH – Erinn Zindt; ROAD & BRIDGE – Lee Provance; CLERK & RECORDER – Tammy Barnett; FARGROUNDS – Debra Holwegner.
- Terminated Employees' Report for March 2000: SHERIFF – Richard Flink 2/28/00, Joy Pitkin 2/28/00; REST HOME – Sharon DeShields 2/28/00, Wendy Fowler 3/03/00, Sara James 3/13/00, Carrie Denton 3/23/00, Cheryl Anderson 3/23/00; ROAD & BRIDGE – Clyde Leazenby; ATTORNEY – Jane Callantine 2/29/00.

Received & Approved Applications for Cancellation of Taxes for March 2000: \$69.80.

Addition to the Regular Agenda: Presentation regarding Detention Center Contract for the Construction on Code Violations.

The following items were on the consent agenda:

428 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

1. Approval of claims presented by the Auditor dated March 31, 2000 through April 6, 2000 for P.O. #57502-29-32 for \$9,200.03, P.O. #62923 for \$10,904.80, P.O. #62924 for \$506.44, P.O. #63932 for \$9,865.51 totaling \$30,476.78.
2. Consideration of Contract(s):
 - Mail & Courier Services Agreements with Same Day Delivery
 - Immunization Action Plan Task Order, amending Contract #1999-21 with DPHHS
3. Continuation of Consideration of a Resolution of the Gallatin County Commission Amending the Gallatin Canyon/Big Sky Zoning Regulation to add Section 21.A ("Town Center Commercial") and Section 21.B ("Town Center Residential").
4. Continuation of Consideration of a Resolution of the Gallatin County Commission Amending the Official Zoning Map for the Gallatin Canyon/Big Sky Planning and Zoning District.

Commissioner Mitchell read the consent agenda. Gallatin County Fiscal Officer Ed Blackman requested that the Mail & Courier Services Agreements with Same Day Delivery be continued until next week for modifications. Motion by Commissioner Mitchell to approve the consent agenda as modified. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Eileen Casey, on behalf of the Belgrade Community Library presented a Proclamation declaring April 9-15, 2000, "National Library Week". Ms. Casey summarized recent accomplishments completed at the library. Ms. Casey read the proclamation. There was no public comment. Motion by Commissioner Murdock proclaiming this week April 9-15, 2000, "National Library Week". Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on the consideration of an emergency ordinance for Highway 191, in the Gallatin Gateway Area. Last week the Commission took testimony as to the necessity of the emergency speed limit ordinance. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires two-thirds vote of the whole governing body for passage. An emergency ordinance shall be effective on passage and approval and shall remain effective for no more than 90 days. During that interim period the county will take the necessary actions to promulgate a permanent ordinance pursuant to Montana law. The speed limit beginning at mile post 76.422, which is at the entrance to the Gallatin Gateway Inn, 750 feet north of the Gallatin Gateway approach and 170 feet North of Latigo Drive and continuing to mile post 76.138, which is 750 feet south of the Gallatin Gateway approach and 2,024 feet North of the Cottonwood Road approach shall be 50 miles per hour. Montana Code Annotated Section 7-14-2102, states that the Commission may reduce the speed further if they determine it to be in the best interest of the county roads. Commissioner Mitchell acknowledged several letters of correspondence that the Commission has received, in reference to the speed reduction in Gallatin Gateway. Public comment: Kim DeBruycker, on behalf of the Gallatin Gateway School conveyed to the Commission the school's appreciation for the work they have done. Commissioner Murdock stated that it is possible the signs could be up within a month. Commissioner Olson read the ordinance into the record. Commissioner Murdock moved to approve Emergency Ordinance #2000-01, to reduce the speed limit to 50 miles per hour. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Greg Rath, Chairman of the Gallatin County Fair Board requested that the presentation and approval of the Memorandum of Agreement between County Commissioners and Gallatin County Fair Board regarding the Event Center to be constructed at the Gallatin County Fairgrounds be delayed until other members of the Fair Board were present. The Commission agreed, moving this agenda item between Item 8 and 9.

Gallatin County Fiscal Officer Ed Blackman reported on the public hearing to request to use Fire District Impact Fee Revenues for the purchase of fire apparatus for Gallatin Gateway Rural Fire District. A memo was received by Deputy County Attorney Susan Swimley indicating there were several questions that needed to be responded to by the Fire District prior to the Commission taking action on this issue. There were no representatives of the Fire District available to answer the questions. Deputy County

Attorney Chris Gray recommended a continuance for one week. Mr. Blackman concurred. The Commission was in agreement to the continuance.

Gallatin County Fiscal Officer Ed Blackman reported on the continuation of a public hearing and consideration of a resolution approving the Gallatin County Capital Improvements Program. There was no public comment. Motion by Commissioner Mitchell to approve Resolution #2000-19. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on the resolution of intent to amend the Gallatin County Planning Board FY 2000 Budget to include unanticipated revenues from the Donut Area. There was no public comment. Motion by Commissioner Mitchell to approve Resolution of Intent #2000-20. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Deputy Attorney Chris Gray reported on consideration of a resolution of intention to create RID #375, Blue Grass Meadows Subdivision, for the purpose of constructing and maintenance of Comfort Lane in Blue Grass Meadow Subdivision in Gallatin County. Brent Miller, Product Engineer with Gaston Engineering and Survey reported that the estimated market value of the property in the district is increased by more than the special assessment based upon Exhibit D. The diversity of ownership of the property is diverse finding that: 26 lots are held in individual ownership, 3 lots are held by one owner and 4 lots are held by one owner in common ownership with 4 separate common owners. There are no special assessments due in this district. There are 0 existing mortgage back bonds or levies of record against property in this district. No delinquencies exist in the District. There are 33 lots, parcels or tracts in this district. The total land value before improvement is \$4,819,010.00. The total land value after improvements is \$4,917,141.40. The public will receive benefits from improved road surface, reduced dust, improved storm drainage and reduced yearly maintenance. This is not a newly platted subdivision. The engineer's estimate for the repairs is #113,000. Public comment: Larry Cronenwett and Mike Powers both spoke in support of the RID. Finding that this Rural Improvement District is in the public interest and best serves the interest of the County and the District, Commissioner Murdock moved to pledge the Revolving Fund to secure this Rural Improvement District. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Finding this Rural Improvement District serves the public interest and convenience, Commissioner Murdock moved to adopt Resolution of Intention #RID-00-375A. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman reported on the public hearing on approval of Lattice Materials Corporation request for Tax Abatement on new expanding industry. Mr. Blackman presented to the Commission the required notices and mailings and summarized the tax abatement request. Mr. Blackman recommended against approval of tax abatements because this is the only method of increasing valuations for Gallatin County due to SB184. There was no public comment. Commissioner Murdock recommends approving the requested abatement, finding that this application meets the requirements as set forth in Resolution #672. Commissioner Mitchell reported she was quite concerned that no one from Lattice Materials Corporation was present therefore; she was not in favor of the motion. Motion by Commissioner Murdock to approve Resolution #2000-21. Seconded by Commissioner Mitchell. Commissioners Murdock and Olson voting aye. Commissioner Mitchell voting nay. Motion carried.

Gallatin County Road Department Roy Steiner reported on the bids for the Detention Center Contract for the Construction on Code Violations. Bids were opened at last weeks meeting. The apparent low bid was received from Fire Control Sprinkler Systems Inc. of Spokane, total bid amount was \$191,235.00. After review of the bid by Taylor Architects recommended the Commission award the contract in that amount to Fire Control Sprinkler Systems Inc. There was no public comment. Commissioner Murdock moved to issue notice of the award to Fire Control Sprinkler Systems Inc. in the amount of \$191,235.00, based on the review and recommendation by the County Attorney and Taylor Architects. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Fair Board Member, Spencer Smith reported on the Memorandum of Agreement between the Gallatin County Commission and the Gallatin County Fair Board. This agreement's intent is for the development of a multipurpose Events Center to be constructed on the Gallatin County Fairgrounds for recreational, entertainment and agricultural activities. The Events Center together with improvements made to existing facilities, would assist the Fair Board in becoming a self-supporting, self-sustaining entity. Mr. Smith read the Memorandum of Agreement for the record. Gallatin County Fair Board Member, Greg Raths presented conceptual landscape designs of the Fairgrounds and reported on some of the completed improvements to existing buildings. A correction was noted on the second page of the MOA, changing Any Leep to Andy Leep. Gallatin County Fair Board Member, Lon Lundberg presented a Master Plan for the Fairgrounds along with a feasibility study, public survey and landscaping plan. The findings support the need for this type of facility in Gallatin County. The next phase would include the development of a marketing campaign, fundraising campaign and a business plan. The Board would like to have an Architectural/Marketing firm develop a to scale model for the proposed center. This model would be used as a fundraising/marketing tool. Commissioner Mitchell inquired about the cost of this project. Mr. Lundberg responded the cost is estimated between four and five million dollars, adding that eventually this facility would pay for itself and bring additional income to the local businesses. The facility should boost the economy by 25%. There was no public comment. Commissioner Mitchell made a motion to approve the Memorandum of Agreement. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on the consideration of the request for preliminary plat approval on behalf of William and Suellen Bradley for the Bradley Subsequent Subdivision (amended plat of Lot 1A of the Mountain Meadows Subdivision G-44-A), located in the SW¼ of Section 16, T2S, R6E; generally located east of Bozeman Trail Road and north of Bald Eagle Drive. The proposed subdivision would create two lots from an existing 2.065-acre lot. No variances have been requested. Ms. Madgic briefly outlined the proposal for the Commission to evaluate for considering the subdivision along with the conditions. The County Commission has one determination to make with this application. A determination whether or not to recommend approval of the proposed subdivision. The basis for the 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, Gallatin County Subdivision Regulations, the 1990 Bozeman Area Master Plan Update, and the Gallatin County/Bozeman Area Zoning District. If the Commission decides to approve the proposed subdivision, the following conditions for the 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. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. 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 schedule 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) Applicant shall record with the final plat a waiver of right to protest creation of rural improvements 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 applicant prior to final plat approval. 7) Applicant shall record the following covenants with the final plat (also including any covenants recommended by the Ft. Ellis Rural Fire District): a) The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. b) The landowner shall be responsible for the

control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. c) The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment. 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) The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds after 10 days notice from the property owners association, the association may cause the noxious to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment. 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 the accordance with the amendment procedures in the covenants, and the County Commission. 8) All roadwork shall be inspected and certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Department in writing and final approval shall not be given until this documentation is received. 9) Applicant shall make a proportionate reimbursement of paving costs to Boyd Subdivision as required by the Subdivision Regulations. 10) Applicant shall make payment of fire protection impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fee policy. 11) Applicant shall dedicate parkland or make a cash-in-lieu payment in accordance with the Subdivision Regulations. 12) Applicant shall meet the fire protection requirements in accordance with the Subdivision Regulations and the Ft. Ellis Rural Fire District. Applicant shall obtain written verification from the District that the required water supply and any other conditions required water supply and any other conditions required of the Ft. Ellis Rural Fire District Have been provided. Inspections shall be scheduled, with a 48-hour notice, during construction and completion. 13) Applicant shall provide a final plat to the Ft. Ellis Rural Fire District prior to final plat approval. 14) Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Applicant William Bradley asked the Commission to grant the request. Mr. Bradley was in agreement with the conditions although he noted they were unclear with condition #11, regarding parkland. There was no public comment. Motion by Commissioner Murdock to approve the request for preliminary plat approval for the Bradley Subsequent Subdivision, (amended plat of Lot 1A of the Mountain Meadows Subdivision) subject to all the conditions presented by staff with the finding that the preliminary plat and all the supplemental information demonstrate that the development of this subdivision meets the requirements of the Montana Subdivision and Platting Act, Gallatin County Subdivision Regulations, Bozeman Area Master Plan Update, and the Gallatin County/Bozeman Area Zoning District Regulations, noting it received a unanimous vote and approval by the Planning Board. Seconded by Commissioner Mitchell. None voting nay. Motioned carried.

There were no pending resolutions. There being no further business the meeting adjourned at 11:00 A.M.

*Unavailable
for signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 18TH DAY OF APRIL 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, County Attorney Marty Lambert and LeeAnna Iverson, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

APRIL 10-14, 2000

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

1. Approval of claims presented by the Auditor dated April 18, 2000 for Batch #1 for \$29,871.61, Batch #2 for \$41,763.68, Batch #3 for \$81,978.31, Batch #4 for \$42,592.18, Batch #5 for \$54,562.26, Batch #6 for \$50,847.02, Batch #7 for \$35,434.98, Batch #8 for \$2,750.99 totaling \$339,801.03.
2. Consideration of Contract(s):
 - Amend Contract #1999-66, Snowplowing Services for Big Sky Owners' Association.
 - Amend Contract #1999-100, Snowplowing Services for Westfork Meadows Owners' Association.
 - Agreement between Communication and Management Services, LLC and GC Personnel Office.
 - MRDTF Grant Award
 - Continuation of Mail & Courier Service Agreement with Same Day Delivery
3. Consideration of a Resolution Approving Text Amendments to River Rock Zoning Regulation
4. Request to Amend a Condition of Preliminary Plat Approval for the River Rock Major Subdivision, located in the S½ and SE¼ of Section 23; and the S½ and SW¼ of Section 24; and the N½ and NW¼ of Section 25; and N½ and NE½ and NE¼ of Section 26, T2S, R4E.
5. Request for final plat approval for the Klompien Minor Subdivision, located in the SW¼ of Section 4 and the SW¼ of Section 3, T1N, R3E. Gallatin County Planner Jennifer Madgic reported that the conditions for final plat approval have been met.

Commissioner Olson announced that the Mail & Courier Service Agreement with Same Day Delivery would be continued until April 25; Item #4 of the consent agenda was continued until May 2; and Item #3 of the regular agenda regarding the public hearing on Story Mill Road was continued indefinitely.

Commissioner Murdock read the consent agenda as amended. Commissioner Olson noted that the agreement between Communication and Management Services, LLC and GC Personnel Office was previously approved in concept. There was no public comment. Motion by Commissioner Murdock to approve the consent agenda, as modified. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

County Fiscal Officer, Ed Blackman reported on the continuation of a public hearing on a request to use Fire District Impact Fee revenues for purchase of fire apparatus for Gallatin Gateway Rural Fire District. A letter was received from the Gallatin Gateway RFD Fire Chief acknowledging they were aware that they would have to reimburse \$3,968 should the impact fees prove to be illegal or unconstitutional. They agreed to prepare a letter and confirm this in writing at their May 10, 2000 meeting. Mr. Blackman recommended that the Commission make their approval contingent upon receipt of the letter. There was no public comment. Motion by Commissioner Murdock to approve Resolution #2000-22, contingent upon receipt of an affirmative written response from the District after their May 10th meeting. Seconded by Commissioner Mitchell, adding that the response shall include that they will be willing to reimburse the \$3,968 if the impact fees prove to be illegal or unconstitutional. Commissioner Murdock amended the motion to include those specifics. Commissioner Mitchell amended the second. None voting nay. Motion carried.

Roy Steiner on behalf of the Gallatin County Road Department reported on consideration of the first reading of an ordinance reducing the speed limit on River Road to 45 mph, extending from Norris Road to Cameron Bridge West Road. Mr. Steiner summarized the results of the traffic study conducted by the Road Department. Mr. Steiner read the ordinance into the record. There was no public comment. Finding this speed reduction is in the public's interest, and that there was no public testimony against the ordinance, Commissioner Murdock moved to adopt Ordinance #2000-02. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

County Planner, Jennifer Madgic reported on the request for preliminary plat approval on behalf of Fluidyne, Inc., representing Concinnity Corp. for the Elk Grove Planned Unit Development/Major Subdivision, a 300-acre parcel located in the South One-Half (S½) and Southeast One-Quarter (SE¼) of Section 23; and the South One-Half (S½) and Southwest One-Quarter (SW¼) of Section 24; and the North One-Half (N½) and Northwest One-Quarter (NW¼) of Section 25; and the North One-Half (N½) and Northeast One-Quarter (NE¼) of Section 26; Township Two South (T2S), Range Four East (R4E), PMM, Gallatin County, Montana. The property is generally located east of Highway 191, north of Blackwood Road, south of Violet Road, approximately one-and-a-half miles south of Four Corners. The Gallatin County Planning Board reviewed the proposal and recommended approval 5:1, that this project meets the PUD criteria in the Subdivision Regulations. The Board recommended the addition of a number of conditions of approval as reflected in the Planned Board's Findings of Fact and Recommendation. No variances are being requested. Applicant is requesting a waiver from the Road Design Standards of the Subdivision Regulations. Under the PUD process, certain Road Design Standards may be waived if the Commission determines a project has met the established criteria. The Road Department indicated support for this waiver. Ms. Madgic spoke in detail regarding the recommendations of the Planning Board, the intent of the PUD and the PUD criteria, and the County Plan as it pertains to this proposal for the Commission to evaluate for considering the subdivision along with the suggested conditions. The Gallatin County Commission has three determinations to make with this application: 1. A determination as to whether the proposed Planned Unit Development complies with the PUD criteria of the Gallatin County Subdivision Regulations. 2. A determination as to whether to approve the proposed waiver from Road Design Standards concerning right-of-way width of roads within Block A. 3. A determination as to whether to approve the proposed subdivision. The basis for the approval shall be whether the preliminary plat, and additional information, demonstrate that the subdivision meets the requirements of the Montana Subdivision and Platting Act, Gallatin County Subdivision Regulations and Gallatin County Plan. If the Commission decides to approve the proposed Planned Unit Development, the following conditions for final plat approval are suggested: (Conditions shall apply to phases as noted. Phases shall occur numerically.) 1. Phase 1 shall include 145 residential lots including lots in Blocks A-G. Phase 2 shall include 86 lots including lots in Blocks H-O, and proposed day-care lot, Lot M. Phase 3 shall include 69 lots including lots in Blocks P-T. Phase 4 shall include 12 commercial lots. 2. The final plat(s) shall conform to the Uniform Standards for Final Subdivision Plats and shall be accompanied by the required certificates. 3. Department of Environmental Quality approval shall be obtained for the subdivision for proposed central water and wastewater systems as deemed appropriate per phase. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. 4. 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 pertaining to each phase. The Attorney's Office shall review and approve the covenants, documents establishing the property owners' association, and certificate prior to final plat approval(s). 5. Applicant shall record on the final plat(s) a waiver of right to protest creation of rural improvement districts, and/or any local improvement districts. 6. 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, 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 Memorandum of Understanding shall be signed between the Weed Control District and applicant prior to final plat approval(s). 8. Applicant shall record the following covenants on or with the final plat(s): a) *The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District.* b) *The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment.* c) *Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations.* d) *The fire district shall receive a stamped set of engineered sprinkler system plans for*

review and approval prior to construction of any commercial facilities. Inspections shall be scheduled, with 48-hour notice, during construction and after completion. e) 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. f) 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. g) All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law. 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. 9. County Road Department shall approve road names for all interior roads. 10. Road sign(s) shall be required at all intersections as appropriate per phase. 11. STOP sign(s) shall be required at all intersections with County-maintained roads and main subdivision collector roads as appropriate per phase. 12. All interior roads (except as noted) shall be constructed to County paved standards with a minimum of 60-foot rights-of-way dedicated to the public. Roads within Block A shall be constructed to County paved standards and have 40 feet of right-of-way dedicated to the public. Road improvements shall correspond with applicant's phasing schedule as shown on the submitted preliminary plat and as explained in the submitted Environmental Assessment. 13. A 30-foot wide dedicated right-of-way will be required on the north edge of the property line including Violet Road, running from U.S. 191 in an eastward direction to a point located at the southeast property corner of Lot 530 and the Morgan family trust to the north (Phases 1 & 4). 14. A fully developed second access road from Blocks B-G to Blackwood Road must be constructed to County standards, with 60-foot dedicated public right-of-way (Phase 1). 15. An emergency access with 60 feet of right-of-way from Block "A" to north shall be provided (Phase 1). 16. A future access road/emergency road, 60-foot public easement must be shown between Lots 186-189 at the cul-de-sac to the Morgan family trust to the north (Phase 2). 17. A "no-access" strip shall be required along the north, south, east and west sides of the subdivision, except at approved State or County approaches or emergency access easements, and shown the final plat(s) as appropriate. 18. Blackwood Road shall be paved and constructed to County standards along south and east sides of subdivision. County Road Department shall review and approve any necessary construction improvements, including curve on Blackwood in southeast corner of proposal. Additionally, applicant shall work with County Road Department in improving design of second curve on Blackwood Road (north of southeast corner). All improvements relating to Blackwood Road shall be completed prior to final plat approval of Phase 1. 19. Encroachment permits from the Montana Department of Transportation must be obtained for access onto US Highway 191. 20. Approved plans for any improvements and/or construction on US Highway 191 shall be obtained from the Montana Department of Transportation. A letter satisfying completion of this condition shall be obtained from the Montana Department of Transportation per phase. 21. All roadwork per phase shall be inspected and certified by a Montana-licensed engineer. 22. A property owners' association shall be formed for the maintenance of all interior roads. 23. The final plat(s) shall contain a statement requiring lot accesses be built to Gallatin County Subdivision Regulation standards. 24. Applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations as required per phase. 25. Applicant shall make payment of fire protection impact fees in accordance with the Gallatin County Subdivision Regulations as required per phase. 26. Applicant shall provide an appropriate fire protection method for proposed commercial and residential uses in accordance with the Subdivision Regulations. 27. Applicant shall have the Gallatin Gateway Rural Fire District review and approve the fire protection method (including hydrants) and any other fire-related design(s) prior to final plat approval(s). Applicant shall submit written verification from the fire district that all requirements have been met for each phase. (Note: A reduction in the fire flow requirements for commercial structures shall be permitted provided that: automatic fire sprinklers and alarm systems shall be installed in all commercial structures, the draft hydrant located at the pond shall be capable of flowing a minimum of 1,500 GPM for two hours, these specifications must be met for all 12 months of the year. In addition, all pressurized (individual) hydrants shall provide a minimum of 1,000 GPM for two hours during peak domestic flow.) 28. Spacing of fire hydrants shall not exceed 500 feet road-travel distance and final hydrant locations shall be approved by the fire chief or his designee. 29. Pressurized hydrants shall be provided for the central wastewater treatment facility, the daycare facility and the existing barn/pavilion. 30. All fire hydrants shall be Mueller Super Centurion 2000 model with one 4.5" NST male and two 2.5 NST male fittings. Pertinent fire hydrants shall be protected with bullards. All hydrants to be approved by Gallatin Gateway Rural Fire District. 31. Applicant shall provide final plat(s) to the Gallatin Gateway Rural Fire District. 32. If during construction anything of historic significance is discovered, applicant shall contact the Montana Historical Society. 33. Parkland shall be dedicated per phase as required by the Subdivision Regulations and as proposed under applicant's phasing schedule. 34. Final plans for Remainder Tracts RT1 and RT2 shall be approved by the County prior to final plat approval of Phase 3. 35. Applicant shall provide landscape plan addressing screening of proposed central waste water facility. Plan shall include

provisions to effectively screen facility as viewed from nearby residences and from Blackwood Road.

36. Applicant shall provide a plan to address school bus stop(s) to be reviewed and approved by the Bozeman School District. 37. The water main system serving all lots including all fire hydrants shall be installed prior to final plat approval of each phase. 38. Applicant shall provide a wetlands investigation completed by a qualified consultant, using the Army Corps of Engineers Wetlands Manual. If the investigation indicates presence of wetlands, applicant shall have the wetlands delineated by a qualified consultant. The wetlands delineation shall be shown on the final plat. 39. Final plat shall provide a 35-foot setback between the ordinary highwater mark of an active ditch or creek and any commercial or residential structure. Additionally, applicant shall comply with Section 76-3-504(9) MCA regarding provision of ditch maintenance easement(s) as appropriate. 40. 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. 41. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval(s). Numerous letters and phone calls were received regarding this proposal, as well as a petition. (Julie Oliveri; Don Hargrove; Scot Henning; Harry Hughes; Steve Garcia; Steve Anderson; Lucille Donlan; Laura & Wlady Grochowski; Michael Lobo; Bruce & Carolyn Miller; William Martel; Patrick McManus; Frank & Alison Silva; Stacie & Troy Dunn; Richard Monahan; Elisabeth Harris; Scott Dehlendorf; Veronica Yonge; Dan Castner; Beth Livingston; Frank Seitz; Andrea Anderson; Donald Gilliam; John Obzut; County Trails Advisory Committee; and petition w/32 signatures) A memo was submitted with the following attached: Updated petition w/32 signatures opposing project; Letter from Robert Marvin (Marvin & Associates-Traffic, Transportation & Civil Engineers) reevaluating the traffic impact study w/addition of access onto Blackwood Road; Letter from Thomas Kallenbach to MDT re: request to reduce speed limit on Hwy 191; and two proposed conditions. The proposed conditions as follows: 1. Prior to final plat approval of Phase 4, applicant shall conduct an engineering warrant analysis on US Highway 191 to be reviewed and approved by the MT Department of Transportation. Applicant shall participate in improvements to such highway as deemed appropriate by MDT. 2. Final disposition of Remainder Tracts RT1 and RT2 shall be approved by the County prior to final plat approval of Phase 3 consistent with applicant's current representations, the PUD criteria and the County Plan Review sections of the Staff Report. Jay Josephs, representing Fluidyne, Inc., and partner in Concinnity Corporation with Justin Buchanan and Thomas Kallenbach, applicants, presented their proposal to the Commission. Mr. Buchanan addressed the waiver request from the Road Design Standards, open space, traffic on area roads, and wastewater treatment system. Mr. Buchanan submitted a letter dated December 21, 1999 from the US Army Corps of Engineers that was omitted from Appendix "A". Further discussion took place with regards to the developer waiving the right to protest creation of future improvement districts. Public comment: Frank Silva, (submitted addresses of those in support of proposal who do not live in this area, labeled Exhibit "A", a map of the area, labeled Exhibit "B", (21) pictures of the area, labeled Exhibit "C"; Dale Harding; Carl Francis; Scott Adamek; Don Adamek; Judie Adamek; Alison Silva; Nancy Flikkema; Celia O'Connor; Frank Culver; Jen Moran; Jim Paugh; Mike Monforton; Chris Shepard; Katherine Josephs; Billie Blackwood; Andrea Anderson; Dan Astheimer; Sherry Blackwood; and Lee Blackwood. Those opposing the project cited the following concerns: density; high ground water; affect of additional traffic on Highway 191 and Blackwood Road; no notice of informational meeting; impact to wildlife; compatibility with adjacent land uses; visual impact of proposed central wastewater facility; leapfrog development; water rights; wetlands; dogs; and quality of life. Those favoring the project agreed with the overall project and its provision for a mixed use and community-oriented neighborhood. Rob Buckvich on behalf of MDOT responded to questions presented by the Commission regarding Highway 191 north to Four Corners and reported on recommendations for mitigation to traffic impacts in this area. Mr. Kallenbach addressed traffic impacts and the study relative to the location of the proposed development, parks and trail system, and the wastewater treatment system and storm water. Mr. Buchanan spoke regarding the park area maintenance plan. Mr. Josephs spoke regarding growth and development. Gallatin County Road and Bridge Superintendent Lee Provance reported on specifics regarding Blackwood Road. John Sandmeyer, a member of the former Four Corners Advisory Committee spoke in support of this proposal. The Commission considered public testimony, comments presented by Planning Staff, the County Road Department, the Montana Department of Transportation and a former member of the Four-Corners Advisory Committee. The Commission also considered comments and proposed mitigation offered by applicants. The Commission raised the following issues: need for additional conditions to mitigate those concerns presented at the hearing, need for a growth policy plan, traffic impacts and safety on Blackwood and Highway 191, compatibility with adjacent land uses, compatibility with the County Plan, concerns with on-site school, concern with impact on water rights, incorporating suggestions of County Trail Advisory Committee, and provisions for landscaping. The Commission asked Staff to draft conditions addressing the following: additional traffic study on Blackwood, inclusion of suggestions of County Trail Advisory Committee, resolution of water rights, exterior design review, landscape plans, Highway 191 access, covenant addressing wood stoves, inclusion of state and federal permits, and waiver of protest provisions. Ms. Madgic stated she would provide language and the jest of the condition

as the Commission has requested however some of the language may change between now and writing out the Findings of Fact to provide better language. In addition to the two prior conditions, Ms. Madgic suggested adding the following: Condition #5, add "sewer, water, and additional traffic control devices"; Condition #8, add a covenant that would restrict the use of wood stoves: add a condition after Condition #18 stating, Applicant shall conduct a traffic impact analysis on Blackwood Road. Applicant shall participate in improvements to such road as deemed warranted by the Road Department; Condition #20, add "The applicant shall minimize access problems at the commercial intersection and property to the west"(79851 Gallatin Road); strike Condition #34, to be replaced; Condition #35, add, The applicant shall submit a landscaping plan for each phase for public areas; Condition #38, add, "The applicant shall obtain any appropriate and required state and/or federal permits which would apply; add the following conditions *"The applicant shall consult the County Trails Committee regarding the trail system to include provision of Blackwood Road trail easement access"; **"No lot owner shall remove water or cause water to be removed without deeded water rights" (Note on face of final plat and as a covenant)' *(covenant) "No lot owner may remove water or cause water to be removed from water irrigation ditches without deeded water rights. Before any maintenance or improvements are performed on any of the ditches the owner of the water rights must give written permission for the work to be done".

