



**PUBLIC MEETING**  
December 15, 2016  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, December 15, 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, Charles Lane, Kari DesRosier, Eric Gilbertson, Brent Colbert, Gary Ellingson, Laura Nicolai, Marni Bentley, Matt Heimel, Greg McNally Jay Erickson, Matt Bell, Christian Dietrich, Hugh Zackheim, Mike Bishop, Jim Mitchell, Glenn Marx, 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 16, 2016. (Marni Bentley)
- b. Resolution 2016-105 to Appoint Special Deputy Prosecutor (Leo Gallagher)

Eric Bryson 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 Hunthausen. The motion Passed on a 3-0 vote.

**Resolution 2016-104 Allowing Montana Business Assistance Connection to Participate in the Health Benefit Plan for Employees of Lewis and Clark County. (Kari DesRosier)**

Kari DesRosier, Human Resource Analyst, presented the resolution allowing Montana Business Assistance Connection to participate in the health benefit plan. Montana Code annotated allows the governing body of a county to consider the employees of a private, nonprofit economic development organization to be employees of the county solely for the purpose of participation in a health plan. Montana Business Assistance has requested consideration of participation in the County health plan. Currently, Rocky Mountain Development Council and Montana Association of

Counties participate in the county health plan in this capacity. Montana Business Assistance currently has 5 employees.

No public comment was received.

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

**Contract Between Lewis and Clark County Sheriff's Office and Bureau of Reclamation. (Eric Gilbertson)**

Eric Gilbertson, Patrol Captain, presented the contract between the Lewis and Clark County Sheriff's Office and the Bureau of Reclamation for law enforcement patrol services for the Canyon Ferry complex. There are 2 deputies assigned to the area in the summer and one in the winter. The contract period is December 1, 2016 through November 30, 2021. The 5 year contract amount is \$813,681.66 and covers salary and expenses associated with providing this service.

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.

**Grant Award from the Office of Juvenile Justice & Delinquency Prevention. (Marvin Weber)**

Eric Gilbertson, Patrol Captain, presented the grant award from the Office of Juvenile Justice and Delinquency Prevention. The 2016 Internet Crimes Against Children Task Force grant is in the amount of \$3,000. The funds will cover overtime expenses, cell phone costs and travel costs for the deputy assigned to the position. The funding cycle is through June 30, 2017.

No public comment was received.

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

**Resolution 2016-106 Approving Funding of the Open Lands Program Shoco Ranch Conservation Easement Project (Tabled 11/10/16) (Sponsor: Montana Land Reliance) (Planner: Matt Heime)**

Matt Heime, Planner I, presented the resolution to approve funding for the Shoco Ranch Conservation Easement Project. This item was tabled November 11, 2016. The project was approved by the Open Lands CAC on October 4, 2016 with a 10-0 vote to recommend funding in the amount of \$769,200.

**PUBLIC COMMENT –**

Jay Erickson, Montana Land Reliance and sponsoring agency, presented a slideshow of the property. The appraisal of the 836 acres is roughly \$2,217,000.00 and the value of the conservation easement is \$810,000. The owner Sally Shortridge has donated \$81,000 towards the conservation easement. This easement would preserve a ranch that has been in the family for

108 years and would protect a portion of Smith Creek, which ultimately flows into the Sun River. The ranch is surrounded by an abundance of state lands.

Gary Ellingson, Helena and member of the Open Lands CAC. He supports this conservation easement project as it does achieve a number of goals of the open space bond. He added it was thoroughly reviewed by the Open Lands CAC and did receive unanimous approval. The property has significant wildlife habitat as well as incredibly scenic views.

Laura Nicolai, stated her support of this conservation easement project. Ms. Nicolai believes that Ms. Shortridge has met the request to find additional funds for the project. This ranch has such historical significance and would be a travesty to allow future development.

Hugh Zackheim, 315 Ming Place and member of the Open Lands CAC, strongly supports the conservation easement. Mr. Zackheim feels that this property is under threat from being developed due to its proximity to Augusta as well as the Rocky Mountain Front.

Glenn Marx, Montana Association of Land Trusts Executive Director, stated this is a very special parcel located along the Rocky Mountain Front. He added that the project is consistent with the goals of the Open Lands program and would accomplish many goals outlined in the bond.

Rock Ringling, Montana Land Reliance Managing Director, 328 N Ewing, supports this conservation easement. The ecosystem and grasslands on this property are extremely valuable.

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

Break/Reconvene

Commissioner Good Geise stated it is not her intention to approve the full funding as requested. Commissioner Geise added that while this is a worthy project, it is still a financial transaction and is the County willing to spend that much money on this particular transaction.

A motion was made by Commissioner Good Geise to approve the resolution requesting funding for the Shoco Ranch in the amount of \$600,000. The motion was seconded by Commissioner Murray.

Commissioner Hunthausen, stated he supports full funding in the amount of \$716,500. He added that the Commissioners requested contributing partners be found and that has occurred. Commissioner Hunthausen believes this is a good project and that it does have value in it.

Commissioner Murray stated he agrees with both Commissioner Hunthausen and Commissioner Geise but he feels that \$600,000 is a fair offer for this project.

The motion to approve the Resolution 2016-106 funding the Shoco Ranch Conservation Easement project in the amount of \$600,000 was approved on a 2-1 vote with Commissioner Hunthausen voting against it.

**Proposed Amended Plat of Lot 1A-1B of the Foster Ranch Tracts (Ranger Estates Subdivision) (Tabled 12/13/16) (Applicant: Jim Mitchell) (Planner: Greg McNally)**

Greg McNally, Planner II, presented the Foster Ranch Tracts subdivision and variance requests for a proposed seven lot subdivision located north of Canyon Ferry Road and adjacent to Hines Road and Ranger Drive. The applicant is seeking a variance from Chapter XI.H.15 and Chapter XI.H.15. The item was tabled on December 13, 2016.

