



PUBLIC MEETING

October 4, 2018

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, October 4, 2018, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Paulette DeHart, Jeni Garcin, Peter Italiano, Jared Lay, Audrey McCue, Dani Mitchell, Lindsay Morgan, Spencer Starke, Michael Woodel, Audra Zacherl, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending October 5, 2018. (Marni Bentley)
- b. Public Meeting Minutes for August 1, 10, 2017; September 4, 11, 18, and 20, 2018. (Nadine McCarty)

Roger Baltz reported on the consent action items 2 a-b and recommended approval.

No public comment was received.

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

Resolution 2018-84 Appointing Post-Election Audit Committee. (Audrey McCue)

Audrey McCue, Elections Supervisor presented the resolution to appoint the post-election audit committee of county employees and county residents consisting of: Marni Bentley, Misty Edwards, Nancy Everson, Mary Garrett, Gayle Shirley, and Sherry Smith for the November 6, 2018 Federal General Election. The committee consists of individuals that do not work on the election. Staff recommends approval of the resolution.

No public comment was received.

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

Contract Between Lewis and Clark County and Malmstrom Air Force Base. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works presented the contract with Malmstrom Air Force Base, seven missile counties that include Cascade, Choteau, Fergus, Judith Basin, Teton, Wheatland, Lewis and Clark, and the US Department of Transportation, Federal Highway Administration for extraordinary snow removal (ESR) on the defense access roads.

The ESR program was established to reimburse counties for performing snow removal on roads that they do not normally maintain due to their remote locations and lack of inhabitants. The program is essential to ensure the security of federal facilities.

Compensation includes an annual mobilization fee of \$900 per missile silo location for a total of \$9,000 for Lewis and Clark County; a lump sum payment of \$4,430 for labor management and in situations of a call out, reimbursement for actual labor hours and equipment operational charges based on the current FEMA equipment rates. The agreement is effective through September 30, 2023 and is a renewal agreement. Staff recommends approval of the contract.

No public comment was received.

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

Contract Between Lewis and Clark County and the Montana Department of Commerce. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works presented the contract with the Montana Department of Commerce Treasure State Endowment Program (TSEP) to provide funding in the amount of \$15,000 to Lewis and Clark County for infrastructure planning activities. The proposed project consists of updating the County's Bridge Inventory that will lay the foundation for a future update to the bridge capital improvement plan. This will include an evaluation and inspection of up to twenty bridges; the preparation of load ratings and sufficiency ratings for each bridge as needed; a prioritization of the County's bridge needs; and provide estimated costs associated with any needed repairs and/or replacements. A bridge inventory is typically done every other year and the new inventory will reflect changes due to bridge replacements, repairs projects and any deterioration that has occurred. The project will cost a total of \$30,000 with the remaining \$15,000 budgeted from the County's Bridge Infrastructure Fund for FY2019. Staff recommends approval of the Treasure State Endowment Program contract.

Ms. Zacherl noted the TSEP program has been fundamental in the bridge infrastructure for many years.

No public comment was received.

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

Final Plat. Amended Plat of Tract B1D-19 and Lot 81 - Grasslands Subdivision II. (Applicant: Dax Cetraro) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III presented the final plat approval of the amended plat of Tract B1D-19 and Lot 81 of Grasslands Subdivision II located south of Munger Road, east of and adjacent to Karmen Road. This will add and remove and relocate utility easements and also add a public access easement. Preliminary Plat approval was granted on May 10, 2018 subject to three

conditions of approval. All three conditions have been satisfactorily met. Staff recommends approval of the final plat.

Ms. Morgan gave an overview of the three conditions to include a final plat preparation, with additional requirements in addition to the standard requirements; provide proof that they are the lawful owners of the property; completing the final approval conditions within the allotted time of three years.

No public comment was received.