Commissioner Murdock moved to waive the road width standard as requested by the developer in Phase 1, based on the criteria that they are to preserve to the maximum extent possible the natural characteristics of the land including topography, vegetation, streams and other bodies of water. Finding that reducing it to 40 feet would not meet that criteria and preserve productive agricultural land. He added that he did not believe this criteria in this case is applicable to protect important historic sites or structures or areas of important wildlife habitat, if anything by reducing this they are allowing at least a little more open space and provide economies in provisions of roads and public improvements. Seconded by Commissioner Mitchell, providing the motion includes that this is spelled out as concerning the right-of-way width of roads within Block A, Phase 1. Commissioner Murdock agreed to add that to the motion. None voting nay. Motion carried. Commissioner Murdock stressed the need for a growth policy plan to aid in the planning and decision-making processes. He spoke of balancing community and development needs with the goals and policies of the County Plan. Finding this subdivision proposal meets the policies and goals of the county plan by preserving wildlife habitat and preserving farmland and prime soils, adding this is an area where they would like to promote growth in general and discourage it in other places, it meets the cluster development areas and preservation of open space, Commissioner Murdock moved approval stating this was consistent with the plan, and also meeting the Gallatin County Subdivision Regulations, subject to the conditions that are yet to be written and the conditions as amended and added previously. Discussion took place with regards to not having the language completed for all the conditions. Because the record was recorded and Ms. Madgic spoke to each condition at length, Gallatin County Attorney Marty Lambert legally had no problem with going forward with the motion as stated. Commissioner Mitchell expressed concern that the language in the conditions had not been refined and noted possible interpretation with the applicant if it is not spelled out and agreed to. Mr. Lambert noted that the applicant requested the Commission go forward with their decision today. Mr. Buchanan agreed with Mr. Lambert stating they would leave it up to the discretion of the county, adding that they agreed in general with the conditions, and based on the testimony they agreed to allow the county to finalize the conditions. Seconded by Commissioner Mitchell, reiterating her concern because the conditions were not complete therefore she was not going to vote in support of the motion. Commissioner Mitchell stated the project failed to comply with the following goals and policies from the County Plan: Water Goal I and II, Fish and Wildlife Goals I and II; Residential Goals III, IV, VII; Agricultural Goals I, II and III; Commercial and Industrial Goal I; and Transportation Goals II, III, VI. She added that the lot sizes were not consistent with the neighboring subdivision, even though they are clustered. Commissioner Olson stated he would not use the County Plan as justification for denial based on his feelings regarding the inadequacy of the Plan. He added, however, if he were to utilize the County Plan in making a decision, he could not support the project due to effects upon agriculture. He also stated he could not support the project due to public health and safety concerns with respect to traffic impacts on Highway 191 and Blackwood Road. Commissioner Murdock voting aye. Commissioners Olson and Mitchell voting nay. Motion failed.

There were no pending resolutions. There being no further business, the meeting adjourned at 3:34 P.M.

Unavailable
 For Signature
 CHAIRMAN APPROVAL

Shelley Vance
 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 25TH DAY OF APRIL 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Smith Mitchell, Deputy County Attorney Chris Gray and LeeAnna Iverson, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

APRIL 17, 2000

The Commissioners attended a regularly scheduled office meeting where numerous items were discussed and decisions made. In attendance were Commissioners Olson, Murdock, and Mitchell, and Executive Secretaries Stacy Johnston and Glenda Noyes. The following are the decisions made:

- Grants Administrator Larry Watson reported on SBIR Vendor Payment Authorization. He noted that Deputy County Attorney Chris Gray had been consulted on this issue. Mr. Gray and Mr. Watson request that the Commission approve the vendor contracts as a whole so that they might be included in the regular P.O. run rather than as small individual contracts to save time and expense paying these small invoices individually. Commissioner Murdock made a motion to approve the small contracts under the vendor contract, to be paid as part of the P.O. run. Commissioner Mitchell seconded the motion. Discussion took place and Commissioner Mitchell asked that the SBIR payments be noted individually as part of the claims approval process on the Public Meeting agenda. Motion passed unanimously.
- Grants Administrator Larry Watson reported on the Juvenile Accountability Block Grant. This grant is in jeopardy due to the fact that the plan changed from constructing a new facility to remodeling the current facility. In order to keep the grant, a proposal needs to be submitted to allow the grant to be used on the current changes instead. Commissioner Murdock made a motion to approve a modification to the original Juvenile Accountability Block Grant proposal. Commissioner Olson seconded the motion. Motion passed unanimously.
- Commissioner Mitchell gave an update on the Phase II, Gallatin County Courthouse Remodel. A letter from Roy Steiner requesting Commission opinion on various remodel issues was brought to the table. The Commission approved all of the issues at hand.
- FY 2001 ITS budget requests were discussed and it was determined that the Commissioners will request \$1,000.00 be set aside for upgrades and \$2,500.00 be designated for purchasing a laptop for Commissioner Mitchell.
- Executive Secretary Stacy Johnston reported that she obtained two estimates for appraisals of the Mendenhall properties; one from Gary France and one from Dan McCloy. Both were for \$800.00. Gary France completed a previous appraisal for the County, hence the Commission decided to request Dan McCloy do these appraisals, since the estimates were comparable. Commissioner Murdock made a motion to request Dan McCloy complete an appraisal on Block D, Lots 30-31 and 32-33 of Tracy's 1st Addition. Commissioner Mitchell seconded the motion. The Commissioners asked that Mr. Mike McKenna be notified that Mr. McCloy would be completing the appraisals. Motion passed unanimously.

APRIL 18-20, 2000

- The Commissioners conducted regular County business.

APRIL 21, 2000

- A special meeting of the Commissioners was held in cooperation with the U.S. Forest Service and County Road Department. In attendance were Commissioners Murdock and Olson; Jonathan Kempf, Gene Gibson and Jeff Hiedeman of the U.S. Forest Service; Jan Lerum and Nancy Halstrom of the Bozeman Ranger District; and Gallatin County Road Superintendent Lee Provance. Items on the agenda for discussion were review of the Cooperative Road Maintenance agreement for the summer 2000 and the present Forest Service Public Road program and the potential effects of it. Two agreements were made regarding these issues. Schedule A Year 2000 Maintenance will be added to the U.S. Forest Service Cooperative Agreement and submitted to the County Commission for approval. Road Superintendent Lee Provance will continue the 50' width restriction for Bear

438 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

Canyon Road. The second agreement pertains to cooperative road issues. The Forest Service and the County agreed to get together mid-summer or fall to address the cooperative road issues.

- - - -

The following items were on the consent agenda:

4. Approval of Commissioners' 1999 Daily Minutes for weeks of August 16, 23 & 30; September 6, 13, 20 & 27; October 11, 18 & 25; November 8, 15, 22 & 29; and December 6, 13, 20 & 27.
5. Approval of claims presented by the Auditor dated April 14, 2000 through April 20, 2000 for P.O. #49750 for \$508.50, P.O. #49751 for \$244.60, P.O. #62925 for \$50.00, P.O. #62926 for 269.96, P.O. #62930 for \$199.00, P.O. #64768 for \$9,950.00 totaling \$11,222.06.
6. Consideration of Contract(s): Lease of Rest Home Annexation Land to John Ham; MBCC for the Youth Probation Intensive Supervision Program; Juvenile Accountability Block Grant Fund for FY 2001; Temporary Floodplain Administrator Agreement with Morrison-Maierle; Public Defender Contract with Schraudner & Hillier, LLP for Justice Court; Public Defender Contract with Bowen & Parker for Justice Court; and Continuation of Mail & Courier Services Agreement with Same Day Delivery.
5. County road cost share agreement - Menard Road

Commissioner Mitchell read the consent agenda, noting that Item #4 was continued. Commissioner Olson requested that the Temporary Floodplain Administrator Agreement with Morrison-Maierle be placed on the regular agenda for further discussion. Motion by Commissioner Mitchell to approve the consent agenda, as modified. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

Chairman Olson noted that regular agenda Item #2, consideration of a resolution to amend the Gallatin County Planning Board FY 2000 budget to include unanticipated revenues from the Bozeman Jurisdictional (Donut) Area has been continued for one week.

- - - -

Chairman Olson was concerned with the wording provision of the Temporary Floodplain Administrator Agreement with Morrison-Maierle. Deputy County Attorney Chris Gray agreed that the wording for the provisions should be re-written however in the past Morrison-Maierle has been hesitant in changing their standard form. Chairman Olson preferred to visit with Morrison-Maierle before the Commission agrees with this contract. Motion by Chairman Olson to continue action for one week. Seconded by Commissioner Mitchell. Commissioners Olson and Mitchell voting aye. Commissioner Murdock voting nay. Motion carried.

- - - -

Joe Driskell, Gallatin County Treatment Court Coordinator presented to the Commission a proclamation declaring the Month of May 2000 as "National Drug Court Month", and a report on the status of the project. Mr. Driskell read the proclamation. The Commission commented that they were extremely proud of this program and congratulated it on its success. Commissioner Murdock made a motion to claim this "National Drug Court Month". Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Shelley Vance, Gallatin County Clerk and Recorder reported on the public hearing to consider a petition for the annexation of Tract 14 of #1684A, commonly known as Tract 14 of the Timberline Creek Subdivision. Said tract of land is located in the S ½ of the SW ¼ of Sections 24 and the N ½ of the NW ¼ of Section 25, all in T2S, R7E, PMM, Gallatin County, Montana. The petition was submitted to Gallatin County on March 13, 2000. Notice of today's public hearing was published in the Bozeman Daily Chronicle on the April 2, 3, and 4, 2000. Based on the records in the Clerk and Recorder's Office, Ms. Vance examined the petition and certified that it does meet the criteria. She presented a map, which was entered into the record and will be attached to the petition. The Clerk and Recorder's Office have received no protests. Public comment: Susan Killian representing Mona Beauchamp who could not be present, spoke in support of the Story Siding Herd District. Ms. Killian provided information about the proposed annexation. She stated if fences were put up it would disturb the migrations of elk on this

land. They believe that they have met all the requirements for the annexation. Commissioner Murdock was not in support of the annexation. Commissioner Mitchell was concerned that this did not keep the district in a regular shape, and was also disturbed they were going to see these annexations one at a time. The Commission was concerned about the shape of the property and the reasons for bringing this property forward now. Commissioner Olson did not believe it was symmetrical and was not inclined to vote in favor of this annexation. Ms. Vance requested that the Commission continue this discussion for the end of the agenda, until she could provide another map showing the whole district. The Commission agreed to the continuance.

Deputy County Attorney Chris Gray reported on consideration of a resolution regarding a second order of sale for Gallatin County Tax Deed Property located in the Abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad adjacent to Lot 3, Block 7 of Figgins Addition 4th Phase to Bozeman, Montana. On August 21, 1992 Gallatin County accepted a tax deed on the said property. On September 30, 1992 the property was offered for sale at public auction pursuant to Section 7-8-2301 MCA. The sale price of the property was set at \$970.00. No bids were received at the auction and the original taxpayer from who the tax delinquencies were assessed did not attempt to repurchase the property pursuant to Section 7-8-2303 MCA. A second auction before the County Commission can formally entertain offers of a negotiated sale; Gallatin County fully intends to accept offers for a negotiated sale for the property before the auction takes place. There was no public comment. Commissioner Murdock made a motion to adopt Resolution #2000-24. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on consideration of a request to amend a condition of preliminary plat approval for Fluidyne Inc., on behalf of George and Marie Christie for the Christie Minor Subdivision. This request would affect Condition #9, which concerns provision of a wetlands delineation. The proposed two-lot Christie Minor Subdivision consists of a 102.1-acre parcel located in the SE $\frac{1}{4}$ of Section 36, T1S, R6E, PMM, Gallatin County, Montana; or generally located southeast of the intersection of Bridger Canyon and Kelly Canyon roads. The two proposed lots would contain the following acreage: Lot 1: 43.8 acres; and Lot 2: 58.3 acres. The Gallatin County Commission approved the preliminary plat of this proposal December 14, 1999. Section 13.G of the Gallatin County Subdivision Regulations addresses changes to conditions after approval as follows: Upon written request of the subdivider, the Commission may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. A public hearing notice was published on April 2, 2000 in the Bozeman Daily Chronicle. Certified letters were mailed to adjacent property owners. To date, no comment has been received regarding the proposed request to modify a condition. The County Commission has one determination to make with this application: 1) A determination as to whether to approve the proposed change of condition. The Commission may change conditions where it is found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. If the Commission decides to approve the condition(s) modification request, the following amendment(s) for final plat approval are suggested: Condition #9 of the Findings of Fact would be eliminated and replaced with the following: 1) The final plat shall include the following statement: "Lot owners are advised that wetlands are present within the boundaries of this subdivision. Section 404 of the Clean Water Act prohibits construction activities within wetlands without a permit from the US Army Corps of Engineers. 404 Permits require site-specific wetland delineation in the area of proposed construction." Presently condition #9 reads as follows: "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 certified consultant. The wetlands delineation shall be shown on the final plat." Tom Kallenbach with Fluidyne Inc., representing the applicant reported on the justification for the modification. Public comment: Robert Bellows is in opposition of this subdivision and fears that his water sources will be jeopardized. The Commissioners took his concerns into consideration in their discussion. Some assurances were noted through the Subdivision Regulations and the Bridger Canyon Zoning District and Regulation that provide some security as far as creeks and wetlands are concerned. Commissioner Murdock moved to approve the condition as proposed by staff and amend it according to the staff report, finding that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Manager of Subdivision & Zoning Review, W. Randall Johnson reported on the consideration of a request to amend a condition of preliminary plat approval for Leelynn, Inc., and Wiley MT, Inc for the Spanish Peaks Estates Phases 1-4 Major Subdivision. This request would affect Conditions #5, 28, 40 and 52 of the approved preliminary plat pertaining to these phases. The proposed Spanish Peaks Estates Phase 1-4 Major Subdivision includes 102 single-family residential lots, with lots ranging in size from 2.01 to 6.7 acres. The property is located in a portion of Sections 3, 9 and 10; T7S, R3E, PMM, Gallatin County, Montana. The property is generally located between the Big Sky Meadow Village, Mountain Village, and the Pioneer Mountain Resort. The Gallatin County Commission approved the preliminary plat of this proposal in August 1999. Section 13.G of the Gallatin County Subdivision Regulations addresses changes to conditions after approval as follows: Upon written request of the subdivider, the Commission may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. A public hearing notice was published on April 2, 2000 in the Bozeman Daily Chronicle. Certified letters were mailed to adjacent property owners. To date, no comment has been received regarding the proposed variance request or requests to modify the conditions. The County Commission has one determination to make with this application: 1) A determination as to whether to approve the proposed change of condition. The Commission may change conditions where it is found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. If the Commission decides to approve the condition(s) modification request, the following amendment(s) for final plat approval are suggested: Conditions #5, 28, 40 and 52 as applied to Phases 1, 2, 3 and 4, would be eliminated and the following irrevocable covenant would be added as a condition to all phases: 1) A site specific analysis and geotechnical study, prepared by a licensed professional engineer, shall be required in connection with proposed construction of any single-family residence. This covenant is irrevocable. Presently conditions #5, 28, 40, and 52 read as follows: A geotechnical study shall be completed for each lot within Phases 1, 2, 3 and 4. A professional engineer, licensed in the State of Montana, shall certify that no geotechnical constraints exist that would adversely affect development. Attorney Joe Sabol, representing Leelyn, Inc. and Wiley MT, Inc., presented information to support the amendment to the conditions of preliminary plat approval. There was no public comment. Satisfied that the request is in the public interest, and finding that the condition was unnecessary the way it was written, Commissioner Murdock moved to approve the amendment to the conditions of preliminary plat approval, with the language to be amended as written by staff. Seconded by Mitchell Commissioner. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on consideration of a request for a one-year extension of preliminary plat approval Richard Kerin of Kerin & Associates, on behalf of The Settlement Inc. for the Settlement Major Subdivision. The following agenda item was heard simultaneous. The County Commission approved the preliminary plat of Phase II on May 2, 1995, and granted a one-year extension of preliminary plat approval on April 28, 1998. That extension expired May 2, 1999. At the time, the applicant was unable to complete improvements within the required timeframe. Applicant is now requesting a second, one-year extension to complete required improvements pertaining to Phase II. From preliminary plat this would extend final plat for six years. Section 3.D.7 of the Gallatin County Subdivision Regulations grants the Commission the authority to grant a one-year extension of preliminary plat approval. If approved, the preliminary plat of Phase II of the Settlement Subdivision would expire May 2, 2001. The original Settlement Subdivision consisted of Phases 1 through IV, which included 61 lots, ranging in size from 6,800 to 10,000 square feet. Phase I received final plat approval on August 26, 1997. The proposal is located within the Churchill community. The County Commission has one determination to make with this application: 1) A determination as to whether to grant the one-year extension request. If the Gallatin Commission decides to approve the extension, the following conditions are suggested: 1) Applicant shall receive a variance to allow a one-year extension of the improvements agreement. 2) Applicant shall receive a one-year extension for the Improvements Agreement for Phase II improvements, to be reviewed and approved by the County Attorney's Office. 3) Preliminary plat approval for the Settlement Subdivision, Phase II, shall expire on May 2, 2001. There was no public comment. Commissioner Mitchell moved to extend for one year the final plat approval for Phase II of the Settlement, with the same findings and conditions as suggested by staff. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on consideration of a variance request for Richard Kerin of Kerin & Associates, on behalf of The Settlement Inc. for a one-year extension of the Improvements Agreement pertaining to Phase II improvements for the Settlement Subdivision. The

applicant entered into an improvements agreement for such improvements and has since extended the maximum time period allowed under the Subdivision Regulations. This request would require a variance from the Subdivision Regulations. The original Settlement Subdivision consisted of Phases I through IV, which included 61 lots, ranging in size from 6,800 to 10,000 square feet. Phase I received final plat approval on August 26, 1997. The proposal is located within the Churchill community. The County Commission has one determination to make with this application: 1. A determination as to whether or not to grant the 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. If the Commission decides to approve the variance the following conditions are suggested: 1) Applicant shall receive a one-year extension for the Improvements Agreement for Phase II improvements, to be reviewed and approved by the County Attorney's Office. 2) Preliminary plat approval for the Settlement Subdivision, Phase II, shall expire on May 2, 2001. Project Engineer Rick Kerin outlined the reasons for the requested variance and the one-year extension of preliminary plat approval. He reported to the Commission that this does meet all the criteria required. Attorney Joby Sabol representing the applicant commented that this request was financially driven, adding that this subdivision meets the Master Plan to a tee. Mr. Sabol suggested that the public interest would not be best serviced if they had to go back and resubmit as a major subdivision. There was no public comment. Finding this would not serve the public's interest or county to start over, given so much work has been done, and that it does meet all the criteria, other than the loss of impact fees, Commissioner Mitchell moved to grant the variance request, finding that the strict compliance would create undue hardship and it is not essential to the public health, safety and general welfare, including the conditions suggested by staff. Seconded by Commissioner Murdock, finding Mr. Sabol's comments are on point. None voting nay. Motion carried.

Gallatin County Manager of Subdivision & Zoning Review W. Randall Johnson reported on the request for preliminary plat approval for Gaston Engineering and Surveying, on behalf of Brian Wheeler for the Sleeping Bear Minor Subdivision for a five (5) lot minor subdivision. The proposed subdivision also includes 12.1 acres of common open space. The subdivision will be serviced by individual on-site water wells and septic systems. The property consists of 23.486 acres located in the NE ¼ of Section 34, T6S, R3E, P.M.M., Gallatin County, Montana. In general, the property is located off Highway 64, approximately 4.5 miles west of the intersection of Highways 191 and 64. Mr. Johnson briefly summarized the staff report that contained criteria for the Commission to evaluate for considering the subdivision along with the suggested conditions. The County Commission needs to make the following determinations: 1) A determination as to whether or not the application meets the requirements of Section 76-3-608 MCA of the Montana Subdivision and Platting Act; and, 2) A determination as to whether or not the application complies with the provisions of the Gallatin County Subdivision Regulations. If the County Commission approves the subdivision, 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) 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) An encroachment permit for access on to Highway 64 shall be obtained from the Montana Department of Transportation. 4) The section of the interior access road which crosses Tract 2 of COS 1504 shall be within a public right-of-way easement. 5) Interior road plans, road maintenance plans, drainage plans, lot access plans, and sign plans shall be submitted to the County Road & Bridge Department for approval prior to any road construction. 6) The unnamed interior subdivision road shall have a 60-foot public dedicated right-of-way, 50-foot radius cul-de-sac, and be constructed to county road standards, with the first 75 feet off Highway 64 paved. The subdivider shall either: 1) construct the interior access road prior to final plat approval, or; 2) complete the construction of the interior subdivision road under an approved improvements agreement with Gallatin County. 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 interior subdivision road name shall be reviewed and approved by the County Road & Bridge Department prior to final plat approval. 9) A road name sign and STOP sign shall be required at the intersection with Highway 64. Road sign and 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 7.G.2 of the Gallatin County Subdivision 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 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". 12) The subdivider shall either: 1) cause the subdivision to be included in the Gallatin Canyon Rural Fire District; or 2) contract for fire protection services with the Gallatin Canyon Rural Fire District; or 3) provide other reasonable protection as recommended by the Fire Chief, his designee or the fire district and approved by the County Commission. 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 record on the final plat a waiver of right to protest creation of rural improvement districts and local improvement districts. 15) The subdivider shall make payment of fire protection impact fees in accordance with the Gallatin County Fire Protection Impact Fee Regulation. 16) The Subdivider shall make payment of road impact fees in accordance with the Gallatin County Road Impact Fee Regulation. 17) A property owners' association for the subdivision shall be created. 18) Covenants for the subdivision shall include the following provisions: a) Place title to common open space property with the property owners' association. b) Common 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) As concerns common open space; the property owners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational facilities. e) As concerns common open space; assessments levied by the association must be able to become a lien on the property. f) As concerns common open space; the property owners' 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 common 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 property owners' association. i) The property owners' 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) Class A or B fire-rated roofing materials shall be used. l) Spark arrestor screens shall be placed on all fireplace and wood stove chimneys. m) Smoke detectors shall be installed on each level of dwelling units. n) The vegetation reduction and clearance guidelines of the Fire Protection Guidelines for Wild land Residential Interface Development shall be used. o) Open fires shall be prohibited, except at designated locations. p) The artificial feeding of all big game wildlife shall be prohibited. q) All garbage shall be stored in animal-proof containers or otherwise be made unavailable to animals. r) 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. s) Fencing along the exterior boundaries of lots shall be prohibited. t) The taking of any wildlife species within the property is prohibited, except for catching fish. u) Pets shall be controlled by each owner, and not allowed to roam within the subdivision. v) 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. 19) Two copies of the covenants, a copy of the preliminary approval document, documents establishing the property owners' association, improvements agreement, public 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, improvements agreement, public road easement documents, and certificate of title abstract prior to final plat approval. 20) The developer shall have three (3) years to complete the above conditions and apply for final plat approval. Dennis Foreman, Gaston Engineering representing the developer stated that they are in complete agreement with all the conditions. There was no public comment. Finding that this subdivision is consistent with the Big Sky Master Plan and the Gallatin County Subdivision Regulations, Commissioner Murdock moved to approve the Sleeping Bear Minor Subdivision with the conditions as presented by staff. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Continuation of consideration of a petition for annexation into the Story Siding Herd District. Clerk and Recorder Shelly Vance presented a new map of the entire area to the Commission to present the district in a different perspective. This map in addition will also be labeled and attached to the petition. Further discussion took place with regard to the requirements of those outside the district. Deputy County Attorney Chris Gray read what the Commission's obligations are today in relation to the annexation itself as follows: Pursuant to 81-4-310(2) MCA. "If the County Commissioners determine that the boundaries are reasonably regular and symmetrical in shape in relation to the geographical features of the properties proposed for annexation, the County Commissioners may declare that those properties are annexed into the herd district". The Commissioner's determination at this point is whether or not the boundaries are reasonably regular and symmetrical in shape in relation to the geographical features of the property proposed for the annexation. A secondary source would be the definition of symmetrical: Capable of division by a longitudinal plane into similar halves. Which means you can fold it in on itself. The line is not clear on the law on who is responsible for building a fence on the property. Commissioner Murdock reiterated that he was not in support of this herd district, noting if the annexations come in piece meal he felt it was unreasonable to place on the people required to fence out their livestock the possibility of changing fence lines, adding that it was not in the public interest. Motion by Commissioner Murdock that the Commission finds that the boundaries are not reasonably regular and symmetrical in shape in relation to the geographical features of the properties proposed for annexation based on observations, the maps presented, and the dictionary definition of symmetrical as read by the Mr. Gray. Seconded by Commissioner Mitchell. Commissioner Murdock adding that they are looking at this particular piece that is being proposed for annexation in relationship to the entire herd district and recent additions. None voting nay. Motion carried. Commissioner Murdock made a motion to deny the annexation request based on the previous findings. Seconded by Commissioner Mitchell. None voting nay. Motion Carried.

There were no pending resolutions. There being no further business, the meeting adjourned at 11:15 A.M.

Unavailable
for signature

 CHAIRMAN APPROVAL

Shelly Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 2ND DAY OF MAY 2000

The meeting was called to order by Chairman Phil Olson at 9:05 A.M. Also present were County Commissioners Bill Murdock and Jennifer Smith Mitchell, County Attorney Marty Lambert and LeeAnna Iverson, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

APRIL 24, 2000

- At the regularly scheduled office meeting, numerous items of interest were discussed. In attendance were Commissioners Olson, Murdock and Mitchell, and Executive Secretary Stacy Johnston. Deputy County Attorney Chris Gray requested the Commissioners sign a letter of support to the NHL ASSIST program requesting grant monies for the Bozeman Area Hockey Association. Commissioner Murdock moved to sign the letter of support, finding this would not financially commit Gallatin County in any way. Commissioner Mitchell seconded the motion; motion passed unanimously. Commissioner Murdock broached the subject of forming a jail project team now that the Detention Center Evaluation Committee is adjourned and will soon be making their final recommendation to the Commission. After lengthy discussion of the pros and cons, Commissioner Mitchell suggested scheduling a meeting with Mr. Bob Glass so he may share information regarding his past experience in helping counties develop a criminal justice philosophy from beginning to end. Appointment of the jail project team was postponed and a meeting will be scheduled with Mr. Glass. Road & Bridge Superintendent Lee Provance was invited to join the meeting @ 11:30 a.m. He presented a draft of a letter to the MDOT requesting written documentation detailing Gallatin County's responsibility regarding maintenance of State secondary roads. The Commissioners

444 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

approved the draft and Lee will get final review/approval from Deputy County Attorney Chris Gray before sending. Commissioner Murdock noted several requests by Sundance Springs for parklands fund monies. Current funds available are approximately \$21,800. However, the fund balance can only be reduced below the minimum balance of \$20,000 under circumstances deemed special by the County Commission. Commissioner Olson moved to give Sundance Springs the option of scheduling a public hearing to review and consider their request. Commissioner Mitchell seconded the motion; motion passed unanimously. We will await a reply from Sundance Springs.

- A special meeting of the Commissioners was held to discuss the proposed Mandeville subdivision. In attendance were Commissioners Olson, Murdock and Mitchell, and John, Lloyd and Donna Mandeville. The Mandeville's requested that the County consider accepting a public easement from Montana Rail Link off of Red Wing Lane, which would provide a second access if and when the land is subdivided and developed. The Commissioners agreed to consider accepting the easement, pending Road Department and legal input. The Commissioners expressed no interest in expending public funds to obtain this easement, and assume that this would be the Mandeville's obligation.

APRIL 25, 2000

- The Commissioners conducted regular County business.

APRIL 26, 2000

- A special meeting of the Commissioners was held to discuss a funding request from Public Defender Brock Albin. In attendance were Commissioners Olson, Murdock and Mitchell, Grants Administrator Larry Watson, and Brock Albin. Mr. Albin, on behalf of Youth Imperative, Inc., asked the Commission to write a letter on their behalf stating that there is no funding available at this time to fund Youth Imperative's proposal. Commissioner Murdock made a motion to support the Youth Imperative, Inc. proposal and certify that there are not funds available at this time to fund their request. Commissioner Mitchell seconded the motion. Mr. Watson will draft the letter for County Commission signature. Motion passed unanimously.

APRIL 27, 2000

- A regularly scheduled Fiscal Monthly meeting was held to discuss numerous issues. In attendance were Commissioners Murdock and Mitchell and Fiscal Officer Ed Blackman. Commissioners Murdock made a motion to approve spending up to \$3,186.93 of Road Impact Fees, pending County Attorney approval for the Bozeman Area Transport Plan. Commissioner Mitchell seconded the motion. In discussion it was noted that the total bill may reach \$13,186.95. The County Planning Board will pay \$5,000.00 and the County Road Department fund will contribute \$5,000.00. Motion passed unanimously.

APRIL 28, 2000

- A special meeting of the Commissioners was held to consider a boundary relocation exemption for Frank Ross, located in Section 10, T1S, R6E. In attendance were Commissioner Murdock and Mitchell, Commissioner Olson via tele-conference, County Planner Jennifer Madgic, Mr. Frank Ross, and Executive Secretary Glenda Noyes. Planner Jennifer Madgic reported that this exemption is a straightforward boundary relocation located in Grandview Heights Subdivision. Commissioner Murdock moved to approve the Ross and Ross common boundary relocation. Commissioner Mitchell seconded the motion. Commissioner Olson asked Ms. Madgic if everything was in order and she concurred, stating that they are simply moving the middle line over a small amount. The question was called. All voted in favor, motion passed unanimously.
- A special meeting of the Commissioners was called to order for the purpose of finalizing the daily rate to charge for the beds in the Juvenile Detention Center wing, and to approve submittal of Gallatin County as the lead agency for funding of the Montana Board of Crime Control grant money for the South West Regional Juvenile Detention Counties. In attendance were Commissioners Murdock and Mitchell, Commissioner Olson via conference call, Fiscal Officer Ed Blackman, Grants Administrator Larry Watson and Executive Secretary Glenda Noyes. Fiscal Officer Ed Blackman explained that the other counties have submitted their grant applications without including Gallatin County as their site of deposit since we have not finalized our rate. Mr. Blackman recommends a rate of \$240.00 a day, explaining that lowering the rate by \$20 would decrease the income to Gallatin County by \$21,900.00. Commissioner Mitchell explained that Youth Probation Officer Dave Gates recommended a rate of \$220.00 as it would encourage other counties to use our facility. Mr. Blackman stated that the loss of \$21,900 is not of big concern, but Gallatin County doesn't have it in their target level. He expressed concern that one problem will be if the facility stays full of local youth, and there is an additional loss of rent income from other counties.

Commissioner Olson asked Commissioner Mitchell if the other counties in the region have indicated a preference for using our facility. She stated that only Butte and Anaconda/Deer Lodge were tentative in their commitment to come here. Commissioner Murdock made a motion to approve a rate of \$240.00 a day based on the recommendation of Fiscal Officer Ed Blackman. Commissioner Mitchell seconded the motion, stating that since Gallatin County will not be providing transportation like other facilities do, she will not vote for the higher rate. In discussion Commissioner Olson asked Mr. Blackman if a rate of \$220.00 would be doable and Ed concurred that it would be. The question was called. Commissioner Murdock voted in favor of the motion. Commissioners Olson and Mitchell voted nay. Motion did not pass, with a vote of 1-2. Commissioner Mitchell made a motion to approve a daily rate of \$220.00 for the Juvenile Detention Center beds. Commissioner Murdock seconded the motion. Commissioners Mitchell and Olson voted in favor of the motion. Commissioner Murdock voted nay. Motion passed with a voted of 2-1.

