



PUBLIC MEETING
December 29, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 29, 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, K. Paul Stahl, Eric Merchant, Christal Ness, Kevin Hamilton, Lindsay Morgan, Jerry Christison, Dean Retz, Jeremy Fadness, Paulette DeHart, Cheryl Green, Chris Sinrud, Bernie Miles, Art Pembroke, Sharon Haugen, Jason Danielson, John Pallister, Greg McNally, Ron Alles, Ryan Leland, Elroy Golemon, Jerry Hamlin, Barb Hamlin, Al Knauber, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Announcement

- a. Employee Recognition. (Paulette DeHart)

Commissioner Murray presented Cheryl Green as she is retiring after over 30 years of service at the County.

Consent Action Items

There were no consent action items.

Amendment Number One to Task Order 15-07-4-51-009-0 Contract Between Lewis and Clark Public Health and the Montana Department of Public Health and Human Services. (Eric Merchant)

Eric Merchant, Division Administrator for Disease Control and Prevention, presented the amendment number one to the contract with the Department of Public Health and Human Services in the amount of \$17,057 for HIV prevention services. The contract begins January 1, 2016 through December 31, 2016.

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.

Task Order 16-07-4-31-123-0 Contract Between Lewis and Clark Public Health and Montana Department of Public Health and Human Services. (Eric Merchant)

Eric Merchant, Division Administrator for Disease Control and Prevention, presented the contract with the Montana Department of Public Health and Human Services in the amount of \$27,355 for immunizations program services. Services include training of staff, assessing immunization records for children in daycare, providing the delivery of immunization services and updating and maintaining immunization records. The contract begins January 1, 2016 through December 31, 2016.

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.

Final Plat with Subdivision Improvements Agreement. Amended Plat of Lot 47D - Valley View Heights Subdivision. (Applicant: Jerry L. Christison) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the request for final approval of the amended subdivision plat, along with the associated Subdivision Improvements Agreement (SIA). The applicant, Jerry L. Christison has submitted an application for final approval of the Amended Plat of Lot 47D – Valley View Heights Subdivision. It is a preliminarily-approved amended subdivision plat that will relocate the southeastern ephemeral drainage and its corresponding easement on Lot 47D of the Valley View Heights Subdivision. The request was granted preliminarily approval on December 17, 2015 subject to five conditions of approval. All conditions have been met and the plat has been found in compliance with the Lewis and Clark County Subdivision Regulations.

PUBLIC COMMENT-

Jerry Hamlin stated he was not pleased with the newspaper article and noted he would like to correct the record in regards to the statements made at the last meeting. He addressed the Commission's question on how the encroachment happened and noted that he had an encroachment survey done in 2007 that stated the house did not encroach into an easement. He stated that he followed a plat that was done by DEQ that reflected a 40 foot drainage easement which leads to confusion as he believes there are conflicting documents in regards to the easement. He also stated that he believes he was in conformance with the laws and regulations in 2007 when the home was built.

Eric Bryson noted that the mortgage institute will not close on the home until the encroachment issue is resolved and further noted that before the Commission is a decision on a modification of final plat.

Commissioner Geise asked what the controlling document is that can be relied upon when building.

Eric Bryson said the controlling document is a certificate of survey. That document can be relied on for encroachments, lot layouts and property pins.

Commissioner Hunthausen stated the banks are being more particular on lending and noted that he asks the same question each time this type of request is before us on how the encroachment happened.

Eric Bryson noted it is not the Commission's intent to find guilt or fault but to find out how or why the encroachment happened and how to avoid it in the future.

Commissioner Geise stated that the Commission's job is to protect the public and discussed the options before the Commission on obtaining a building department or certification process through the building community and the Helena Building Industry Association.

Jerry Hamlin stated his appreciation for the discussion that was held. He noted he is willing to work with Mr. Bryson as he feels he can be of assistance in working towards a solution.

Jerry Christison, the applicant, stated he did contact the builder ahead of time but had no response. He had no intention to involve the builder.

A motion was made by Commissioner Geise to approve the final plat, accept the SIA and the financial guarantee and was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Break/Reconvene.

Conditional Use Permit for a Worship Facility. (Applicant: McHugh Land and Livestock Co.)
(Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the request for a conditional use permit (CUP) for a worship facility in the Limited Commercial Light Manufacturing (LCLM) zone of Special Zoning District No. 2. A public hearing regarding a requested CUP for a worship facility in the LCLM zone of Special Zoning District No. 2 was held by the Planning and Zoning Commission on December 17, 2015. That same evening, the Planning and Zoning Commission recommended that the Commission adopt all findings of fact in the staff report and issue the CUP subject to fourteen conditions of approval. The applicant has submitted an application for final approval of the subdivision which has received preliminary approval. The request is to allow for a 44,796 square foot worship facility which is considered conditional use and subject to a conditional use permit. No comments were received from the public. Comments from the City of Helena, City-County Health Department, WQPD, NWE and the County Weed District were presented by Ms. Morgan. She noted the summary of findings and presented the draft findings of fact to the Commission. She noted that the conditions of approval will need to be amended if the Commission accepts to add the second access route and the addition of a sidewalk. She noted that the application is not in compliance with the 2004 Growth Policy due to the fact that the property is located within an Urban Area and the Growth Policy states that those areas will eventually be annexed into the City and that the proposal will need to meet City standards.

