



PUBLIC MEETING

January 3, 2017

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 3, 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 Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Laura Erikson, Matt Heimel, Greg McNally, Dean Retz, B.G. Stumberg III, Brian Coplin, Al Knauber, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2017-3 to Establish the 2017 Fires Season and Related Burn Permits and Fees for Lewis and Clark County (Art Pembroke)

Eric Bryson reported on the consent action item 2 a 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.

Resolution 2017-1 to Establish Regular Meeting Dates of the Lewis and Clark County Commission and to Describe Procedures for Public Participation. (Eric Bryson)

Eric Bryson, Chief Administrative Officer, presented Resolution 2017-1 to establish regular meeting dates of the Lewis and Clark County Commission and to describe procedures for public participation. This includes public meetings every Tuesday and Thursday in the

Commission Chambers beginning at 9 a.m. We also have Administrative Staff meetings on the 4th meeting of the month in Room 309 beginning at 10:30 a.m. as well as a Lincoln Government Day meeting on the first Friday of every month at 10:30 a.m. in the Library and an Augusta Government Day meeting on the second meeting of the month at 11:00 a.m. in the Senior/Youth Center. In the event that any of those meetings are canceled, public notice will be given. Staff recommends approval of the resolution.

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.

Resolution 2017-2 Establishing Hours of Operation for All Lewis and Clark County Offices. (Eric Bryson)

Eric Bryson, Chief Administrative Officer, presented Resolution 2017-2 establishing hours of operation for all Lewis and Clark County offices. The resolution outlines the office hours of each department in the County. Staff recommends approval of the resolution.

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 Lewis and Clark County and the Montana Department of Commerce (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the Community Development Block Grant contract between Lewis and Clark County and the Montana Department of Commerce in the amount of \$35,000. There is a local match of \$11,667 for a total of \$46,667. The funds will be used to complete an architectural report for West Mont. The report will look at the feasibility of building a new group home on the West Mont farm land. The current group home is not fully ADA accessible. Additionally, there are safety concerns with the current facility location due to the proximity to York Road. Staff recommends approval of the grant contract.

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.

Proposed Buildings for Lease or Rent for 3750 Drive to be known as "Gotlieb's Five BLR" (Applicant: Gotlieb's Five, LLC) (Planner: Matt Heimel)

Matt Heimel, Planner I, presented the proposed Gotlieb's Five Buildings for Lease or Rent (BLR) application. The BLR is located at 3750 Heather Drive and is located south of and adjacent to Wrangler Road and west of and adjacent to Heather Drive. The adjacent land use on all sides is single family residential. The applicant is proposing to develop the existing 4.97 acre lot with 2 additional single-family dwellings for lease or rent, more specifically described as two 16' x 80' mobile homes. Both of the new structures will be located in the southwest corner of the lot. The lot currently has 4 existing dwellings. Two existing mobile homes along with the two proposed mobile

homes will be served by shared wells and individual wastewater treatment systems. All water and wastewater systems for the property were granted approval by Montana DEQ on June 18, 2015.

Commissioner Hunthausen referenced a letter that asked why this would be considered a BLR as opposed to a mobile home park. Mr. Heibel responded that the main distinction between the two is in ownership of the lot and the dwellings. If the entire lot as well as the structures on it are to be owned by one person, then that would fall into the BLR category and provisions of the law. In a mobile home park, the tenants own the structures while someone else owns the land. In this case, the applicant will own both the land and the dwellings.

Mr. Heibel stated that there are three draft conditions of approval for the project. First, if one or more acres of ground disturbance is planned for the project, the applicant shall contact MT DEQ to obtain a Montana pollution discharge elimination systems permit and that all requirements of the permit shall be met. Second, prior to any further development and/or soil disturbance for the project, the applicant shall submit a weed management and revegetation plan and all specifications and requirements of that plan shall be met. Third, prior to assignment of addresses for the new rental units, a County address application must be completed with applicable fees paid.

Dean Retz, 135 All Sports Court, representing the applicant, Gottlieb's Five, LLC, stated this property has been owned by Mr. Stumberg for a number of years. The property was originally going to become a subdivision but there were difficulties getting the ingress/egress routes. He also noted if there are more than three mobile homes on a lot, you have to get a mobile home park license, which the applicant has.

B.G. Stumberg, III, 3205 Wheatland Drive, stated that he has owned the property for 10 years and had originally planned to subdivide into 6 lots but the access onto Spirit Lane was not obtainable. When the BLR law came about he decided to make use of it to create rental units. He also noted each trailers have separate septic tanks. The two trailers that are there are set on concrete footings with a 2' skirting wall around them with Corbond for insulation. His intent is to maximize the use of the property and provide housing for the community.

A motion was made by Commissioner Hunthausen to conditionally approve the Gottlieb's Five BLR Application at 3750 Heather Drive. This conditional approval is in accordance with Resolution 2013-74 for the application and review of buildings for lease or rent, subject to the draft conditions of approval and based on the findings of fact and conclusions of law as outlined in the staff report. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

The findings of fact for the five criteria were discussed. The first criteria states the proposed BLR as submitted or conditioned, must comply with regulations and all other applicable regulations to the property to avoid or minimize significant impacts on the physical environment and human population. The BLR is not located within a special zoning district; a 5 year weed management plan must be submitted and approved prior to any property disturbance; and a MT DEQ pollution discharge eliminations systems permit will be obtained if one or more acre of ground disturbance is planned. The conclusion of law states that the BLR can be brought into compliance with these regulations and other regulations applicable to the property through Conditions of Approval Numbers 1, 2 and 3.