Grants Administrator Larry Watson reported the Southwest Regional application for the Juvenile Detention Grant is due on Monday, May 1, 2000. Submittal of this grant application will also indicate Gallatin County's willingness to act as the fiscal agent for the grant funds. Commissioner Olson asked who would be responsible for taking care of the grant. Mr. Watson confirmed that he would be reconciling the fiscal side of the grant, and Mr. Dave Gates and Mr. Blackman as well as himself will be responsible for monitoring and reporting on the grant. A clerical position has been included in the Sheriff's 2001 budget, and this person will be responsible for the bookkeeping end of the grant. Mr. Watson also confirmed that Gallatin County will be collecting its 1% fee. Commissioner Mitchell made a motion to approve the grant application to Montana Board of Crime Control for the Southwest Regions Juvenile Detention Grant. Commissioner Murdock seconded the motion. There was no further discussion. Motion passed unanimously.

The following items were on the consent agenda:

1. Approval of Minutes.
2. Approval of claims presented by the Auditor dated March 31, 2000 through April 6, 2000 for P.O. #56449-13 for \$1,761.35, P.O. #64150 for \$2,390.00, P.O. #64151 for \$1,305.00, P.O. #64152 for \$1,811.15, P.O. #63300 for \$100.00, P.O. #65501 for \$100.00, P.O. #60432 for \$19.78, P.O. #62935 for \$53.65, P.O. #62937 for \$10,735.82, Warrant #30605 for \$16.39, Batch 1 for \$16,048.53, Batch 2 for \$28,389.07, Batch 3 for \$38,808.84, Batch 4 for \$14,564.90, Batch 5 for \$63,113.19, and Batch 6 for \$4,935.07. Totaling \$184,152.74.
3. Consideration of Contract(s):
 - Continuation of temporary flood plain administrator agreement with Morrison-Maierle
 - Joint service agreement between Sheriff's Department and Forest Service
4. Request for setback variance for Giovanini in the Hebgen Lake Zoning District and resolution approving the setback variance. The property is zoned RX, and described as Lot 18 of Kirkwood Shores Subdivision, in Section 25, T11S, R3E, generally located at 12150 Marian Loop, south of US Highway 287. This resolution would find that this would result in unnecessary hardship.
5. Request of boundary relocation realignment for Karel K. & George L. Foti Revocable Trust, located in Sections 23/24, T3S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
6. Request for common boundary realignment and lot aggregation for Wiley MT, Inc. & LeeLynn Inc., located in Section 2, T7S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act
7. Request for common boundary realignment for Thomas H. Langel & Kenneth Vidar, located in Section 22, T2N, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act
8. Request for a common boundary realignment for Robert Nevin, located in Sections 14/15, T2S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
9. Request for common boundary realignment for Robert Piper.
10. Request for final plat approval of the DeHaan Minor Subdivision #3, a four lot minor subdivision on 20.9 acres, located west of Belgrade between Rottweiler Lane and Sheepshank Drive. The property is described as the amended plat of lot 1, Minor Subdivision No. 254, located in the NW ¼ of Section 4, T1S, R4E. Belgrade City-County Planner Jason Karp reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.

There were no minutes available for approval. Gallatin County Planner Jennifer Madgic requested consent agenda Item #7, be continued indefinitely. Gallatin County Attorney Marty Lambert requested consent agenda Item #9 be continued until next week. Commissioner Mitchell made a motion to approve

the consent agenda, as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

The Monforton School Trail Presentation was presented by six grade students: Kim Heckel, Zack Leslie, Nathan Adams, Emily Miller, Phillip Edeling, Tyler Baldwin, Amber Wilson, Levi Ziggler, Luke Menders and Jeff Enders. Monforton School has 188 students, 167 of the students live on the south side, and only 21 live on the north side. The traffic on Monforton Road is often dense. On a regular school day in April they counted 35 students who walked to and from school, 24 student bikers, and 55 cars, which passed these children in the afternoon. The problem is that Monforton School students have no safe way to bike or walk on Monforton School Road from Huffine Lane to the Monforton School property. After they exit the tunnel which is on the opposite side of a two lane road with very limited shoulders and when they leave the pedestrian path on Huffine Lane and turn onto Monforton School Road on the west side, there is no path for them to walk or ride. Their solution to this problem is to build a bicycle/pedestrian path on the west side of Monforton School Road. The second path would begin at the tunnel exit on the east side and continue to the bridge. At the south side of the bridge, a crosswalk would be constructed. The path would then continue to Monforton School property from the bridge on the west side of the road. According to an estimate prepared by Roy Steiner a Gallatin County Engineer, this project will cost approximately \$24,342.50. They are proposing that the Gallatin Gateway Community raise will \$4,565.50 to pay the Montana Conservation Corporation for their labor. They are asking the County Commissioners to provide \$19,777.00 in equipment and material for this project. The school has agreed to provide maintenance for the path. Chairmen Olson stated that this is a very important project. Commissioner Murdock asked Roy Steiner if the county can fund this program. The Road Department will be able to donate the time and materials. Commissioner Murdock made a motion to support this project, as a priority. Commissioner Mitchell stated that the County Attorney would help work out an agreement. The Commission stated that the kids did a great job and that the presentation was wonderful. Public comment: Ann Johnson, President of the Parent Association spoke in support of the project. Betty Adams, lives just west of Monforton School Road and was willing to provide a 10-foot easement along the west boundary of the lot for this project. Martha Collins, a parent requested the Commission put forth a deadline. Lee Provance feels that this project will be completed by the time school starts this fall, August 29, 2000.

Gallatin County Clerk & Recorder Shelly Vance reported on designation of polling place. Polling places for the Primary Election for Gallatin County, Montana, to be held on June 6, 2000 are as follows: Pct 1 Hawthorne School, Pct 2 Bozeman Public Library, Pct 3 County Courthouse, Pct 4 Longfellow School, Pct 5 MSU Fieldhouse, Pct 6 MSU Fieldhouse, Pct 7 Emerson Cultural Center, Pct 8 MSU Fieldhouse, Pct 9 Bozeman Senior High School, Pct 10 Irving School, Pct 11 Law & Justice Center, Pct 12 MSU Student Building, Pct 13 Fish, Wildlife & Parks Building, Pct 14 Lindley Park Center, Pct 15 Valley View Golf Club, Pct 16 LaMotte School, Pct 17 Sourdough Fire Station, Pct 18 Fish, Wildlife & Parks Building, Pct 19 Morning Star School, Pct 20 Whittier School, Pct 21 Emily Dickinson School, Pct 22 Montana Power Building, Pct 23 Belgrade Senior Center, Pct 24 Riverside Country Club, Pct 25 Fairgrounds Building #4, Pct 26 USDA Complex, Pct 27 Springhill School, Pct 28 Pass Creek School Pct 29 Sedan School, Pct 30 Belgrade Middle School, Pct 31 Belgrade Special Events Center, Pct 32 Belgrade Special Events Center, Pct 33 Manhattan Christian School, Pct 34 Manhattan Grade School, Pct 35 Three Forks Grade School, Pct 36 Belgrade Senior Center, Pct 37 Manhattan Grade School, Pct 38 West Yellowstone Grade School, Pct 39 Anderson School, Pct 40 King Arthur Clubhouse, Pct 41 Fairgrounds Building #4, Pct 42 Four Corners Baptist Church, Pct 43 Monforton School, Pct 44 Thomas B. Quaw Gym, Pct 45 Gallatin Gateway Community Center, Pct 46 Ophir School, Pct 47 Three Forks Town Hall, Pct 48 Willow Creek School, Pct 49 Emily Dickinson School. All polling places will open at 7:00 a.m. and will remain open until 8:00 p.m. with the exception of Precincts 28, 29, and 48, which will open at 12:00 noon and remain open until 8:00 p.m. All polling places have been classified as accessible to handicapped persons according to MCA 13-3-207, except Precincts 4 and 44. Commissioner Murdock made a motion to approve the polling places. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Bill Hanson on behalf of Taylor Architects reported on the bids received Bids for Phase II renovation of the Gallatin County Courthouse. Bid #1 Taylor Construction, Montana Contract Registration #: 6068, acknowledges receipt of addendum's 1 & 2, a bid bond for 10% of the bid amount. Base Bid was

\$756,000.00, additive alternate #1 \$7,600.00, additive alternate #2 \$83,000.00. Bid #2 Edsall Construction, Montana Contract Registration #: 1720, acknowledges receipt of addendum's 1 & 2, a bid bond for 10% of the bid amount. Base Bid was \$732,400.00, additive alternate #1 \$6,400.00, additive alternate #2 \$88,400.00. Bid #3 Ingram - Cleveger Inc., Montana Contract Registration #: 2009, acknowledges receipt of addendum's 1 & 2, a bid bond for 10% of the Bid amount. Base bid was \$1,000,000.00, additive alternate #1 \$100,000.00, additive alternate #2 \$200,000.00. The faxed amendments for the Base bid amount deduct \$254,000.00, additive alternate #1 deduct \$92,500.00, additive alternate #2 deduct \$137,000.00. Bid #4 Rotherham Cooper, Montana Contract Registration #: 11341, acknowledges receipt of addendum's 1 & 2, a bid bond for 10% of the bid amount. Base bid was \$746,550.00, additive alternate #1 \$6,191.00, additive alternate #2 \$73,200.67. Bid #5 Diamond Construction, Montana Contract Registration #: 6626, acknowledges receipt of addendum's 1 & 2, a bid bond for 10% of the Bid amount. Base bid was \$1,000,000.00, additive alternate #1 \$100,000.00, additive alternate #2 \$100,000.00. The faxed amendments for the Base bid amount deduct \$258,000.00, additive alternate #1 deduct \$94,000.00, additive alternate #2 deduct \$23,000.00. Taylor Architects will take the bids under consideration and return with a recommendation.

Gallatin County Clerk and Recorder Shelley Vance reported that on March 24 the Clerk and Recorder's office received a petition to abandon a portion of Cimмерon Drive in Wheatland Hills Subdivision and Spirit Hills Subdivision. Legal Description: A parcel of land being a portion of Cimмерon Drive, which lies east of Itana Circle in the Wheatland Hills Subdivision and west of Little Wolf Road in the Spirit Hills Subdivision. Ms. Vance certified that she examined the petition pursuant to Section 7-14-2601 M.C.A. 1999, and it contains the signatures of at least 10 qualified freeholders in Gallatin County. Commissioner Murdock moved to accept the petition to abandon this portion of Wheatland Hills, finding that the Clerk and Recorder has certified that the petition has met the requirements of the law. Commissioner Mitchell seconded the motion and volunteered for the viewing committee. Chairmen Olson appointed Ms. Vance, Lee Provance, and Commissioner Mitchell to the viewing committee.

Gallatin County Planner Jennifer Madgic reported on the consideration of a family transfer exemption for Warren McMillan, located in the S ½, NW¼ of Section 23, T2S, R7E. The property is a land gift to wife/proposed sale to Richard & Patricia Smith. The Commission needs to determine whether the project meets the Montana Subdivision and Platting Act and is a proper use of the family transfer exemption. Warren McMillian created a number of tracts (20-60 acres) prior to 1993 and deeded tracts to himself. Shortly thereafter Mr. McMillian sold a 30-acre tract to the Smith's. Following this sale the Supreme Court decision Rocky Mountain Timberlands, Inc. vs. Lund, 1994 negated creation of tracts due to grantor/grantee. An attempt to divide the land by transferring title to or possession of a portion of the tract is ineffective if the grantor and the grantee under the purported conveyance are the same party. The fact that the clerk and recorder's office has filed a deed, which is ineffective because the grantor and the grantee are the same party, does not render the deed effective. Consequently the Smith deed of sale was never filed, and the property was never split. Mr. McMillan sought remedy in 1998 and applied for a family transfer exemption to create a parcel already sold to the Smith's. The Commission is advised to consider "exceptional circumstances" but motion failed 0:2 to grant family transfer exemption (11/10/98). Mr. McMillian was advised to submit a boundary realignment or have the Smith's file a lawsuit. Commissioner Murdock stated that before the changes in the law, a lot of landowners created 20 acres parcels. Mark Chandler for C&H Engineering and Survey reported that Tract 1 is the family sale parcel and will be retained. Tract 2 will be conveyed to the Smith's. In 1993 prior to the law change when Mr. McMillian created two 30 acres parcels, the Clerk and Recorder's office accepted the filing. They sold the 30-acre parcel prior to the new law. This decision with the Supreme Court undid the sale of the property. The County Attorney advised the Commission could make findings either way in this situation, and that they should consider all relevant information prior to making a decision. Commissioner Murdock moved to approve the family transfer exemption for Warren McMillan stating that this meets exceptional circumstances. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner, Jennifer Madgic reported on consideration of a condition modification for the River Rock Major Subdivision & River Rock Mobile Home Park. Potter Clinton Development requested a condition modification, which would affect the River Rock Major Subdivision – Phases 1, 2A, 2B, 4 & 5; and the River Rock Mobile Home Park. The modification concerns Condition #18 as

stated in the County Commission Findings of Fact(s). Condition #18 states: *The preliminary plat application shall be submitted to Montana Department of Transportation for their review and determination regarding any necessary improvements to Amsterdam Road. Applicants shall submit a letter from MDT certifying satisfaction of this condition.* Preliminary plat approval was granted on July 21, 1999. The River Rock Mobile Home was granted preliminary plat approval on August 17, 1999. The property is located in the Southeast One-Quarter (SE $\frac{1}{4}$) and Southwest One-Quarter (SW $\frac{1}{4}$) of Section 3, T1S, R4E, PMM, Gallatin County, Montana; generally located north of Amsterdam Road, approximately two miles west of Belgrade. The County Commission has one determination to make with this application: 1) A determination as to whether to approve the proposed change of condition. The Commission may change conditions where it is found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. If the Commission decides to approve the condition modification, Condition #18 in the County Commission Findings of Fact(s) would be revised as follows: 18) The preliminary plat application shall be submitted to Montana Department of Transportation for their review and determination regarding any necessary improvements to Amsterdam Road of the applicants' proposal. Applicant shall submit a letter from MDT certifying satisfaction of this condition and shall submit application to the Gallatin County Road Department for approval of the proposed improvements. Gallatin County Road Department, Superintendent Lee Provance stated that the conditional change is fine with the MDT. Joby Sabol the applicant's attorney read into the record a portion of a letter dated March 28, 2000, in reference to the River Rock Subdivision, Phase II. "MDT reviewed the required submittal and conveyed our recommendations for improvements to the Gallatin County Commission by letter dated January 18, 2000. At a subsequent meeting with the Gallatin County Commission on February 3, 2000, it was agreed that Secondary 347, Amsterdam Road, would remainder under county jurisdictional authority. As such, the requirements for roadway improvements will remain in the hands of Gallatin County, and MDT's role will revert to that of technical advisor to the county. Gallatin County Attorney Marty Lambert stated that the county is concerned because they are taking on additional responsibilities. Rick Kerin, project engineer stated that the improvements to the roads will be designed to the letter of the law. Public comment: Greg Cool stated some concerns over traffic issues but was in support of the subdivision. Bob Chapmen expressed his concern about the subdivision, he is unsure of the effect it will have on his property. The Commission took a break from 10:30-10:45 A.M. Ms. Madgic reported that the applicant along with the help of the County Attorney has rewritten condition #18. She stated that MDT is only giving up jurisdiction for maintenance purposes. The Commission was concerned with the road being built to MDT standards. If the road is not build to the standards set forth by MDT they will not provide funding for the state. This is the reason that they want it in writing. Jason Leep on behalf of PC Development stated that in order for the school to occupy the land, it must be owned by the school. Commissioner Murdock requested comment from Mr. Provance. Mr. Provance stated that through the RID process they will maintain that portion of the road. They cannot gain State approval with the misalignment of Kessler. He suggests that they put a contingency with signing the agreement with the State. Commissioner Mitchell would like to see this put on hold until this is clearer to everyone. Commissioner Murdock made a motion to approve the subdivision with condition #18 to read as follows: The preliminary plat application shall be submitted to Montana Department of Transportation for their review of the applicants proposal and shall submit application to the Gallatin County Road Department for approval for proposed improvements. Seconded by Chairman Olson. Commissioners Murdock and Olson voting aye. Commissioner Mitchell voting nay. Motion carried.

Belgrade City/County Planner Jason Karp reported on consideration of a request to amend the preliminary plat approval for the Belgrade Gardens Subdivision. C&H Engineering on behalf of Russ Estates requested to amend the preliminary plat approval of the Belgrade Gardens Subdivision to reduce the number of lots in the subdivision. The subdivision is located west of Belgrade off Old Highway 10 (MT 205) adjacent to the Vista Meadows Subdivision, which is north of Belgrade Commercial Park Subdivision. The property is described as the NE $\frac{1}{4}$ of Section 34, T1N, R4E, P.M.M., Gallatin County, Montana. The amended plat would reduce the density of a portion of Belgrade Gardens Subdivision that was planned for $\frac{1}{2}$ acre lots served by individual septic systems and a central water system. The new plan calls for one-acre lots served by individual septic and water systems. The proposal would also change the phasing of the project so that the original Phase 2 would become Phase 1 and the original Phase 1 would become Phase 2. The proposed amended Phase 1 contains 33 lots. The original plan called for 58 lots on the same site. Gallatin County Commission voted to grant conditional preliminary plat approval to the Belgrade Gardens Subdivision on June 24, 1997, 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) 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 weed district and developer prior to final plat approval. 5) A \$496 per new lot Fire Impact Fee shall be submitted to Gallatin County (an existing residence produces no new impact). 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. j. Park land shall be maintained by the homeowner's association. 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 cost 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. An 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. 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. 20. 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. 21. 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. 22. Deleted. 23. Black Hawk Lane must be extended to the east property line. 24. 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. 25. 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). 26. 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. 27. Due to the high concentration of septic systems, the subdivider shall review the feasibility of creating a water and sewer district and a central sewer system for the entire subdivision. The review may include the consideration of a revised preliminary plat, which would be accepted under the original application. It does not appear that the reduction in lots in the subdivision will require the amendment or addition of any of the above conditions to conform to current subdivision regulations. Commissioner Mitchell made a motion to approve the amended preliminary plat with the conditions as advised by staff. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Belgrade City/County Planner Jason Karp reported on consideration of a request for approval of an Improvements Agreement for the Belgrade Gardens Subdivision to allow the subdivision to receive final plat approval before the interior roads are paved as required by the Commission's Finding of Fact and Order. The applicant submitted an improvements agreement for review and approval with a financial guaranty in the form of a letter of credit in the amount of \$123,920.62 from Rocky Mountain Bank of Whitehall. As per Section 8-B-g of the Gallatin County Subdivision Regulations, the developer submitted the Improvements Agreement with financial security in the amount of 150% of the estimated cost of the required improvements. 76-3-507 MCA states that in lieu of the completion of the construction of any public improvements prior to the approval of a final plat, the subdivider shall 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 applicant indicated his intention to pave the roads in early May 2000. Commissioner Murdock made a motion to approve the improvements agreement. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Belgrade City/County Planner Jason Karp reported on consideration of a request for final plat approval of the Belgrade Gardens Subdivision Phase 1 for C&H Engineering on behalf of Russ Estates, located west of Belgrade off Old Highway 10 (MT 205) adjacent to the Vista Meadows Subdivision, which is north of Belgrade Commercial Park Subdivision. The property is described as the NE ¼ of Section 34, T1N, R4E, P.M.M., Gallatin County, Montana. The Gallatin County Commission voted to grant conditional preliminary plat approval to the Belgrade Gardens Subdivision on June 24, 1997. Final plat approval is contingent on the County Commission granting approval of a proposed amended plat for Phase 1 of the subdivision and Commission approval of an improvements agreement to allow the deferred paving of the subdivision roads. If the Commission approved the above two items as of May 2, 2000 the applicant will have demonstrated compliance with each of the above conditions as required by the preliminary plat approval, and staff will recommend that the Belgrade Gardens Subdivision Phase 1 be granted final plat approval. Commissioner Mitchell made a motion to approve the improvements agreement. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Attorney Marty Lambert presented a resolution of intent to amend the 9-1-1 Joint Dispatch Communication Services fund budget for Gallatin County, Fund No. 6100 with revenues transferred from the general fund. The 9-1-1 Administrative Board voted to recommend that the Joint City and County Commissions expend \$49,000 in FY 2000, to be used to start the process leading to Computer Assisted Dispatch. Fund No. 6100 should be amended to include the transfer of \$26,950.00 from the General Fund to employ CAD, and \$22,050 from the City of Bozeman. Commissioner Mitchell made a motion to approve Resolution of Intent 2000-25. Seconded by Commissioner Murdock. None voting nay. Motioned carried.

There were no pending resolutions. There being no further business the meeting adjourned at 11:45 A.M.

Unavailable
for signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

WEDNESDAY THE 10TH DAY OF MAY 2000

The meeting was called to order by Chairman Phil Olson at 9:00 A.M. Also present were County Commissioners Bill Murdock and Jennifer Smith Mitchell, Deputy County Attorney Chris Gray and LeeAnna Iverson, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

MAY 1, 2000

- A regularly scheduled office meeting of the Commissioners was held to discuss numerous items. A need for temporary help in the Planning Department was addressed. Commissioner Olson moved to reserve decisions and any requests for contracted services for the Planning Department, not deemed an emergency, until a new Planning Director is hired. Requests deemed an emergency will be considered on a case by case basis. Commissioner Murdock seconded the motion, noting that he does not support this since he feels the Planning Department needs help now. Commissioner Olson and Mitchell voted in favor of the motion. Commissioner Murdock opposed. Motion passed with a vote of 2-1. The Commissioners also discussed hiring Dale Beland to give a scope of work for the Big Sky Traffic Management Study. Commissioner Murdock made a motion, pending County Attorney approval and review, to ask Dale Beland to submit a scope of work for Big Sky for the Big Sky Traffic Management Study of the Highway 64 traffic drainage area, finding it requires no County money to fund the study, with the understanding that the money available from MDOT will be gone after July 1, 2000, and there are serious traffic concerns in Big Sky. Also finding that MDOT will not approve any changes without the study being done. Commissioner Mitchell seconded the motion adding her concern that the scope of work not cost as much as the study. Motion passed unanimously.
- A special meeting of the Commissioners and the County Attorney's Office was held to discuss numerous legal matters. Discussion took place regarding a need to transfer vacancy savings for use of technology equipment. Commissioner Murdock made a motion to approve transfer of vacancy savings for use of technology equipment. Commissioner Mitchell seconded the motion. Motion passed unanimously.

MAY 2-5, 2000

- The Commissioners conducted regular County business.
 - * * * * *
 - Landfill Receipts for April 2000: \$21,418.08.
 - Payroll for April 2000: \$975,767.25.
 - Clerk & Recorder's Fees Collected for April 2000: \$31,541.54.
 - New Hire Report for April 2000: REST HOME – Carri Denton, Lisa Fremont, Robyn Gagne; DETENTION CENTER – Cherie Lofton, Raul Ruiz, Jr.; PERSONNEL – Jan Sadlowski; LWQD – Alan English; ROAD & BRIDGE – Clyde Leazenby; MOTOR VEHICLE – Amy Dileo.

Terminated Employees' Report for April 2000: REST HOME – Carri Denton 3/23/00, Cheryl Anderson 3/23/00, Nicki Hunt 3/31/00, Ami Stanley 4/6/00, Michello Maiuri 4/18/00, Kate McInnerney 4/22/00; MOTOR VEHICLE – Lori Golden 4/10/00; FAIRGROUNDS – Mark Andersen 4/12/00; DISTRICT COURT #1 – Tamzin Brown 4/21/00; 911 – Lois Starr 4/27/00.

The following items were on the consent agenda:

1. Approval of claims presented by the Auditor dated April 28, 2000 through May 4, 2000 for P.O. #57502-33-36 for \$ 6,633.19 totaling \$6,633.19.
2. Consideration of Contract(s): Cost share agreement for Axtell-Anceney Road

452 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

3. Request for Final Plat Approval of River Rock Major Subdivision, Phase I. Preliminary plat approval was granted by the County Commission on July 7, 1999. Gallatin County Planner Jennifer Madgic reported that the conditions for final plat approval have been met.
4. Request for a Mortgage Exemption for Jeffrey Baker, located in Section 34, T1S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
5. Request for a Mortgage Exemption for Mark and Josephine Foster, located in Section 2, T1S, R5E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
6. Request for a Boundary Relocation Exemption for Big Sky Chapel, Steven F. Conte, CGV Montana LLC, located in Section 34, T6S, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
7. Correction Survey for Artie and Alice Perry/Crawford, located in Section 3, T1N, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
8. Request for Final Plat approval for Christie Minor Subdivision. Preliminary plat approval was granted by the County Commission on December 14, 1999. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.

Commissioner Mitchell read the consent agenda. Commissioner Murdock requested that the Cost share agreement for Axtell-Anceney Road be placed on the regular agenda for further discussion. Commissioner Mitchell moved to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Commissioner Murdock questioned Roy Steiner, of the Gallatin County Road Department about the Cost share agreement for Axtell-Anceney Road. Mr. Steiner confirmed that the road would be improved to a 26-foot gravel standard, meeting County Standards. There was no public comment. Motion by Commissioner Murdock to approve the Cost Share Agreement for Axtell-Anceney Road, based on the advice of the Road Department. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Tom Paluso, Gallatin County Chairman for the National Alliance for the mentally ill, and member of the local advisory board for the Mental Health Center and Healthy Communities reported on the proclamation declaring the month of May "Mental Health Awareness Month". Mr. Paluso read the proclamation. Motion by Commissioner Mitchell to approve the proclamation proclaiming May 2000 "Mental Health Awareness Month." Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on the bid award for Phase II renovation of the Gallatin County Courthouse. Mr. Gray submitted and summarized the letter from Jerry Taylor, of Taylor Architects to the Gallatin County Commission recommending they award the bid to Edsall Construction, adding Alternate #1, for a total \$738,800.00. Gallatin County Fiscal Officer Ed Blackman reviewed the bids and confirmed that Edsall Construction was the low bidder with the base bid and Alternate #1. Mr. Blackman stated that this was within the funds budgeted for the construction of this project (and allows for an appropriate construction contingency). There was no public comment. Commissioner Murdock moved to accept the advice of Taylor Architects and award to Edsall Construction in the amount of \$738,800.00, as outlined by Mr. Taylor, Mr. Gray and Mr. Blackman, and forward the notice of award to Edsall Construction. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

County Grants Administrator Larry Watson reported on the public hearing regarding a resolution of intent to amend the Gallatin County FY 2000 budget to include unanticipated grant revenues for the West Yellowstone/Hebgen Basin Solid Waste District Composting Project. There was no public

comment. Motion by Commissioner Murdock to approve Resolution of Intent #2000-26. Seconded by Commissioner Mitchell. None voting nay. Motion carried

Gallatin County Fiscal Officer Ed Blackman reported on the public hearing regarding a resolution to amend the 911 Joint Dispatch Communication Services fund budget for Gallatin County, Fund No. 6100 with revenues transferred from the General Fund. There was no public comment. Motion by Commissioner Mitchell to approve Resolution #2000-27. Seconded by Commissioner Murdock. None voting nay. Motion Carried.

Belgrade City-County Planner, Jason Karp reported on the request for the common boundary realignment for Robert Piper, to relocate boundary lines between 3 tracts of land. The property is described as a tract of land located in the NW ¼ of the SW ¼ of Section 33, T1N, R5E, PMM, Gallatin County, Montana. This exemption was continued at the request of County Attorney Marty Lambert last week for further review. Mr. Karp explained the reason for the request is to have a straight line between Tract A and C and so an existing bar on Tract C doesn't encroach on Tract B. The previous configuration was created by family transfers in January of 1996 and June of 1999. No additional tracts are being created and the applicant has submitted the required information. Based on the information submitted, Mr. Karp stated that this appears to be a proper use of the exemption procedure. The applicant's surveyor, David Albert with Staley Engineering was questioned by Deputy County Attorney Chris Gray to help the Commission determine whether or not this exemption is the proper use of the exemption. There was no public comment. Mr. Gray outlined the statute for the Commission relative to the exemption. Further discussion took place with regards to the history of this parcel. Motion by Commissioner Murdock to approve the boundary realignment as a proper use for Robert Piper, noting if Mr. Piper were to come back again he might consider his minor subdivision option. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Planner, Jennifer Madgic reported on the Kimm Potato Farm Minor Subdivision request for preliminary plat approval of a two-lot minor subdivision on approximately 40 acres. The two lots are approximately one acre and 39 acres in size. The property is legally described as a tract of land located in the NW¼ of Section 34, T1S, R4E, PMM, Gallatin County, Montana. The property is generally located southwest of the intersection of Bitterroot and River roads. No variances are being requested. The existing 40-acre tract was created in 1999 by an agricultural exemption. Ms. Madgic briefly summarized the staff report that contained criteria for the Commission to evaluate for considering the subdivision along with the conditions. The following changes were suggested: replace condition #13 with: "A Rural Fire Protection Water Supply shall be in place and operable prior to construction of any buildings. This water supply shall be of the standards that the Belgrade Rural Fire District has accepted as the minimum requirements. A copy of these standards can be obtained at this office. Options include a fill site, a 10,000-gallon tank, or an automatic fire sprinkler system meeting the requirements of NFPA 13D and the Gallatin County Subdivision Regulations Section 6.E.5(D). If the sprinkler option is used, the following conditions shall also apply: a. The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval. b. Inspections will be scheduled, with a 48-hour notice, during construction and completion." Impact fees would be assessed on both lots unless they want to put another ag exemption on the 39 acre parcel. The Gallatin County Planning Board reviewed the proposed two-lot minor subdivision for compliance with the Gallatin County Master Plan and determined that the proposal complies with the Plan. The Board voted unanimously to recommend (9:0 vote) at their April 25th meeting. The County Commission has one determination to make with this application: A determination as to whether 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 and the Gallatin County Subdivision Regulations. 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. 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.

4. Applicants shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, 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 applicants prior to final plat approval.

7. Applicants shall record the following covenants on or with the final plat: a) The property owner shall be responsible for the control of County-declared noxious weeds. b) Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations. 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. Applicants shall obtain an encroachment permit from the Gallatin County Road and Bridge Department for Tract 5-A.

9. Thirty feet of Bitterroot, south of the centerline, will need to be dedicated to the public for the entire length of the development.

10. Applicants shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations.

11. Applicants shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations.

12. A 35-foot setback along both sides of the irrigation ditch (or underground pipeline) from the high water mark shall be shown on the final plat if applicable.

13. The applicant must provide a Rural Fire Protection 1. Before final plat approval, a final subdivision plat will be provided to the Belgrade Rural Fire District. 2. A \$496 per lot impact fee shall be paid to the county per Gallatin County Fire Protection Impact Fee Regulation. 3. A Rural Fire Protection Water Supply shall be in place and operable prior to construction of any buildings. This water supply shall be of the standards that the Belgrade Rural Fire District has accepted as the minimum requirements. A copy of these standards can be obtained at this office. Options include a fill sit, a 10,000-gallon tank, or an automatic fire sprinkler system meeting the requirements of NFPA 13D and the Gallatin County Subdivision Regulations Section 6.E.5 (D). If the sprinkler option is used, the following conditions shall also apply: a) The fire district shall receive a stamped set of engineered sprinkler system plans for review and approval. b) Inspections will be scheduled, with a 48-hour notice, during construction and completion.

