



PUBLIC MEETING
November 24, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, November 24, 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 Eric Bryson, Michele Peterson-Cook, Larry Knauber, Audra Zacherl, Nancy Everson, Paul Spengler, Larry Hoffman, Lindsay Morgan, Kim Smith, Robert Utick, Tony Prothero, Dean Retz, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

Change Order No. 1 to the Contract Between Lewis and Clark County and Diamond Construction, Inc. (Audra Zacherl)

Audra Zacherl, Finance Coordinator, presented the change order to the contract between Lewis and Clark County and Diamond Construction, Inc. and requested to table the item until December 17, 2015 due to a winter shut down. The Forestvale Cemetery Board would also like time to review the request.

No public comment was received.

A motion was made by Commissioner Murray to table the item until December 17, 2015 and seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

Agreement Between Lewis and Clark County and Jefferson County 4-H Program. (Nancy Everson)

Nancy Everson, Finance Director, presented the agreement between Lewis and Clark County and Jefferson County 4-H for commitments to service the youth of the 4-H Program. The agreement is in the amount of \$2,250 per year and will begin FY2016 and continue through FY2020.

No public comment was received.

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

Grant Application to DNRC for the Hazardous Fuel Reduction Grant Program. (Paul Spengler)

Paul Spengler, DES Coordinator, presented the grant application to DNRC for the Hazardous Fuel Reduction Grant Program in the amount of \$70,000 to mitigate fuel hazards on private property in the Tri-County Fire Safe Working Group Counties. The program is to encourage private land owners to

mitigate their properties prior to the Forest Service performing prescribed burns. It is estimated the program will treat 73 acres and 40 structures. The grant period is for three years.

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 2-1 vote, with Commissioner Geise voting against.

Grant Application to the Lincoln Valley Snowmobilers. (Larry Hoffman)

Larry Hoffman, Weed District Coordinator, presented the grant application for the Lincoln Valley Snowmobilers from the Montana Department of Agriculture in the amount of \$4,337.00. The project is a containment project in coordination with land owners in Lincoln, DNRC, USFS and the project covers 400 acres.

No public comment was received.

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

Grant Application Tributaries to the Headwaters of the Little Prickly Pear Noxious Weed Project. (Larry Hoffman)

Larry Hoffman, Weed Coordinator, presented the grant application for the Tributaries to the Headwaters of the Little Prickly Pear Noxious Weed Project from the Montana Department of Agriculture in the amount of \$10,669.00. The project covers about 2,700 acres in the Canyon Creek area.

No public comment was received.

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

Off-Site Fire Protection Source Request - Lincoln Heights Subdivision. (tabled 11/17/15) (Applicant: Kim Smith Properties, L.L.C.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the request to utilize the fire protection system located in the Grand Valley Estates Subdivision as the source that will serve the Lincoln Heights Subdivision in order to meet fire protection requirements. She addressed the questions about the maintenance protocol for fire systems and stated that the Fire Chief noted that the Fire District will do a flow test once a year if they have the ability to access the system. If they do not own the system they will work with the owner to fix any issues. It was noted that it is not known who owns the system; there is an easement that allows the fire department to use the system as needed. She noted that the Subdivision Regulations requirement to have an RID in order to maintain the fire protection system. An RID will need to be created before the SIA can be completed. In order for an RID to be maintained through an RID, the system will need to become public. The applicant will need to determine who owns the system. The owner of Grand Valley Estates Subdivision installed the tank for the fire protection system while the applicant, Kim Smith, finished the improvements needed.

Commissioner Geise asked if this fire protection source is currently being used.

Lindsay Morgan stated yes as it serves as a fire protection source for other subdivisions and noted that the system is currently available for the Fire District to use. She noted that the one mile rule as previously discussed is from the 2013 Subdivision Regulations and was a recommendation from the Fire Council. She further noted that this subdivision was approved under the 2010 Subdivision Regulations and did not require the Commission to adhere to the one mile rule.

Michele Peterson-Cook, Deputy County Attorney, stated you are not bound by the 2013 regulations however the Commission did establish the criteria under those regulations. The 2010 Subdivision Regulations state that the Commission will make an individualized decision for each circumstance. The

criteria in the 2013 Subdivision Regulations can be used as guidance for this decision. She further stated that it is the legal's opinion to utilize the 2013 criteria when making the decision in the circumstances.

Commissioner Geise asked how a developer can have any predictability with the regulations changing.

Michele Peterson-Cook stated the regulation at the time stated that the Commission would make an individualized decision and noted as the 2013 Subdivision Regulations were developed it was to bring predictability to developers.

Commissioner Murray asked the density of the subdivision.

Lindsay Morgan stated it is a 4 lot subdivision with a little over 5 acres for each lot.

Commissioner Murray suggested tabling the item and allows time for the applicant to seek endorsement from the Fire District.

Commissioner Hunthausen stated that under the 2010 Subdivision Regulations it does provide reasonable fire protection. Taking this under an individual basis he is ready to move forward.

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

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 2-1 vote, with Commissioner Murray voting against.

Off-Site Fire Protection Source Request - JAMVAR Subdivision. (tabled 11/19/15) (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. She noted there is not an RID for Tea Road or Fantasy Road however there is a North Hills RID for Collins Drive, No Creek Court and Sleeping Giant View Drive. There was a petition in 2005 requesting that an area of Tea Road and Fantasy Road be apart of the North Hills RID however it was protested out by the residents of the North Hills RID. The developer of the Saddle Rock Subdivision intends to improve Tea Road rather than pay the percentage of impact.

Commissioner Geise asked how much the improvements are estimated at.

Lindsay Morgan stated the estimate for improvements to Tea Road is \$33,000 and the estimate for improvements to Fantasy Road is \$25,000 both of which include a section of Collins Road.

Tony Prothero, Engineer on the project, stated the level of improvements upon his estimation will bring the road nearly to standard. The drainage ditches may be an issue and not up to County standards and add a potential conflict with utilities that may have been buried to shallow.

Commissioner Geise asked Mr. Prothero about the road conditions in the winter and if they are impassable.

Tony Prothero stated there will need to be maintenance for snow removal on those roads and is in support of an RID for maintenance of the roads.

Robert Utick, the applicant, stated that with his planned improvements Fantasy Road from his subdivision to Collins will be brought up to standards.

Commissioner Hunthausen asked about the fire protection source and who will own it and be responsible for maintaining it.

Robert Utick stated there will be an RID to maintain the system and the Fire District will own it.

Tony Prothero stated the the life expectancy of the tank for the fire protection source is at a minimum of 30 years.

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

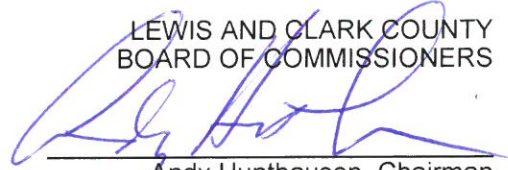
A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

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 10:01 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