



PUBLIC MEETING

January 6, 2015

Minutes

The Lewis and Clark County Commissioners Public Meeting was held on January 6, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Andy Hunthausen and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, Christal Ness, Matt Heimel, Lindsay Morgan, K. Paul Stahl, Cheryl Green, Malissa Williams, Jerry Christison, Dean Retz, Soren Koford, Mike Henderson, Lindsay Morgan, Al Knauber and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes: December 16, 18, 23, 25 and December 30, 2014 and January 1, 2015. (Nichole Nisbet)
- b. Resolution 2015-3 Ordering a Refund of Taxes/Fees/Assessments Paid by Herman & Timothy Woehl in the Amount of \$1,283.61 (Cheryl Green)
- c. Resolution 2015-4 Ordering a Refund of Taxes/Fees/Assessments Paid by Carol Deschon in the Amount of \$28.47. (Cheryl Green)
- d. Resolution 2015-5 Ordering a Refund of Taxes/Fees/Assessments Paid by Eugene & Priscilla Trask in the amount of \$605.83. (Cheryl Green)
- e. Resolution 2015-6 Ordering a Refund of Taxes/Fees/Assessments Paid by Edward & Patricia Mills in the Amount of \$463.91. (Cheryl Green)
- f. Resolution 2015-7 Ordering a Refund of Taxes/Fees/Assessments Paid by Virginia & James Echler in the Amount of \$760.01. (Cheryl Green)

- g. Resolution 2015-8 Ordering a Refund of Taxes/Fees/Assessments Paid by Robert Peccia in the Amount of \$1,329.79. (Cheryl Green)
- h. Resolution 2015-9 Ordering a Refund of Taxes/Fees/Assessments Paid by Robert Peccia & Associates in the amount of \$19,660.01. (Cheryl Green)
- i. Resolution 2015-10 Ordering a Refund of Taxes/Fees/Assessments Paid by Thomas & Rhonda Vogl in the Amount of \$4,139.03. (Cheryl Green)
- j. Resolution 2015-11 Ordering a Refund of Taxes/Fees/Assessments Paid by Grunenfelder Family Partnership, LLC in the Amount of \$1,311.82. (Cheryl Green)
- k. Resolution 2015-12 Ordering a Refund of Taxes/Fees/Assessments Paid by SBC Archway, LLC in the Amount of \$18,646.05. (Cheryl Green)
- l. Resolution 2015-13 Ordering a Refund of Taxes/Fees/Assessments Paid by SBC Archway, LLC in the Amount of \$19,948.52. (Cheryl Green)
- m. Resolution 2015-14 Ordering a Refund of Taxes/Fees/Assessments Paid by SBC Archway, LLC in the Amount of \$20,492.44. (Cheryl Green)
- n. Resolution 2015-15 Ordering a Refund of Taxes/Fees/Assessments Paid by Helen Havens in the Amount of \$1,411.92. (Cheryl Green)

Eric Bryson reported on the consent action items 2 a-n and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 3-0

Resolution 2015-1 To Establish Regular Meeting Dates of Lewis and Clark County Commission and to Describe Procedures for Public Participation. (Eric Bryson)

Eric Bryson presented Resolution 2015-1 establishing the regular meeting dates of the Lewis and Clark County Commission and describing procedures for public participation.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0

Resolution 2015-2 Establishing Hours of Operation for all Lewis and Clark County Offices. (Eric Bryson)

Eric Bryson presented Resolution 2015-2 Establishing hours of operation for all

Lewis and Clark County Offices.