14. Tract 5-B shall remain as an agricultural tract and the final plat shall contain the standard statutory language exempting such tract from subdivision review.

15. Applicants shall have three (3) years to complete the above conditions and apply for final plat approval. The applicant Scott Kimm stated that their intent was to keep the larger tract in agriculture. Further discussion took place with regard to the ditch easement and pipeline in the area. The Commission had some concerns about the pipeline that is located on the property and requested an easement for the pipeline and proof of the ditch. Mr. Kimm agreed to add the ag exemption and standard ditch language as conditions of approval. There was no public comment. Motion by Commissioner Murdock to approve the Kimm Potato Farm Minor Subdivision, finding that it complies with the Master Plan; it meets all the requirements of the Gallatin County Subdivision Regulations; and with all the conditions as presented by staff and with the following amendments: replace condition #13 with the language on page 4 (3 a & b) of the staff report; add condition #15, with standard language to be drafted by staff stating that remainder tract 5-B will continue with the agricultural exemption language covenant with the County Commission; replace condition #12 to include the standard language on the ditch easement and rights and distinction suggested by Deputy County Attorney Chris Gray and include the pipeline. Seconded by Commissioner Mitchell. Commissioner Olson added that the unusual shape of the tract has been justified because of irrigation needs and seems appropriate. None voting nay. Motion carried

County Grants Administrator, Larry Watson opened the public hearing regarding allocation of the Community Transportation Enhancement Program (CTEP) Funds. Gallatin County has been receiving an annual allocation of approximately \$125,000. Mr. Watson received the following three written proposals: American Wildlands for a wildlife habitat connectivity study on the Bozeman Pass; Belgrade Public School District for a underpass on the West Belgrade trail system near the new school on Amsterdam Road; and tunnel and trail project by the Gallatin Gateway Community. Gallatin County's total allocation is \$335,063.00. Gallatin County can only carryover three years, therefore the Commission needs to allocate \$81,602.00 (FY 1998) or forfeit the funds. Applications are due to the Montana Department of Transportation no later than March 31, 2000. The next scheduled public hearing will be held March 16, 2000, at the Ruby Theatre in Three Forks. The Commission will be asked to make funding decision for the allocation of program funds for this fiscal year. Public comment: Alice Jones spoke regarding a tunnel and trail project for the Gallatin Gateway School students along Highway 191. Ms. Jones presented a GIS map of the Gallatin Gateway area to the Commission, pointing out in a 3-mile radius from the school outward those students who must walk or find their own transportation to school. She commented on the tremendous growth that has taken place in the Gallatin Gateway area, and because of this growth, Highway 191 is becoming more of the main street for Gallatin Gateway. The total project cost is estimated at \$308,000.00. The community is offering services and goods to be donated at approximately \$43,500.00. They are willing to provide cash as matching funds of \$35,500.00, which leaves a total cost from other sources of \$229,000.00. George Rabel; Bradley Flategraff; Cellon Sharp, Linda Vrooman and Tim Border spoke in support of the tunnel project. Dan Heimbigner and Jack Bolinger presented a future project for bicycle running path along Valley Center Road East, approximately four and a half miles along a new road that they hope will be built in the near future. Mr. Bolinger suggested filling in the burrow pit on one side, making a safe wide shoulder so they could walk, ride or jog without danger until such time they widen Valley Center. This is a dangerous road and needs to have a pathway for runners and/or bicycles. This request was for future notice; they were not requesting funds at this time. The plan was to design this project into the road improvements. Lance Craighead, Professor of Biology at MSU and Director of Craighead Environmental Research Institute reported on his finding in working with American Wildlands on a proposal to study the Bozeman Pass in terms of finding safer ways for wildlife to cross the roads and highways, as traffic continues to increase and grow in Gallatin County. The total study is budgeted at \$51,000.00, most of which they were hoping to get from other sources however they would like a small amount of CTEP funding. Harry Erickson, Superintendent of Belgrade Schools commented on the conditions near the new Ridge View School. There will be a trail system between Royal and Thorpe Road to be completed in the next couple of weeks. The school district is looking to apply for CTEP funding to assist in building a tunnel under Thorpe Road and Amsterdam Road, meeting the pedestrian path that will be in existence. The school district is asking for \$100,000.00, which would be a 60/40 match. Engineer Rick Kerin, on behalf of Kerin and Associates is working on the Amsterdam Road improvements and presumably the RID for 2002. The RID is not scheduled to include pedestrian improvements because they are needed now. He submitted cost estimates to the Commission and explained that the tunnel would be an 8 x 8 concrete box culvert. The underpass is complete with lighting barriers on top; handrails on the approach ramps on either side; the approach trails on the south would eventually lead to Jackrabbit Lane for future trail extensions. The projected cost is \$245, 000.00. Commissioner Mitchell questioned if MDOT was going to help financially with this project. Mr. Kerin replied, no. Further discussion took place with regards to right-of-way acquisitions. Commissioner Murdock commented that this was a public health and safety fundamental issue, and with the county increasing by leaps and bounds with vehicular traffic it has become apparent they are approving development with very little thought to pedestrian needs, so therefore he was going to support every project presented today. Commissioner Olson concurred. Commissioner Mitchell suggested they put the pressure on MDOT to not improve a highway without considering the impact on a community, adding that Gallatin Gateway was a perfect example.

Deputy County Attorney Chris Gray suggested the Commission confirm that next weeks meeting will be held at the Ruby Theater in Three Forks. Motion by Commissioner Mitchell to hold next weeks regular public meeting at the Ruby Theater in Three Forks. Seconded by Commission Murdock. None voting nay. Motion carried.

Deputy County Attorney Chris Gray presented a pending resolution to correct or amend the subdivision plat Minor Subdivision #180. The Board of County Commissioners granted final plat approval of Minor Subdivision #180 in 1995 and 1996. Subsequently the Commission granted variances to fix a problem related to a road and access to this subdivision. To finalize the filing of an amended plat to resolve the

456 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

variance road issue and to give advisory information to subsequent landowners pursuant to a revised plat it is necessary to file information on this plat related to this subdivision, also known as The Land Minor Subdivision. Motion by Commissioner Murdock to approve Resolution #2000-28. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business, the meeting adjourned at 11:25 A.M.

Unavailable
for signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 16TH DAY OF MAY 2000

The meeting was called to order by Acting Chairman Bill Murdock at 9:10 A.M. Also present were County Commissioner Jennifer Smith Mitchell, Deputy County Attorney Chris Gray and LeeAnna Iverson, Acting Clerk to the Board.

Acting Chairman Bill Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

MAY 8, 2000

- A regularly scheduled office meeting of the Commissioners was held to discuss numerous items. In attendance were Commissioners Olson, Murdock, and Mitchell, Executive Secretaries Stacy Johnston and Glenda Noyes, and Grants Administrator Larry Watson. Mr. Watson presented a letter to the Commissioners for signature regarding House Bill 223 funds that verifies that the County has levied the maximum mills (1.25) and there are no additional mills available for the Gallatin Conservation District project. Commissioner Murdock made a motion to sign the letter confirming the maximum mills have been levied for the GCD project and no additional funds are available. Commissioner Mitchell seconded the motion. Commissioner Olson verified that this does not lock the County into any financial burden. Motion passed unanimously. The Commission also discussed the Belgrade City-County Planning Board joint appointment vacancy. Commissioner Mitchell made a motion to approve the recommendation of the Belgrade City Council and Belgrade City-County Planning Board to appoint Greg Heath to fill the vacancy on the Belgrade City-County Planning Board. Commissioner Murdock seconded the motion. Motion passed unanimously. Commissioner Olson, finding that there has been some confusion and mistakes made regarding the forwarding of correspondence, made a motion that nothing go out of the office that is representative of the County Commission without a quorum determining to do so. Commissioner Murdock seconded the motion. Discussion took place and it was determined that items will be discussed prior to any forwarding. Motion passed unanimously.
- A regularly scheduled meeting of the Commissioners and Personnel Director Kathy Nowierski. In attendance were Commissioners Olson, Murdock, and Mitchell, and Ms. Nowierski. Numerous personnel issues were discussed. Commissioner Murdock made a motion to use \$3,500.00 from the Personnel budget and \$4,500.00 from the County Commission budget to purchase a new Commission copier and give the old Commission copier to Personnel, being sure to have the old one revamped, which is anticipated to cost \$1,000.00 or less. Commissioner Mitchell seconded the motion. Motion passed unanimously.

MAY 9, 2000

- A regularly scheduled public meeting of the County Commissioners was called to order at 9:03 a.m by Commissioner Olson for the purpose of hearing protests on the creation of R.I.D. 375, Blue Grass Meadows. In attendance were Commissioner Olson, Commissioner Murdock (via telephone), Deputy County Attorney Chris Gray, and Executive Secretary Glenda Noyes. Commissioner Mitchell was gone to Helena for a meeting. Mr. Gray explained that according to statute, this is the appointed time to hear protests on the creation of R.I.D. 375, after the Commission passed a resolution of intent to create the R.I.D. on April 11, 2000. According to MCA 7-12-2111, the protest provisions state the public hearing to hear protests must be held at a regularly scheduled meeting, and May 16 would be the next of this sort. This statute allows for this hearing to be adjourned and

continued until such time. Commissioner Murdock made a motion to continue the public hearing to consider protests of the creation of R.I.D. 375, Blue Grass Meadows, until May 16 in Three Forks. Commissioner Olson seconded the motion, stating that for the record, no one was present at this meeting from the public to voice any protests. In discussion, Commissioner Murdock questioned the need to continue, and Mr. Gray explained that pursuant to the notice provisions, and the statute stating the protests will be heard at a regularly scheduled meeting, there is a need to continue this issue. Motion passed unanimously. Mr. Gray addressed the second issue at hand, the time and place of the regularly scheduled meeting. According to Resolution 1999-35, the time set forth for the Commission's regularly scheduled public meeting is Tuesday of each week at 9:00 a.m. Commissioner Olson made a motion to continue today's meeting until tomorrow, May 10 at 9:00 a.m. Commissioner Murdock seconded the motion. Motion passed unanimously.

MAY 10-12, 2000

The Commissioners conducted regular County business.

The following items were on the consent agenda:

1. Approval of claims presented by the Auditor dated May 05-11, 2000 for P.O. #57166 for \$38.60, P.O. #58788 for \$112.48, P.O. #60584 for \$1,652.46, Batch 1 for \$54,161.71, Batch 2 for \$35,709.56, Batch 3 for \$70,367.93, Batch 4 for \$35,581.32, Batch 5 for \$39,325.79, Batch 6 for \$61,696.07, Batch 7 for \$48,759.71, and Batch 8 for \$700.44. Totaling \$348,106.07.
2. Consideration of contract(s):
 - Modification to Agreement Between City of Bozeman and Gallatin County for DES Coordinator and Hazardous Materials.
 - Crack sealing Agreement with Bailey Paving, Inc.
 - Agreement with Amorex & Lansing to Upgrade Menard Road to County Standard
 - Claims fund reconciliation agreement with Knaub & Company, P. C.
 - RID maintenance contract with Morrison-Maierle, Inc.
3. Request for Boundary Relocation Exemption for Terry and Frieda Johnson, located in Section 19, T2S, R6E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
4. Request for Final Plat Approval for the Griffis Minor Subdivision. Preliminary plat approval was granted March 14, 2000. A staff report submitted by Belgrade City/County Planner Jason Karp states that the conditions for final plat approval have been met.

Commissioner Mitchell read the consent agenda. Commissioner Mitchell moved to approve the consent agenda. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Commissioner Mitchell announced the consideration of appointments to the Gallatin River Ranch Rural Fire District. Subsequent to the creation of this fire district on 12/28/99 and in accordance with Section 7-33-21-6, MCA, the Commissioners shall initially appoint five trustees to hold staggered terms of office until their successors are elected or appointed. Four of the five trustees were appointed on 2/17/00. The initial terms of office must be drawn by lot at their first meeting and include: 1 trustee to serve 3 years; 2 trustees to service 2 years; and 2 trustees will serve 1 year. Upon expiration of these initial terms, each trustee shall serve a three-year term. Commissioner Mitchell made a motion to appoint Al Sprunger to the Gallatin River Ranch Rural Fire District. Seconded by Commissioner Murdock. None voting nay. Motion Carried. Commissioner Mitchell announced the consideration of appointments to the Tax Appeal Board. One vacancy exists on this board due to the term expiration of Kathryn Tanner in December 1999. Ms. Tanner was contacted and did not wish to reapply. One application was received from David Miller. Commissioner Mitchell made a motion to appoint David Miller to the Tax Appeal Board, a three-year term, expiring December 31, 2002. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Grants Administrator Larry Watson reported on the public hearing regarding the Community Transportation Enhancement Program (CTEP) project funding allocation. This is the third of three public hearings that the Commission scheduled for the use of CTEP funds. The Commission's decision regarding funding today is necessary in order to fully develop these projects for submission to the MDOT, which is due by the end of May. The county currently has a total accumulation of

\$335,063.00 in CTEP funding and of this amount only three consecutive program years can carry over without allocating it to a project. The County still has a remainder of \$81,602.00 from the 1999 allocation that must be allocated to a project this year or forfeited back to the MDOT. Prior to this public hearing the Commission received the following three proposals: Belgrade School District for \$100,000.00; Community of Gallatin Gateway for \$308,000.00; and American Wild Lands for \$51,420.00 without GPS collars for animals or \$71,420.00 with GPS collars for animals. Commissioner Murdock noted there has been an ongoing battle with the state on the standards with which these trails are built. He stated that Park County just received approval to use double shot (double bituminous) for a bike path and he thought that was a major break through in saving money. He questioned if the Commission had any flexibility in negotiating the project specs. Mr. Watson's answer was yes, they were intending to use double shot on the Gateway path. Brad Flategraff from Gallatin Gateway reiterated his support for the Gallatin Gateway Project to the Commission and presented documentation that double shot (double bituminous surface treatment) is an approved surfacing material. Mr. Flategraff addressed and answered all the questions that the Commission had asked in the previous meeting, and urged the Commission to approve the request for the bike/pedestrian path at Gallatin Gateway. Mark Halgren, Harry Erickson and Rick Kerin, Engineer for the project, presented information to the Commission and addressed their concerns for the project. The whole community is concerned with the safety of the students. When the tunnel is built the school will make it mandatory for the students to use this tunnel, if it is not used it will be a violation of policy. This tunnel will also link the Belgrade trail system into the city. Rick Kerin reiterated his testimony from his previous presentation on May 02, 2000. Commissioner Mitchell still has concerns with the cost of the project and the location of the tunnel. She would like to see the tunnel built straight across from the school and not diagonally. This would lower the cost of the tunnel. Mr. Halgren and Mr. Kerin explained they were unable to obtain an easement from the property owner directly southwest of that intersection, and the way the tunnel is laid out would allow for the best use of the trail system. He contends that the underpass is needed and it is in the right location especially for the grade separation. Commissioner Mitchell reviewed the engineering plan and she sees it as an engineering nightmare. Kim Davitt on behalf of American Wild Lands in Bozeman presented the Commission with a proposal for the wildlife crossings between the Bridger Mountains and the Absaroka Mountains, for tracking, habitat surveys and wildlife corridors. They requested between \$51,000.00-\$71,000.00. They are also requesting funds from the MDOT and other agencies. Steve White sent a letter with several pages of supporting literature in opposition of funding the study for the American Wild Lands project. Charlie and Debbie Allsop sent a letter of support for the Gallatin Gateway Tunnel and Trail project. Gateway students, (Karen Gilwin, Lisa Browning, Madison Lydel, Jim Umba, Katelyn Beaver, Raulph Iminmen and Sam Avorit). The students acted out several different scenarios, which represented the danger for the children and pedestrians that cross. The cross walk is not only used during school time but also in the summer. The traffic is more intense during the summer due to tourists. One of the scenarios that they presented was a situation where the students are trying to cross and one car has stopped and the other car attempts to pass on the left side not seeing the students. The students thanked the Commission for the speed limit and the crosswalk although they realize that this is not enough to insure the safety of the children and the pedestrians trying to cross Highway 191. Alice Jones stated that they do have their 55-mile an hour speed zone signs in place. In reference to a comment by Mr. Watson, Mrs. Jones their budget was \$308,000.00, and the requested amount was \$229,000.00, with the Gateway community donating goods and services of roughly \$43,000.00, and they are committed to raising the matching funds of 13.24%. Since April 1st, they collected \$23,000 from the community. Ande McCollum, Nancy Maloney and Carol Chambers were in attendance to support the Gallatin Gateway project. Commissioner Mitchell asked Mr. Watson if it would be good for the Commission to hold aside some of the money to accommodate other projects that might be in the works. Mr. Watson felt this would be a good idea. Commissioner Murdock concurred. Commissioner Murdock made a motion to fund the Gallatin Gateway tunnel project for \$229,000.00. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Murdock made a motion to fund the Belgrade School District project for \$100,000.00. Seconded by Commissioner Mitchell, recommending that they hold the remaining funds for future projects. Commissioner Murdock disagreed, as this project too, involved the same safety issues as Gateway and he felt there would still be some roll over for future projects. Mr. Watson stated their intent to request that the state fund the tunnel for Gateway and that would make a substantial reduction on that project. Commissioner Murdock moved to fund the American Wild Land study for \$10,000.00. Commissioner Murdock withdrew his motion on the Belgrade School District and the American Wild Land study, noting that they would continue these two applications until next week.

Roger Curtiss on behalf of Alcohol and Drug Services spoke regarding the Community Incentive Program presentation (Gallatin County Communities that Care). The program was celebrating the award

of funds in the amount of \$1,055,944.00, to be distributed through participating organizations. Mr. Curtiss introduced to the Commission the following CIP participants: Pamela Poon- Dispute Resolution Center of Central Montana; Stephanie Nelson and Ann Drenk-Gallatin City/County Health Department; Cheryl Walter and Dave Douglass - ADSGC; Kristina Allison - Big Brothers & Big Sisters; Robert Gutzman - Bozeman Public Schools; Jenna Caplette - Gallatin County DUI Task Force; Larry Watson - Gallatin County Grants Administrator; Charles Hill - HRDC; Bridget Ladd - Manhattan Schools; Carol Townsend - United Way of Gallatin County; and Sam Trammel, Michelle McFarland and Alison Counts - MIT/Belgrade High. Mr. Curtiss noted out of the 33 different communities that were involved only 11 throughout Montana were receiving funding. The Gallatin Valley received the highest amount of money funded for prevention programs in the state. Mr. Curtiss gave an overview of the organizations plans as follows: Big Brothers and Big Sisters of Montana will be expanding their mentoring services; Boys and Girls Clubs of South West Montana will be implementing the Smart Moves program, a comprehensive prevention program that allows youth to become the facilitators for other youth and improves parent training; Bozeman Area Most Of Us Campaign will work with the Gallatin Valley Communities that Care to implement a social norms campaign targeted at middle school aged youth and their families; Dispute Resolution Center will implement a comprehensive school peer mediation program at Chief Joseph and Sacajawea Middle Schools that will involve youth, school personnel and parents; Bozeman Shelter Care plans to implement the functional family therapy program for families and youth that utilize the shelter in order help families reunite; Harts and Homes will be expanding their families and parent skills training for court ordered families in the Gallatin Valley; The City-County Health Department will work in collaboration with adult education and prevent child abuse to expand their home visiting and family support services Up with Children Partnership to parents of the Gallatin Valley, prevent child abuse in collaboration with the Bozeman schools will increase the number of youth in the CAP (Child Advancement Project) program; Alcohol and Drug Services the fiscal agent for the project will hire a coordinator to continue the community coalition building process and reach out to the outlying communities. He stated he had never had the opportunity to work with so many organizations and coalitions that were so willing to work together. Mr. Curtiss personally thanked Cheryl Walter and Dave Douglass for their involvement. Assistant Superintendent of the Bozeman Schools Robert Gutzman thanked all concerned and for pulling together and being a part of this program. Sam Trammell stated this is the first program with a vision statement that is working towards the future of the youth in the community. Commissioner Murdock commented that without these organizations our community would not be where it is today, and stated what a terrific grant application this was in helping them accomplish their goals. Commissioner Mitchell stated it was a pleasure to hear a win win for everybody and she was proud of them all for working together.

Gallatin County Deputy Attorney Chris Gray stated that on April 11, 2000, the Commission passed an emergency ordinance to decrease the speed limit on Highway 191 in the Gallatin Gateway area. Mr. Gray explained that the emergency ordinance would expire 90 days from that date, which would be July 10, 2000. He had not yet drafted the final ordinance and asked that this be continued until next week. Commissioner Murdock agreed to the continuance for one week.

Gallatin County Road and Bridge Superintendent Lee Provance reported this was the second reading of an ordinance reducing the speed limit on River Road to 45-mph. Mr. Provance requested the Commission waive the reading of the ordinance. Commissioner Murdock moved to waive the reading of this ordinance. The motion died for lack of a second. Mr. Provance read the ordinance. There was no public comment. Commissioner Mitchell moved to approve Ordinance #2000-02. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Commissioner Murdock stated the consideration of a request for preliminary plat approval for Burrows Subsequent Subdivision would be opened and continued until next week. Mark Chandler, C & H Engineering noted that Mr. Burrows requested the continuation.

Belgrade City-County Planner Jason Karp reported that C & H Engineering on behalf of William Heckerman, requested preliminary plat approval of a three lot minor subdivision on 162 acres, located in the S1/2 of Section 21, T1N, R4E, PMM, Gallatin County, Montana. Mr. Karp's staff report included comments addressing review of primary criteria including the effects on wildlife and wildlife habitat;

public health and safety; local services; natural environment; agriculture; and agriculture water use facilities. The applicant requested one variance from the subdivision regulations that require Weaver Road to be paved due to the creation of only two additional lots. A waiver of RID will be required. The Planning Board voted unanimously at their April 26, 2000, meeting to recommend the requested variance and preliminary plat approval of the subdivision subject to the conditions. They recommended the variance because the low-density subdivision is only creating two additional lots and paving a short portion of Weaver Road could lead to maintenance problems for the County with most of Weaver Road still being gravel. The Commission needs to determine whether or not the requested variance should be granted and determine as to whether or not the proposed subdivision meets the requirements of Section 76-3-608 MCA. If the 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. Deleted. Note-Department of Environmental Quality approval is not required for this subdivision because the each lot is more than 20 acres. 4. A waiver of right to protest creation of Rural Improvement Districts, and Water and Sewer Districts. 5. The developer shall record covenants with 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. 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 Impact fees and Fire Impact fees shall be paid to Gallatin County in accordance with Gallatin County Impact Fee Regulations. 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. The developer must obtain an encroachment permits from Gallatin County for the Lot 2 and Lot 3 driveways off of Weaver Road. 11. 30 feet of Weaver Road north of the centerline shall be dedicated to the public along the entire width of the subdivision. 12. 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 Rural Fire District. The subdivider shall obtain written verification from the Belgrade 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, and a copy of the covenants must be submitted to the Amsterdam Fire Department. 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 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. d. A pressurized fire hydrant system meeting the requirements of Section 6-E-5(e). 13. All irrigation ditches on the property shall be shown on the final plat with a maintenance easement of at least 15 feet on one side and 5 feet on the other side along the entire length of the ditches. 14. The name(s) of the ditch owners shall 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. Mark Chandler, C & H Engineering stated their reason for requesting the variance is because there are only two additional lots and this would not be enough of an impact on the road to require the paving. The applicant was in agreement to all the other conditions. There was no public comment. Commissioner Mitchell asked the staff engineer of the Road Department Roy Steiner how he felt about the variance. Mr. Steiner stated it has been a standard policy to grant the paving variance where there is a minor subdivision with less than 3 to 4 lots. Commissioner Mitchell made a motion to grant the variance with the finding that paving the road does not make sense and would create an undue hardship on the applicant and would not benefit the County. Seconded by Commissioner Murdock, finding there is a prevalence of similar conditions where this variance has been granted. None voting nay. Motion carried. Commissioner Mitchell made a motion to approve the minor subdivision, finding it has met all the requirements and subdivision regulations and with the conditions suggested by staff. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Belgrade City-County Planner Jason Karp reported that James A. McLean on behalf of Jerry Krushensky requested a change in required conditions of preliminary plat approval for the Krushensky Minor Subdivision, located south of Belgrade between the Yukon Subdivision and Horseshoe Meadows Subdivision on McMillan Lane. The property is situated in the SE1/4 of Section 13, T1S, R4E, PMM, Gallatin County, Montana. The Belgrade City-County Planning Board voted at their January 26, 2000, meeting to recommend conditional preliminary plat approval of the subdivision. The Gallatin County Commission reviewed the preliminary plat at their February 15, 2000, meeting. The Commission heard testimony from concerned residents in the adjacent Horseshoe Meadows Subdivision, and the nearby Yukon Subdivision. Most of the concerns related to this subdivision tying the road system in the Horseshoe Meadows Subdivision with the Yukon Subdivision. There were also, concerns expressed about the compatibility of the developer's proposals for all his property in the area. The Commission voted to table the subdivision so the developer could provide a development plan for the area. The developer submitted a master plan sketch for his properties located between Horseshoe Meadows and Yukon as requested by the Commission. The Commission reopened the review of the Krushensky Minor Subdivision and voted at their March 7, 2000, meeting to grant preliminary plat approval subject to the conditions. Mr. Karp stated that the applicant requested conditions #11 and #14 be deleted that read as follows: #11. McMillan Lane shall be constructed to Gallatin County gravel standard from Bluegrass Drive to the east boundary of Lot 4 with a temporary cul-de-sac prior to final plat approval; and #14. McMillan Lane shall be a sixty-foot right-of-way (or public easement in accordance with County Subdivision Regulations) constructed to County gravel standards from Bluegrass Drive to the cul-de-sac and shall not extend to the east boundary of the subdivision. He explained the applicant would like to extend McMillan Lane through the subdivision to provide a second access to the Krushensky Minor Subdivision via the existing Yukon Subdivision. To mitigate the impact of putting the road through, the applicant is proposing to pave Bluegrass Drive to Cameron Bridge Road or McMillan Lane to Alaska Road whichever the Commission prefers. The Commission's requirement is that McMillan Lane end in a cul-de-sac at the east end of Lot 4, thus preventing McMillan Lane from being a second means of access to the Krushensky Minor Subdivision and Mr. Krushensky's property to the east. Mr. Krushensky will need a second access to continue future development plans for his properties at the site. Mr. Karp stated the Belgrade City-County Planning Board's recommendation regarding the construction of McMillan Lane was as follows: #11. Bluegrass Drive from McMillan Lane to Cameron Bridge Road is required to be paved to Gallatin County Standards prior to final plat approval; and #14. McMillan Lane shall be a sixty-foot right-of-way (or public easement in accordance with County Subdivision Regulations) constructed to County gravel standards from Bluegrass Drive to the Yukon Subdivision. The Commission must determine whether the required conditions #11 and #14 are in accordance with subdivision regulations and remain or if the subdivision regulations require McMillan Lane to be extended to the east property line of the subdivision. If McMillan Lane is extended to the east boundary of the subdivision, the developer will eventually connect the existing McMillan Lane in the Yukon Subdivision to the proposed McMillan Lane in the Krushensky Subdivision. Mr. Karp stated that staff recommends if the Commission votes to allow McMillan Lane to go through as requested by the applicant, conditions #11 and #14 should be changed to read as follows: #11. Bluegrass Drive from McMillan Lane to Cameron Bridge Road is required to be paved to Gallatin County Standards prior to final plat approval; and #14. McMillan Lane shall be a sixty foot right-of-way constructed to County gravel standards from Bluegrass Drive to the east boundary of the subdivision with a temporary cul-de-sac at its east end. He spoke with Deputy Belgrade Fire Marshall Bryan Connelley and his recommendation was that this minor subdivision is not required to have a second access. However, they always recommend that a dead end road go to the end of the subdivision to facilitate future subdivision traffic circulation, which would allow McMillan Lane to end at the property

line. Mr. Karp stated he had some letters in opposition of this request from the following individuals: Lenny Jones; Jerry Cox; Dan Mott; and Dennis & Patty Christman. Deputy County Attorney Chris Gray questioned if Mr. Krushensky, through his counsel sought this application for change of conditions after approval, under Section 13.G in the subdivision regulations. Mr. Karp's answer was affirmative. Mr. Gray read Section 13.G as follows: Upon written request of the subdivider, the Commission may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. Mark Chandler, C & H Engineering on behalf of Jerry Krushensky summarized their reasons for the requested change in conditions. Mr. Chandler stated the most important section of the subdivision regulations is Section 7-A-3. Relation to Subdivided Areas: The subdivider shall arrange the roads to provide for the continuation of roads between adjacent subdivided properties when such continuation is necessary for the convenient movement of traffic, effective provision of emergency service, and efficient provision of utilities. The Belgrade Master Plan also, states that they are supposed to provide for a circulation plan to improve and coordinate the area streets and roads. Mr. Chandler stated the emergency access was an important part and if the road were put through it would provide a second access for Yukon 1 and 2. Discussion took place with regard to the options in the road circulation system design. Attorney for the applicant Jim McLean made reference to the change in conditions requiring errors or changes beyond the control of the subdivider rendering a condition unnecessary, impossible or illegal. He conceded this was not impossible, and to determine whether or not the condition was unnecessary he would refer to the initial concept provided by the legislature in following through with the subdivision regulations in relationship to roads and coordination of roads. He stated this is an increased traffic type problem. Mr. McLean noted that State Statute 76-35-01 required the Commission to adopt and provide for the enforcement and administration of subdivision regulations and reasonably providing for the orderly development of their jurisdiction area, for the coordination of roads within subdivided land with other roads both existing and planned. He stated the applicant has proposed this, and actually in the Horseshoe Subdivision the County has done this, by requiring the public roads come to the boundary line of un-subdivided lands which, is Bluegrass Drive that also, provides access to the north of Horseshoe Meadows that was in accordance with the subdivision regulations. He explained this is not a County road and not owned by the Horseshoe Meadows Subdivision though it is a public road. He noted that the Montana Supreme Court has recognized that a landowner has the right to connect to a public road when it adjoins the road. Mr. McLean stated even though this is a minor subdivision, a Master Plan sketch was submitted to the County so they could see what was going to happen in the future. When it is reviewed the Commission will have the opportunity to require mitigation to minimize potentially significant adverse impacts. The adverse impact here is the increased traffic on Bluegrass Drive to Cameron Bridge Road. He stated this subdivision has not come before the Commission yet, and they have tried to mitigate it by shutting off the road and he felt that was unnecessary and illegal. He read from the subdivision regulations regarding mitigation as follows: In reviewing a subdivision under this section and when requiring mitigation the Commission may not unreasonably restrict a landowner's ability to develop land. When requiring mitigation under this sub section the Commission shall consult with the subdivider and shall give due weight and consideration to express preference from the subdivider. He stated the applicant has advised the Commission of the plans and that this is the only secondary access. He stated it was unreasonable for the Commission to block this road off, as it blocks public access and will destroy a secondary access opportunity for the rest of Mr. Krushensky's land. He noted there was a previous concern that this subdivision may not be compatible with the adjacent subdivision, which is a consideration for the Commission to consider with the large lots next to the small lots. The Belgrade Master Plan makes this a high-density area so that should be considered along with the compatibility. He felt it was illegal to take away a land owners right to have access to a public road in which their land abuts, particularly since the public road was put there for the purpose to provide access to adjoining land owners. He stated the developer is willing to pave the road, which would be a great advantage to Horseshoe Meadows. He commented if the right to connect to the public road is denied then the County would be at risk for an inverse condemnation type claim, and he cited some of those cases. Mr. Gray asked if the developer would be willing to continue this if the Commission were to deem it necessary to take it under advisement. Mr. McLean stated his client would be in agreement if it was deemed necessary and added that his client was also, in agreement with the recommendations of the Belgrade County Planning Board. Kevin McNelis, Ben Roy, Bill Monaghan, Dennis Schafer (submitted 10 photographs) and Linda Peterson reiterated their concerns; some of them for the fifth time and requested that the Commission deny the requested change of conditions. Mr. Chandler presented support for the request and addressed some comments made by the opposing parties to clarify the developer's intent. Commissioner Mitchell asked Mr. Gray if their were conditions provided to the applicant where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. Mr. Gray stated he would have to defer in answering that question so he could look at the law and take into consideration today's testimony. Board discussion took place regarding requirements for County road standards and design standards. Commissioner

