



**PUBLIC MEETING**  
November 19, 2015  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, November 19, 2015, at 9:00 AM in Commission Chambers Room 330.

**Roll Call**

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

Commissioner Susan Good Geise and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Michele Peterson-Cook, K. Paul Stahl, Lindsay Morgan, Kevin Hamilton, Marni Bentley, Wally Jester, Jerry Shepard, David Knoepke, Jess Whitford, Laura Erikson, Eric Griffin, Greg Gifford, Ryan Leland, Misty Edwards, Nancy Everson, Robert Utick, Ron Ingersoll, David Brown, Ron Ingersoll, Linda Ingersoll, Rob McDonough, Robert Utick, John Paul, and Nichole Nisbet, Recording Secretary.

**Pledge of Allegiance**

Everyone recited the pledge.

**Announcement**

- a. Recognition of Service. (Eric Griffin)

Eric Griffin, Director of Public Works, presented the recognition of service of Greg Gifford, the project manager for Western Federal Lands Highway Division for his collaboration on projects with Lewis and Clark County.

**Consent Action Items**

- a. Vendor Claims Report for week ending November 20, 2015. (Marni Bentley)  
b. Public Meeting Minutes: October 27, 29 and November 5, 2015. (Nichole Nisbet)

Chairman Hunthausen reported on the consent action items 2a-b and recommended approval.

No public comment was received.

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

**Update on Joslyn Path Project. (Laura Erikson)**

Laura Erikson, Community Development Coordinator, presented an update on the Joslyn Path Project which is located on the western end of Centennial Trail. The first phase was completed last year and the

west end of Centennial Trail has just been bid and David Knoepke, City Engineer, is here to give the Commission an update on the west end of the trail.

David Knoepke noted that four bids have been received and the lowest bid was in the amount of \$364,000.00 with the four alternates. The City Commission intends to move forward with the base bid and all four alternates. There is a short fall in the budget in the amount of \$63,851 but does not include the shortfall in the match amount of \$18,000. The intent is to utilize all of the CTEP funding.

Commissioner Murray asked if the City is committed to making up part of the shortfall.

David Knoepke stated that staff has received an indication from the City that they are committed. Commissioner Hunthausen noted that the County has not had time to review the information but the County is committed to seeing the project fully completed.

No public comment was received.

**Off-site Fire Protection Source Request - JAMVAR Subdivision. (Applicant: Robert Utick)**  
**(Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, presented the request to utilize the nearly complete fire protection source located within the preliminarily approved Saddle Rock Subdivision as the source for the JAMVAR Subdivision in order to meet fire protection requirements. The JAMVAR Subdivision was granted preliminary approval on May 9, 2013. The preliminarily approved subdivision is located east of Collins Drive, north of and adjacent to Fantasy Road, and will contain four residential lots that currently total 20.17 acres in size. According to the conditions of preliminary approval, the applicant was given the option of providing either an on-site or an off-site fire protection source. Because the conditions of approval allow for both, the applicant is seeking to use the nearly complete, off-site system located within the preliminarily approved Saddle Rock Subdivision to meet this requirement. This source is located approximately 1.1 road miles from the preliminarily approved JAMVAR Subdivision. This subdivision was reviewed and approved under the 2010 Lewis and Clark County Subdivision Regulations. According to the application for the JAMVAR Subdivision, no information was provided regarding this specific off-site water supply system; however, the applicant did propose using the existing, off-site water supply system located near the junction of Collins Drive and Lincoln Road. This system is located approximately 1.2 road miles from the property and lies within the West Helena Valley Fire District. The fire protection system located within the preliminarily approved Saddle Rock Subdivision lies within the Lewis and Clark County Fire Service Area, as do both the JAMVAR and Saddle Rock Subdivisions, and is being completed by both Mr. Utick and Mark Floerchinger, the developer of the Saddle Rock Subdivision. According to a letter from the applicant's engineer, upon completion, this system will consist of two steel tanks (one 20,000 gallon tank and one 10,000 gallon tank) connected to act as a single 30,000 gallon tank; a dry hydrant consisting of a 6-inch NST; a dedicated well for filling the tanks; an easement for the system on preliminarily approved Lot 20-1 of the Saddle Rock Subdivision; and a gravel turnaround for easy access by emergency vehicles. In order to comply with the Subdivision Regulations, this fire protection system will need to be located within a "fire protection easement" at a minimum and maintained under an RID. Based on the requirements of the Subdivision Regulations, the additional four lots within the JAMVAR Subdivision will not require any upgrades of this fire protection system beyond what is currently being completed. Staff is looking for the Commission to determine whether or not the Commission approves of the location of this system, as being the fire protection source for the JAMVAR Subdivision. If the Commission generally supports the use of this system to serve the JAMVAR Subdivision, the applicant can pursue the documentation required under the 2010 County Subdivision Regulations.

Commissioner Murray asked what the life expectancy of steel tanks is.

Lindsay Morgan stated she does not know the answer to that.

Commissioner Geise asked about the completion date of the fire fill site and the gravel turnaround.

Lindsay Morgan stated she did not know the status and noted that since the subdivision has not been submitted for final approval there is no set date needed for completion.

Robert Utick, the applicant, stated the turnaround has been completed and the only outstanding item is the RID and easement dedication. The applicant is seeking approval on the fire protection source prior to investing additional money on roads. He noted that the life expectancy of the steel tanks are thirty plus years.

