

COMMISSIONERS APPROVAL

KANENWISHER

FOSS

CHILCOTT 

IMAN 

STOLTZ 

Members Present.....Commissioner Matt Kanenwisher, Commissioner Suzy Foss,
Commissioner Greg Chilcott, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....April 19, 2012

► Minutes: Glenda Wiles

► The Board met at 9:00 a.m. to make an award of the 2012 Equipment Rental and Hot Asphalt Supply Bids. Commissioner Chilcott was not present for this meeting due to another commitment.

- Equipment Rental bids received from Blahnik Construction and MR Asphalt were reviewed by Road Department Staff with the recommendation to award bids to both vendors due to different types of equipment and availability. **Commissioner Stoltz made a motion to award this bid to all vendors. Commissioner Foss seconded and all voted "aye". (4-0)**
- Hot Asphalt bids received from Blahnik Construction, MR Asphalt and Knife River were reviewed by Road Department Staff with the recommendation to award bids to all three vendors. **Commissioner Foss made a motion to award this bid to all vendors. Commissioner Stoltz seconded the motion and all voted "aye". (4-0)**

► Administrative issues included a contract for services for J5 Construction in the amount of \$10,575.00 for remodeling/construction on the special needs room at the Sheriff's Office Detention. It is noted House Bill #130 is funding this renovation. **Commissioner Chilcott made a motion to approve this contract as discussed and approved by the Commissioners on March 21, 2012. Commissioner Iman seconded the motion and all voted "aye". (5-0)**

► The Board met at 9:30 a.m. to review and possibly approve the Planning Board by-law changes. Present at this meeting was Planning Administrator Terry Nelson and Planning Staff Kevin Waller. Terry presented a power point review noting the Planning Board made some recommendations to their by-laws in anticipation of Commissioner approval. Changes proposed include the following:

- Membership - (Article V. A. (1)) Currently there are 12 voting members, but the Montana Code states an odd number of voting members is required. General consensus was to have 11 voting members with the Park Board Representative being a non-voting

member. Discussion included MACo and Deputy County Attorney Dan Browder's opinion as well as Park Board discussion.

- **Conditions for Removal/Absent from Meetings - (Article V C. 1 (a))** Currently if the member fails to attend at least two-thirds of the regular and special meetings they can be removed. The proposed change is if the member fails to attend three of the regular and special meetings in any given calendar year. Discussion included the number of meetings annually, both regular and special and the Montana Statute requirements for holding one meeting per quarter; unexcused and excused absences.
Public Comment: Jan Wisniewski stated if a member(s) missed the required quarterly meetings, they could be out of compliance under the statute as well as not having a required voting number of seven. He feels these changes simply show the members the importance of attendance. Bill LaCroix feels a problem exists with the Planning Board itself, i.e., they are having discussions about Agenda 21 and holding religious prayers. They are not utilizing the standards set by the MACo attorney. Vito Celiberti, Member of Planning Board knew when he took the position about the amount of time required. He does not feel the educational exercises are a waste of time, Agenda 21 was a good discussion for planning issues and techniques. Michael Howell addressed excused absences.
- **Tardiness and ability to vote - (Article V E. (5))** Requested change: when a person is absent for any portion of the discussion on the topic, they must abstain from voting on the topic. If the topic covers more than one meeting, they can, by reviewing the audio of the missed meeting be considered up to date and vote on the topic. Discussion is the recommendation to the Commissioners with Commissioners making the final decision. Public comment: Vito Celiberti stated when a developer presents information, they deserve to have the Planning Board present and up to speed on the information being presented. Jan Wisniewski stated the MACo attorneys addressed the need to be thorough on the information being presented to the Planning Members. Some members have been an hour late for the meeting and this is not fair to the subdivider. Bill LaCroix reiterated that there is no way to enforce this, who would be the time keeper? Can you leave the meeting to use the restroom? Who gets censured? He felt if the member does not share a narrow world view then they could be censured for missing 5 minutes of the meeting. This is punitive.

The Board addressed the common sense measures of being tardy, leaving a meeting for a break, etc., as well as addressing missing the discussion during a subdivision proposal and ability to vote. The Board's consensus is to leave the original language on attendance but add a provision which addresses how late a member can be until they are considered not in attendance for a proper educated vote. The Board had consensus on the Park Board Representative being non-voting. Terry will take these changes back to the Planning Board for further review prior to having the Commissioners formally adopt the changes in by-laws.

► The Board met at 10:25 a.m. to review and possibly approve the Subdivision Regulations by Resolution. Present at this meeting was Planning Administrator Terry Nelson and Planner Kevin Waller.

Public Comment:

Engineer John Horat requested the word "an" be removed at the beginning of the sentence. Page 33, Chapter 5 - 5-4(1) The Board concurred.

Terry noted he received public comment about a 'public' road being maintained by the county and 'private' roads being maintained by the public. He also received public comment about road requirements for paving which would include, for the public what they typically might be required to do.

John Horat addressed paving width for the type of road in comparison to the regulations, the expectations from the Road and Bridge Department as well as AASHTOW standards. He also addressed common driveways with no required width. He would like to see more clarification.

Jan Wisniewski asked how future changes would come about. He also indicated under these definitions, there would be no more gated communities.

Kelsey Milner, President of Bitterrooters for Planning read a statement (see attached).

Terry noted the Clerk & Recorder (C&R) had a couple of issues under 11-2/certificate of surveys for mortgage surveys, utility sites and court ordered split. Discussion was that state law does not require this but the regulations do which is simply administrative. The C& R also addresses Life Estate language, Terry noting that is within MCA. A few typos were noted and will be changed.

Board discussion was the importance of the policies developed by the Road and Bridge Department which augment the regulations as well as the issue of cumulative effects and consideration of community values.

Commissioner Stoltz made a motion to adopt Resolution No. 2871 which adopts the Subdivision Regulations with these changes made today, being effective May 14, 2012. Commissioner Foss seconded the motion. Discussion: Kelsey Milner stated the regulations actually create a takings issue if we do not look at the cumulative issues. All voted "aye". (5-0)

► Public Comment not otherwise on the agenda. Bill LaCroix feels this Commission Board believes that anyone who discusses clean air and water are Stalinist and they will be sent to labor camps in Washington. He also sees that this Commission Board agrees that if a voluntary board member does not agree with the agendas then they are subject to censorship.

Comment on final revision of Ravalli County subdivision regulations

Mr. Chairman:

First, let me say the document is much improved – I was able to navigate around pretty easily and find what I wanted. The language is much tighter and definitions are less ambiguous. Good job.

However, in our view these regulations should work for the citizens of this valley and should reflect our collective vision for the future. In this respect, we find these revised regulations unsuitable for regulating subdivisions in the Bitterroot. The entire process is biased toward ensuring approval of a development; there is virtually no way to reject a proposal given the evaluation criteria and procedures specified. To correct this bias we urge the following changes:

- Include consideration for cumulative effects. It is not sufficient to consider impacts only on adjacent land. It is the cumulative effects that will ultimately drive the future economic and environmental health of our valley. We must recognize and address them.
- Include consideration for community values. Nowhere in these regulations is there recognition of any community values beyond personal property rights. In our view this limited sense of community makes us all pawns in someone else's money game and thereby reduces our right to self determination. We need to be able to assert our independence.

We recommend the commission postpone approval of these revisions and take the time now to address this bias with full participation by the public.

Thank you,



Kelsey Milner
President, Bitterrooters for Planning
Hamilton Montana