

MEETING MINUTES

January 19, 2010

5:15 p.m.

Call to Order: The City/County Planning Board met in the Conference Room for its regular monthly meeting. Board President Kuntz called the meeting to order at 5:15 pm and requested a roll call. Members present were John Kuntz, Dennis Bakken, Amorette Allison, Kathy Doeden, Paul Helland, Tony Ackerman, Karl Drga, Vicki Hamilton and Frank Hartman. Excused from the meeting was Warren Schiller. Not present was Dustin Sloan. Others present were Planner John Marks, Board Secretary Dianna Larson. Board President Kuntz noted a quorum was present.

Election of Officers will be delayed until board members can be re-appointed.

Approval of Minutes: Board President Kuntz called for approval of the minutes from the November 3rd meeting.

*** Drga moved for approval of the minutes from the November 3rd meeting, as written, second by Helland, motion passed.*

Citizen/Visitor Requests: Nothing.

New Business: Subdivision Review of the Leisure Villa Amended Plat - John Marks gave a brief history of this property. He distributed two surveys, one that was discussed and thought to be completed in March of 2008 and a new survey from October of 2009. Since the agenda and packets were sent out, the applicant changed his mind and leaves the board to review the March 2008 survey. According to the records, the March 2008 survey was recommended for approval, by the Planning Board and sent on to City Council. Apparently, no action was taken by the owners and the final amended plat from 2008 was not completed. No records of the first amended plat has taken place. New owners have purchased the property and are pursuing the issue. No changes to the original plat have been made, but additional requisite information has been submitted for review. The following is the supplemental Findings of Fact from the March 2008 First Amended Plat and additional information:

- The title report lists 18 names that must be on the plat and on transfer documents
- The title report lists six lien holders or encumbrances on title that must grant consent to the division and transfer of the parcel.
- The title report lists easements and claims of easements that are required to be submitted.
- The title report lists delinquent real estate taxes. Taxes must be current before final plat approval is granted.

- Notation of legal and physical access must be shown on the plat and transfer documents.
- Submission of covenants.
- Covenants on the parcel to be transferred may need to be removed.
- Submission of documents showing compliance with the Unit Ownership Act Title 70 MCA.
- Zoning compliance: the current use is compliant with the zoning ordinance. A request has been made under the original proposal to change zoning on Tract B1 from General Commercial to Residential B. The Zoning Commission has given a conditional recommendation. The Finance Committee has noted concurrence. The process of amending the Zoning Ordinance has not been completed due to the lack of public notice, public hearing and completing the ordinance amendment process.
- A second amended plat has been submitted that modifies the dimensions and size of the two parcels. The owner/representative has expressed intent to pursuant the second plat as a Certificate of Survey which claims exemption from review under MCA 76-3-207(1)(d) and Subdivision Regulations Section V. As a Certificate of Survey, this plat is subject to the evasion criteria of the Montana Subdivision and Platting Act. Examination under the evasion criteria is initiated at the presentation of the Certificate of Survey.
- The second plat does not follow the conditional recommendations of the Zoning Commission and subsequent concurrence of the Finance Committee in regards to the access and roadway width. There appears to be conflict between the proposed access and existing improvements.

After a lengthy board member roundtable discussion, the consensus was too many conflicting items that need to be addressed and to table the plat until more information could be attained.

*** Allison moved to table the Leisure Villa Amended Plat pending more information for the following criteria: 1) Clarification of ownership; 2) Clarification of liens and encumbrances; 3) Clarification of easements and claims of easements; 4) Payment of delinquent real estate taxes; and 5) An accurate plat showing any additional structures, second by Hartman. Discussion: Helland was not sure what the structures had to do with the motion. President Kuntz noted the building not shown on the plat is covering an easement, which needs to be addressed. Hamilton would like for the motion to be not all inclusive.*

*** Amendment to the motion: Ackerman requested a change the wording of the above motion to include “ at a minimum, this is what will be required”, Allison concurred. Members were polled for their vote. Bakken - aye, Hartman - aye, Drga - aye, Kuntz - aye, Doeden - aye, Allison - aye, Helland - aye, Hamilton - Aye, Ackerman - aye; motion passed.*

The Board discussed the request from the applicant to present the 2010 survey as an Exempt Certificate of Survey.

*** Helland moved that the presentation of the plat from October 2009 is inconsistent with the findings on the March 2008 plat, second by Allison. Members were polled for their vote. Bakken - aye, Hartman - aye, Drga - aye, Kuntz - aye,*

Doeden - abstained, Allison - aye, Helland - aye, Hamilton - Aye, Ackerman - aye; motion passed.

Unfinished Business: Nothing to report.

Work Status Report: Nothing to report.

Board Members Roundtable: Nothing.

Adjournment: On motion, the meeting was adjourned at 6:35 pm.

Respectfully submitted,

Dianna Larson
Board Secretary

John Kuntz
Board President