No public Comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 3-0

Independent Contractor Agreement between The Cooperative Health Center and Terri R. Russell, LAC. (tabled from 12/23/14) (Helen Amundson)

Malissa Williams presented the contract between the Cooperative Health Center and Terri Russell, a licensed addiction counselor. The contract is for Terri Russell to provide addiction counseling services through October 15, 2015.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0

Contract between Lewis & Clark County and Loveland Consulting, LLC. (Melanie Reynolds)

Mike Henderson presented the contract between Lewis and Clark County and Loveland Consulting, LLC. This is a subcontract with Loveland Consulting to develop performance management work plans and other work products needed to work with the management team at the Health Department to create a performance management system.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 3-0

Task Order 15-07-4-31-100-0 Montana Department of Public Health and Human Services (MT DPHHS) Immunization Program. (Mike Henderson)

Mike Henderson presented the Task Order with Montana Department of Public Health and Human Services Immunization Program and Lewis and Clark City-County Health Department. The task order provides \$27,355 to improve the immunization services for children, adolescents and adults. The Health Department will ensure the oversight and provision of immunizations services and records.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise, and the motion result was Passed with a vote of 3-0

Resolution 2015-16 Creating A Rural Improvement District For The Fox Trot Estates Subdivision 2015-1. (Matt Heimel)

Matt Heimel presented Resolution 2015-16 to create a Rural Improvement District for the Fox Trot Estates Subdivision however this resolution cannot be approved today as we have not opened a statutorily necessary protest period of 30 days. This protest period is required as the developer does not own 100 percent of the proposed property in the proposed district. A resolution of intent to create the RID is on the agenda for Thursday. If the resolution is approved the 30 day protest period will be open and will close in early February at which time they will hold a resolution to create the district.

Eric Bryson stated that no action will be taken today.

Commissioner Geise stated that no action will be taken today and the item will be taken up at the regularly scheduled meeting on February 12, 2015.

Final Plat Application - Fox Trot Estates Subdivision - II (Applicants: Jerry and Genevieve Christison) (Planner: Lindsay A. Morgan)

Lindsay Morgan presented the final plat request for the Fox Trot Estates Subdivision II. It's a preliminary approved subdivision that if approved it will create 12 single family lots. Staff has found that 7 conditions have been partially met or not met at all. The conditions not yet met are one: the construction of storm water detention ponds which is pending a Subdivision Improvement Agreement and a Letter of Credit, two: fire protection improvements, which is pending a Subdivision Improvement Agreement and a Letter of Credit, three: road grading of the Fox Trot road network which is pending a cost estimate from an Engineer, a Subdivision Improvement Agreement and a Letter of Credit, four: approval of the mail box facility which is pending approval from the USPS, five: electrical installation which is pending a cost estimate, a Subdivision Improvement Agreement and a Letter of Credit. six: telephone installation, which is available but not abutting any lots and seven: the school bus stop which currently has no plans, no cost estimate and is pending a Subdivision Improvement Agreement and a Letter of Credit. The creation of the RID for Fox Trot Drive Road Network has not been approved as a resolution of intent is required before a resolution of creation can be approved. The resolution of intent is on the agenda for approval before the Commission on Thursday. The final plat itself is found to be in substantial compliance with Lewis and Clark Subdivision Regulations. According to the regulations, the school bus stop is required to be located at the southern entrance of the subdivision. The School District and the Planning Department must review and approve the bus stop as well.

PUBLIC COMMENT-

Dean Retz, stated that a new engineer has been hired for the project as the old engineer retired before the project was completed. Also as part of the settlement agreement, preliminary approval for this subdivision was granted on March 3, 2011 subject to 21 conditions. In Mr. Retz's opinion, condition 6 is no longer a requirement due to the phone companies changes and that condition 3 should not be a requirement as in 2009 that was done when the road was approved.

Jerry Christison, the applicant, stated that a well has been put in and is pending installation of a pump. The road grading is still pending as he views it as regular maintenance and does not believe it is necessary to have a bid from

an engineer. The condition in regards to the electrical installation for lot 13-12 is going to be installed through a conduit through lot 13-11. Mr. Christison would also like to have the bus stop in the middle of the subdivision rather on the end of the subdivision near Lake Helena Drive as requested by the School District. The RID has not yet been approved and is pending the protest period. He wants to know if the RID does not go through if the subdivision will be denied. The applicant feels that a year will be needed for all the conditions to be met.

Soren Koford, stated that he wanted to support the developer in this request.

