



PUBLIC MEETING

December 1, 2016
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, December 1, 2016, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Kevin Hamilton, Matt Heimel, Jim McCormick, Richard Grady, Howard Anderson, Connie Cole, Bernie Franks-Ongay, John Miller, Bill Gehring, Nate Kopp, Mary Hollow, Jeff Ryan, Al Knauber, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending December 2, 2016. (Marni Bentley)

Eric Bryson reported on the consent action item 2 a and recommended approval.

No public comment was received.

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

Resolution 2016-96 Approving Funding of the Open Lands Program Gehring Ranch Conservation Easement Project (Tabled 11/15/16) (Sponsor: Prickly Pear Land Trust) (Planner: Matt Heimel)

Matt Heimel, Planner I, presented the resolution approving funding in the amount of \$1,000,000 for the Gehring Ranch Conservation Easement. The item was presented and tabled at the

November 15th public meeting. The applicant is requesting \$1,000,000 of Open Lands bond money to place a conservation easement on 2,888 acres of land adjacent to Lincoln Road.

Mr. Bryson stated the item was continued at the November meeting so that the applicant could address due diligence issues. Since that time, there have been exchanges back and forth between the sponsoring agency, the applicant and the County Attorney's Office and that those issues have been addressed by the applicant. The County Attorney's Office is now going through the final review of those due diligence issues. Mr. Bryson recommended the County Attorney's Office be given 2 weeks to complete a thorough review and that a decision for funding be rendered at a future meeting.

PUBLIC COMMENT-

Mary Hollow, Prickly Pear Land Trust, stated that they are under tight timelines to close on the project by the end of the year and that due to the timing of checks being issued by the County, they would prefer a decision be rendered within the next week.

Bernadette Franks Ongoy, landowner that borders this project, expressed concerns about an illegal trailer home that is part of a building envelope. The trailer is illegal per restrictive covenants. She would like the issue of the trailer house taken care prior to the Commission taking action on the project. She also stated concerns about pending litigation with regards to a water right. She also feels this issue needs clarification before the Commission takes action. She wants it clear and on the record as to which water rights are part of the easement and which water rights are part of the dispute.

Commissioner Murray stated to Ms. Ongoy that it appears the covenant she presented to the Commissioners is a private covenant and it is up to the property owners to address the covenants and that the Commission cannot enforce them. Ms. Ongoy agreed but stated the concern is that the trailer will be recorded into the easement as a part of a building envelope.

H. Howard Anderson, 6920 Birdseye Road, stated the building packet of Mr. Gehring's states trailer house but the covenants state no trailer house. Also, Mr. Anderson is in dispute with Mr. Gehring regarding a water right. Commissioner Good Geise stated Mr. Anderson's concerns will be addressed in the attorney's decision.

Jeff Ryan, Supervisor Lewis and Clark Conservation District, stated that when you have an opportunity to conserve open space it is a good thing. The Conservation District feels this is a great project. The property will remain active in agriculture and continue to produce taxes.

Richard Grady, Canyon Creek, stated his support for the project and he feels Katie Jerstad did a good job on the due diligence.

Mary Hollow, Prickly Pear Land Trust, wanted to clarify conservation easements and water rights in Montana. Water rights are not governed or appraised as part of a conservation easement. They are referenced in the application only because of their importance to the productivity of the land. Conservation easements don't have any say over how covenants are enforced. Easements have building envelopes included in them but there is no regulation as to what type of residence is in the building envelope.

Commissioner Murray stated the public comment period will be kept open until a decision is rendered.

A motion was made by Commissioner Hunthausen to render a decision at the regularly scheduled meeting on Thursday, December 8, 2016. The motion was seconded by Commissioner Good Geise. The motion passed 3-0.

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

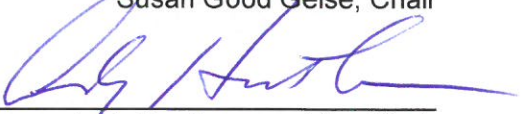
Adjourn

There being no further business, the meeting adjourned at 9:27 am.

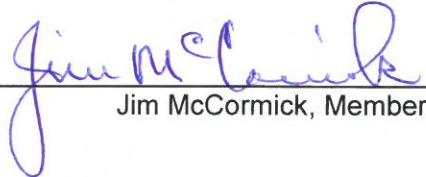
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair

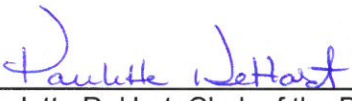


Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board