Murdock wanted to make it clear that he felt they were being consistent with Section 7-A-2. Relation to Un-Subdivided Areas: When a new subdivision adjoins un-subdivided land and access to the un-subdivided 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. He stated that it could be argued that this is not a suitable design for high-density development access, given the proposed development they are looking at in the future, for a number of reasons. Commissioner Murdock commented that it has an existing mobile home park and a proposed future mobile home park, which will add traffic. He questioned why it was not next to an arterial, as there are several other places in the area. Commissioner Murdock pointed out that it also, stated this requirement may be waived by the 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 property; b. Adequate public access is otherwise available to the adjacent un-subdivided properties; and c. When the adjoining un-subdivided property is under a conservation easement, public ownership, or other legally restrictive covenants. He felt there was adequate public access otherwise available to the adjacent un-subdivided properties although, it may not be convenient, it is available. He felt the Commission made the proper choice the first time and after listening to it again, he was not persuaded otherwise. He warned adjacent owners that it is Master Planned for high-density and that he would support that in concept, noting that the specifics also require that it be made compatible with adjacent property. He did not believe they unreasonably restricted the ability to develop. Commissioner Mitchell concurred. She believed compatibility with adjacent property was significant. Her main concern was that the developer has not worked with the neighborhood to mitigate problems that were laid out time and again in order to address the compatibility issues. She suggested that the developer work with the community. She did not believe that Section 13.G applied in this case. Commissioner Murdock stated that this proposal would not meet the requirements of Section 7.A.3 and 7.A.4, of the Subdivision Regulations. Chairman Mitchell motioned to deny the change to conditions as listed in Section 13.G of the Subdivision Regulations, giving all the findings that have been put into the record, which would be denying the proposed amendments to the conditions #11 and 14. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on the public hearing on protests for RID #375 Blue Grass Meadows. Mr. Gray noted that during preparation for this hearing, the Clerk and Recorder's office found some affirmaties in the notice. Mr. Gray submitted a memorandum from Gallatin County Clerk and Recorder Shelley Vance noting that notice was published in the Bozeman Daily Chronicle on April 14 and 21, 2000; notice was not mailed to record owners and contract purchasers, and no written protests were received by May 1, 2002. Mr. Gray recommended a continuance, until the County Attorney's office brings the matter back to resolve the affirmities in the notice. There was no public comment. Commissioner Mitchell moved to continue the protest hearing. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Grants Administrator Larry Watson presented a resolution to amend the Gallatin County FY 2000 budget to include unanticipated grants revenues from the Montana Department of Natural Resources and Conservation for the West Yellowstone/Hebgen Basin Composting Project. Commissioner Mitchell motioned to approve Resolution #2000-029. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Chairman Bill Fairhurst of the Gallatin County Airport Board reported on discussions regarding the Influence Zoning Area at the Three Forks Airport, along with addressing the idea of a joint airport board. Mr. Fairhurst requested the Commission give consideration to an informational public hearing to be conducted in Three Forks for the possible zoning of the Three Forks Airport (Progreba Field). Mr. Fairhurst requested a Deputy County Attorney be present to explain the law. Gene Townsend, Three Forks Mayor suggested that the meeting be a joint hearing with the County, to be held in the evening sometime in June. The Commission agreed to set the meeting up.

There were no pending resolutions. There being no further business, the meeting adjourned at 1:15 P.M.

Unavailable
For signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 23RD DAY OF MAY 2000

The meeting was called to order by Chairman Phil Olson at 9:10 A.M. Also present were County Commissioners Bill Murdock and Jennifer Mitchell, District County Attorney Marty Lambert and LeeAnna Iverson, Acting Clerk to the Board.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

MAY 15, 2000

- A regularly scheduled office meeting was held to discuss numerous items. In attendance were Commissioner Olson, Murdock and Mitchell, and Executive Secretaries Stacy Johnston and Glenda Noyes. A request from the Road Department for a capital outlay expenditure for an aluminum welder was considered. Commissioner Murdock made a motion to allow the Road Department to use Capital Outlay funds for the purchase of an aluminum welder as outlined in a memo dated May 1, 2000, finding that Fiscal Officer Ed Blackman has approved the purchase. Commissioner Mitchell seconded the motion. Motion passed unanimously.
- A special meeting of the Commissioners was held to discuss the Three Forks Airport Board, and a possible land acquisition of State land. In attendance were Commissioners Olson, Murdock and Mitchell, Scott Bell and Bill Fairhurst. The group discussed a possible land trade with Four Corners County property for State land at the Three Forks Airport. Commissioner Murdock made a motion to have the Airport Board pursue the land trade, working with the County Attorney and Fiscal Officer, and bring back a proposal for the Commission to consider at a future public meeting. Commissioner Mitchell seconded the motion. Motion passed unanimously.

MAY 16, 2000

- The Commissioners conducted regular County business.

MAY 17, 2000

- A regularly scheduled monthly staff meeting was held. Numerous issues were discussed including department up-dates, frequency and format of future staff meetings, Strategic Planning process continuation, and the pay plan reclassification update. The Commissioners made a decision to set aside funds to hire a new facilitating consultant to help the County write and complete an action plan to achieve the six goals agreed to at Strategic Planning. They also agreed to pass a resolution, which will be drafted by Fiscal Officer Ed Blackman, documenting the six goals.

MAY 18, 2000

- A special meeting of the Commissioners was held to consider approval of a purchase order claim request received May 16, 2000. In attendance were Commissioners Murdock and Mitchell, County Auditor Joyce Schmidt, Accountant Susan Lang, and Executive Secretary Glenda Noyes. The claim was for disbursement of CDBG grant funds for Rae Water and Sewer District in the amount of \$38,256.54. Commissioner Murdock made a motion to approve the hand issue request dated May 16, 2000, for PO #58791 for \$38,256.54. Commissioner Mitchell seconded the motion. In discussion Commissioner Murdock found that Auditor Joyce Schmidt recommended approval of the claim. Motion passed unanimously.

MAY 19, 2000

The Commissioners conducted regular County business.

The following items were on the consent agenda:

1. Approval of claims presented by the Auditor dated from May 12, 2000 through May 18, 2000 for P.O. #57174 for \$23.00, P.O. #57175 for \$57.20, P.O. #57176 for \$25.00, P.O. #64013 for \$9,537.80 totaling \$9,643.00.
2. Presentation of Claims - Commissioner's Furniture and Detention Center Cellular Phone
3. Consideration of Contract(s): 5th Amendment to Lease between DUI Task Force and U.S. Bank National Association; Modification to Contract #1998-144 with Big Sky Owners' Association; and Agreement with McLees for Roof Repair at Gallatin County Rest Home
4. Request of Boundary Relocation Exemption for Robert Aronsen/Donald & Linda Mae Gillam/Tina Gilliam Lancione, located Section 26, T2S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
5. Request of Boundary Relocation Exemption for Don & Joan Schimpf, located in Section 5, T3S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
6. Request for Final Plat Approval for the Settlement Major Subdivision, Phase II. Preliminary plat approval was granted by the Gallatin County Commission on May 2, 1995, with one-year extensions granted April 28, 1995 and April 25, 2000. The original Settlement Subdivision consists of Phases I through IV, including 61 lots ranging in size from 6,800 to 10,000 square feet. Phase II consists of 26 lots. Phase I received final plat on August 26, 1997. Applicant has requested that Phase II be given final plat approval. The conditions for final plat approval have been reviewed. Gallatin County Planner Jennifer Madgic reported that the Subdivision appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
7. Request for Aggregation of Lots Exemption for Genesis Partners LLC, aggregation of Lots 13 & 14 in Genesis Business Park Subdivision located in Section 23, T2S, R5E. Gallatin County Planner John Shepard reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.

Commissioner Murdock read the consent agenda. Commissioner Mitchell requested that Item #5 be placed on the regular agenda for further discussion. Commissioner Murdock made a motion to approve the consent agenda, as amended. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Commissioner Mitchell requested information of the Schimpf boundary relocation. Gallatin County Planner Jennifer Madgic reported that the proposed 4-lot subdivision on Tract 2A-1 and dedication of right-of-way for Axtell-Anceney would create a 10-acre remainder tract. Boundary realignment would realign property line to Axtell-Anceney right-of-way. This request is a requirement in the conditions of approval for the Schimpf Minor Subdivision. Commissioner Mitchell made a motion to approve the boundary relocation for Don and Joan Schimpf. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There are currently two vacancies on the Northside Rural Fire District Board due to the expiration of terms of Howard Micklewright and Delbert Tureman. Both vacancies are for 3-year terms. Mr. Micklewright and Mr. Tureman both submitted applications to be reappointed to the board. At this time no other applications have been received. Pursuant to 7-33-2106 MCA and based upon the advice Deputy County Attorney Gary Higgins the County Commission shall appoint one or more trustees as necessary to fill these offices. There was no public comment. Commissioner Mitchell made a motion to appoint Howard Micklewright and Delbert Tureman to the Northside Rural Fire District. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Consideration of Detention Center Evaluation Committee's (DCEC) recommendations. Commissioner Murdock read into the record the Detention Center Evaluation Committee, Final Report to the County Commission recommendations, which includes recommendations, overview and activities adopted April 18, 2000. We, the members of the Gallatin County Detention Center Evaluation Committee, have (1) determined the following items and (2) recommend that the Commissioners take the following actions: The existing Gallatin County Detention facility is inadequate. A new facility is needed for Gallatin County that uses a direct supervision type of management. A juvenile component large enough to

accommodate regional needs/use should be included/addressed. The new detention facility should be built on the existing Law & Justice Center location, utilizing the entire site and all accesses, (i.e., Dickerson, 19th, 16th, & 15th Streets). The County Commission should include Committee members or citizens on the Project Team, who would then bring their work back to the whole Committee (i.e., Facility size and cost). The County Commission should direct the Project Team to address a maximum 144-bed adult and maximum of 16-bed juvenile detention facility. A "Shelter Care" facility should also be considered. The County Commission should support the formation and operation of a Justice System Coordination Group in accordance with the recommendations of the 1995 "Local Justice System Assessment". The County Commission should consider all options to utilize the existing jail. The Committee will recess following its "Final report to the Commission", when the project team has completed its report, the Committee may be called back into a single session by the County Commission to act upon their recommendation. Public comment: Gus Pfaehler presented to the Commission the editorial from the Chronicle for May 23, 2000, which reads "Put the jail bond issue to the voters this year". Mr. Pfaehler, as a member of the Detention Center Evaluation Committee suggested that the recommendations in the final report be adopted as soon as possible. He was concerned that they would incur costs and delay, which could weigh heavily on this Commission and the people of this county. Brian Leland did not personally put a whole lot of stock in the report that was presented to the Commission for a number of reasons, of which he outlined. Mr. Leland was more inclined to trust all the time and effort that was put in by county staff and the experts elected and hired to look at these types of issues. Commissioner Olson stated that he felt Mr. Leland was attacking the committee. Shelley Vance, Gallatin County Election Administrator reported if the Commission decides to place a question to the voters she would recommend placing it in the form of a resolution. Ms. Vance will need the resolution 75 days prior to the election, which is August 24, 2000. The cost of a mail ballot election is estimated at \$60,000.00. Motion by Commissioner Mitchell to accept the Detention Center Evaluation Committee's Final Report to the Commission and whole heartily endorse it with a heart felt thanks for their dedication, time and interest. Seconded by Commission Murdock. None voting nay. Motion carried. Motion by Commissioner Mitchell to enact and get started on the recommendations and form a Project Team and hire an expert like Mr. Robert Glass to over see this Project Team because he could make sure they could do both things at the same time, such as a Justice System Coordination Policy and the concepts that they would need to put something on the ballot. Seconded by Commissioner Murdock. Chairman Olson did not want a professional to be a part of the Project Team. He preferred to see the Project Team get whomever they need to help them in this project. He could not support the motion in the form it was presented. He also added that it was not up to the committee to come up with criminal justice philosophy. Commissioner Murdock concurred with Chairman Olson. Commissioner Mitchell stood by her motion and stated her justifications. Board discussion. Commissioner Mitchell voting aye. Commissioner's Olson and Murdock voting nay. Motion denied. Motion by Commissioner Murdock to appoint a Detention Center Project Planning Team directing them to accomplish the following consistent with their Mission Statement, which is: To facilitate and coordinate the planning and construction of a new, Direct Supervision, Adult and Juvenile Detention Facility for Gallatin County at the present South 19th location; and To make recommendations to the Gallatin County Board of County Commissioners regarding the planning and construction of new detention facilities; and To facilitate and coordinate the opening of the new facilities, including the preparation of an operations budget and the coordination of a new facility's construction with existing and ongoing activities at the present Law and Justice Center site; and To recommend hiring an Owners' Representative/Project Manager at the appropriate time in the planning process. The project Planning Team will include: County Grants Administrator, County Fiscal Officer; County Sheriff, or his designee; and Five citizens appointed by the County Commission, and as needed in the future- architects, project representatives, and other support staff as deemed necessary by those citizens, setting timelines and making recommendations to the County Commission as to a bond election and costs. Seconded by Commissioner Mitchell. Further discussion took place regarding the process. None voting nay. Motion carried. Motion by Commissioner Murdock to adopt a resolution (Resolution #2000-30 was read into the record) encouraging the creation of a Gallatin County Criminal Justice Coordinating Council. Commissioner Mitchell suggested adding: Whereas this policy would be complete before we put a bond issue on the ballot to the voters. Commissioner Murdock would not accept that as a modification to the motion. Further discussion took place regarding Commissioner Mitchell's suggestion. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Attorney Marty Lambert reported on the continuation of the first reading of an Ordinance reducing the speed limit on Highway 191 in the Gallatin Gateway Area. Mr. Lambert read Ordinance #2000-03. Gallatin County Clerk and Recorder Shelley Vance summarized the ordinance process. Public comment: Felicia Hutchison spoke in support. Commissioner Murdock moved to

approve Ordinance #2000-03, which was read into the record by Mr. Lambert. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Attorney Marty Lambert reported the reauthorization of a resolution of intent for RID #375 Blue Grass Meadows. Public comment: Jack White spoke in support of the RID and also questioned revisions to the exhibits. Brent Miller, on behalf of Gaston Engineering clarified that Jackson, Murdo, Grant and McFarland, bond counsel for Gallatin County requested some revisions to the exhibits in the resolution to include the park land. Further discussion took place with regard to the reason for the revision. Mr. Miller explained those revisions in detail. Mr. Lambert each of the exhibits. Mr. Miller the following: The estimated market value of the property of the district is increased by more than a special assessment, and that is based upon Exhibit "D". The diversity of the ownership of the property is diverse finding that 26 lots are held in individual ownership, 3 lots are held by one owner, 4 lots are held by one owner in common ownership, with 4 separate common owners. There are no special assessments due in this district. There are zero mortgage back bonds or levies of record against property in this district. There are no delinquencies that exist in the district. There are 34 lots, parcels or tracts in this district. The total land value before improvement is \$4,819,010.00, the total land value after improvements is \$4,917,141.40. The delinquencies do not raise an issue of concern for the Commissioners regarding Rural Improvement Districts. The public will receive a benefit for improved roads, reduced dust, improved services, safety, and storm drainage and reduction of yearly maintenance. This is not a newly platted subdivision. Ray White, one of the developers of the project suggested that they redraw the lines and exclude the park from the RID. He maintained that public land could not be assessed. Commissioner Murdock asked Mr. Lambert if they could amend Exhibit "B", and exclude the parkland, finding that this was parkland not benefited and already being paid by the others. With bond counsel giving an opinion, Mr. Lambert questioned if bond counsel would underwrite the bond if that were done. Mr. Lambert stated that he would never recommend that the Commission go against the recommendation of bond counsel. He recommended adopting the resolution as proposed by bond counsel and send the bill to the homeowners association. Gallatin County Clerk and Recorder Shelley Vance stated that bond counsel informed her that Exhibit "B" and "D" had different attachments that needed to be placed with the resolution. She stated that this was a reauthorization of a resolution of intent because the Clerk and Recorder did not follow through with all the provisions of the first resolution of intent. The original resolution called for the Clerk and Recorder to publish in the newspaper and to mail notice to all in the proposed RID. The notice was published however the notice was not mailed. Originally this was to start the whole process over again, and during the course of time other issues have arisen. Commissioner Murdock made a motion to adopt Resolution of Intention #RID 00-375-B, and direct the County Attorney's office to consult with bond counsel on whether or not the park needs to be included. Seconded by Commissioner Mitchell. Commissioners Murdock and Olson voting aye. Commissioner Mitchell voting nay. Motion carried.

County Grants Administrator Larry Watson reported on continuation of the Community Transportation Enhancement Program (CTEP) Project funding allocation. Three proposals were received last week. The Commission made the decision to allocate up to \$229,000.00 of CTEP funds for a project proposed by the community of Gallatin Gateway for a pedestrian path and tunnel project. The amount of money available was \$335,063.00, and remaining balance was \$106,063.00. The other projects were a tunnel proposed by the Belgrade School District and a proposal by American Wildland for use of funds for a wildlife corridor/wildlife mortality study on the Bozeman Pass. The Commission's decision regarding funding today is necessary in order to fully develop these projects for submission to the MDOT by the end of the month of May. After January 1, 2001, the county will receive an additional \$125,000.00 giving a total accumulation of \$231,063.00. The CTEP funding can be carried over for three consecutive program years without allocating it to a project. Public comment: Mark Halgren and Harry Erickson both spoke in support of the Belgrade School District tunnel proposal. Kim Davitt, on behalf of American Wildlands clarified their proposal for the wildlife movement study on the Bozeman Pass. She made note that it was not a feasibility study. Ms. Davitt presented information to the Commission concerning the wildlife study. Dawn Major adamantly opposed the tunnel project proposed by the Belgrade School District as a county taxpayer and mother. She stated that this tunnel idea is another instance in which little thought or input from parents and the community was solicited and is another way in which the district can shirk the responsibility of transporting our children safely, that is, by bus. Steve White submitted information to support his opposition to the American Wildland proposal. Rick Kerin, with Kerin and Associates spoke with regards to the design, location, and costs for the tunnel. Commissioner Murdock made a motion to approve the funding of \$10,000.00 to the American Wildland project, subject

to the terms of CTEP guidelines. Seconded by Commissioner Mitchell. Commissioner Murdock voting aye. Commissioners Mitchell and Olson voting nay. Motion denied. Commissioner Murdock made a motion to approve the funding of \$100,000.00 for the Belgrade school crossing. Seconded by Commissioner Mitchell. Board discussion regarding concerns. Commissioner Murdock voting aye. Commissioners Mitchell and Olson voting nay. Motion denied. Commissioner Murdock made a motion to pledge \$100,000.00 of CTEP money towards the Amsterdam Road project conditioned upon 1) Belgrade school policies being adopted to address the tunnel and its approaches safety issues 2) MDOT participation in approval and design 3) County Commission's approval of final design. Seconded by Chairman Olson. Commissioner Murdock voting aye. Commissioners Mitchell and Olson voting nay. Motion denied. Commissioner Murdock made a motion to pledge \$50,000.00 of CTEP money towards the Amsterdam Road project conditioned upon 1) Belgrade school policies being adopted to address the tunnel and its approaches safety issues. 2) MDOT participation in approval and design 3) County Commission's approval of final design. Seconded by Commissioner Mitchell. Commissioner Murdock and Olson voting aye. Commissioner Mitchell voting nay. Motion carried.

- - - -

County Attorney Marty Lambert reported on consideration of a resolution correcting the staggered terms of Fire Service Area Trustees. There was no public comment. Commissioner Mitchell moved to approve Resolution #2000-31, finding that it meets all the criteria set forth by the County Attorney. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

Gallatin County Fiscal Officer Ed Blackman reported on consideration of a resolution to amend the County Attorney's budget for FY 2000. There was no public comment. Commissioner Murdock made a motion to approve Resolution #2000-32. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

- - - -

Gallatin County Fiscal Officer Ed Blackman reported on a resolution of intent to adopt the Strategic Planning Committee's six goals for Gallatin County. Commissioner Mitchell made a motion to approve Resolution on Intent #2000-33. There was no public comment. Seconded by Commissioner Murdock. None voting nay. Motion carried.

- - - -

Chairman Olson announced that the continuation of consideration of a request for preliminary plat approval for the Burrows Minor Subdivision was continued until May 30, 2000.

- - - -

Gallatin County Planner Jennifer Madgic reported on the request of preliminary plat approval for Fluidyne, Inc., on behalf of Don and Joan Schimpf for the Schimpf Minor Subdivision, a four-lot minor subdivision on approximately 150 acres. Each proposed lot contains approximately 37 acres. The property is described as Tract 2A of COS 2107B; located in the NE¹/₄ of the NW¹/₄, the SW¹/₄ of the SE¹/₄ of Section 5, T3S, R4E, PMM, Gallatin County, Montana. The property is generally located north of Axtell-Anceney Road, approximately three and a half miles west of Gallatin Gateway and US Highway 191. Applicants are requesting one variance from the Gallatin County Subdivision Regulations – Design Standards – concerning lot width-depth ratio of Lot 4 (Section 6.B.6). At the May 9, 2000, Planning Board hearing, Axtell Anceney Road was identified as a potential public health and safety concern. The Board forwarded a finding asking for clarification regarding extent of needed improvements. The Planning Board voted 4:3, to recommend denial of this proposal and 5:2, recommending denial on the variance. Letters were received from the following: Bettinger; Sadowski; Neshiem; Davis, Ronald & Pamm (2); DeFeis; and McHann, Stanley & Dana. One letter remarked on the following benefits: fire fill site; improvements to Axtell-Anceney. Concerns expressed were as follows: loss of prime agricultural land/preservation of ag; noxious weeds, inadequate infrastructure, leapfrog; design is not innovative; affect on wildlife/ground squirrel; no cluster; leapfrog; public health & safety issues on Axtell-Anceney; domino effect of future development; inconsistent land use/density; conservation easement needed; and water table. Ms. Madgic summarized the Planning Boards Findings of Fact and the staff report that contained criteria for the Commission to evaluate for considering the subdivision along with the suggested conditions. The County Commission has two determinations to make with this application: A

determination whether or not to approve the proposed variance request regarding lot width-depth ratio on Lot 4. The County Commission may grant reasonable variances from the Subdivision 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. A determination as to whether the proposed subdivision should be approved. The basis for the 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. Applicant shall obtain approval from the Gallatin City-County Environmental Health Department for on-site septic systems and wells. 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. Applicant shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, 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 applicant prior to final plat approval. 7. Applicant shall record the following covenants on or with the final plat: a) The property owner shall be responsible for the control of County-declared noxious weeds. b) Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations. 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 buildings within Schimpf Minor Subdivision, including outbuildings, shall be restricted to building envelopes as shown on the final plat. e) Lots within the Schimpf Minor Subdivision shall not be further subdivided. f) Perimeter fencing shall be prohibited on all lots within the Schimpf Minor Subdivision. 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. h) The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. i) The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment. 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. Final plat shall show building envelopes and covenants shall restrict development to such envelopes to protect ridgelines, limit building on steeper slopes, etc., as provided in the preliminary plat application. 9. The final plat shall show shared access for: Lots 1 and 2, and Lots 3 and 4. A no-access strip shall be shown along the southern boundary of the proposal except at County-approved approaches. 10. All lots within the subdivision shall comply with the Design and Improvements Standards of the Gallatin County Subdivision Regulations, specifically regarding lot width-to-depth ratio. 11. Proposed boundary relocation between Tract 2A-1 and Tract 2C-1 shall be filed with the Gallatin County Clerk and Recorder prior to final plat approval. 12. Applicant shall obtain encroachment permit(s) from the Gallatin County Road and Bridge Department for access onto Axtell-Anceny Road. 13. All roadwork shall be certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Department in writing. 14. Thirty feet of Axtell-

Anceney, north of the centerline, will need to be dedicated to the public for the entire length of the development. 15. Applicant shall be responsible for any road improvements required on Axtell-Anceney Road, to update said road to County gravel standards or to comply with a cost-share agreement with the County, as required by the Road Department. 16. Applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations. 17. Applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations. ~~18. Applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations. Applicant shall have the Gallatin Gateway Rural Fire District review and approve the fire protection method prior to final plat approval. Applicant shall obtain written verification from the fire district that the requirement has been met. Applicant shall submit copy of final plat to Fire District for approval.~~ 18. Applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations. Applicant shall have the Gallatin Gateway Rural Fire District review and approve the fire protection method prior to final plat approval. Applicant shall obtain written verification from the Fire District that the requirements have been met. Applicant shall submit a copy of the final plat to the Fire District for approval. 19. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. In the event that the variance is approved, condition #10 would be stricken. The following change was made to condition #18: Applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations. Applicant shall have the Gallatin Gateway Rural Fire District review and approve the fire protection method prior to final plat approval, **including approval of fire fill site as proposed by applicant.** Applicant shall obtain written verification from the Fire District that the requirements have been met. Applicant shall submit a copy of the final plat to the Fire District for approval. Cordell Pool with Fluidyne, Inc., representing the applicant's explained the design and density of the proposal, noting that it was Mr. Schimpf's intention to continue agriculture on this property. Public comment: Paulette Neshiem, submitted a summary of her testimony along with a copy of her previous letter; Felicia Hutchison; Dallas Thomas & Karen Thomas (letter read into the record by Commissioner Murdock); Joel Lepo; Mary Sadowski; and Shawn Hancox. All those giving testimony, were in very strong opposition to this subdivision stating that this plan violates the precepts of the County Master Plan as follows: Leapfrog development, impacts on important wildlife habitat, requires additional water resources, does not preserve open space, does not preserve farmlands, does not provide affordable housing, the proposal does not adequately address the need for repair and upgrading of Axtell-Anceney Road. Conservation issues arise because the development opens up a gateway to the valley beyond the foothills, which is now uninhabited but will be more frequently used as development encroaches. This development could also be seen as a springboard to other developments on property owned by the Schimpfs that are much larger and further down Axtell-Anceney Road. Mr. Pool responded to issues raised during public testimony that included conservation easements, farming, future development, and Axtell-Anceney Road. Commissioner Murdock did not believe this proposal met the intentions of the Master Plan. He commented that this was not the right place for this type of development, adding that it would set a bad precedent. Commissioner Mitchell concurred. Chairman Olson commented on the wildlife, adding that it bothered him that GVLТ turned this property down for a conservation easement. He noted that this land was no longer profitable for ag use, due to the fact it is dry land. He pointed out that there was no map as Mr. Pool stated to base the Master Plan on to say that this is an area that should not be developed. He stated that he would be inclined to approve the subdivision on those premises. In response to questions from the Commission, Gallatin County Road and Bridge Superintendent Lee Provance stated that it was an oversight on his part and there was no reason for the county to enter into a cost share agreement to feed a subdivision. He suggested that any future subdivisions approved in this area pay in full for the road. He also suggested if there were any way they could terminate the cost share agreement with this proposal he would recommend it. Further discussion took place with regards to the road standard. Commissioner Murdock stated that this is a classic case of leapfrog, which is a goal of the Master Plan. Motion by Commissioner Murdock to deny the proposal as presented based on nonconformance with the Master Plan based on policies (Page 21, policy #3, To identify and locate highly productive and grazing farmlands and encourage land owners to leave these lands in agricultural production. Page 25, policy #2 Adopt sighting criteria for development on ridge tops and hillsides. #6 Locate future residential commercial development next to existing where appropriate. Page 28, policy #2 Recommend that subdividers provide buffer zones between new dwellings or development in farms and ranches. #4 When farmers and ranchers choose to develop, encourage them to develop suitable portions of their land that are least productive. Page 29, policy #1 Encourage cluster development. #2 Encourage developers and their agents to submit innovative plans. #3 Encourage identifiable rural communities separated by open space. #4 Use natural features such as ridge tops, creeks and trees to separate residential from ag uses. Page 30, policy #2 Locate new residential subdivisions adjacent to existing county arterial roads. bottom- #1, Residential Goal #3, Encourage residential development in those areas, subdivisions and COS's, which would lend themselves to be further subdivided. #2 Encourage residential development in existing vacate residential parcels. Page 31, bottom- Support cluster housing proposals. Page 32, policy #1 Locate residential

GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45 471

developments next to existing residential areas where appropriate. #3 Encouraging the use of marginal farm lands for residential development. Page 38, Goal #6, policy #2 Encourage location and clustering of new developments adjacent to paved roads where appropriate. Commissioner Murdock also noted a public health and safety concern due to steep gravel roads, which create dust and washboard. Seconded by Commissioner Mitchell, adding any findings that were not covered that the Planning Board found. Chairman Olson did not support using the Master Plan, due to the fact that there is not enough information to support this. However he did support the health and safety issues on the road. Commissioners Murdock and Mitchell voting aye. Commissioner Olson voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman presented a pending resolution of intent to amend the Gallatin Canyon Consolidated Rural Fire District FY 2000 budget for the purchase of a department truck and additional mechanic payroll. There was no public comment. Commissioner Murdock made a motion to approve Resolution of Intent #2000-34. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Gallatin County Fiscal Officer Ed Blackman presented a pending resolution of intent to increase the Public Safety Fund, Sheriff Department, and Juvenile Detention budget for Gallatin County for FY 2000. Commissioner Mitchell made a motion to approve Resolution of Intent #2000-35. Seconded by Commissioner Murdock. None voting nay. Motion carried.

