

## July 3, 2017 Regular Session of the Beaverhead County Commissioners

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on Monday, July 3, 2017 at 9:00 a.m. in the Commissioners' Room of the Beaverhead County Courthouse. Present: Chairman Tom Rice, Commissioner Mike McGinley, Commissioner John Jackson and Secretary Cindy Decker.

### Updates on County Projects:

Road Supervisor Scott Jones joined the meeting. Road Secretary Jamie Flynn is on vacation.

Scott reported that the crew has been blading roads steadily. Tom asked Scott how much the Road Department spends on mag chloride and how much preparation time (labor) as well. Tom brought up the idea of if the county could save a substantial amount of money by not doing mag chloride anymore. John advised that a concerned citizen had spoken with him stating that he thought the county spends at least \$300,000.00 a year on mag chloride. Scott replied that it is nowhere near that amount. Scott reported that we might save money just for water truck use. There was discussion about the dump road and that it might get too many wash boards if that is not applied as it helps to hold the gravel together.

The budget currently for Mag Chloride is \$40,000.00 which is on the revenue side too, so really it's a "wash". The only cost really for the county is the water truck which is not much at all. Scott will make an effort to obtain an estimate of the cost to the county for mag chloride and deliver that to the commissioners.

Tom mentioned drafting a letter to the residents around Big Sheep Creek area advising them about the installation of the bridges. Tom would like the letters drafted this week. Scott will speak with Jamie.

Mike mentioned the pre construction meeting for Big Sheep Project and the approaches to the cattle guards. Scott stated that he is sure that was in the bid.

Tom also brought up the Pre Construction meeting in Butte on July 6 (this Thursday) for the Red Rock to Clark Canyon Resurfacing Project. He may attend.

John asked Scott if he could prepare a Road Report of what the crew *will be doing* instead of *what has been done*. He replied that it would be difficult as things change daily but he could give a rough estimate of projects that he plans to complete.

### Action on Previous Meeting Minutes:

The minutes of the June 26, 2017 meeting were read and the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Jackson seconded that the minutes of the June 26, 2017 meeting be approved with changes. A verbal vote was taken and the motion carried unanimously.

### I.T. Committee

Clerk and Recorder Deb Scott joined the meeting. She is pleased with her services so far. There really was no discussion of any substance.

At 10:00 A.M. Chairman Rice recessed the Commissioners' Meeting for the Public

BEAVERHEAD COUNTY SWEETWATER P.U.D.  
SUBDIVISION

PUBLIC HEARING  
MONDAY, JULY 3, 2017 - 10:00 A.M.

**PLEASE PRINT**

NAME	CONTACT INFO
EDWIN JONES	865-0373
Donna Peppin	603-6872
Gary Gerth	603-0083
Mike Belderrain	928-608-6444
Donna Belderrain	406-500 2923
Tom Wight	576-1251
Rob Macioroski	603-6783

Chairman Rice turned the meeting over to Beaverhead County Planner Rob Macioroski. Mike asked Rob to explain the process of a new Sub Division. He complied. This Subdivision will be on the Commissioners' agenda again soon for action.

Rob stated that June 29, 2017 was the first public hearing with the Planning Board. There were several comments. The board came up with 20 additional requirements for Mr. Towery to comply with. The hearing today is to obtain any more comments from the public and/or neighbors.

Donna Peppin asked Rob to go over the new requirements aloud. Rob did so. Tom asked for comments.

Rob stated that Mr. Towery has completed several sub divisions in the past and has been quite successful.

Mr. Jones stated that this is Mr. Towery's first P.U.D. subdivision. He is aware that Mr. Towery has managed his other subdivisions well, but his main concern is the residential mixed with the commercial.

The Belderrains (Donna & Mike) concurred that their concern is the commercial aspect as well.