A motion was made by Commissioner Hunthausen that criteria A has been met and that the findings of fact and conclusions of law regarding criteria A be approved. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

The second criteria states adequate water, wastewater, and solid waste facilities are available to serve the proposed BLR. The findings of fact state the BLR proposed includes plans to construct individual wastewater treatment systems to serve the new building; the BLR proposal includes plans for the construction of two additional wells to serve the new buildings; the proposed water and wastewater systems were granted approval by MT DEQ on June 18, 2015; and, the site is within the Scratchgravel Solid Waste District. The conclusions of law are that adequate water, wastewater and solid waste facilities are available to serve the proposed BLR.

A motion was made by Commissioner Hunthausen that criteria B has been met and that the findings of fact and conclusions of law regarding the criteria be approved. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

The third criteria states adequate access to the site is provided to serve the proposed BLR. The findings of fact state that there is only one roadway in and out of the property; the new buildings will be served by one existing driveway approach onto Heather Drive; and, Heather Drive is a dead-end private road with a 60' right-of-way. The conclusion of law states that adequate access to the site is proved to serve the BLR.

A motion was made by Commissioner Hunthausen that criteria C has been met and that the findings of fact and conclusions of law regarding the criteria be approved. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact on Impacts on Local Services, to approve the findings as submitted. The motion was seconded by Commissioner McCormick. The motion passed on a 3-0 vote.

The fourth criteria states that adequate emergency medical, fire protection, and law enforcement services are available to serve the proposed BLR. The findings of fact state that St. Peter's Hospital provides emergency medical services to the Helena Valley; the East Helena Valley Fire District provides fire protection and EMT services to the site; a fill station is located approximately .8 road miles; and, the Lewis & Clark County Sheriff's Department is located approximately 8 miles from the site. The conclusions of law state that adequate emergency medical, fire protection, and law enforcement services are available to serve the proposed BLR.

A motion was made by Commissioner Hunthausen that criteria D has been met and that the findings of fact and the conclusions of law regarding the criteria be approved. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

The fifth criteria states that the proposed BLR must comply with any applicable floodplain regulations. The findings of fact state the subject property is not located within a floodplain. The conclusion of law states that there is no floodplain on this property and therefore there are no applicable floodplain regulations.

A motion was made by Commissioner Hunthausen that criteria E has been met and that the findings of fact and conclusions of law regarding the criteria be approved. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

No public comment was received.

Resolution 2017-4 to Create the Frontier Village Fire System Rural Improvement District No. 2016-4 (Planner: Matt Heimel)

Matt Heimel, Planner I, presented Resolution 2017-4 to create the Frontier Village Fire System Rural Improvement District (RID). The sole purpose of this RID is to collect assessments to fund the fire protection improvements located in the Frontier Village Estates Subdivision. The fire system is proposed to be utilized by the Garden Valley Subdivision. The resolution of intention was adopted November 22, 2016 which opened a 30 day protest period. A formal notice was published in the Helena IR and mailed to each owner of or person with a recorded interest in benefited properties in the district and no comments were received. The estimated cost for funding the maintenance is \$2,886 per year. Benefited properties will be assessed \$28.30 annually to the maintenance.

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.

Board Appointment. (Eric Bryson)

Eric Bryson, Chief Administrative Officer, presented the board appointments for the Lewis and Clark DUI Task Force and recommended Sydnee Beach to complete the term that was vacated by Meghan Rabbit. The term will expire December 31, 2017.

No public comment was received.

A motion was made by Commissioner Hunthausen to appoint Sydnee Beach to the Lewis and Clark County DUI Task Force to complete the term that will expire December 31, 2017. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

Mr. Bryson presented the board appointment to the Lewis and Clark County Fair Board and recommended the appointment of Gary Spaeth and Phil Porrini to newly created voting member terms that will expire December 31, 2020.

No public comment was received.

A motion was made by Commissioner Hunthausen to appoint Gary Spaeth and Phil Porrini to terms that will expire December 31, 2019. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

Mr. Bryson presented the board appointment for the Scratchgravel Solid Waste District and recommended the reappointment of David Knoepke to a term that will expire October 31, 2019.

No public comment was received.

A motion was made by Commissioner Hunthausen to reappoint David Knoepke to a term that expires October 31, 2019. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

Mr. Bryson presented the board appointment for the Open Lands Citizens Advisory Committee and recommended Zachary Wirth to complete the term that was vacated by Alan Davis. The term will expire June 30, 2018.

No public comment was received.

A motion was made by Commissioner Hunthausen to appoint Zachary Wirth as a Wolf Creek area representative to the Open Lands Citizens Advisory Committee to complete the term that will expire June 30, 2018. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen to table the Lincoln Cemetery District to January 6th to be done at the Lincoln Government Day Meeting. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

Board of County Commission Chair and Vice-Chair Designations for Calendar Year 2017.

A motion to nominate Andy Hunthausen as Vice Chair for 2017 was made by Commissioner Geise. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

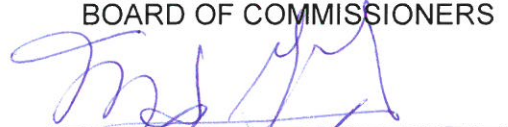
A motion to nominate Susan Geise as Chair for 2017 was made by Commissioner Hunthausen. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

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

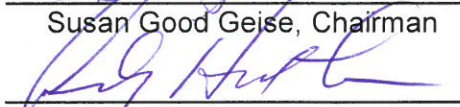
Adjourn

There being no further business, the meeting adjourned at 10:05 am.

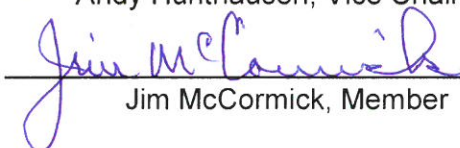
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chairman



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board