There being no further business, the meeting adjourned at 4:00 P.M.

Unavailable
For signature

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 30TH DAY OF MAY 2000

The meeting was called to order by Chairman Phil Olson at 9:03 A.M. Also present were County Commissioners Bill Murdock and Jennifer Smith Mitchell, Deputy County Attorney Chris Gray, and Acting Clerk to the Board Glenda Noyes.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

MAY 22, 2000

- A regularly scheduled office meeting was held to discuss numerous items. In attendance were Commissioners Olson, Murdock and Mitchell, and Executive Secretaries Stacy Johnston and Glenda Noyes. A request from Clerk and Recorder Shelley Vance to have Glenda Noyes take minutes at two upcoming public meetings, due to a lack of staff, was discussed. Commissioner Mitchell made a motion to allow Commission Executive Secretary Glenda Noyes to take the minutes for the Commission Public Meetings on May 30 and June 6. Commissioner Murdock seconded the motion. Motion passed unanimously. Discussion also took place regarding scheduling and calendar conflicts. Commissioner Olson made a motion for Executive Secretaries Stacy Johnston and Glenda Noyes to schedule appointments and meetings as best they can when all three Commissioners can be present, but if that is not possible, a quorum is sufficient for scheduling all meetings, unless otherwise required or requested. In discussion it was suggested that Department Heads be notified if less than three Commissioners will be attending their meeting to allow them to put their needs in writing or reschedule if they need the full Commission present. Commissioner Mitchell seconded the motion. Motion passed unanimously. A letter from the National Register of Historic Places was also discussed. Commissioner Mitchell made a motion to sign the letter, a wave of right to comment on the nomination of the First Methodist Episcopal Church into the National Register of Historic Places. Commissioner Murdock seconded the motion. Motion passed unanimously.

472 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

- A special meeting of the Commissioners was held to discuss the budget for the Victim/Witness budget. In attendance were Commissioners Murdock and Olson, Fiscal Officer Ed Blackman, Facilities Director Bob Isdahl, and Gloria Edwards, Director of the Victim/Witness Program. The group discussed the victim/witness match that was previously agreed upon by the Commissioners, to match any donations, and the disposition of the fire doors at the Law and Justice Center. Commissioner Olson made a motion to approve the match of \$19,805.00 for the Victim/Witness program. Commissioner Murdock seconded the motion. Motion passed unanimously.

MAY 23-24, 2000

- The Commissioners conducted regular County business.

MAY 25, 2000

- A regularly scheduled Fiscal monthly meeting was held to discuss numerous fiscal issues. In attendance were Commissioners Olson, Murdock, and Mitchell, Fiscal Officer Ed Blackman, Rest Home Director Connie Wagner, Personnel Director Kathy Nowierski, and Auditing Clerk Jackie Lamke. Commissioner Mitchell made a motion to not approve Treasurer Jeff Krauss's request to offer the applicant for the delinquent tax collector position more money and suggest that the job description be re-written to more accurately reflect the duties of the position. Commissioner Murdock seconded the motion. Commissioner Mitchell voted in favor of the motion. Commissioners Olson and Murdock voted against the motion. Motion died with a vote of 1-2. Commissioner Murdock made a motion to approve Treasurer Jeff Krauss's request to offer the applicant for the delinquent tax collector position more money. Also suggested that the Treasurer re-write the job description to more accurately reflect all of the duties of the position. Finding that with the experience of the person being sought for the position would be a great asset to the County and finding that all jobs will be evaluated in the coming year. Commissioner Mitchell seconded the motion. Motion passed unanimously. Commissioner Mitchell made a motion to approve expenditure request noted in a memo dated May 25, 2000, from the Rest Home in the amount of \$13,536 per Fiscal Officer Ed Blackman's recommendation and assurance that funds are available. Commissioner Olson seconded the motion. Motion passed unanimously. Commissioner Murdock made a motion to approve a \$5.00 per day increase for room rates at the Gallatin County Rest Home, as previously advertised for a decision last week, and continued until this time, per Rest Home Director Connie Wagner's memo of May 9, 2000. (Commissioner Murdock left the meeting at this time to attend a previously arranged appointment.) Commissioner Mitchell seconded the motion. Motion passed unanimously. Commissioner Mitchell made a motion to approve a new washing machine for the Detention Center finding that the funds are available and the old washing machine is no longer in working condition. Commissioner Olson seconded the motion. Motion passed with a vote of 2-0. Commissioner Mitchell made a motion to approve the hand issue claims in the amount of \$6,242.92 for the payment of the SBIR grant. Commissioner Olson seconded the motion. Motion passed with a vote of 2-0. Commissioner Olson made a motion to approve the hiring of a temporary employee by the Welfare Office through the County, finding that the County will be reimbursed for the State. This position will be until a full time State employee is hired. Commissioner Mitchell seconded the motion. Motion passed with a vote of 2-0.

MAY 26, 2000

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

1. Approval of claims presented by the Auditor dated from May 19, 2000 through May 25, 2000 for P.O. #64915 for \$699.95.
2. Consideration of the following contract: NRIS Agreement, Amendment to Task Order #3 for the Logan Landfill (Contract No. 1999-124), funding agreement for Big Sky Area Coordinated Transportation Study between Gallatin County, Madison County and the Montana Department of Transportation.
3. Request for a family transfer exemption for Norman and Averil Heath, located in the NW¼ of Section 36, T1N, R5E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.

4. Request for a boundary relocation exemption for Buck Ridge Company, Ltd, located Sections 25 and 36, T7S, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
5. Request for a family transfer exemption for Marvin Morgenstein, located in the NE¼ of Section 32, T2S, R6E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
6. Request for a boundary relocation exemption for Kephart/Barnes, located in Sections 14 and 15, T13S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montanan Subdivision and Platting Act.

Commissioner Olson announced that the funding agreement for the Big Sky Area Coordinated Transportation Study between Gallatin County, Madison County, and the Montana Department of Transportation will be continued until the following week's agenda. He also noted that the Commission will consider a resolution amending the Public Safety Fund, Sheriff Department, and Juvenile Detention budgets for FY 2000 under pending resolutions. Notice of the amendment has been properly noticed but was accidentally omitted from the agenda. Commissioner Olson pulled the request for a boundary relocation exemption for Buck Ridge Company, Ltd and moved it to the regular agenda for discussion. Commissioner Mitchell made a motion to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported on a request for a boundary relocation exemption for Buck Ridge Company, Ltd., located in Sections 25 & 36, T7S, R3E. The request will result in the aggregation of 16 lots into eight lots. This aggregation will change the depth to width ratio to 3.5-1, resulting in 16 lots, which do not fit with current subdivision regulations requiring lots not exceed a 3-1 ratio. In cases of exemption and transfer requests, planners do not get an opportunity to use subdivision standards in their review, which in this case would have required a variance. Deputy County Attorney Chris Gray noted that Attorney General Opinion 40-16 sets up a test for consideration of exemptions. The test allows local government to require the applicant to furnish evidence that the exemption is not taking place in order to evade subdivision review. The test also allows for the proposed configuration of the tract(s) to be considered when determining whether or not to allow the exemption. Commissioner Murdock noted that he likes the idea that the aggregation will be reducing the lot number, and it does not appear to be an evasion at all. Commissioner Olson noted that he, also, likes the idea, but is concerned about the road situation, and that the possible evasion of subdivision review is in order to avoid road improvements. Ms. Madgic noted that the primary reason for the lot design standard is to assure that all services (water, sewer, etc.) can be accommodated on the lots, and this generally pertains to smaller lots and shouldn't be an issue with 40 acre sized lots. The land in question resides in the Gallatin Canyon/Big Sky zoning district, past Ophir School. John Glover, attorney for Buck Ridge Company, Ltd., spoke on behalf of the applicant, noting that when Buck Ridge purchased the property in question they were unaware that the lots were 20 acre parcels, and had been told it was 8-9 tracts, rather than 16, and creating the 40 acre parcels will enhance salability of the lots. Commissioner Olson made a motion to approve the boundary relocation and lot aggregation exemption from Buck Ridge Company, Ltd., finding that if there is further division of the lots they will have to go through subdivision review. Seconded by Commissioner Mitchell who added the finding that this aggregation will clear up some platting confusion, and is not a matter of evasion of subdivision review, per Attorney John Glover. Commissioner Murdock questioned the zoning of the area and added the finding that this relocation and aggregation will not bring the lots into non-conformance of the zoning regulations. None voting nay. Motion carried.

Deputy County Attorney Chris Gray reported on the sale of County tax deed property located adjacent to Lot 3, Block 7 of Figgins Subdivision, to the Tomaszewski family. Mr. Gray stated that on April 25, 2000 the Commissioners approved Resolution 2000-24, relating to the sale of the right of way in question, and setting an auction date for June 1, 2000, allowing for offers to be negotiated until May 31, 2000. On May 1, 2000, an offer was received from Mr. and Mrs. Tomaszewski in the amount of \$970.00. This amount was the original sale price. Mr. Gray explained that if the offer is accepted, the Commission will need to authorize the Chairman to sign the buy-sell agreement in order to finalize the transfer of the deed. The Commission asked Mr. Gray to verify the piece of property and he assured the Commission that it is a small piece of ground abutting the Tomaszewski's property, and only consists of the right of way. Commissioner Murdock raised concerns over the trail system, which exists in the proximity of this area. Mr. Gray explained that the sale of the property is subject to all existing easements and right of ways, including established trails. There was no public comment. Commissioner Murdock asked Mr. Gray if a condition could be added stating that the sale is subject to all easements

and right of ways. Mr. Gray agreed and noted that this condition is already stated in the buy-sell agreement. Commissioner Mitchell made a motion to accept the offer of \$970.00 for the right of way described in Resolution 2000-24, and authorizing the Commission Chairman to sign the buy-sell agreement. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Fiscal Officer Ed Blackman reported on the consideration of a resolution adopting the Strategic Planning Committee's six goals for Gallatin County. Mr. Blackman explained that these goals were recommended by a committee consisting of elected officials, department heads, and the County Commission. The Strategic Planning Committee met numerous times, developed and submitted to the County Commission for inclusion in the County's Operations Plan the following goals: 1) Identify the county role and community need; 2) Develop a long term plan with a vision of where the county is going, and a shared teamwork approach; 3) Embrace technology and E-Government; 4) Communication improved and maintained with the County, with the Public and with Legislators; 5) Attract and retain quality employees; and 6) Training, both technical and managerial. Commissioner Olson commented that the group discussed various ideas and the goals noted are what they determined to be best. The goals are generic in order to not tie the hands of the people needing to implement them. Commissioner Mitchell stated that the goal is for the County to proceed in a unified direction. Gallatin County is undergoing major changes, with increased demands and stress on the Government. These changes are what prompted the development of this group, with hopes of meeting the needs and demands placed on county government, and promote a positive attitude within the county. Commissioner Mitchell made a motion to approve Resolution 2000-36, adopting the Strategic Planning Committee's six goals for Gallatin County. Seconded by Commissioner Murdock, adding that this is the start of the process, not the end. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic presented consideration of the request for preliminary plat approval for the Burrows subsequent minor subdivision. Robert Burrows has requested to subdivide Lot B of the Burrows minor subdivision and create a two-lot subsequent subdivision. The property is located in the NW¼ of Section 18, T1N, R4E. The proposed subdivision has been reviewed for the following primary criteria: Agriculture, agriculture water user facilities, local services, water supply and sanitary facilities, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. One variance from the Road Design Standards of the subdivision regulations has been requested regarding primary access road standards. The regulations would require the applicant to pave 1.5 miles of Central Park Road. If the Commission decides to approve the proposed subdivision, the following conditions for the 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. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. 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, and certificate prior to final plat approval. 4) Applicant shall record with 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 applicant prior to final plat approval. 7. Applicant shall record the following covenants with the final plat (also including any covenants recommended by the Gallatin County Weed Control District and Belgrade Fire District): a) The property owners' association shall be responsible for the control of County-declared noxious weeds. b) 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. c) The control of noxious weeds

by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. d) The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment. 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) Applicant shall establish a property owners' association or join an existing association for enforcement of the required covenants. 9) Final plat shall include a "no-access" strip along Lot 1B-1 from northwest corner for 100 feet east and north of the Burnt Road/Central Park Road intersection. 10) Applicant shall dedicate 30 feet of right-of-way for Burnt Road and Central Park Road for entire length of proposed development. 11) Applicant shall pave Central Park Road from south corner of proposal to West Dry Creek Road. 12) Applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fee policy. 13) Applicant shall make payment for fire protection impact fees in accordance with the Gallatin County Subdivision Regulations Impact Fees policy. 14) Applicant shall meet the fire protection requirements in accordance with the Subdivision Regulations and the Belgrade Rural Fire District. Applicant shall obtain written verification from the District that the required water supply and any other conditions required of the Belgrade Rural Fire District have been provided. Inspections shall be scheduled, with a 48-hour notice, during construction and completion. 15) Applicant shall provide a final plat to the Belgrade Rural Fire District prior to final plat approval. 16) Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Ms. Madgic reported that the Manhattan City-County Planning Board addressed this subsequent minor subdivision at their March 22, 2000 meeting and voted in support of both the variance and the subdivision. She explained the reason for the variance, noting that since traffic on Central Park Road exceeds 100 ATDs the applicant is required to pave a portion of the road. However, all entities involved agreed that the variance is reasonable and recommend approval. The applicant will also be required to sign a waiver of RID as a condition of approval. Ms. Madgic also noted that Bryan Connelly, Belgrade Assistant Fire Chief, is in support of the use of sprinklers for fire protection, and that condition #11 will be omitted if the variance is granted. Ms. Madgic noted that there was opposing testimony at the Manhattan Planning Board's meeting, regarding the road situation. Commissioner Mitchell questioned Ms. Madgic about the lack of a condition regarding ditch owner rights. Ms. Madgic explained that a ditch maintenance easement is already in place, but a condition could be added if the Commission desires. Mark Chandler, C&H Engineering and Surveying, reported that his firm is doing the surveying and sanitary work for the proposed subdivision. He noted that requiring the applicant to pave a portion of Central Park would be quite costly considering they are only creating one additional lot. He assured the Commission that the applicant is in agreement with all of the conditions with the exception of number 11, and suggested that condition #14 may need to be changed in order to assure the applicant the right to use sprinklers as a means of fire protection. He also noted that they would be willing to add a condition providing for a ditch easement. Mr. Bob Burrows, applicant, stated that he intends to build a house and live on Lot 1B-2, hay it and raise steers. He assured the Commissioners and concerned neighbors that he does not plan to further subdivide, and noted that if the next owner attempts to do so, they will have to go through the review process themselves. Commissioner Olson asked Mr. Burrows if he would be willing to add a covenant stating he would not subdivide the 13-acre parcel further. Mr. Burrows said that he would not be willing to do this. Commissioner Olson asked if he would be willing to add a condition stating that the lot could only be divided one additional time, for the creation of only one more lot, and Mr. Burrows agreed to do this. Commissioner Mitchell raised concern over the high water table. Mr. Burrows assured her that the proper tests have been done, and that they will have to go through a complete septic review process before they will be able to build. Two letters were entered into the record, from the Hertzog and Kieckbusch families addressing concerns over the lack of covenants on the 13-acre parcel, and the potential for septic/water problems due to the high water table. Commissioner Olson noted that the additional covenant, restricting the lot to being split only one additional time, should address this issue. Lani Chaney, adjoining property owner, spoke in regards to past problems with Mr. Burrows and their ditch, which runs through the property in question. She detailed problems such as water being pumped out of their ditch without permission, and not being allowed access to the ditch for maintenance purposes. Ms. Chaney expressed concern that if the property is allowed to be divided again, problems with the new owner may complicate the situation even further. Mr. Mike Hertzog addressed the Commission regarding his concerns over septic and water issues. He stated that previous owners have put in septic systems that were not approved. The

Commission explained to Mr. Hertzog that this issue can only be addressed by the Environmental Health Department and the Department of Environmental Quality (DEQ), and cannot be used as an issue of approval or denial. Mr. Chandler stated that three sites passed the monitoring process, and once preliminary plat approval has been obtained, the plans will be submitted to DEQ. Mr. Burrows explained that he used a portable pump-to-pump water that he added to the ditch, and didn't obtain permission because the owner was out of town. He also assured the Commission that he obtained his water readings when the ditch was on, and that he divided the lots so that an additional owner would not be involved with the ditch in question. Commissioner Olson questioned Ms. Madgic about condition #14 regarding fire protection requirements, asking her if the language should be changed to better reflect Mr. Connelley's approval of a sprinkler system means of protection. Ms. Madgic declined to change the condition with Rural Fire Chief Waters not present to approve the changed language, but stated that "required water supply" does include the use of a sprinkler system. Ms. Madgic also stated that she would add a condition, using language from a previously approved subdivision in Belgrade, keeping the easement at 25 feet, and would add a covenant which states that Lot 1B-2 can only be further subdivided one additional time for a maximum of one additional lot. Deputy Attorney Chris Gray asked applicant Bob Burrows if he was in agreement with the language of the additional covenant, and Mr. Burrows concurred. He also assured the Commission that he was in agreement with the conditions and changes to them, with the exception of condition #11. Commissioner Murdock noted that this subdivision seems to be in keeping with the Manhattan Master Plan and consistent with development patterns in the area and made a motion to approve the variance from the paving requirement finding that it would create an undue hardship on the Burrows, there is a prevalence of the waiving of this requirement in the area, it would place an enormous financial burden on the applicant, and a waiver of RID will be signed by the applicant before final plat approval is granted. Seconded by Commissioner Mitchell who added a finding that since the applicant is willing to add a condition restricting future division of the lots to once, additional traffic in the future will be a minimal addition. None voting nay. Motion carried. Commissioner Murdock made a motion to approve the Burrows subsequent minor subdivision finding that it conforms to the Manhattan Area Master Plan, has been approved by the Manhattan City-County Planning Board, conforms to subdivision regulations, is subject to the conditions suggested by the County Planning staff with the following changes: deleting condition #11, adding a condition which states "The final plat shall show existing ditch maintenance easements as provided on the preliminary plat.", adding a covenant which shall state "No lot owner may remove water or cause to be removed water from irrigation ditches without deeded water rights, and before any maintenance or improvements are performed on any of the ditches, the owner of the waterway must give written permission for the work to be done.", and adding a covenant which will state "Lot 1B-2 can only be further subdivided once, for a maximum of one additional lot." Seconded by Commissioner Mitchell. In discussion, Commissioner Mitchell mentioned her concerns about the high ground water in the area and urged Mr. Burrows to work with his neighbors in order to find solutions to their differences and get along. Commissioner Olson also added that for additional septic systems to be placed on the property, a process has to be followed, and the Commission must trust the Department of Environmental Quality and County Environmental Health Department to make sure things are done correctly. None voting nay. Motion carried.

Fiscal Officer Ed Blackman presented a resolution amending the public safety fund Sheriff Department, and Juvenile Detention budget for Gallatin County for FY 2000. The resolution calls for increasing the public safety fund, Sheriff Department and Juvenile Detention activity FY 2000 budget by \$66,651.00. The revenues will come from a federal grant and general fund contingency. This budget amendment is necessary in order to assure the new Juvenile Detention wing is open by July 1, 2000. No additional dollars from any one budget will be expended, the funds will be taken out of contingency. At this time there are not other plans for the contingency budget, and there will be some money remaining in the fund in case it is needed before the end of the fiscal year. Commissioner Mitchell made a motion to approve Resolution 2000-37, amending the public safety fund, Sheriff Department and Juvenile Detention budget for Gallatin County FY 2000, adding that it is good news that the County has the money available, and was able to secure grant money, thanks to Youth Probation Officer Dave Gates. Seconded by Commissioner Murdock who also offered appreciation to Mr. Gates for his hard work and dedication. None voting nay. Motion carried.

There being no further business, the meeting adjourned at 10:07 a.m.

Unavailable
for signature
CHAIRMAN APPROVAL

Shelley Vane
CLERK ATTEST

PUBLIC MEETINGTUESDAY THE 6th DAY OF JUNE 2000

The meeting was called to order by Chairman Phil Olson at 9:03 A.M. Also present were County Commissioner Jennifer Smith Mitchell, County Attorney Marty Lambert, and Acting Clerk to the Board Glenda Noyes. Commissioner Bill Murdock was out of town.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

MAY 29, 2000

- The Commissioners conducted regular County business.

MAY 30, 2000

- A special meeting of the Commissioners was held to discuss advertising for members to sit on the Project Team for the Detention Center. Commissioner Murdock made a motion to advertise for Project Team members starting June 1, 2000, and closing June 30, 2000. Appointment to the team will be made at the July 11, 2000, public meeting. Commissioner Mitchell seconded the motion. Motion passed unanimously.

A special meeting of the Commissioners was held to discuss making recommendations to the Montana Department of Transportation (MDOT) for the speed limit on U.S. Highway 191 from Violet Road at Four Corners to Yellowstone National Park. In attendance were Commissioners Olson, Murdock and Mitchell. Commissioner Mitchell made a motion to approve the following recommendations to be submitted to MDOT: **Gateway School Zone** – Please refer to the already agreed upon reduction (Ordinance 2000-03). **Big Sky turn-off which intersects U.S. 64** – The Commission recommends posting a step-down speed beginning with a reduction to 55 MPH @ the first curve before the Dudley Creek Forest Service Area turn-off, traveling south, a further reduction to 45 MPH just south of the Bed and Breakfast on the right, through the entrance to Big Sky and continuing to the Comfort Inn Hotel on the left where the speed would then be stepped up to 55 MPH approaching Ophir School Area. **Ophir School Area** – The Commission recommends a reduction to 35 MPH. **End of school zone to Yellowstone Park boundary** – The Commission recommends a resumption of the 65 MPH limit south of the Ophir School speed zone to the Yellowstone Park boundary. Commissioner Murdock seconded the motion. Motion carried unanimously.

A special meeting of the Commissioners was held to discuss road improvement priorities. In attendance were Commissioners Olson, Murdock and Mitchell, Shawn and Larry Moran, Road Engineer Roy Steiner, County Bridge Supervisor Dan Kuchinsky, Road Department Secretary Anita Monroe, and Road and Bridge Superintendent Lee Provance. The group entertained comments from the public, Shawn and Larry Moran, regarding Cottonwood road. The following decisions and motions were made: Commissioner Murdock made a motion to fund the County Master Road Plan for \$15,000; to fund all projects except for Nelson Road; to fund \$75,000 for Mag-Chloride, subject to a cost-share agreement prepared by the Road Department and approved by the County Commission; approve all bridge projects including \$15,000 for Monforton School. Commissioner Mitchell seconded the motions. Motion carried unanimously.

MAY 31 – JUNE 1, 2000

- The Commissioners conducted regular County business.

JUNE 2, 2000

- A regularly scheduled Planning monthly meeting was held with the Commissioners. In attendance were Commissioners Olson and Mitchell, Planning Technician Judy Noreen, and Planner Randy Johnson. Numerous issues were discussed, including the hiring of a Planner I. Commissioner Mitchell made a motion to start the hiring process of a Planner I with the three Commissioners, Planner Randy Johnson and Long-Range Planner Lanette Windemaker as the interview and hiring committee. Commissioner Olson seconded the motion. Motion passed unanimously.

The following items were on the consent agenda:

1. Approval of claims presented by the Auditor dated from May 26, 2000 through June 1, 2000 for P.O. #60442 for \$944.76, P.O. #65179 for \$199.00, P.O. #57502-37-40 for \$9,834.48, P.O. #65197 for \$1,708.00, P.O. #65862 for \$58.00, and P.O. #62956 for \$87.00. Also regular run dated May 31, 2000 for Batch 1 for \$43,837.41, Batch 2 for \$27,312.65, Batch 3 for \$92,165.00, Batch 4 for \$27,239.56, Batch 5 for \$20,166.89, Batch 6 for \$112,020.93 and Batch 7 for \$6,458.12.
2. Consideration of the following contracts: Negotiated Union agreement between Gallatin County and the Deputy Sheriff's Association; Equitable Sharing Agreement with U.S. Department of Justice.
3. Request for a boundary relocation exemption for Kraft/Cline, located in Section 26, T2S, R5E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
4. Request for a boundary relocation exemption for Mauzy/Wieland, located in Section 35, T6S, R3E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria allowed under the Montana Subdivision and Platting Act.
5. Request for final plat approval of the Kimm Potato Minor Subdivision located in the NW¼, NW¼ of Section 34, T1S, R4E, otherwise described as Tract 5 of COS 2125. Gallatin County Planner Jennifer Madgic reported that the subdivision appears to have met the conditions of final plat approval.
6. Request for final plat approval for River Rock Major Subdivision, Phases 2A and 2B, located in the SW¼ and SE¼ of Section 3, T2S, R4E. Gallatin County Planner Jennifer Madgic reported that the subdivision appears to have met the conditions of final plat approval.

Commissioner Olson noted that Commissioner Murdock is on vacation. Commissioner Mitchell read the consent agenda. Belgrade Assistant Fire Chief Bryan Connelley asked that item number six on the consent agenda be pulled and place on the regular agenda for discussion. Commissioner Mitchell made a motion to approve the consent agenda as amended. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic reported that a problem with River Rock Major Subdivision, Phases 2A & 2B was supposed to have been resolved prior to the meeting, but was not. Ms. Madgic requested that the item be continued until the next week's meeting. Belgrade Assistant Fire Chief Bryan Connelley agreed to move this item until the June 13, 2000, meeting.

The Commission considered appointments to the Historic Preservation Board. Currently three vacancies exist on the board due to the term expirations of Stephen Fournier, Jon Gerster and Duncan Bullock. Two applications have been received from John Brown and William Muhlenfeld. These are two-year terms and will expire on November 1, 2001 and February 1, 2002. There are three remaining vacancies, and the Commission will continue to advertise to fill these. Commissioner Olson made a motion to appoint John Brown and William Muhlenfeld for the terms stated, to the Historic Preservation Board. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

Rob Pertzborn of Prugh and Lenon Architects presented the bids for opening regarding the renovations to portions of the 3rd floor of the Law and Justice Center. Commissioner Olson opened the bids and Mr. Pertzborn reported their contents. The first bid was received from Taylor Construction. The bid included a 10% bid bond and addendums number one and two. The base bid was \$75,960.00, alternate number one was \$15,400.00 and alternate number two was \$2,700.00. The second bid was received from Edsall Construction. The bid included a 10% bid bond. The base bid was \$93,500.00, alternate number one was \$20,000.00 and alternate number two was \$1,500.00. Commissioner Olson asked Mr. Pertzborn to take the bids under advisement and make a recommendation at the June 13, 2000 meeting. Mr. Pertzborn agreed.

Fiscal Officer Ed Blackman reported on the consideration of a resolution to amend the Gallatin Canyon Consolidated Rural Fire District FY 2000 budget for the purchase of a department truck and additional mechanic payroll. This budget amendment does not use any impact fees, but rather the funds come from three alternate sources: a loan, current cash on hand which exceeds what was expected, and the profit

from the trade in of the current vehicle. Commissioner Mitchell made a motion to approve Resolution 2000-38 amending the Gallatin Canyon Consolidated Rural Fire District FY 2000 budget for the purchase of a department truck and additional mechanic payroll, finding that there are adequate funds available. Seconded by Commissioner Olson. None voting nay. Motion carried.

County Attorney Marty Lambert presented Ordinance 2000-03, a speed reduction ordinance for a portion of Montana Highway 191, Gallatin Gateway, for the second reading. This Ordinance shall apply to that portion of Montana Highway 191 from milepost 76.422 to milepost 76.138. Mr. Lambert read the ordinance into the record and verified that it was indeed the second reading of the ordinance, with the first reading occurring on May 23, 2000. Commissioner Mitchell reiterated that the speed limit will take effect thirty days after the second reading of the ordinance. Mr. Lambert noted, however, that the emergency ordinance lowering the speed limit is still in place. Commissioner Mitchell made a motion to approve Ordinance 2000-03, reducing the speed limit on a portion of Montana Highway 191, Gallatin Gateway. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic presented a request for a family transfer exemption for the McInerney family, located in Section 15, T1N, R7E. Ms. Madgic reported that it is unclear whether the proposal represents a proper use of the family transfer act. She noted that she placed this item on the regular agenda in order to give the Commission background information on the property and give the applicant a chance to explain his intent for the property. She explained that this property went through the pre-application process, and was considered by the County Planning Board on January 25, 2000. Many individuals raised concerns over the proposed subdivision at this meeting. Two letters, from Molly McCabe/Todd Tanner and Joanne and Edward Desch, were received prior to today's meeting. The letters addressed concern over the intent of the family transfer and whether or not this is an attempt to evade subdivision review. Applicant Gary McInerney reported that his intent is as stated in his affidavit, to transfer ownership to immediate family members to be of benefit to them in the future, and develop a "family compound." He purchased the property with a partner and intended to develop it until his partnership didn't work out and he realized that it was not acceptable to the neighbors. In the mean time his family has fallen in love with the property and wish to keep $\frac{1}{4}$ of the section for the family, and sell the other three quarters. Mr. McInerney explained that he never intended to develop the property to the extent that the initial proposal suggested, but simply wanted to raise the property value for potential environmental preservation. He noted that this transfer is an effective way to proceed with estate planning and pass on the property to his heirs. Commissioner Mitchell asked Mr. McInerney if he realized that a family transfer exemption does not limit the recipients from selling or developing the property. He concurred that he indeed understands this, but noted that his family does not intend to sell or develop the property. Public comment was heard from Jim Runyan, property owner in the vicinity of the property in question. Mr. Runyan expressed concern over the potential for this division of the land to result in future problems, especially related to Skunk Creek Road, a forest service road which is maintained at a minimum once a year. He also expressed concern over additional homes effecting the Cut-Throat population in Brackett Creek, whose headwaters flow near the property in question. Mr. Runyan also noted that there is no school bus service to this area, and in the future this could become a potential problem if there are very many additional families. He added that if this transfer is indeed for the reasons the applicant has given, then the neighbors welcome them, however, the concerns remain at this point. Commissioner Olson noted to Mr. Runyan that there are many issues that the Commission cannot consider when determining whether or not to grant an extension, even if they seem to apply. Only those factors that the law allows can be considered. Commissioner Mitchell stated that subdivision regulations deal with health and safety issues such as accesses, roads, covenants, fencing, dogs, wildlife, fire protection, and other circumstances people may face in remote areas. Approving this exemption would keep this division from undergoing these review mechanisms, and Commissioner Mitchell stated that she would not approve the transfer because of it. Commissioner Olson stated that from his stand point the signed affidavit attests to the intent of the applicant, and the potential development for this land could be much worse. Commissioner Olson gave the applicant the option of continuing the discussion of this transfer to another agenda when three Commissioners would be present to vote on the issue. Mr. McInerney requested the item be tabled for one week. The item was continued until the June 13, 2000 agenda.