Commissioner Geise asked if the Commission approves the proposal if the applicant will also need City approval before the project were constructed.

Lindsay Morgan stated with the applicant's current proposal of the approach and sidewalks they would need to obtain City approval and meet City standards. She also noted that the applicant would also need to get approval from DEQ.

A motion was made by Commissioner Murray to incorporate the Planning and Zoning Commission meeting testimony into today's record and seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

Jeremy Fadness, applicant's engineer, stated the Church intends to seek annexation into the City and noted that they are seeking approval from the County as a "plan b". He asked for a condition of approval to be added that addresses a pedestrian sidewalk and a second access route. He stated the sidewalk is to be ADA compliant and at a width of five feet. He stated that the additional ingress/egress access would be for emergency use and preferable to be accessed at Cooney Drive.

Commissioner Geise asked about the term emergency access and how the applicant would intend to regulate normal access.

Jeremy Fadness stated they typically use signage to address the access for emergency use only and noted the access will be gravel and not paved.

Lindsay Morgan asked Mr. Fadness if he was aware of condition no. 1 as recommended by the Planning and Zoning Commission.

Jeremy Fadness stated the site plan will not substantially change but could change to include landscaping, parking layout and the additional access.

Commissioner Hunthausen asked about the option of having a right-of-way for Road Runner for future use.

Jeremy Fadness stated there is room for one to be added at a later date.

PUBLIC COMMENT-

Brian Schlaugh, 2213 Deerfield Lane, First Assembly Church Representative, stated they are willing to work with the City on the additional approach. He noted that this is a "plan b" for the Church due to the costs for annexation into the City however they do intend to be annexed at some point.

Jerry Hamlin, 1625 University Street, stated this process has been ongoing for over five years and costs were too high to annex into the City.

Commissioner Hunthausen asked the City of Helena to comment about the access and sidewalk proposal.

Ryan Leland, City of Helena Engineer, stated that the e City standard is to have sidewalks along the entire lot and with two accesses that are made for both emergency and traffic distribution. He noted the City would prefer one access to enter onto McHugh Drive and ensure all sidewalks meet City and ADA standards.

A motion was made by Commissioner Geise to approve the Conditional Use Permit subject to the fourteen conditions recommended by the Planning and Zoning Committee and the three conditions submitted by staff and seconded by Commissioner Murray.

Commission Geise addressed the seventeen findings and asked to have them included in the record.

Commissioner Geise stated the fourteen conditions as recommended by the Planning and Zoning Commission and moved to add a condition in regards to the sidewalks as submitted by the applicant and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Murray to add a condition in regards to the second access to the site either off of Cooney or Road Runner Drive and added that the plan would have to be approved by the County and would be reviewed by City and seconded by Commissioner Geise.

Commissioner Geise asked if the motion would require a secondary emergency access subject to approval by the County and City.

Lindsay Morgan stated that the second access road will need to City approval if the access if within the jurisdiction of the City.

The motion Passed on a 2-1 vote with Commissioner Geise voting against.

Commissioner Hunthausen stated there is a motion on the floor to approve the Conditional Use Permit as amended. The motion Passed with a 3-0 vote.

Board Appointments. (Eric Bryson)

Eric Bryson presented the Board Appointments and recommended the reappointment of Joe Dooling to the Fair Board as a voting member to a 3-year term that expires on 12/31/18, the reappointment of Deb Matteucci to the Fair Board as a voting member to a 3-year term that expires on 12/31/18, the reappointment of Caroline Hudnall to the Fair Board as a voting member to a 3-year term that expires on 12/31/18, the reappointment of Joel Redding to the Weed District to a 3-year term that expires on 12/31/18 and the reappointment of Michael Cobb to the Weed District to a 3-year term that expires on 12/31/18. Mr. Bryson added in the addition of the reappointment of Jim Cottrill to the Fair Board as a voting member to a 3- year term that expires on 12/31/18.

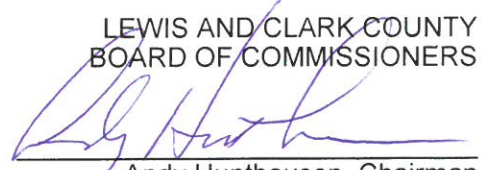
A motion was made by Commissioner Geise to accept the board appointments as recommended with the addition of tabling the board appointment of Jim Cottrill to the next available meeting and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

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 11:19 am.

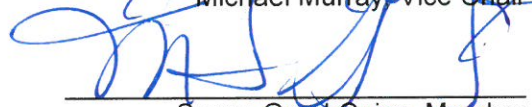
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



Michael Murray, Vice Chair



Susan Good-Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board