Mr. McNally provided a copy of the protective covenants of Foster Properties; the covenants are good for 20 years, expiring in February of 2017.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact and after considering public comment the findings of fact for the first variance request be approved as submitted. The motion was seconded by Commissioner Geise. This variance is a request to have only one ingress/egress route. The regulations require two physical, legal routes in and out of a subdivision. Commissioner Murray stated he is concerned about having only one ingress/egress route. In the event of an emergency such as a fire, emergency personnel need more than one way to access the subdivision. The motion to approve the findings of fact passed 2-1 with Commissioner Murray voting against.

A motion was made by Commissioner Hunthausen that after reviewing the adopted findings of fact and after considering public comment, to adopt a conclusion of law that based on the findings of fact the granting of the variance would be detrimental to the public health, safety or general welfare of the adjoining property owners and the public. The granting of the variance would not cause a substantial increase in public cost and the approval of the variance would place the subdivision in non-conformance with adopted regulations. Commissioner Hunthausen further moved that after reviewing the four criteria, the applicant has not demonstrated that the requested variance meets all four of the standards. The motion was seconded by Commissioner Geise. The motion to adopt the conclusions of law passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact and conclusions of law the variance request be denied. The motion was seconded by Commissioner Geise. The motion passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact and after considering public comment, the findings of fact for the second variance request be approved as submitted. The motion was seconded by Commissioner Geise. This variance request is from Chapter XI.S, Appendix K: 18-4.6 (2) - Fire protection. The applicant proposes to use the existing off-site fire protection system in the adjoining Holmberg Village Estates. Because the Holmberg Village Estates public water supply system is privately owned, a rural improvement district cannot be formed to maintain its operation. The motion to approve the findings of fact passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the adopted findings of fact and after considering public comment, to adopt a conclusion of law that based on the findings of fact the granting of the variance would be detrimental to the public health, safety or general welfare of the adjoining property owners and the public. Commissioner Hunthausen further moved that after reviewing the four variance criteria to adopt a conclusion of law that the applicant has demonstrated that the requested variance meets all four standards names in the Subdivision Regulations. The motion was seconded by Commissioner Geise. The motion passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact and conclusions of law the variance request be approved. The motion was seconded by Commissioner Geise. The motion to approve the second variance request passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the staff report, the presentations by the applicant, the public comment and the recommended findings of fact and conclusions of law and approval conditions as well as the two variances, the subdivision request be conditionally approved. Conditions of approval are needed to mitigate the adverse impacts or bring the project into compliance with the regulations. The motion was seconded by Commissioner Geise. The motion passed 3-0.

A motion was made by Commissioner Hunthausen that the findings of fact on the impact criteria and subdivision regulation requirements be approved as submitted. The motion was seconded by Commissioner Geise. Commissioner Hunthausen pointed out the fact that because the first variance request was denied, the applicant will have to demonstrate two ingress-egress routes into the subdivision. Commissioner Geise pointed out that the applicant does propose to construct a road within the existing access and utility easement in Holmberg Estates. The motion was amended by Commissioner Geise to include the finding that the first variance was denied because its approval is detrimental to public safety. The amended motion was seconded by Commissioner Murray. The amended motion passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact and after considering public comment, to adopt a conclusion of law that the proposed subdivision will have adverse impacts on the review criteria and will not be in compliance with the regulations. Commissioner Hunthausen further moved to adopt a conclusion of law that the adoption of the attached conditions of approval will mitigate the impacts and bring the project into compliance with regulations. The motion was seconded by Commissioner Geise. The motion passed 3-0.

A motion was made by Commissioner Hunthausen to approve the conditions of approval as submitted in accordance with the actions that were taken with the variance requests. The motion was seconded by Commissioner Geise. Commissioner Geise noted that prior to final plat, the applicant must demonstrate that Ranger Drive meets the requirements for legal access. The motion passed 3-0.

A motion was made by Commissioner Hunthausen that after approving the findings of fact, acting on the variances, approving the conclusions of law and approving the conditions of approval of amended, the subdivision be conditionally approved as amended. The motion was seconded by Commissioner Geise. The motion passed 3-0.

### **Board Appointment (Audrey Dufrechou)**

Eric Bryson, Chief Administrative Officer, presented the appointment to the Lincoln Fire District. At the 2016 regular election for the Lincoln Fire District Board of trustees, 4 positions on the board were up for election, with only 3 candidates filing. As a result, the election was canceled and the three candidates were declared elected by acclamation. The fourth position, where no candidate filed, was therefore open to be filled by appointment. Mr. Bryson recommended the appointment of Timothy Welker to the Lincoln Fire District Board of Trustees to hold office until the next regular election on May 2, 2017.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. 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.**

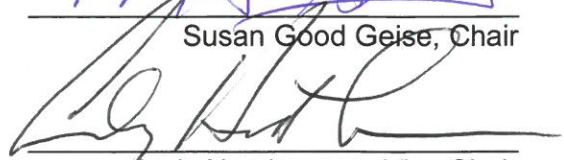
### **Adjourn**

There being no further business, the meeting adjourned at 10:42 am.

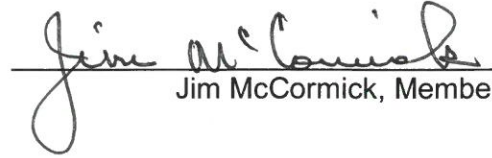
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



Susan Good Geise, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board