Gallatin County Planner John Shepard presented a request for consideration of a Conditional Use Permit for Kurth Barn B Retail Use, located in Section 17, T1S, R5E and otherwise described as Lot 3 of Minor Subdivision #246. Mr. Shepard summarized the staff report, and explained to the Commission that Mr. Kurth has requested a Conditional Use Permit under §34.020.B of the *Gallatin County/Bozeman Area Zoning Regulation*, to permit a retail establishment in the M-1 Light Manufacturing zone and U.S. 191 Entryway Corridor Overlay District. If the County Commission, after hearing and considering all public testimony, determines that the request as proposed by the applicant is in the public interest and meets the criteria of the Zoning Regulation, and concurs with the findings of the Gallatin County Planning Board, the following conditions are suggested: 1. Applicant will post notice of COA approval on site before and during all construction in compliance with §52.055.D of the *Gallatin County/Bozeman Area Zoning Regulation*. 2. The conditional use permit to operate retail business on Lot 3 will be valid only after approval of a modified land use permit and certificate of appropriateness, and subsequent occupancy permit showing that the site is in full compliance with the *Gallatin County/Bozeman Area Zoning Regulation*. 3. If multiple tenants are to occupy the structure, a parking management plan for joint use of parking shall be submitted by a registered professional engineer, architect or landscape architect as provided in §50.120.G of the zoning regulation, and approved by the Gallatin County Planning Director. 4. Any retail operations are restricted to the second floor to meet requirements for parking, unless off-site parking is provided. No off-site parking may be provided on lots on which violations of the zoning regulation are found. Any parking provided off-site will meet the requirements of §50.120.G and §50.120.H, and be approved by the Planning Director. 5. Any retail operations will receive approval from the Gallatin County Planning Director for compliance with the zoning regulation prior to occupancy, as provided by §62.090.D. 6. Signage shall only be located as approved on the site plan and elevations, after approval of a sign permit by the Gallatin County Planning Director, as provided by §65.070.A. 7. In keeping with the intent of the Entryway Corridor Overlay, that any abandoned or unused structures be removed from the subdivision prior to occupancy of Barn B. 8. The right to use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure. 9. All of the special conditions shall constitute restrictions running with the land use, shall be binding upon the owner of the land, his successors or assigns, and shall be recorded as such with the Gallatin County Clerk and Recorder's office by the property owner prior to the issuance of any building permits, final site plan approval or commencement of the conditional use. 10. All conditions specifically stated under any conditional use listed in this title shall apply and be adhered to by the owner of the land, successors or assigns. 11. All special conditions shall be consented to in writing by the applicant. Following discussion of the Planning Board, the following condition was suggested for the County Commission's consideration: 12. To ensure the orderly and efficient development of the zoning district, the right to this conditional use and occupancy permit shall be contingent upon bringing all signage into compliance with the zoning regulation; specifically: a. The subdivision identification sign at Rowland Road and Huffine Lane, which was changed in copy without a new sign permit contrary to Section 65.070.A shall be restored in accordance with the sign permit issued by the City of Bozeman. and b. The sign identifying Hart's Furniture at Rowland Road and Huffine Lane, which non-conforming sign was changed in copy contrary to Section 65.190.B, shall be removed. Mr. Shepard reported that the M-1 Light Manufacturing zone's intent is generally whole sale trade such as storage, trucking, light manufacturing, and similar such activities. The area currently has two non-conforming buildings, and due to the transition between city and county jurisdiction of the area, these have been allowed. Mr. Shepard explained that minor changes to the original plan have taken place, such as proposing to use a shingle roof rather than a metal one such as exists on surrounding buildings. He also detailed the parking requirements and the standards setting the minimum number and location of the spaces. Mr. Shepard also explained that the issue of the non-conforming sign is currently in the hands of the County Attorney. No opposition has been received regarding the approval of this request, and proper notice has been met. The Planning Board recommended approval of the Conditional Use Permit with a vote of 8-0, with one abstaining, along with conditions 1-11. They did not wish to consider the additional condition, but asked that the Commission make the determination of whether or not to include it with approval. Commissioner Mitchell asked if there were any variances requested and Mr. Shepard explained that a height variance has been requested, but this issue is under the jurisdiction of the Board of Adjustments. Mr. Sid Kurth, the applicant's father, endorsed the proposal and confirmed that they are in complete agreement with conditions 1-11. He discussed the additional condition and noted for the record that they have been acting in good faith with regards to the signage situation, and that the problem is a matter of interpretation and is being handled by the County Attorney. Applicant Brian Kurth explained the minor changes to the plans, and noted that the roof material change was due to financial constraints. Commissioner Mitchell asked Mr. Shepard if the Commission would be approving a Certificate of Appropriateness (COA) along with the Conditional Use Permit (CUP) or not. Mr. Shepard confirmed that with the approval of the CUP, would come approval of the COA. County Attorney Marty Lambert addressed the issue of the additional conditions 12a and 12b. He noted that it was his recommendation

that they be included in this consideration, but after discussion with Chief Deputy County Attorney Susan Swimley, he determined that this is not the correct forum with which to address the issue of the non-conforming signs. Mr. Lambert asked that the conditions not be approved as part of the conditions regarding the issuance of a Conditional Use Permit on the property in question. Commissioner Mitchell addressed the applicants and the Planning staff and offered her apologies that the zoning regulations are not complete, noting that the Commission is aware that this complicates their jobs substantially, and leads to frustration on everyone's part when considering issues such as the one before them today. Commissioner Mitchell made a motion to approve the Conditional Use Permit for Kurth Barn B retail use finding that it is in the public's interest, meets the requirements for granting the permit and has been granted Planning Board approval, along with conditions 1-11. Seconded by Commissioner Olson, adding his appreciation to Planner John Shepard for the diligent job he has preformed on this issue. None voting nay. Motion carried

County Attorney Marty Lambert read from the Montana Code Annotated 2-2-201(2) regarding former employees contracting with the County within six months of their leaving their employment. The law states that a governing body may grant a waiver after publicly disclosing the nature of the conflict at an advertised public hearing held for that purpose, and after considering the following factors: (a) whether the waiver would provide to a program or project a significant benefit or an essential skill or expertise that would otherwise not be available; (b) whether an opportunity was provided for open competitive bidding or negotiation; (c) whether the person affected is a member of a clearly identified group of persons that is the intended beneficiary of the program or project involved in the contract; and (d) whether the hardship imposed on the affected person or the governmental entity by prohibiting the conflict will outweigh the public interest served by avoiding the conflict. Mr. Dale Beland, former County Planning Director, is interested in contracting with Gallatin County as project coordinator of a transportation study in the Big Sky Area. He noted that Madison County and the MDOT have responded that they are in full support of the project and of him being named the project coordinator. MDOT has offered to provide funding for the study in the amount of an equal match to the funds contributed by property owners in the area, up to \$50,000. There is no financial obligation from either of the counties involved. He also added that MDOT has reviewed the scope of work and is in agreement with it. Commissioner Olson noted that there is a significant time constraint involved, if the agreement and funds are not in place by June 30, 2000, the money from MDOT will no longer be available. It was noted that this project has a fixed scope of work, and will not be continuing once this specific job is finished. Mr. Beland's responsibility under this contract will be to serve as lead contact and coordinator among Madison County, Gallatin County, MDOT, the advisory committee, property owners, consultant and the general public. He will organize and publish the study program schedule, organize and conduct public meetings with the advisory committee, collect and prepare the initial data package, prepare, review, distribute and publish the Request for Proposals (RFP), analyze proposals received, help with selection of a consultant, work with the consultant to assure timely and cost-effective progress, prepare bi-monthly reports, review and present consultant invoices for approval and payment, coordinate a review of the draft study report, recommend action by the counties, and prepare the final study report for publication and distribution. Gallatin County will be the lead, fiscal and contracting agency for the project. Mr. Beland noted that the project will probably take from six to eighteen months. Commissioner Olson found that with regards to the criteria for determining whether or not to grant the waiver; Mr. Beland has extensive expertise in the area of the study, there is a significant time constraint making it impossible to open the position for competitive bidding or negotiation and actually find someone qualified before the deadline, Mr. Beland does not own property in the Big Sky Area and in no way will benefit from the outcome of the program or financially; and the hardship imposed on the entities involved will definitely outweigh the interest to the public for this study to be completed, and be completed by a competent person such as Mr. Beland. Commissioner Mitchell added the finding that this is a good pro-active approach to remedying potential upcoming problems, this is a one-time contract and it will be a long-term hardship on the counties taxpayers if this study does not take place. Commissioner Mitchell inquired about the pay for the contractor in question and it was noted for the record that Mr. Beland will be paid no more than \$25,000, at \$75.00 an hour, with a \$4,000.00 expense budget. Commissioner Mitchell made a motion to approve the Former Employee Contract Waiver for Dale Beland, so that he may be hired as the project coordinator for the Big Sky Area Coordinator Transportation Study. Seconded by Commissioner Olson. None voting nay. Motion carried.

The County Commission was presented a Consultant Agreement with Dale Beland for the Big Sky Area Coordinated Transportation Study. The Commission agreed that the information presented during

482 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

discussion for the former employee contract waiver is sufficient for moving on this item. Commissioner Mitchell made a motion to approve the agreement for services for Project Coordinator for the Big Sky Transportation Study. Seconded by Commissioner Olson. None voting nay. Motion carried.

The County Commission was presented a funding agreement for the Big Sky Area Coordinated Transportation Study between Gallatin County, Madison County and the Montana Department of Transportation. Again, the Commission agreed that the information presented during discussion for the former employee contract waiver is sufficient for moving on this item. Commissioner Mitchell made a motion to approve the funding agreement between Gallatin County, Madison County, and the Montana Department of Transportation for the Big Sky Area Coordinated Transportation Study. Seconded by Commissioner Olson. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic approached the Commission and asked if the request for final plat approval for River Rock Major Subdivision, Phases 2A and 2B, could be reopened for discussion. The problem previously noted has been resolved and the applicant asked for the Commission to consider the item at this time, rather than continue until the June 13 meeting. The Commissioners declined to do so, stating that there may have been public present when the item was continued who would have commented, and would be denied the chance to do so if the item were re-opened for consideration at this time. County Attorney Marty Lambert concurred. The item remained continued until the June 13, 2000, public meeting.

There being no further business the meeting was adjourned at 10:55 a.m.

*Unavailable
for signature*

CHAIRMAN APPROVAL

Shelley Vance

CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 13th DAY OF JUNE 2000

The meeting was called to order by Chairman Phil Olson at 9:04 A.M. Also present were County Commissioners Bill Murdock and Jennifer Smith Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board Glenda Noyes.

Chairman Olson requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

JUNE 5, 2000

- A regularly scheduled office meeting was called to order at 10:22 a.m. to discuss numerous items. In attendance were Commissioners Olson and Mitchell, Executive Secretaries Stacy Johnston and Glenda Noyes, Road Superintendent Lee Provance, and Fiscal Officer Ed Blackman. Commissioner Murdock was on vacation. A lengthy discussion took place regarding Cottonwood Road and whether or not the Commission had previously agreed to applying Mag-Chloride for dust control purposes. Mr. Blackman explained that Mr. Shawn Moran had been in to see him with checks totaling \$3600.00 from property owners along Cottonwood Road for the purpose of cost-sharing the dust control measures. He refused to take the money, explaining to Mr. Moran that he had received no agreement for such purposes, nor had he been given instruction from the Commission that an agreement had been made. Mr. Provance stated that it was his understanding that the Commission did agree to cost-sharing the application of Mag-Chloride and was planning to begin the work within a week. The Commissioners stated that they had not agreed to this, and that any such agreement would only take place after a list of road specifications and priorities was established and agreed upon, and in the upcoming fiscal year. Mr. Provance agreed to relay this information to Mr. Moran and begin developing the road specification plan. Mr. Blackman and Mr. Provance left the meeting at this time. The Commission considered a board appointment for a vacancy on the Yellowstone

Country Tourism Board. One vacancy exists due to the expiration of Mr. Terry Abelin's appointment. The opening has been properly advertised, no additional applications were received, and Mr. Abelin did express an interest in being re-appointed. Commissioner Mitchell made a motion to re-appoint Terry Abelin to the Yellowstone Country Tourism Board, finding that the position was advertised four times in the month of May, Mr. Abelin's application was the only one received, and with his application was a letter explaining why he is interested in serving and how he is qualified. Commissioner Olson seconded the motion. Motion passed unanimously.

JUNE 6-8, 2000

- The Commissioners conducted regular County business.

JUNE 9, 2000

- A special meeting of the Commissioners was held to consider approving a modification to Contract 2000-136, for maintenance and improvements on the Axtell-Anceney Road. In attendance were Commissioners Olson and Mitchell, Deputy County Attorney Chris Gray and Executive Secretary Glenda Noyes. The original agreement had the County providing in-kind services on the road. The modification will remove the County as a party, and leave the developer solely responsible for the cost and construction, and require them to improve the road to County standards. Commissioner Mitchell made a motion to approve the amendment to Contract 2000-136 to remove the County from responsibility of any costs or in-kind services, and requiring Axtell-Anceney Road be improved to County standard. Commissioner Olson seconded the motion. Motion carried unanimously. Mr. Gray also presented an addendum to the Detention Center contract for consideration. The state legislature changed the law regarding the maximum amount a government entity can require for retainage from construction companies under contract. The amount allowable by law is now 5%, as opposed to the previous 10% amount. Commissioner Olson made a motion to approve the addendum to the Detention Center contract from 10% to 5% for retainer limits. Commissioner Mitchell seconded the motion, adding the finding that the County Attorney has advised the Commission that this change is per statute. Motion carried unanimously.
- A special meeting of the Commissioners was held to consider approving a hand issue request received June 7, 2000 in the amount of \$32,733.24. In attendance were Commissioners Olson and Mitchell, County Auditor Joyce Schmidt, Executive Secretary Glenda Noyes and Accounting Clerk Brenda Morris. This payment will be closing out the Head Start account. The bill was adjusted due to a duplicated invoice and finance charges that are not permissible. A refund of \$1,757.00 was sent back to the State for overpayment on their part, and \$757.28 was paid to the County. Commissioner Mitchell made a motion to pay the Head Start purchase order #67001 in the amount of \$32,733.24 finding that the County Auditor has advised approval and given a breakdown of the fund distribution. Commissioner Olson seconded the motion. Motion carried unanimously. The Commissioners conducted regular County business.

* * * * *

- Landfill Revenue for May 2000: \$102,911.96.
- A101's for May 2000: \$55.57.
- Payroll for May 2000: \$979,636.06.
- Clerk & Recorder's Fees Collected for May 2000: \$40,081.01.
- New Hire Report for May 2000: 911 – Marsha Ball, Pamela Verzwuyvelt, Sue Welch, Nicole Hoppert; CLERK & RECORDER – Annmarie Evans, Rosemarie Blaskovich; CLERK OF COURT – Amy Avery, Merry McLeod; DETENTION CENTER – Diana Dusek; FAIRGROUNDS – Billy Montgomery; HEALTH – Stacy Foreman; ITS – Edward Kawa; JUSTICE COURT – Jed Fitch; REST HOME – Danielle Dowse, Lisa Fremont, Jeremy Stockstad, Rebecca Eckert, Joseph Weyer, Coreen Rooney, Melissa Boe, Lindy Leffingwell, Twylla Williams, Heidi LaBouvie, Beth Dickinson, Candy Arnold.
- Terminated Employees' Report for May 2000: 911 – Monika Biener 5/31/00; CLERK OF COURT – Amy Avery 4/24/00, Starlyn Abrams 4/28/00, Judith Acker 5/15/00; CLERK & RECORDER – Mary Miller 4/26/00; MOTOR VEHICLE – Amy DiLeo 5/4/00; PLANNING – Dale Beland 5/01/00; REST HOME – Jeremy Stockstad 4/24/00, Melissa Boe 4/26/00, Amanda Evans 4/27/00, Betty Brainard 4/28/00, Dana Barth 4/28/00, Misty Ewing 5/2/00, David Helm 5/23/00; ROAD & BRIDGE – Douglas Ford 4/28/00; SHERIFF – Mike Kirsch 4/29/00, Jason Schieno 5/4/00, Morgan Roberts 5/20/00.
- Received & Approved Applications for Cancellation of Taxes for May 2000: \$14,914.89.

The following items were on the consent agenda:

1. Approval of claims presented by the Auditor dated from June 2, 2000 through June 8, 2000 for PO #62782 for \$279.75, PO #62786 for \$181.29, PO #62787 for \$192.21, PO #62793 for \$661.96, PO #62794 for \$165.49, and PO #65401 for \$6993.09, for a total of \$8,473.79.
2. Consideration of the following contracts: Amendment to Contract 1999-131, internet application development; Amendment to Contract 1999-140, County atlas development; and Dalton Cross – 911 computer network consultant.
3. Request for a boundary relocation exemption for Shein Trust/Squires, located in Section 27, T6S, R4E and more particularly described as Tract 2 of COS 570G. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.
4. Continuation of a request for final plat approval for River Rock Major Subdivision, Phases 2A and 2B, located in the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 3, T2S, R4E. Gallatin County Planner Jennifer Madgic reported that the subdivision appears to have met the conditions of final plat approval.

Commissioner Mitchell made a motion to approve the consent agenda as presented. Seconded by Commissioner Murdock. None voting nay. Motion carried.

The Commission considered appointments to the Gallatin County Planning Board and the Gallatin County Fair Board. One vacancy exists on the Gallatin County Planning Board due to the resignation of Carmen McSpadden on March 1, 2000. This vacancy has been advertised and applications were received from Betty Strook, Mary Sadowski, Martha Kauffman and Patricia Craig. This appointee would fill the remainder of the two-year term, which will expire July 31, 2001. Commissioner Murdock made a motion to appoint Martha Kauffman to fill the vacancy on the Gallatin County Planning Board. Seconded by Commissioner Mitchell. None voting nay. Motion carried. One vacancy exists on the Gallatin County Fair Board due to the resignation of Lon Lundberg on May 4, 2000. This vacancy has been advertised and we've received one application was received from Robert Brekke. Commissioner Mitchell made a motion to appoint Robert Brekke to fill the vacancy on the Gallatin County Fair Board, term to expire December 31, 2001. Seconded by Commissioner Murdock. Commissioner Olson noted for the record that Mr. Brekke has been attending the meeting regularly and has been sitting on the advisory committee. None voting nay. Motion carried.

Chairman Olson announced that the bid award for renovations to portions of the 3rd floor of the Law and Justice Center will be opened and continued until June 20, 2000.

Gallatin County Planner Jennifer Madgic reported on the continuation of consideration of a request for a family transfer exemption for McInerney, located in Section 15, T1N, R7E. Ms. Madgic reported that this item was heard last Tuesday and due to a split vote of the two Commissioners present, the item is being re-heard today. Ms. Madgic gave a brief run-down of the staff report for the sake of Commissioner Murdock who was absent at the previous meeting. Commissioner Mitchell questioned Ms. Madgic about the number of lots that had been proposed on the pre-application. She was informed that it was fifteen lots on the 640-acre parcel. Chief Deputy County Attorney Susan Swimley asked Ms. Madgic about the ages of the applicant's children. Ms. Madgic did not know this information. Paul Cook, surveyor for Fluidyne and representative for the applicant presented numerous concerns that he had for the process-taking place. He stated that his first concern was that he was not aware of a provision for public testimony in the review of a transfer exemption. He is also concerned that the problems being addressed were related to subdivision review, and not the review of a transfer exemption. Thirdly he noted that it is reasonable for the applicant to explore many options for the use or sale of his land, and doing so should not infringe on his right to transfer land to family members if he sees fit. Finally Mr. Cook also noted that there is no place in the law, which limits the number of offspring or family members that can be given land. Commissioner Olson noted that public testimony is a courtesy the Commission extends on most all items on the agenda, regardless of whether the law requires it or not. Commissioner Murdock stated that the Commission is allowed to consider all relevant circumstances behind an exemption or a division, and that it must be understood that the history of the property does raise red-flags the Commission must consider. Chief Deputy County Attorney Susan

Swimley noted that a family transfer exemption is not exempt from review. It is exempt from subdivision requirements, but the process of approval includes review in order for the Commission to determine whether or not the transfer is an attempt to evade subdivision review. If granted the transfer exemption, the applicant cannot be required to abide by subdivision regulations, however. Commissioner Murdock questioned Mr. Cook about the intent of the applicant, and Mr. Cook reported that per the applicant's affidavit, the intent is to create a family compound. Gary Bogar, Molly McCabe and Joanne Desch, property owners in the proposed area, addressed the Commission with their concerns over the proposed transfer of land. Their concerns included road conditions and maintenance; lack of two accesses to the property; fire and emergency services availability; school accessibility; and effect on the wildlife corridor. Commissioner Mitchell noted that if the original subdivision pre-application was 15 lots on 640 acres, this proposal would actually be creating a higher density situation than before, with no opportunity for review of critical items. She also noted that her opinion has not changed since last week's meeting, she remains opposed to approving the transfer exemption. Commissioner Olson stated that his opinion has not changed either, noting that there is no place in the regulations that limits the number of acres or number of lots allowed in a family transfer exemption. He stated that in his opinion it is not an evasion of subdivision review, and that the Commission has a sworn affidavit stating so. Chief Deputy County Attorney Susan Swimley stated that the Commission can only look at the intent of the applicant. The Attorney General's Opinion states that the Commission can consider the history of the parcel, the career of the applicant, previous conduct on the parcel, and proposals to sell the land when determining whether or not the transfer is legitimate. Commissioner Murdock stated that while he sympathizes with the testifiers and their concerns, the law allows transfers to children and spouses, and Mr. McInerney has provided an affidavit swearing to his intention. Commissioner Murdock also noted that the Montana Association of Counties is attempting to tighten up the law on transfers, but until that time, the Commission can only consider what is allowed by law. Commissioner Mitchell addressed the items the Attorney General's Opinion put forth, noting that the history of the property shows that there have been two previously proposed subdivisions, the career of the applicant is as an attorney and the applicant has attempted to sell the property previously; these items all lend themselves to the intention of the applicant being development and evasion of subdivision review and planning. Commissioner Murdock made a motion to approve the family transfer exemption for McInerney. Seconded by Commissioner Olson. Commissioners Olson and Murdock voted in favor of the motion. Commissioner Mitchell voted nay. Motion passed with a vote of two to one.

Clerk and Recorder Shelley Vance stated that notice of the public hearing to create Rural Special Improvement District (RID) #375, Blue Grass Meadows was published in the Bozeman Daily Chronicle on May 26, 2000 and June 2, 2000. Notices were mailed to record owners and contract purchasers on May 23, 2000. Three protest letters have been received; from Mrs. Vivian J. Anderson, Mr. and Mrs. Tew, and Mrs. Shirley White within the protest period that closed June 12, 2000. A fourth letter was presented from Commissioner Mitchell and the Commission determined that this protest could not be considered since it was not received during the protest period. It was also determined that the number of protests did not total enough percentage of the lots to invalidate the creation of the RID. Commissioner Olson asked if any of the protestors wished to pull their protests from the record. Mrs. Shirley White stated that she does not protest the creation of the RID, but the process taken to create it. She noted that the taxation of the RID includes the park as a lot. She agreed that if the park were removed from assessment of the RID, she would remove her protest. Chief Deputy County Attorney Susan Swimley noted that when the proposal for the RID was sent to the bond council, Attorney Murdock cited a case in 1975 that allowed for public property to be assessed if that lot would receive benefit. If the Commission finds that the park does not receive benefit, it can be excluded. Kevin Cox, homeowner in Blue Grass Meadows Subdivision, spoke regarding the inclusion of the park into the RID, noting that the property owners in this subdivision are not required to be members of the Homeowners Association, and it would be a legal nightmare trying to collect money from individuals for their portion of the park's tax payment. He also explained that the park is undeveloped and exists only because by law the subdivision is required to have one. Brent Miller, Gaston Engineering, suggested that the Commission find a way to exclude the park. The engineers would then revise the boundaries of the RID. He noted that the park is located in the northwest corner of the subdivision, is undeveloped and receives no vote in the Homeowner's Association. Chief Deputy County Attorney Susan Swimley noted that the four original findings in the petition, stated the reasons why the property is benefited. They are that the district will realize improved riding surface of the roads, reduce dust, improve road stability, and reduce yearly maintenance. If these four findings do not apply to the park, it can be removed from the RID boundary. Commissioner Olson stated that the dedicated land will not receive benefit, people receive benefits, not land. Commissioner Murdock made a motion to exclude the park from RID #375, finding that it would not realize a benefit from improved riding surfaces, reduced dust, improved road stability and/or reduced

yearly maintenance. Seconded by Commissioner Mitchell. None voting nay. Motion carried. It was noted that the RID now consists of 33 lots. Commissioner Murdock made a motion to recognize two protests of the creation of RID #375, finding that Mrs. Shirley White's objections have been addressed and thus her protest has been removed. Seconded by Commissioner Mitchell, adding the finding that the number of protests is under the percent needed to rule out the creation of the RID. Commissioner Mitchell also noted that the protests allude to misrepresentation of the petition process, none of the people who protested signed the original petition, and no one that signed the petition has withdrawn their signature. None voting nay. Motion carried. Commissioner Murdock stated that Gallatin County has chosen to support grass roots democracy, and while he sympathizes with the people who have protested, the majority has spoken. He therefore moved to pass RID Resolution #RID 00-375-C. Seconded by Commissioner Mitchell, adding that she does not have a good comfort level with the creation of this RID, while it meets regulations, there were a lot of homeowners that did not sign the petition and she hopes that in the future these submittals are cleaner. Commissioner Olson noted that there was considerable frustration created by the bond council and their insistence that the park be included in the RID. None voting nay. Motion carried. The Commission requested Gaston Engineering prepare the bid and set acceptance for sixty days.

Belgrade City-County Planner Jason Karp reported on the consideration of a request to rename Gallatin Valley Homesteads, III, to Sierra View Subdivision, located in the N½ of Section 3, T1S, R4E. Mr. Karp reported that there is no material alteration of the preliminary plat, and no changes to the conditions. There does not appear to be any duplication of the name Sierra View with any other subdivisions in the County. The staff recommends that if the name of the subdivision is changed as requested that an additional condition be added to the final plat to help eliminate confusion over the two names: 34. *The final plat shall include a note indicating that Sierra View Subdivision received preliminary plat approval from the County Commission as Gallatin Valley Homesteads Subdivision Phase III. All County Commission requirements for or any other reference to Gallatin Valley Homesteads Subdivision Phase III shall be for Sierra View Subdivision.* Mr. Karp noted that this change is at the request of MSE-HKM, and the primary reason for the change is because a different developer has taken over the subdivision and it would benefit marketing of the property. He also noted that there are many subdivisions in Gallatin County with the name "Gallatin" and "Valley" in them, creating confusion at times. This change would resolve some of that confusion, as there would not be a duplication problem with "Sierra" or "View." Clint Lytle of MSE-HKM noted that they agree with the conditions as stated, and the additional condition. Clerk and Recorder Shelley Vance reported that this change would not affect her office since this subdivision is only at preliminary plat stage, and has not been recorded in her office yet. Commissioner Mitchell made a motion to approve the request to rename "Gallatin Valley Homesteads Subdivision Phase 3" to "Sierra View Subdivision," along with adding the additional condition as previously stated. None voting nay. Motion carried.

Gallatin County Planner Jennifer Madgic presented the consideration of a request to amend the preliminary plat approval of Genesis Business Park Major Subdivision located in the NE¼ of Section 23, T2S, R5E. The proposed subdivision must be reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, water supply and sanitary facilities, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. If the Commission decides to approve the proposed amended plat, the following conditions for final plat approval are suggested: 1. The final plat conforms to the Uniform Standards for final subdivision plats and is accompanied by the required certificates. 2. Applicant shall obtain approval from the Montana Department of Environmental Quality for proposed amendment(s) and shall agree that the following language be eliminated and replace as follows: **Removed:** Note: lots 1, 11, 12 and 19 shall be used for the wastewater treatment system only. **Replaced with:** Note: Lot 1 to be used for sewage treatment facilities only. 3. The final plat shall contain the following language: *Lot 1 and the drainfield easements indicated on Lots 10A, 12A and 18 are to be used for sewage treatment facilities. These areas are the responsibility of the Genesis Business Park Subdivision Property Owners' Association. No unauthorized construction is to occur in these areas.* 4. A 20-foot drainage easement shall be provided on Lots 24 and 25 as shown on the submitted preliminary plat. (Along a portion of the western property boundary of Lots 24 and 25. And along a portion of the southern property boundary of Lot 25.) 5. Applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations (to be assessed on one lot). 6. Applicant shall make payment of fire protection impact fees in accordance with the Gallatin County Subdivision Regulations (to be assessed on one lot). 7. Applicant shall have three (3) years to complete the above conditions and

apply for final plat approval. Ms. Madgic explained that when a change is made to a final plat, the subdivision is required to go through the same process of subdivision review. If approved, the final plat will be amended as follows: 1) Removal of text restricting Lots 1, 11, 12 and 18 for use as wastewater treatment facilities only. The proposed amendment would apply this restriction solely to Lot 1 with the following language: "Note: Lot 1 to be used for sewage treatment facilities only." Result: creation of three viable lots. 2) Aggregating Lots 10 and 11, creating Lot 10A. Aggregating Lots 12, 13 and 14, creating Lot 12A. Result: a reduction of lots from five to two. 3) Add a 20-foot-wide drainage easement on Lots 24 and 25 as shown on submitted preliminary plat. Previously impact fees were not required on one of the lots, and the additional lot creation would allow impact fees to be charged on that lot. Commissioner Mitchell stated that numerous lots contain the drain fields, and asked what the effect of removing one lot would be. Terry Threlkeld, owner of Allied Engineering, explained that there is a central sewer system for the whole development. Four lots are used for drain-field purposes, the tanks and filter are on lot one. They are seeking to move the lot lines closer to the drain-field areas. Doing so will provide increased parking opportunities for "Right Now Technologies," and after doing so they will still have enough for 100% replacement area in addition to the primary area. In addition, the lot in the northwest corner of the development has been proposed to be sold for a nominal fee to the Rae and Sourdough Fire Departments for a new fire station. They will still have enough room for a drain-field and replacement area, and the proposed fire station structure is planned to be long and thin and would meet all of the setback requirements and be suitable for the size and dimensions of the lot. None of these changes affect the wastewater system at all. All lots will remain on the central sewer system. One more low-flow lot (a lot that does not create a lot of waste water) will be added to the system. Commissioner Mitchell expressed her uncertainty about the changes taking place, and how they will affect the sewer system and drain-fields. Mr. Threlkeld explained that the reduction in lots will not affect the systems at all, there is more than enough area for the drain fields, even after moving them. One lot will have a change in use, but no additional lots will be created. Commissioner Mitchell noted that there will be a loss of open space. Mr. Threlkeld explained that in the initial proposal, the land in the lots was not included in the calculation of open space, so none will be removed. Commissioner Murdock made a motion to approve the preliminary plat amendment for Genesis Business Park Major Subdivision, finding that the application is a very minor change from the original, meets the intentions of the subdivision regulations, Montana law, the Master Plan, and zoning regulations of the area, along with the conditions as prepared by staff, with one additional condition which will state "Boundary realignments and lot aggregations as submitted in preliminary plat application shall be shown on the final plat.", and changing the word "test" to "text" in the staff findings. Seconded by Commissioner Mitchell, noting that she does not have a comfort level with this amendment, but can't put her finger on why. Commissioner Olson noted in discussion that all of the environmental issues will have to meet state approval. None voting nay. Motion carried.