Commissioner Hunthausen stated that the County cannot hire an engineer or build retention ponds, and that this is a partnership and that Mr. Christison is responsible for doing his part to complete the conditions. The subdivision regulations have been very clear about what needs to happen to move forward.

Commissioner Geise asked Mr. Christison how long do you expect for the conditions to be completed. Commissioner Geise also asked for clarification on Mr. Christison's view on the road grading.

Commissioner Hunthausen stated that without the Subdivision Improvement Agreement or Letter of Credit they cannot make a decision to move forward.

Deputy County Attorney Michele Peterson-Cook stated that RID creation requires a petition from property owners and in this case, the applicant does not own all of the property so the process is to go through the intention to create an RID and a 30 day protest period. The statute requires that everyone within the subdivision will be notified of the intention to create the RID. The RID must also be created prior to approval of the final plat. It is the recommendation of legal counsel to make a decision on the request on February 12th at the regularly scheduled public meeting.

A motion to table the item until the regularly scheduled meeting on February 12, 2015 and to leave the public hearing open was made by Commissioner Hunthausen and seconded by Commissioner Murray, the motion was Passed with a vote of 3-0.

**Utility Right-Of-Way Easement for the Lewis and Clark County Fairgrounds.
(Christal Ness)**

Christal Ness presented the utility right-of-way easement that would allow for the extension of utility services from the fairgrounds property, under Horseshoe Bend Road, to the adjacent property. The easement would dedicate a 30-foot underground easement for all utilities, whether public or private, in the north west corner of the fairgrounds parcel.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 3-0

Contract and Encroachment Agreement between Lewis & Clark County and Jaret

and Leanora Coles. (Christal Ness)

Christal Ness presented the contract and encroachment agreement between Lewis and Clark County and Jaret and Leanora Coles for a private water well that exists in a public easement. This utility easement is not occupied by any utilities however the well encroaches into the easement approximately 5.25 feet into the 10 foot utility easement. The well was put in 2 months ago and was designed to be put right next to the utility easement as the house is still under construction. The owners were aware of the location of the easement and also put a septic system in the DEQ approval area. One of the clauses of the agreement states that we can require the owner to remove the well with a 60-day notice if the utility easement ever needs to be used.

PUBLIC COMMENT-

Soren Koford, is the certified septic installer from Sussex Construction for this project and stated that he cannot speak for H&L drilling that put in the well but stated that there was a 30 foot separation that they had to maintain from Copeland Road that is the primary access for the site and that it presented some difficulties to maintain the separation. For each installation of a septic system they do look at the property lines, DEQ specifications and plats, and conduct a site review.

Commissioner Hunthausen asked Mr. Koford the protocol for installing a septic system.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0

Board Appointments. (Eric Bryson)

Eric Bryson presented the board appointment for Bob Bushnell and Rob McDonough to the Weed Board with terms that expire on 12/31/2017 and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Hunthausen, and the motion Passed with a vote of 3-0.

Eric Bryson presented the board appointment of Jesse Franzen to the City-County Library Board with a term that expires on 12/31/2017 and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Eric Bryson presented the board appointment of Julius Hayden to the Augusta Solid Waste Management Board with a term that expires on 12/31/2017 and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 3-0.

Eric Bryson presented the board appointment of Skip Hatveldt to the Fair Board with a term that expires 12/31/2017 and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Board of County Commission Chair & Vice-Chair Designations for Calendar Year 2015.

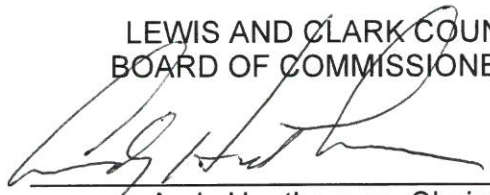
A motion to nominate Andy Hunthausen as Chair for 2015 and Mike Murray as Vice Chair was made by Commissioner Geise and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

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 10:40 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman

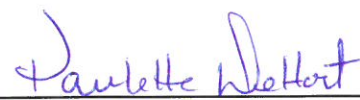


Mike Murray



Susan Good Geise

ATTEST:



Paulette DeHart, Clerk of the Board