



PUBLIC MEETING

January 26, 2017
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, January 26, 2017, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Jim McCormick and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Nancy Everson, K. Paul Stahl, Charles Lane, Marni Bentley, Jill Steeley, Christal Ness, Joe Nistler, Angie Sparks, Brian Coplin, Al Knauber, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending January 27, 2017. (Marni Bentley)
- b. Resolution 2017-9 Declaring County Property Surplus Property. (Amy Reeves)
- c. Resolution 2017-10 Requesting Prosecutorial Assistance. (Leo Gallagher)

Nancy Everson, Interim CAO and Chief Financial Officer, reported on the consent action items 2 a-c and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Contract Between PureView Health Center and Avior Group (Jill Steeley)

Jill Steeley, PureView Health Center Executive Director, presented the contract between PureView Health Center and Avior Group for quality improvement training for PureView staff in the amount of \$33,820. The contract period is January 13, 2017 through December 31, 2019. Ms. Steeley stated that PureView received a grant from Human Resource Services

Administration (HRSA) in the amount of \$58,000 to train the entire staff in quality improvement skills and competencies. Avior Group has a history of successfully training for healthcare systems, including Six Sigma training, which is what this training will be. As part of the training, one person will receive additional training, Green Belt, so they may teach new employees.

Commissioner McCormick asked what the extra funding would be used for since PureView received a \$58,000 grant but this contract is only \$33,000. Ms. Steeley responded that some of it will be used for the extra training and travel for the employee that receives the additional Green Belt training. They will also be using some of that funding to look at ways to do follow up training as well as looking for additional training.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Appeal of the Denial of a Contract and Encroachment Agreement for Joe Nistler. (Tabled 1/19/17) (Christal Ness)

Christal Ness, Ombudsperson, presented the appeal of a denied contract and encroachment agreement for 4996 Smallwood Court, applicant is Joseph Nistler. The encroachment agreement was originally denied on December 9, 2016 by Public Works Director Eric Griffin and was tabled from the January 19, 2017 public meeting.

Commissioner McCormick asked about the septic tanks. Ms. Ness stated that one is approximately one-third into the utility easement and about two-thirds of the other tank is encroaching into the easement.

Commissioner Hunthausen inquired about the status of the well on the property, and who is responsible for making sure it is logistically adequate. Ms. Ness stated that the lots have all been reviewed and approved by DEQ to connect to the public drain field and the public water supply however, the well was not reviewed and approved. If Mr. Nistler wishes to use the well for his home, it would have to go through DEQ review and approval.

Ms. Ness stated further research would have to occur if the easement were to be relocated to make sure that the lots to the north and south would not be affected.

Ms. Ness stated planning does not design the subdivision. They evaluate the subdivision on whether or not it meets subdivision criteria upon presentation of the application from the developer. It is not up to the County to determine how buildable a lot is. Ms. Ness added that DEQ does not dictate where the septic tanks are to be placed only where the drain field is to be located.

PUBLIC COMMENT-

Joe Nistler, 4996 Smallwood Court, accepts the fact that it is his responsibility to make sure everything fits into all the regulations.

A motion was made by Commissioner Hunthausen to uphold the decision of the Public Works Director and deny the applicant's appeal of the denied contract and encroachment agreement and to give the applicant 12 months to remove the encroachment. The motion was seconded by Commissioner McCormick.

Upon discussion, Commissioner Hunthausen reviewed the findings of fact as provided in the staff report. He pointed out that there were multiple changes to the plat over the course of time and it was made aware of where easements were located. He also added the fact that the County

Commission has worked with Mr. Nistler and several others to change drainage easements due to other violations. Secondly, it was brought to Mr. Nistler's attention by the Commission that violating easements and setbacks was a very serious issue. Of which, Mr. Nistler recognized the importance and it was his responsibility to act and build within the established rights of way.

Commissioner Good Geise added to the findings of fact by referencing Mr. Nistler's letter, dated January 9, 2017, noted as a fact the county does not determine the size of the structure built, the final plat clearly describes the easements on Lot 60, and that the septic tanks were improperly placed and that the retaining wall was constructed is also in violation.

A motion was made by Commissioner Hunthausen that accept the findings and fact including the finding proposed by Commissioner Hunthausen and Commissioner Geise. The motion was seconded by Commissioner McCormick. The motion passed on a 3-0 vote.

A motion was made by Commissioner Hunthausen to accept the conclusion of law as presented in the staff report. The motion was seconded by Commissioner McCormick. Those conclusions of law include that the Board of County Commissioners have jurisdiction to decide the appeal of the denial by the Director of Public Works; the public access and utility easement for Smallwood Court was created and platted in 2006 as shown on the subdivision plat; and, the retaining wall, septic tanks, sidewalk and landscaping encroach into the public access and utility easement as shown on the subdivision plat and as depicted on the Inspection Exhibit. The motion to approve the conclusions of law passed on a 3-0 vote.

Commissioner McCormick stated this decision is difficult because he does respect private property owner's rights but he also respects the rights of Lewis and Clark County.

Commissioner Good Geise stated according to Mr. Nistler's letter this was not an accident, this was a series of choices that were made to get to where we are today.

A motion was made by Commissioner Hunthausen to amend the original motion to uphold the decision of the Public Works Director and deny the appeal of the contract and encroachment agreement and to give the applicant 12 months to remove the encroachments and to accept the findings of fact and the conclusions of law. The motion was seconded by Commissioner McCormick. The motion passed on a 3-0 vote.

Board Appointment. (Eric Bryson)

Nancy Everson, Interim CAO and Chief Financial Officer, presented the board appointments for the Fair Board, the Weed Board and the City-County Parks Board.

Staff recommends the following appointments: the appointment of Mike Murray to the Fair Board to a term that expires December 31, 2019; the appointment of Dave Lewis to the Weed Board as the East Valley representative to a term that expires December 31, 2019; and, the appointment of Ken Wallace to the City-County Parks Board to a term that expires September 30, 2019.

No public comment was received.

A motion was made by Commissioner Hunthausen to approve the board appointments as presented by staff. The motion was seconded by Commissioner McCormick. The motion passed on a 3-0 vote.

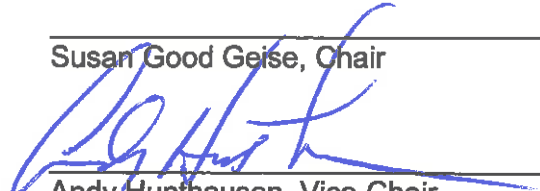
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Adjourn

There being no further business, the meeting adjourned at 10:03 am.

**LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS**

Susan Good Geise, Chair



Andy Hunthausen, Vice-Chair

Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board