PUBLIC COMMENT-

Jerry Shepard, West Valley Fire Department Chief, stated there were discussions with the developer on having an emergency access road that would access both subdivisions. A concern was added on who would own the well and noted he understood the proposed well will also be used for a private residence.

Lindsay Morgan stated the applicant is aware that the fire protection source would need to be a dedicated well.

Wally Jester, Lewis and Clark Fire Service Area Chief, stated the steel tanks are used fuel tanks and questioned the life span of those specific tanks.

Commissioner Hunthausen asked for clarification on the Chief's concerns about access to the two subdivisions.

Jerry Shepard stated the conditions of the road on the proposed route are a concern as well as the time it would take to go around rather than on a direct route if the emergency access road was available.

Robert Utick stated the tanks were recently inspected and the time frame of 30 plus years. He further stated he would rather fix Fantasy road rather than having the emergency access road and his partner, Mr. Floerchinger intends to fix Tea Road. He was told by Planning Staff in the past that the emergency access road would have to be a dedicated County Road.

Lindsay Morgan stated the emergency access road could be a fire protection easement.

Commissioner Geise asked the applicant if he would consider doing the emergency access road as it is a more direct route to the fire protection source.

Robert Utick stated he has concerns doing a dedicated fire protection easement due to weather.

Commissioner Murray noted the distance of the proposed fire protection source and stated the current regulation is one County mile.

Robert Utick stated this was approved under the 2010 regulation that has a regulation of two miles.

Commissioner Hunthausen noted the conditions of Fantasy and Tea Roads is a concern of his being the route for emergency vehicles.

Lindsay Morgan stated the applicant is planning on improving Fantasy Road and has heard that the same will go for Tea Road.

Jerry Shepard stated that Tea Road and Fantasy Road are impassable during the winter as they are not plowed and the drifting snow is a well known issue.

Commissioner Hunthausen asked if the roads were maintained and improved if that would help with the concerns of both Fire Chiefs.

Wally Jester stated yes.

Robert Utick stated there are no houses currently in the area of concern, once houses are built they will need access to the lots and would have to be able to get in and out and did not foresee a problem with access.

Commissioner Hunthausen asked if an RID would be a part of the final approval of this subdivision.

Lindsay Morgan stated she would look into the specifics of the subdivision approval.

A motion was made by Commissioner Geise to table the item until November 24, 2015 and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

**Request to Reopen a Segment of Lewis and Clark Pass Road. (tabled 11/12/15) (Applicant: Ron Ingersoll) (Planner: Frank W. Rives)**

Kevin Hamilton, Deputy Planning Director, presented the request to reopen a segment of Lewis and Clark Pass Road. He noted the request is not to reopen the road but to reopen the road to motorized traffic. He addressed questions from the last meeting and stated that a portion of Alice Creek road is also closed to motorized traffic and the Forest Service noted that travel would affect their non-motorized travel plan in that area and promises they have made to their partners.

Michele Peterson-Cook addressed questions from the last meeting and noted that legal staff talked to additional title companies about the term of legal and insurable access and noted that legal and insurable access is defined as recorded access on a plat that is on file in the Clerk and Recorder's Office. She further noted that title companies will ensure access and restrictive access. She also received comments from FWP that the federal government will take parcels for conservation even if access is restrictive, it was noted that it may affect the appraisal price but in this circumstance FWP would be willing to do a conservation easement.

**PUBLIC COMMENT-**

Rob McDonough stated his concerns with the historic aspect of the land, gates being left open and noted that the area is well known for grizzly bears. He noted that the Alice Creek area is under proposal to become wilderness. He also noted concerns about opening the road to the public and gave the example of hunters not be respectful of their land.

Upon no further testimony or comment, Commissioner Hunthausen stated that the public comment is now closed.

Commissioner Geise stated the Lincoln Ranger is doing a great job and has requested extra time to consider this issue. She noted complications that could come with reopening the road to motorized traffic and stated it is not in public's best interest to do so. She recognizes it would diminish property value and noted the cabin that is built in the middle of the road is an encroachment and is illegal.

Commissioner Hunthausen reopened public comment and asked Ron Ingersoll if he has spoke to his neighbors about trying to gain access to the road in order to raise the value of his property.

Ron Ingersoll stated he did not.

Commissioner Hunthausen asked Mr. McDonough if he has considered giving Mr. Ingersoll a private easement in order to get the deal completed.

Rob McDonough stated they have not discussed this as he felt the Ingersoll's were going behind their back to sell the property without their knowledge.

A motion was made by Commissioner Geise to table the item until November 17, 2016 and seconded by Commissioner Hunthausen.

Commissioner Murray stated he is prepared to make a decision today. He stated the issue before the Commission is to reopen a road.

Commissioner Geise stated it is irrelevant who the applicant sells or does not sell the property to. What is relevant is that the Lincoln Ranger asked for more time and would give one more chance for the concerned parties to come to an agreement among themselves.

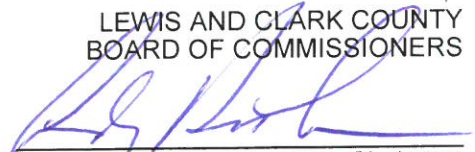
The chair restated the main motion to table the item until November 17, 2016 and the motion Passed on a 3-0 vote.

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 10:17 am.

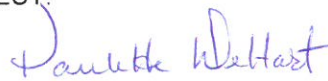
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Andy Hunthausen, Chairman

  
Michael Murray, Vice Chair

  
Susan Good Geise, Member

ATTEST:

  
Paulette DeHart, Clerk of the Board