



PUBLIC MEETING
February 19, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on February 19, 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 was present. Commissioner Mike Murray was attending County business and arrived after agenda item No. 3. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, Jeremy Gersovitz, Lindsay Morgan, Matt Heimel, Frank Rives, Kim Smith, Audra Zacherl, Dean Retz, Jerry Christison, Ardis Loberg, Ron Nelson, Roberta Nelson, Jim Sprott, Randi Rognlie, Matt Witkos, Al Knauber, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2015-35 Ordering a Refund of Taxes/Fees/Assessments Paid by Bradley & Kelly Koon in the Amount of \$451.15. (Cheryl Green)

Eric Bryson reported on the consent action items 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, and the motion result was Passed with a vote of 2-0

Federal Lands Access Program Match Agreement MT LEWISCLARK 2015(1), Marysville Road - Corridor Completion. (Audra Zacherl)

Audra Zacherl presented the Federal Lands Access Program Match Agreement for the Marysville Road - Corridor Completion Project. The grant allows Lewis and Clark County to provide improvements to the Marysville Road which include paving from Marysville to the ski hill, roadway reconstruction from Ottawa Gulch to the ski hill, chip seal and paint striping from Hwy 279 to the ski hill and new safety signage. Total project cost is \$2,541,004 with a local match amount of \$341,003.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 2-0

Montana Air and Congestion Initiative Air Quality Equipment Purchase Program Grant Application. (Audra Zacherl)

Audra Zacherl presented the Montana Air and Congestion Initiative (MACI) Air Quality Equipment Purchase Program Grant Application for two new pieces of equipment from the MACI initiative. The request is for a large mechanical sweeper (\$203,100) as a first priority and a flush/deicer truck (\$172,500) as the second priority. The program has improved the County's ability to maintain streets and reduce air particulate matter in the County. The County will be responsible for a match of \$50,405. The award is scheduled for April with the bid process beginning in April/May. The equipment would typically arrive between 90 and 270 days after the bid award, at the earliest in August or September.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0

Resolution 2015-34 To Create Fox Trot Estates Rural Improvement District No. 2015-1. (Matt Heimel)

Matt Heimel, Special Districts Coordinator, presented Resolution 2015-34 To Create Fox Trot Estates Rural Improvement District No. 2015-1. The resolution of intent was approved on January 8, 2015 which initiated a 30 day protest period that has closed with one written protest received. The comment received indicated a desire to utilize a differential assessment method for undeveloped and developed lots. The general maintenance of Fox Trot RID includes but is not limited to: road grading, dust control, snow removal, gravel road repair, mowing/weed control and culvert cleaning. Each lot will have an estimated assessment of \$399.97 a year.

Commissioner Hunthausen stated that the rate can be changed in future hearings however the method of assessing the property would be set today if approved.

PUBLIC COMMENT-

Ron Nelson, resident of Fox Trot, asked who will be administrating the funds.

Commissioner Hunthausen stated that an account is set up with the County specific to the RID and can only be used for the items listed in the resolution.

Eric Bryson added that the County Public Works Department works with the homeowners association or a representative from the subdivision on what improvements are needed. The County takes the responsibility for the bidding process if the work is not done by the County.

Commissioner Murray added that the funds are audited annually to ensure the funds are used correctly and not mistakenly used for another RID.

Matt Heimel stated that the next steps will include a rate hearing after the final plat is approved.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise, and the motion result was Passed with a vote of 3
-0

Final Plat Application - Fox Trot Estates Subdivision - II. (tabled 1/12/15)
(Applicants: Jerry and Genevieve Christison) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner, presented the Final Plat Application for Fox Trot Estates Subdivision - II. The preliminarily approved Subdivision is located west of Lake Helena Drive, west of and adjacent to Fox Trot Drive, and has approval for twelve single-family residential lots. The following items are considered complete under the remaining items under conditions of approval; the construction of the stormwater improvements, fire protection and road grading. The remaining conditions of approval are pending completion, the Post Office was contacted and the condition of approval is pending an inspection of the mail box from the USPS however there has been no confirmation received from the USPS. The electrical utilities are available in the area and were guaranteed but the applicant has requested that Lot 13 be left out as there are other plans for that lot including boundary line relocation. The telephone has not been guaranteed as the telephone company does not want to extend services to those lots. However it was stated that no additional charge would be imposed on the landowners if they want telephone services in the future. The remaining conditions have been met as the school bus stop will not be required and the creation of the RID was heard today and approved.

Commissioner Geise asked about the telephone installation to confirm it will be provided if someone wants it at no additional charge.

Lindsay Morgan stated that is correct.

PUBLIC COMMENT-

Jerry Christison, the applicant, asked for clarification on changing the conditions of approval for the electrical utility of the lot and if it would cause a delay.

Commissioner Hunthausen stated that if Mr. Christison wants to remove or change any condition of approval that are on paper before us today he will need to amend the conditions of approval in the future. Before us today is the conditions of approval that the applicant agreed to and if we want to action today we have to leave it as is.