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

Amended Plat of Lot 48-22 (Phase V), Lot 48-8 (Phase VI), and Lot 48-21 (Phase VI) - Holmberg Village Estates. (Applicants: Mitchells, Selvig, and Holmberg Village Water Company, LLC) (Planner: Spencer Starke)

Spencer Starke, Planner I presented the amended plat of Lot 48-22 Phase V and Lot 48-21 Phase VI of Holmberg Village Estates located north of Canyon Ferry Road, south of the Helena Valley Regulating Reservoir, north of and adjacent to Hines Road. If approved, a 30-foot wide utility easement along a portion of the east boundary of Lot 48--22, a 30-foot wide utility easement along a portion of the west boundary of Lot 48-21, and a 10-foot wide utility easement along a portion of the east boundary of Lot 48-21 would be eliminated. Additionally, a 20-foot wide utility easement along the west boundary Lot 48-8 would be established. Under separate processes the Applicant is relocating a boundary line between Lots 48-21 and 48-22 and has obtained preliminary conditional approval to eliminate a section of the public access easement for Argenta Road, which is shared between Lots 48-22 and 48-21. Staff recommends approval subject to the listed conditions: at the expense of the Applicant, a final plat shall be prepared in accordance with the applicable state survey requirements and the County Subdivision Regulations; prior to filing of the final plat, provide documentation showing the Applicants are the lawful owners with the authority to subdivide, and showing names of lien holders or claimants of record; the preliminary approval shall be in force for not more than three calendar years. At the end of the period the Applicants may request an extension to be reviewed and approved by the Commission. The lots are used for single-family residential purposes. Lot 48-8 is a water utility site. The property does not lie within a Special Zoning District.

Mr. Starke gave an overview of the background of Phases V and VI: Phase V was granted final approval on June 29, 2006, Phase VI was granted final approval on June 31, 2009; the petition to have a segment of Argenta Drive abandoned/vacated was given preliminary approval on December 13, 2016 with an extension granted on January 4, 2018 and is valid through December 23, 2018. Earlier in 2018 the Applicant went through preliminary conceptual approval of a boundary line relocation and there are no utility easements in the proposed sections to be removed.

As part of the conditions of approval for the road abandonment there was a necessity for an encroachment agreement within the area and by removing the utility easements the encroachment would not be necessary. An encroachment agreement would be necessary for the northern boundary of the property as there is a shed and possibly a septic mound within the utility easement. There are utilities within the addition to Lot 48-8, the water utility lot. Removal would not prevent future development to the north of the lots from accessing utilities as access still exists. Mr. Starke gave a brief overview of possible increased development costs depending on increased distance and noted NorthWestern Energy has communicated that it would be a case-by-case basis on who holds the burden of the costs. Staff recommends a conditional approval based upon the listed conditions of approval.

Commissioner McCormick asked about Lot 48-8 and the water utility easement and Mr. Starke explained it is allocated for flood and water quality control.

Commissioner Hunthausen asked for the purpose of the ask and Mr. Starke noted the existing driveway, electric box and main water shut-off valve encroach and they seek to abandon the utility area rather than seek an encroachment agreement.

Dani Mitchell, 4272 Hines Road stated when they moved in the driveway, septic mound, utility box, water shut-off valve, fences all existed. They were unaware of the easement until building began west of their property and the neighbors informed them of issues that could arise. That began the process of the abandonments. NorthWestern Energy acknowledged they could not work in that current utility easement with everything on top of the buried lines and they moved everything into the easement east of their lot.

No public comment was received.

Commissioner Good Geise asked if the adjacent property owners have had any issues with the proposed. Mr. Starke stated they have signatures from adjacent property owners on the application, the owners have been informed and there have been no objections.

A motion was made by Commissioner Good Geise to render a decision at the next regularly scheduled meeting on Tuesday, October 9, 2018 and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

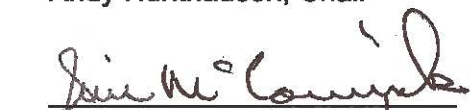
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

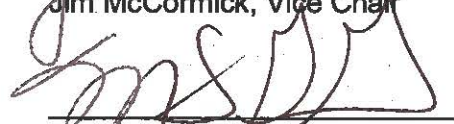
Adjourn

There being no further business, the meeting adjourned at 9:47 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Andy Hunthausen, Chair


Jim McCormick, Vice Chair


Susan Good Geise, Member

ATTEST:


Paulette DeHart, Clerk of the Board