Mr. Gary Gerth (203 Sweetwater Estates Drive) handed out and read aloud a written copy of his concerns. He feels that the Environmental Analysis is clearly out dated and doesn't deal with commercial development in any meaningful way. He believes there would be visual and noise impacts and possible odor impacts on adjacent occupied residential neighborhoods. He does not want to see his property value decrease because of this subdivision and had a list of requirements that he feels should be included.



Tom W. advised those present to keep in mind that before any sub division can be approved, it must go through very rigorous process through MT DEQ. In other words, Beaverhead County is not the only entity looking at this. It has to go through some very intensive engineering as well. This is for existing *and* proposed wells.

Mr. Belderrain asked if there was any acreage bought back off the original Sweetwater Estates to complete this. Tom W. replied that he is sure that there was not. The Belderrains were looking at ten acres below them to buy. Rob mentioned that Vana Taylor owns one of the lots east of the feed lots and McDonald Way.

Rob stated why Mr. Towery filed as a P.U.D. reading aloud from the Subdivision Regulations. It was mostly to provide flexibility and creativity in subdivision design.

Mr. Jones understands why he is pursuing this but is hesitant about the "creativity".

Mike M. asked why the commercial variance is such a big concern. He also brought up the personal property rights. That piece of property was originally designed to have a pig killing facility on it and so if this doesn't go through, Mr. Towery could actually pursue a much larger commercial facility right there. Mike stated that he will do some more real research on this.

Rob added a comment that the smaller the lot, the more requirements for landscaping on commercial lots.

Donna brought up the fact that at the last hearing, the possibility of someone combining two lots next to each other and constructing one large building on it was brought up.

Gary Gerth asked the commissioners to keep in mind that there is a property owner out there that is more affected sight wise than anyone present at the hearing today. She does not have "status" however.

Tom W. stated that when the MT DEQ approval is given, the lot sizes that are approved in that package are set. In other words, somebody could not come in and buy two of those properties and build one big shop that goes over those property borders. They would to go through a "rewrite" process and have a reanalysis done of that particular lot.

Mr. Jones appreciates the commissioners going over the deleted lines in the subdivision regulations. He still would like to see that somewhere in the covenants that there is some sort of a minimum size requirement for a commercial lot.

Rob added that Mr. Towery has put into the covenants that there will be an Architectural Review Committee comprised of those people within the Sweetwater PUD that will be able to review any type of construction on the commercial side.

Mike M. stated that his biggest concerns of the standard conditions are the final covenants will be approved by the County Planner. Beaverhead County is not going to be mentioned in these covenants unless they have an authority with an ordinance to enforce it. This is within the homeowners association. He does not want people coming to the commissioners with concerns about neighbors complying with the covenants. It is not the Commissioner's place.

Tom R. asked if this needs to be on the agenda next week. All the adjacent people and/or home owners affected by this will be notified by Rob that the next meeting will be on Monday, July 17, 2017 at 10:00 A.M.

Mike suggested tabling any action on this until next week (July 10, 2017) until we know exactly who has the authority. There was discussion as to if this is really a "grey" area. Deb emphasized that she really needs to be kept apprized as to what happens with this resolution and any other decisions the commissioners make. It was decided that action on this resolution will be tabled until next Monday's meeting.

### **Recess**

At 12:00 noon, Chairman Rice recessed the meeting. At 1:30 p.m., Chairman Rice reconvened the meeting with Commissioner McGinley, Commissioner Jackson and Secretary Cindy Decker present.

### **Budget Discussion**

The Commissioners began to work on the Preliminary Budget.

### **Unfinished Business/Other Topics of Discussion:**

The Commissioners opened their mail and email and responded accordingly.

The Commissioners worked on their individual County projects.

### **Payment of Invoices:**

The Commissioners reviewed and approved invoices for a total of \$107,589.72, beginning with check #197154 and ending with check #197206. The Invoice Payment Schedule is located in the Financial Administrator's Office.

### **Public Comments on Subjects Under County Jurisdiction:**

There were no public comments.

### **Adjourn:**

There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Attest: Debra L. Key  
Clerk of the Board

Approved: C. Thomas Rice  
Chairman of the Board