- - - -

Tom Olivo and Story Mill residents gave a presentation requesting the County's participation in improving Story Mill Road. The goals are to increase safety, provide better access for fire and ambulance services, and enhance the travel of the residents. Improving Story Mill Road would provide a second access, combat problems should a fire occur, provide for better traffic management along Sypes Canyon Road and Rolling Hills Drive, and remove what they commonly refer to as an "attractive nuisance" (the desire for recreationalists to "tackle" the muddy, undeveloped road). Mr. Olivo noted the liability the road creates is great. The current road is being destroyed by recreational vehicles, and improvement would lower vehicle maintenance costs for the residents in the area. The proposal set forth by the residents, and designed by Morrison-Maierle, would result in a greatly improved road with only 7% of the road remaining less than county standards. The proposal includes working within the current utility boundaries in order to cut costs, maintenance, and is an example of a budget and cost-share proposal. Mr. Olivo presented what he referred to as a "practical solution" which would significantly improve the road within a reasonable budget, and suggested two options: Option 1: Maintain current horizontal and vertical alignments (cost is approximately \$160,000) and Option 2: Maintain current horizontal and vertical alignments with some cuts and fills (cost is approximately \$211,000). The history of the road was discussed and it was noted that the improvement of this road has been a matter of discussion for 15 years. Mr. Olivo was asked about the possibility of the residents participating in an RID and he explained that this would be cost-prohibitive to the residents, and it would be difficult to determine the boundaries of an RID since the road serves a variety of areas. He stated that the residents believe their proposal to be better than an RID pertaining to cost. Mr. Ronald Stevens gave a history of the road and the resident's involvement of upgrades, noting that Grand View Heights II Subdivision lack of participation in the Grand View Heights I Subdivision RID was due to not having a sufficient number of occupied lots at the time that RID was created. He also noted that the residents in Grand View Heights II still have the \$40,000 in hand that was collected to contribute to the necessary road

improvements, and he was personally ready to participate more, financially, to up-grade the road. Mr. Stevens also stated that he foresees a school bus route, which would loop from Sypes Canyon Road to Story Mill Road. Loren Acton, Evelyn Acton, and Brian Dingman reiterated the concerns and issues discussed by Mr. Olivo and Mr. Stevens. Susan Ewing, resident in Bridger Mountain Estates, reported that while she sympathizes with her neighbors, she likes the road the way it is. Her concerns regarding improving the road included loss of the open fields, development increasing with the road improvements, and loss of wildlife and open space. Road and Bridge Superintendent Lee Provance explained that currently the unimproved portion of Story Mill Road has 164 average daily trips. There are approximately 202 homes in the adjoining area that will potentially generate 1760 average daily trips. The road budget for road improvements for fiscal year 2001 totals \$151,000 and there is not money in the road budget to fund this project fully, without adversely effecting many other important road projects. The estimated total cost for this project is between \$162,000 and \$345,000. Mr. Provance expressed concerns of improving the road 7% below county standards due to potential liability it would create over the long haul for things such as school busses, public safety, etc.; setting a precedent for allowing roads to be improved to less than county standards; and for improving roads that would benefit a minority of county residents. Mr. Provance's recommendation is to encourage an RID, and not even consider the proposal put forth by Mr. Olivo and the other residents. Scott Bell, Morrison-Maierle, stated that the estimate given excludes the cost of utility relocation, rights of way, engineering and paving. Mr. Bell estimated utility location to cost between \$80,000 - \$100,000, the engineering costs would be approximately \$9,600 for the preliminary design standards, and 10-15% of the total construction costs for the final work and that the rights of way could not be determined because many residents offered their property without charge. Chief Deputy County Attorney Susan Swimley noted that in 1995, all but one property owner was willing to grant a construction right of way and easement. One property owner wanted assurance that if they did grant an easement, they would not be required to pay any RID taxes. Commissioner Murdock noted that the County Commission agreed a year ago to proceed with a cost-share agreement, along with the property owners being responsible for obtaining the rights of way, fencing of the properties, and snow removal. Ms. Swimley noted that she appreciates the desire of the residents to have the road improved, but, if the County goes forward with improving the road to less than County standards, the County only increases their liability. She stated that these standards are in place for safety reasons, and she advised the Commissioners not to proceed unless it is done so under Gallatin County Road Standards. Commissioner Mitchell recalculated the costs and came up \$500,000 to improve the road to county standards. She noted that if the Commission allows the road to be constructed to less than county standards, they can't require the general public to build their roads to standard. She stated that from her perspective, the two options are to either create an RID or close the road. She noted that if the road served a greater number of people, spending this much money might be acceptable, but it is a matter of economics, and it isn't economical to expend that much money for the benefit of only a few. Commissioner Murdock stated that the County has a public safety issue to be resolved here, involving only one access to the subdivisions in question and inconvenience for emergency personnel. He noted that out of the 1100 miles of county gravel roads, not many serve more people than Story Mill Road does. Improving this road would benefit the traveling public, reduce traffic on Sypes Canyon Road and McIlhattan Road, and would lower vehicle repair costs. Improving the road to full county standard would cost a lot of money. Improving Story Mill Road to the extent proposed by Morrison-Maierle would be a vast improvement, and even with 7% not to county standards, the road would be better than many that exist in the county right now. Commissioner Murdock made a motion to improve Story Mill Road following the design plans from Morrison-Maierle, with a cost-share agreement between the county and the Story Mill residents, with the residents providing the rights of way and fencing, with details of the agreement to be worked out with the County Attorney. The motion died for lack of a second. Commissioner Olson stated that while he agrees that the road needs to be improved, and agrees with Commissioner Murdock's reasoning, he does not want to tie the county to anything without more discussion between the Commission, Road Superintendent, and County Attorney's Office. He noted that the Commission cannot spend the whole road budget on one area, and the costs exceed the total road budget and therefore they need to have more consideration before a decision is made. The Commission agreed to discuss the issue and make a decision by July 15, 2000.

There being no further business the meeting adjourned at 12:08 p.m.

Unavailable
For signature

 CHAIRMAN APPROVAL

Shelley Vance

 CLERK ATTEST

PUBLIC MEETING

TUESDAY THE 20th DAY OF JUNE 2000

The meeting was called to order by Acting Chairman Bill Murdock at 9:05 A.M. Also present were County Commissioner Jennifer Smith Mitchell, Chief Deputy County Attorney Susan Swimley, and Acting Clerk to the Board Glenda Noyes. Commissioner Phil Olson was on vacation.

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

JUNE 12, 2000

- A regularly scheduled office meeting was held to discuss numerous pending issues. In attendance were Commissioners Olson, Murdock and Mitchell, and Executive Secretaries Stacy Johnston and Glenda Noyes. The Commission discussed the Elk Grove re-submittal fee and whether or not they would re-hear the subdivision. Commissioner Murdock made a motion to charge the full fee for submittal of Elk Grove Subdivision. Commissioner Mitchell seconded the motion. Commissioner Olson noted that he did not feel the applicant should be charged the per lot fee, since most of the work had already been done. Commissioners Murdock and Mitchell voted in favor of the motion. Commissioner Olson voted nay. Motion passed with a vote of two to one. Commissioner Olson made a motion to approve hearing the re-submittal of Elk Grove Subdivision, if there are changes. This motion died for lack of a second. The Commission determined that they would ask the County Attorney's Office for written advise on this issue. The Commissioners discussed the possible appointment of ITS Director Ed Kawa to the Software RFP Committee. Commissioner Murdock made a motion to appoint ITS Director Ed Kawa to sit on the Software RFP Committee. Commissioner Mitchell seconded the motion. Motion carried unanimously. Commissioner Murdock agreed that he would speak to GIS Coordinator Allen Armstrong about whether or not he wishes to remain on the committee following this new appointment. The Commissioners discussed reassignments to the various County Boards. Commissioner Olson made a motion to replace Commissioner Murdock for himself on the 911 Administration Board, starting with the June meeting. Commissioner Mitchell seconded the motion. In discussion, Commissioner Murdock agreed, but noted that he will be reducing his board load in other areas due to this new assignment.
- A regularly scheduled monthly meeting of the Commissioners and GIS Coordinator Allen Armstrong took place to discuss GIS Department updates. In attendance were Commissioners Olson, Murdock and Mitchell and Mr. Armstrong. The Commissioners asked Mr. Armstrong if he would like to remain on the Software RFP Committee and he expressed a desire to do so. The Commissioners also approved Mr. Armstrong's FY 2000 contract help request, pending Fiscal Officer Ed Blackman and Personnel Director Kathy Nowierski's approval.

JUNE 13, 2000

- A special meeting of the Commissioners was held to consider acceptance/signature of a Grant Award Notice from the Montana Board of Crime Control for the Victim/Witness Assistance Program. In attendance were Commissioners Olson and Murdock, Grants Administrator Larry Watson and Executive Secretary Stacy Johnston. Commissioner Murdock moved to accept the grant award in the amount of \$58,513, plus a local match of \$19,505, for a grand total of \$78,018. Larry Watson noted that the local match indicated above has been budgeted and is available. Commissioner Olson seconded the motion; motion carried 2-0.
- A special meeting of the Commissioners was held to consider approval of claims dated June 9, 2000 for PO #62957 for \$10,588.27 and PO #655412 for \$2,300.00 totaling \$12,888.27. In attendance were Commissioners Olson, Murdock and Mitchell, Auditor Joyce Schmidt, Accounting Clerk Brenda Morris and Executive Secretary Glenda Noyes. Commissioner Murdock made a motion to approve the claims totaling \$12,888.27, based on the review and recommendation of Auditor Joyce Schmidt. Commissioner Mitchell seconded the motion. Motion carried unanimously.

JUNE 14, 2000

- The Commissioners conducted regular County business.

JUNE 15, 2000

- A special meeting was held to consider acceptance/signature of a Grant Award Notice from the Montana Board of Crime Control for the Operation Freedom from Fear Program. In attendance were Commissioners Murdock and Mitchell, Grants Administrator Larry Watson and Executive Secretary Stacy Johnston. Commissioner Murdock moved to accept the grant award in the amount of \$52,771,

490 GALLATIN COUNTY COMMISSIONERS' JOURNAL NO. 45

plus a local match of \$17,591, for a grand total of \$70,362. Larry Watson noted that a formal contract is forthcoming and will be presented to the Commissioners for approval at a future public meeting. He also noted that the local match indicated above has been budgeted and is available. Commissioner Mitchell seconded the motion; motion carried 2-0.

JUNE 16, 2000

- The Commissioners conducted regular County business.

The following items were on the consent agenda:

1. Approval of claims presented by the Auditor dated June 6, 2000 for Batch 1 for \$24,599.00, Batch 2 for \$146,035.44, Batch 3 for \$33,932.33, Batch 4 for \$66,312.91, Batch 5 for \$122,522.01, Batch 6 for \$71,688.42, Batch 7 for \$26,572.50, Batch 8 for \$5,758.67 and Batch 9 for \$35,872.87 totaling \$533,294.15.
2. Consideration of the following contracts: Purchase agreement with TW Enterprises, Inc. for a generator at the Detention Center; Grade crossing signals tri-party agreement between Gallatin County, Montana Department of Transportation and Montana Rail Link.
3. Request for a boundary relocation exemption for Whitney/Rutledge, located in Section 36, T2N, R2E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.
4. Request for a mortgage exemption for Duncan, located in Section 2, T1N, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.
5. Request for a boundary relocation exemption for Close/Crampton/Lockwood, located in Sections 23 and 24, T1S, R5E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.
6. Request for a family transfer exemption for Raymond Tatarka. Gallatin County Planner Jennifer Madgic reported that it is unclear at this time whether the criteria for exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act has been met.
7. Request for a boundary relocation exemption for Guttman, located in Section 2, T3S, R4E. Gallatin County Planner Jennifer Madgic reported that the exemption appears to meet the criteria for the exemption to subdivision regulations allowed under the Montana Subdivision and Platting Act.

Commissioner Mitchell read the consent agenda, and noted that pending County Attorney opinion, the claims approval is being amended to revise Batch 9, P.O. #60444. This revises the total claims approval to \$532,902.15. Also, Commissioner Murdock noted that item number six, family transfer exemption for Raymond Tatarka, has been pulled from the agenda. Commissioner Mitchell made a motion to approve the consent agenda as amended. Seconded by Commissioner Murdock. None voting nay. Motion carried.

Rob Pertzborn of Prugh and Lenon Architects reported on the bid award for the Victim/Witness program. Mr. Pertzborn noted that the bids were opened on June 6, 2000 and Taylor Construction was the low bidder. Prugh and Lenon Architects recommends Taylor Construction be awarded the bid, in the amount of \$91,360.00, which includes the base bid and alternate number one. Commissioner Murdock noted that both of the bids came in higher than the budgeted amount. Gloria Edwards, Victim Witness Director, explained that thanks to many supporters, the program has secured an additional \$18,624.00, and they are able to proceed with construction. Commissioner Mitchell inquired about whether or not all of the costs are covered. Ms. Edwards explained that they have \$5,000 in contingency pledged, and are hoping to get \$7,200 in contingency. All other funds have been secured. The Commissioners asked Mr. Blackman to verify the availability of funds. He explained that the funds are available for the base bid, but the Commission has specifically authorized the fire door to come out of the FY 2002 budget. He noted that there are contingency funds available from the FY 2000 budget, and in order to get the building permit to proceed, both the base bid and alternate have to be approved. He explained that there is \$42,000.00 left in contingency funds from FY 2000, and this would be an appropriate use of these funds. Commissioner Mitchell made a motion to award the bid for the Victim Witness Program to Taylor Construction in the amount of \$91,360.00, including the base bid and alternate one, finding that it will also require the use of funds from contingency for FY 2000 to fund the fire doors required to get the building permit. None voting nay. Motion carried.

Deputy County Attorney Chris Gray presented the consideration of a resolution regarding the take-over of maintenance of certain roads by the State of Montana. Mr. Gray explained that this resolution is still under negotiations between the County and Montana Department of Transportation. He asked that the item be continued indefinitely.

Gallatin County Planner W. Randall Johnson presented the consideration of a request to modify a condition of preliminary plat approval for the Spanish Peaks Estates Subdivision, Phases 1-4, located in a portion of Sections 3, 9 and 10 of T7S, R3E, and generally located between the Big Sky Meadow Village, Mountain Village, and the Pioneer Mountain Resort. The Gallatin County Commission approved the preliminary plat of this proposal in August, 1999. The staff findings included the following: 1. The applicant has submitted a request to delete Condition #19 of Findings of Fact and Order issued by the Gallatin County Commission on August 24, 1999. Condition #19 reads as follows: *"The final plat shall dedicate the 29 acre Ousel Falls Park to Gallatin County."* According to the applicant, the reason for not wanting the dedication of Ousel Falls Park as a condition of preliminary plat approval is that it will foreclose the owner/applicant from taking advantage of a tax donation when the deed is recorded from the owner to Gallatin County. It is the owner/applicant's intent to convey Ousel Falls Park to Gallatin County simultaneously with the filing of the Final Plat for Phases 1-4. 2. Section 13.G of the Gallatin County Subdivision Regulations addresses changes to conditions after approval as follows: *Upon written request of the subdivider, the Commission may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal.* The Commission may wish to consider alternative requirements to assure that the proposed Ousel Falls Park will be dedicated to Gallatin County with the recordation of Phases 1-4 final plat. Mr. Johnson stated that notification of this hearing was placed in the Bozeman Daily Chronicle on June 4 and the Lone Peak Look-Out on June 8. He explained that the applicant is asking that there be no requirement to dedicate Ousel Falls to Gallatin County placed in the preliminary plat approval conditions, because they will lose their tax benefit if it is required. They will, however, dedicate the park on the final plat. Mr. Johnson also explained that the total open space within this development is thousands of acres, far exceeding any dedication requirement. Joe Sabol, attorney for Leelyn, Inc. and Wiley Mt, Inc., explained that during the hearing process for phases 1-4, the owners expressed their intention to convey Ousel Falls Park to Gallatin County, but did not want it placed as a condition of approval. The applicants did not see the findings until they had already been signed by the Commission, and are now returning to ask that they be modified. Mr. Sabol explained that he has discussed this modification extensively with Chief Deputy Susan Swimley and she is in agreement with the change. However, in discussion between Mr. Sabol and Ms. Swimley, they determined that it would be best to have a deed prepared conveying the park to Gallatin County, and have it held in the safekeeping of Ms. Swimley to be recorded simultaneously with the final plat. In the mean time, many calls have been received from Big Sky residents asking that the developer not convey the park to Gallatin County, but rather to the Big Sky Community Corporation. This would still allow the applicant to receive the full tax benefit, and would eliminate Gallatin County from the responsibility of maintaining the park. In order to provide the Commission assurance that the park will remain available to the County, a deed prepared by Mr. Sabol, transferring Ousel Falls Park from Leelyn, Inc. and Wiley Mt. Inc., to the Big Sky Community Corporation which states: "Further subject to the expressed condition that the real property here and above described shall hereafter, in perpetuity, be maintained as a public park for the use and enjoyment of the public at large subject to the reasonable restrictions and regulations as the grantee may impose from time to time for the health, safety and welfare of the general public and the premises.", would be placed in the care of Chief Deputy County Attorney Susan Swimley's keeping until the filing of the final plat. This should be sufficient to place the burden on the Big Sky Community Corporation, to maintain the park and see that the public at large has the benefit of the property. Mr. Sabol asked the Commission to delete condition #19, in conjunction with the placing of the deed in the keeping of Ms. Swimley. Commissioner Murdock questioned Mr. Sabol about the possible consequences if the Big Sky Community Corporation were to dissolve. Mr. Sabol explained that the language on the deed ensures the land will remain, in perpetuity, under the control of a similar agency for the benefit of the public. Richard D. Evans and Steve Barrett spoke in favor of the transfer from the current owners to the Big Sky Community Corporation, stating that the Big Sky Owners Association created the Big Sky Community Corporation for purposes such as this. Mr. Barrett also noted, for the record, that four members of the Big Sky Owners Association are present at the meeting today in support of the transfer. Commissioner Mitchell asked how the corporation planned to maintain the park. Mr. Stevens stated that they have a permanent committee set up for just that purpose, and while they do not have the specifics outlined yet, they are prepared to maintain and develop the park appropriately. Commissioner Murdock informed Mr. Stevens that Gallatin County has entered into a Memorandum of Understanding with the Gallatin Valley Land Trust for maintenance of certain trails in the county and they may be a good resource of ideas for Ousel Falls

Park. He also noted that the Montana Conservation Corp is also an entity that may be able to help the corporation with development and maintenance of the park. Commissioner Mitchell stated that finding there was an error in rendering a condition that is unnecessary and the condition will eliminate a tax advantage otherwise available to the developer, she made a motion to eliminate condition #19. Seconded by Commissioner Murdock, adding the finding that the Big Sky Community Corporation was not in existence at the time of preliminary plat approval, and the Commission decided that they would take on the responsibility of the park for lack of availability of another appropriate entity. He added also that the condition is unnecessary and it is more appropriate for the Big Sky Community Corporation to have ownership of the park. The Commission also added the finding that with the deletion of condition #19, the proposed deed will be prepared and held by the County Attorney's Office until the filing of the final plat. None voting nay. Motion carried.

Gallatin County Planner Randy Johnson presented a request for preliminary plat approval for the Heetderks Minor Subdivision, located in the N½ of Section 18, T1S, R6E, and more particularly described as Tract 2A of Certificate of Survey 1458A. The property is generally located east of Summer Cutoff Road and south of Glory Road, and located within the Middle Cottonwood Zoning District. The proposed subdivision has been reviewed for the following primary criteria: Agriculture, agricultural water user facilities, local services, fire protection, law enforcement, emergency medical, schools, natural environment, wildlife and wildlife habitat, and public health and safety. One variance from Gallatin County Subdivision Regulations, road standards, has been requested. The applicants wish to construct an 18-foot-wide road instead of 26 feet as required. 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. Applicant shall obtain approval from the Montana Department of Environmental Quality and the Gallatin City-County Environmental Health Department for on-site septic systems and wells. 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. Applicant shall record on the final plat a waiver of right to protest creation of rural improvement districts, local improvement districts, 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 (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 applicant prior to final plat approval. 7. Applicant shall record the following covenants on or with the final plat: a) *The property owner shall be responsible for the control of County-declared noxious weeds.* b) *Individual lot accesses from County public roads shall be built to the standards of Section 7.G.2 of the Subdivision Regulations.* 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) *The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District.* f) *The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment.* 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. Glory Lane shall be constructed to County gravel standards with 60 feet of right-of-way in accordance with the Subdivision Regulations, to be reviewed and approved by the County Road Department. 9. Applicant shall form a property owners association for maintenance of Glory Lane, including provisions for dust mitigation along said road, to be reviewed and approved by the County Road Department. 10. All roadwork shall be inspected and certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Department in writing. Final approval shall not be given until this documentation is received. 11. A cul-de-sac, built to County standards, shall be constructed at the east end of Lot 2. 12. All road work shall be certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Department in writing. 13. Applicant shall be responsible for any road improvements (such as signage) required at the Glory Lane/Summer Cut-Off intersection (or thereabouts) and shall conduct a safety analysis to be reviewed by the County Road Department to determine which improvements are necessary. 14. Applicant shall make payment of road impact fees in accordance with the Gallatin County Subdivision Regulations. 15. Applicant shall make payment of fire impact fees in accordance with the Gallatin County Subdivision Regulations. 16. Applicant shall provide an appropriate fire protection method in accordance with the Subdivision Regulations. Applicant shall have the Belgrade Rural Fire District review and approve the fire protection method prior to final plat approval. Applicant shall obtain written verification from the fire district that the requirement has been met. Applicant shall submit copy of final plat to Fire District for approval. 17. Applicant shall have three (3) years to complete the above conditions and apply for final plat approval. Mr. Johnson stated that the application does appear to conform to the County Plan. He noted that two letters of opposition have been received, one from Mr. Ronald R. Farmer, president of the Harvest Hills Homeowners Association, and one from Sylvester and Hazel Nemes, which was also signed by Mitzi Quam, Naomi Stewart, Trent and Tracey Schumacher, Colleen and Al Vosburg, Floyd J. and Linda Kuhn, Marvin C. and Joyce I. Leister, and Tanja A. Brebbe. Commissioner Mitchell questioned the number of family transfer exemption lots that were created previously by this applicant. Mr. Johnson stated that six lots, with an additional remainder lot, had been created under the family transfer exemption. Commissioner Mitchell questioned Mr. Johnson about the possible requirements that would have been placed on the property if it had been divided as a subdivision. Mr. Johnson explained that as a major subdivision, they would have had to provide two accesses to the property, applicable road standards would have been required for the current ATDs and potential future lots, a park space would have been required, and all parcels under 20 acres would have required DEQ approval. Had this been submitted as a major subdivision, the applicant would have also been required to pay applicable impact fees for road and fire. Ray Center, Rocky Mountain Engineers, representing the applicant, explained that prior to submittal of the application, he met with the Road and Belgrade Fire Departments to review the existing road situation. At that time the fire department stated they were comfortable with the recommendation of the road department, and the road department stated that the 18-foot width of the road was acceptable. The owner agreed to 20 feet in width, and amended the plan to reflect this at the Planning Board meeting. Mr. Center noted that in his opinion, the narrower road would reduce speed of the traffic, and therefore reduce the dust problem. He also noted that the applicant has been willing to participate in dust control measures for a year, but did not have the assurance of participation from other property owners. Commissioner Mitchell asked Mr. Center if there was any physical constraint that would not allow the road from being built to standard. Mr. Center stated that he did not think so, but noted that the area at the end of the lots would require a lot of fill, thus the reason for the cul-de-sac. Public testimony was heard from area residents: Sylvester Nemes, Richard Geer, Steve Kelly, Anne Rusoff, and Hazel Nemes. Mr. Nemes submitted pictures labeled exhibits A-D for Commission review. The residents expressed concern over what appears to have been an evasion of subdivision review, their dissatisfaction with the high level of dust created by Glory Lane (and concern that this will increase with additional lots), the high speed with which cars travel down Summer Cut-Off Road and the dangerous intersection at Summer Cut-Off and Glory Lane. Mr. Nemes also noted that the people in Harvest Hills subdivision have paid a lot of money to have their roads paved and are now suffering because of the dust created from Glory Lane. The residents also asked that the Commissioners put a speed limit on Summer Cut-Off Road. The Commission explained the process, noting that a speed study would have to be done and a limit placed on the road based upon that. Mr. Geer discussed the creation of the Middle Creek Zoning District, and noted that had the district been in place when Mr. Heetderks was doing his family transfers, he would not have been able to break the pieces up like he did, with substandard roads. Mr. Kelly also noted that the land to the north is just waiting to be developed, and with this would come even more traffic on roads which are not up to standard. Surveyor Ray Center noted that the conditions of approval do address improvements for Glory Lane and the intersection mentioned. He stated that the Road Department will be doing a road analysis on Glory Lane. Applicant Dr. A De Heetderks spoke on his own behalf, stating that ten years ago Road Superintendent Sam Gianfrancisco determined the intersection at Summer Cut-Off and Glory Lane to be satisfactory pertaining to visibility. He stated that

he had not been opposed to dust control measurements, but lacked participation from the other property owners to help with it. Commissioner Mitchell questioned Mr. Heetderks about his willingness to participate in the Sypes Canyon RID and he stated that whatever was best for the community at large he would agree to. Ms. Swimley explained that the process of participating in the RID could happen two ways, either by requirement of the Commission, or by current RID participants requesting the new property owners participate at a yearly scheduled time for just such requests. In discussion, Ms. Swimley explained to the Commission that there were distinctions that had to be made in order for them to clearly understand their decision to approve or deny the subdivision. She noted that the proposal before the Commission today is not a major subdivision, and cannot be reviewed as such. The Commission in 1994 determined the family transfer requests by Mr. Heetderks to be an appropriate use of the exemption. The Commission may consider the impact of the proposed lot division, but cannot determine now whether or not the applicant was evading subdivision review previously. Ms. Swimley also noted that the Commission could only require this division to meet the regulations set forth for a minor subdivision. She stated that there is an effort right now to change the law and eliminate the family transfer exemption. Commissioner Murdock questioned Road Department Engineer Roy Steiner about the access of numerous lots surrounding the proposed area. Mr. Steiner explained that many lots have double frontage, but have a no access strip along one frontage. Mr. Steiner also explained that after reviewing the road situation in this area with Road Superintendent Lee Provance, the Road Department determined that they agree with the Planning Board decision that the road should be constructed to County standard. He asked that the cul-de-sac remain on the plat, with the remainder of the road being tapered down to match the existing road. Mr. Steiner stated that the Road Department will be establishing a speed limit and signing Summer Cut-Off Road very soon. Mr. Steiner also noted that the Road Department declines to be involved in the dust control "policing" currently referred to in the staff conditions. Commissioner Murdock asked Mr. Steiner if the developer were required to pave the road, would he have an opportunity to recoup some of his cost if the subdivision to the north were developed. Mr. Steiner stated that there is a ten-year policy that allows for the developer to be reimbursed. Commissioner Mitchell stated that she is not in favor of the variance since there are impacts to be mitigated, there is not evidence of hardship for the applicant, and the Road Department suggests that the applicant be required to improve the road to county standards. Commissioner Murdock stated that he does not support the variance either, and would like to discuss requiring the applicant to pave Glory Lane. He noted that there was substantial testimony regarding public health and safety issues with the construction and dust, the total ATD's are very close to 100, and improving the road to paved standards would be partially compensated if development occurred to the north. He also noted that requiring paving would be a proactive approach to mitigating problems in the future. Commissioner Murdock suggested the Commission not require the applicant to participate in the RID, as the neighbors will have an opportunity to request the residents on Glory Lane participate, at another time. He added, however, that he does want to see the Commission require the applicant pave Glory Lane. Commissioner Mitchell stated that she thinks it is only fair for the applicant to be required to participate in the Sypes Canyon RID. Mr. Johnson explained that the Commission can require the applicant to pave the road, if they can make findings on the public health and safety impact. The Road Department has agreed that the addition of one lot does add a substantial impact on the health and safety of the public. Belgrade Assistant Fire Chief Bryan Connelley reported that their concerns include the fact that this area does not have access to any fill sites and the length of the road. He noted that requiring sprinklers in the homes would be sufficient to meet subdivision requirements for fire protection. Commissioner Murdock made a motion to not approve the variance request, finding that it does not meet the variance criteria. Seconded by Commissioner Mitchell. None voting nay. Motion carried. Commissioner Murdock made a motion to approve the request for preliminary plat approval for the Heetderks Minor Subdivision, finding that it meets the requirements of the subdivision regulations, Middle Creek Zoning District, along with conditions 1-17 as recommended, deleting condition number two, modifying condition number eight to read as follows "Glory Lane shall be constructed to County paved standards with 60 feet of right-of-way from the intersection of Summer Cut-Off Road to the proposed cul-de-sac at the east end, in accordance with the Subdivision Regulations....", finding that the situation is no different than that at Baseline Road, the dust issue at that end of the County is every bit a public health and safety concern, as shown by exhibits A-D, and testimony, changing condition number nine to delete "including provisions for dust mitigation along said road", and adding a new condition requiring the subdivision participate in the Sypes Canyon RID. Seconded by Commissioner Mitchell. None voting nay. Motion carried.

There being no further business the meeting was adjourned at 11:30 a.m.

Unavailable
 For signature
 CHAIRMAN APPROVAL

Jelley Vance
 CLERK ATTEST