



PUBLIC MEETING

November 7, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, November 7, 2019, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Jim McCormick called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen was present; Commissioner Susan Good Geise was out of the office. Others attending all or a portion of the meeting included Roger Baltz, Christal Ness, Kevin Wright, Michael Kakuk, Jonathon Ries, Charles Lane, and Misty Edwards, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2019-105 Declaring County Property Surplus Property. (Amy Reeves)

Roger Baltz reported on consent action item 2 a and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 2-0 vote.

Court Ordered Division Seeking Comments. (Christal Ness)

Christal Ness, Development Services Supervisor, presented the Court Ordered Division of the Hanna Property. The subject property is a 20 acre parcel that was created by deed and purchased on a contract for deed by Raymond Hanna. The warranty deed was recorded in May, 1990 and immediately thereafter, Mr. Hanna deeded the property to himself and his four sons as joint tenants with right of survivorship. Mr. Hanna died in January, 1992 and with the recording of the Statement of Acknowledgement, the title transferred to the 4 sons.

The four sons have filed a Verified Joint Petition for Partition, requesting the Court to divide the 20 acre parcel into four 5-acre lots. Pursuant to MCA 76-3-201(2) the petitioners have notified the County of the pending division and as the governing body, the County Commission has the opportunity to comment on the Court Ordered Division. This court order division of land is exempt from subdivision review as well as DEQ review for water, wastewater and stormwater drainage.

Existing land use is a single family residence with a mobile home, numerous outbuildings, a well and an onsite septic system, all located on the western portion of the property. There is access to the parcels via the southern boundary.

Staff recommends commenting to the court the following: the certificate of survey that is required for the division should include a delineation of the approximate ephemeral drainages and all 100 year flood plain approximate locations; the order should instruct petitioners the property is subject to the requirements of the Lewis and Clark County Onsite Waste Water Treatment regulations; the order should instruct that the property is subject to flood plain regulations; the property should be addressed; the property could be subject to flooding during a flood event; access to the property could be compromised during a flood event; there could be possible delays in fire response due to the location of the closest fire department and water sources; the property owners are responsible to control noxious weeds on the property.

Charles Lane, Deputy County Attorney, stated this is a new process to the county; statute clearly states that comments for the court order must come from the governing body, which would be the County Commission rather than going through the legal department.

Michael Kakuk, Petitioner's Attorney, stated that the purpose of this is to divide the property. Three of the property owners wish to divide the property, one does not; therefore rather than going through subdivision process, they are seeking a court ordered division of the property.

Jonathon Ries, surveyor, had questions regarding the 100 year flood plain illustrations that were presented. He does not want to burden the property owners with a full flood plain survey and feels that approximations would suffice.

No public comment was received.

A motion was made by Commissioner Hunthausen to forward the recommendations to the court with the amended language of approximate flood plain locations to 1b. The motion was seconded by Commissioner McCormick. The motion Passed on a 2-0 vote.

Investigation for a Road Abandonment Petition. (Christal Ness)

Christal Ness, Development Services Supervisor, presented the request for an investigation into the Old York Road petition for abandonment. The County has received a completed application and petition to abandon a portion of the Old York Road, formerly a County road. Pursuant to MCA 7-14-2603, the County Commission needs to cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition.

Staff recommends approving the investigation and appointing Kevin Horne, Road and Bridge Superintendent; Christal Ness, Development Services Supervisor; and to the committee to conduct the investigation. Ms. Ness noted that the results of that investigation will be brought to the Commission for consideration.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 2-0 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 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

