



## **PUBLIC MEETING**

October 26, 2017  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, October 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 Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Joe Baechtcl, Roger Baltz, Barney Beutelman, Thomas Booth, Sr., Brent Colbert, Hedda Cooper, Brian Coplin, Jackie Cragen, Justin Davis-Bunger, Kari DesRosier, Nancy Everson, Mia Fernandez, Jim Gilliespie, Nicole Goettel, Eric Griffin, Nicho Hash, Pat Helvey, Larry Hoffman, Kristina Jordan, Dan Karlin, Debra LaFontaine, Rick Lamach, Charles Lane, Kate McMahon, Lindsay Morgan, Sue Mueller, Julie Muscutt, Melanie Reynolds, Kim Smith, Susan Sutter, Tom Thompson, Judy Windle, Dave Wood, Patricia Wood, Audra Zacherl, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Announcement**

#### **a. Employee Recognition. (Eric Griffin)**

Eric Griffin, Director of Public Works, recognized Larry Hoffman for his 42 years of employment with Lewis and Clark County. Mr. Hoffman managed the Weed District program; prior to that he was the County's Extension Officer.

Mr. Griffin commended Mr. Hoffman for his work and wished him the best in his retirement. Tom Thompson, retired Lewis and Clark County Weed District Board Member, thanked Mr. Hoffman for his service.

Commissioner Good Geise presented Mr. Hoffman with a Certificate of Recognition. Mr. Hoffman thanked his staff members and co-workers for their excellent work and commitment to the residents of Lewis and Clark County.

### **Consent Action Items**

- a. **Contract Amendment Between Lewis and Clark County and Julie Benson Rosston.  
(Melanie Reynolds)**

Roger Baltz 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 McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

### **Bid Opening. Murray Building Renovation. (Audra Zacherl)**

Audra Zacherl, Public Works Assistant Director, presented the bid opening. Three bids were received. The first bid is from Wadsworth Builders Company, Inc. of Great Falls, Montana for a base bid amount of \$508,000 with alternate No. 1 at \$4,700. The second bid is from Diamond Construction, Inc. of Helena, Montana for a base bid amount of \$547,600 with alternate No. 1 at \$5,800. The last bid is from Cucancic Construction, Inc. of Billings, Montana for a base bid amount of \$570,000 with alternate No. 1 at \$6,000.

A motion was made by Commissioner Hunthausen for staff to take the bids under advisement and make a recommendation to the Commission on November 2, 2017. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

### **Grant Application to the Montana Department of Agriculture Weed Trust Fund. (Audra Zacherl)**

Audra Zacherl, Public Works Assistant Director, presented the grant application to the Montana Department of Agriculture for an Emergency Weed Grant. During the 2017 wildfire season, Lewis and Clark County had approximately 48,435 acres of public and private land burn. This grant application is specifically for the largest of the fires, the Alice Creek fire, in the upper Dearborn area west of Highway 200, which affected over eleven landowners.

Funds requested will be used to support noxious weed management on 12,250 acres of private land. Monitoring and management will occur on all burned acres, fire camp areas, any fire line disturbances and landing areas, using herbicides. The requested grants funds are \$20,604, with matching funds of \$21,719 for a total project cost of \$42,323. There will be a 50/50 cost share with the private landowners. Ms. Zacherl recommended approval of the grant application and requested authorization to submit the application by the November 1, 2017 deadline.

No public comment was received.

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

### **Grant Award to Lewis and Clark County Sheriff's Office from the JAG Edward Byrne Memorial Grant. (Brent Colbert)**

Brent Colbert, Captain Lewis and Clark County Sheriff's Office Captain, presented the grant award from the JAG Edward Byrne Memorial Grant in the amount of \$52,742. Of this amount, \$36,919 is federally funded with a local match of \$15,823 from the Sheriff's Office. The funds will be used towards the salary of the Missouri River Drug Task Force Detective. The grant period is July 1, 2017 through June 30, 2018. Cpt. Colbert recommended approval of the grant award.

Captain Colbert commented on use of Highway 200 in drug transportation.

No public comment was received.

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

**Contract Between Lewis and Clark County and Leavitt Group. (Kari DesRosier)**

Kari DesRosier, Director of Human Resources, presented the contract with Leavitt Great West Insurance Services, Inc., for consulting services during the Request for Proposal (RFP) process for the Third Party Administration of the County's Health Benefits Plan. The contract amount is not to exceed \$3,500, with the work to be completed by January 31, 2018. Staff recommends approval of the contract.

No public comment was received.

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

**Extension Request for Saddle Rock Subdivision. (Applicant: Mark Floerchinger)  
(Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, reported Mark Floerchinger, applicant, is requesting extension of the preliminary subdivision approval by agreement for the Saddle Rock Subdivision. Preliminary approval was granted on October 1, 2013 and the request would extend it to October 1, 2018. The property is located east of Collins Drive, south of and adjacent to Tea Road, and is 20.18 acres. The subdivision will create four lots, each served by individual wells, on-site wastewater treatment systems, and utilities. Access to the lots are off of Tea Road via a proposed internal access road to be known as Saddle Rock Court. According to the Applicant's application, most conditions have been met and completion of all remaining improvements is anticipated by November 29, 2017. Items related to conditions include: submittal of a DEQ approval statement; a draft plat; road plans for both Saddle Rock Court and a section of Tea Road; off-site road exaction estimates; and a certification for the on-site fire protection system. Upon inspection of the site, Saddle Rock Court has also been constructed and Tea Road has been improved, although neither has been certified as meeting the County Standard, and the fire protection system, road identification signs, stop sign, and utilities have all been installed. Ms. Morgan noted staff did not have a recommendation on the proposed extension request.

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.

**SIA Extension Request for Garden Valley Subdivision. (Applicant: Larry Kim Smith)  
(Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, presented the Subdivision Improvements Agreement (SIA) extension request for the Garden Valley Subdivision located south of and adjacent to John G. Mine Road and west of and adjacent to North Montana Avenue. Preliminary approval was granted on October 27, 2015, with final approval granted on November 22, 2016.

At the time of final approval, the developer, Larry Kim Smith, entered into a SIA with Lewis and Clark County to guarantee that all remaining improvements would be completed by October 17, 2017. As of today, completed improvements/requirements include: installation of the individual stormwater ponds, a majority of the canal fencing, the canal crossing structures (excluding the guard rails), and the mailbox units, along with all necessary requirements associated with the use of



the fire protections system located in the Frontier Village Estates and Buckboard Meadows Subdivisions. Items still unfinished include: the remainder of the road improvements (base course material, asphalt surfacing, asphalt seal coat, and asphalt approaches), guard rails at the canal crossings, the remaining fencing in the northeast corner of the subdivision, and installation of street signs. The current Irrevocable Letter of Credit, in the amount of \$514,192.06, will expire November 17, 2017.

If the Commission wishes to extend the SIA completion deadline, an amended agreement must be signed by Mr. Smith, Chair of the County Commission and Attorney's Office; and the maturity date for the Irrevocable Letter of Credit No. 5053096001 in the amount of \$346,325.31, based on completed improvements and updated estimates, must be extended until November 17, 2018. Should the extension be granted, staff is recommending a one-year extension to October 17, 2018.

Ms. Morgan noted the Commission had received comments from the public regarding the proposed extension and a letter from County Engineer Dan Karlin expressing concern for the lack of guardrails along the canal crossings. Northwestern Energy requested road signs be installed in the subdivision as the lack of signage is causing difficulty in identifying locations in the area.

#### **PUBLIC COMMENT –**

Larry Kim Smith, developer, spoke in support of the extension request.

A motion was made by Commissioner Hunthausen to table the item to November 9, 2017 and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

#### **Establishment of Military Affected Area Regulations and Zoning District. (Tabled 10/12/17)** **(Staff: Laura Erikson and Lindsay A. Morgan)**

Commissioner Good Geise announced there would be a special public meeting regarding the proposed Military Affected Area (MAA) Regulations on Monday, November 27, 2017 at 6:00 pm at the Birdseye Fire Station and provided an overview of the meeting's structure. She also gave the anticipated timeline for adoption of the regulations.

Lindsay Morgan, Planner II, reported today's hearing is a continuance of the public hearing tabled in September and October on the regulations. She stated a number of questions have been asked regarding the proposal; responses were posted on the County's website on Wednesday, October 25, 2017. The document is 29 pages long and only a few of those questions will be addressed today.

Ms. Morgan gave the history of the proposed regulations and spoke to the following issues: who initiated the process; boundary designations; public notice and input; Fort Harrison flight operations; development permits; real estate transactions in the MAA; minimum lot size/density requirements; expansion of existing structures; non-conforming uses; letters of sufficiency/survey exemptions and family transfers.

Kate McMahon, Applied Communications, consultant, spoke to density restrictions in the affected area.

#### **PUBLIC COMMENT –**

The following persons expressed concern with the draft regulations: Curtis Helvey, 3180 Baxendale; Joe Mueller, 2002 Sweetgrass; Connie Cole, 6040 Ferry Drive; Judy Windle, 3802 Barrett Road; Dave Wood, Helena; Sarah Bauer, 6895 Austin Road; Ray Richards, Department of Natural Resources and Conservation (DNRC); Hal Jacobson, 4813 Highway 12 West; Pat Helvey, Helena; Eunice Graham, 4723 Highway 12 West; Leland Windle, Helena; and Joshua Hooper, 3409 Minnesota Avenue.

Ms. Morgan; Ms. McMahon; Charles Lane, Deputy County Attorney; and Debra LaFountaine, Fort Harrison Local Government Planner; addressed the questions and concerns given during public comment.

Discussion was held on forming an ad-hoc group to review the regulations. Commissioner Hunthausen summarized the history of stakeholder efforts to address growth around Fort Harrison.

Commissioner Good Giese stated the public hearing will remain open and asked interested citizens to submit communications in writing to avoid ex-parte communication. Ms. Morgan confirmed all properties within the district will be provided notice; legal notice will also be published in the Independent Record.

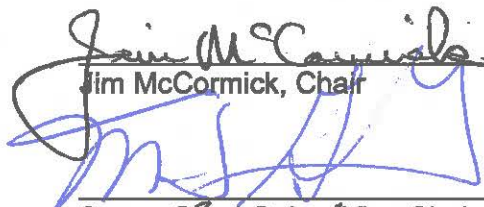
A motion was made by Commissioner Hunthausen to keep the record for the proposed Establishment of Military Affected Area Regulations open and to schedule another public hearing to be held November 27, 2017 at 6:00 p.m. at the Birdseye Fire Station. Commissioner McCormick seconded the motion. The motion 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 11:42 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

  
Susan Good Geise, Vice Chair

  
Andy Hunthausen, Member

ATTEST:

  
Paulette DeHart, Clerk of the Board