Lindsay Morgan stated that he will have to amend that condition of approval. If you do it beforehand it will delay the final plat of the subdivision. If you do it after the final plat was approved it would not cause a delay.

A motion to Approve the final plat application for the Fox Trot Estates Subdivision II with the acceptance of the subdivision improvements agreement and the acceptance of the letter of credit was made by Commissioner Geise and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Murray stated that the letter of credit would cover the outstanding item which is pending confirmation from the USPS based upon the applicant's testimony as he stated that he built the mail box identical to the existing one so we have reason to believe the inspection will be approved.

Proposed Major Subdivision to be known as the 46 Degrees North Subdivision. (tabled 2/17/15) (Applicant: Heller Development, LLC) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner, presented the Proposed Major Subdivision to be known as 46 Degrees North Subdivision. During that Public Meeting on Tuesday, information regarding the traffic signal from MDT was handed out. Because the information handed out was not available during the Planning Board Meeting the Commission made the decision to table the request in order to determine if the information will be determined to be new information and whether or not to remand the request back to the Planning Board for a new hearing. During the Commission meeting on Tuesday it was stated that MDT will not approve a traffic signal at the main entrance into the Subdivision off of Montana Avenue. It was also stated that in order to make that determination MDT would have had to conduct a signal warrant analysis. After the Commission meeting on Tuesday, staff contacted MDT and was told by MDT that a signal warranted analysis was not conducted by them and the determination of not requiring a traffic signal at the new intersection was based upon MDT's review of the applicant's traffic study.

A motion was made to remand the proposal to the Planning Board for its consideration at its March 17, 2015 meeting and that a decision will be made at the regularly scheduled meeting on March 19, 2015 by Commissioner Geise and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Murray stated that a request to expedite the review by the Planning Board should be made.

Lindsay Morgan stated that the request can be made to the Planning Board and that they will review the new information only in regards to the traffic signal not being allowed by MDT and will make an overall motion on the subdivision again.

Eric Bryson reiterated that the hearing will be on the information that determined that the traffic light will not be installed.

Commissioner Hunthausen stated that this is the safest and most prudent thing to do to give the Commission the ability to make sure the Public and the Planning Board has opportunity for all information and to not jeopardize the applicant's opportunity to move forward either.

Request to Amend the Plat of Lincoln Heights Subdivision and Request for a Variance. (Applicant: Kim Smith) (Planner: Frank Rives)

Frank Rives, Planner, presented the applicants request to amend the plat of the Lincoln Heights Subdivision and request a variance from Chapter XI.S.and Appendix K 18-4.1.A, in order to not be required to provide an on-site fire protection water supply and to allow the utilization of an off-site fire protection water supply located more than one County road mile from the subdivision. When the Lincoln Heights Subdivision received preliminary approval on April 5, 2011, Condition No. 5 required the provision of an on-site or off-site fire protection water supply and Condition No. 11 required that all required improvements be installed or certified completed or financially guaranteed through a Subdivision Improvement Agreement (SIA). The fire protection improvements have not been completed and are financially guaranteed under a SIA and that is currently in the process of being extended for the second time. If the amended plat and variance are approved, the SIA will no longer be necessary. The applicant has several existing fire suppression systems located within several miles of Lincoln Heights Subdivision. A variance is required as all of the options are more than one County road mile from the subdivision. Denial of the variance would require the applicant to complete an on-site fire protection water supply or find a suitable off-site fire protection water supply. Approval of the variance would permit the applicant to use an off-site fire protection water source farther than one county road mile to utilize fire protection water sources.

Commissioner Geise asked for clarification on the County regulation as one County mile away and the proposed off-site water sources are twice that far away.

Frank Rives stated that was correct.

Commissioner Hunthausen stated that the one mile in the regulation comes from the Fire Chief's recommendation on what would be a reasonable distance to respond.

Eric Bryson stated that is his understanding.

Commissioner Murray stated that the Volunteer Fire Department can utilize a water reservoir that they can run trucks from a well to fill the reservoir to use

to fight a fire. It would appear that West Valley would have to obtain assistance to meet the needs of 200 gallons per minute with the equipment they have now.

Commissioner Hunthausen clarified the amount of fire protection improvements in the SIA.

Frank Rives stated that the current estimate is \$20,000 for fire protection improvements.

Commissioner Geise asked about the application for a request for a variance as one of the reasons given for hardship was due to a substantial financial increase but would like clarification if that is considered a hardship for a variance.

Michele Peterson-Cook, Deputy County Attorney, stated that is her understanding that when you are looking at variances they are not financial hardships.

Kim Smith, the applicant, stated that the subdivision was originally proposed as a large subdivision then reduced to a 4 lot minor subdivision, the hardship it creates is having small fill stations scattered around that would require training for the fire fighters on how to operate and he feels that the fire protection needs to be looked at further to avoid future problems. It would be an inconvenience to place a fill station in the subdivision as it would lead to the creation of easements as well as placement on someones lot. The hardships would also be caused to potential homeowners and include maintenance of the fill stations and pumps.

Commissioner Murray stated that they have asked that fill stations become the responsibility of the Fire Districts and that would include the maintenance of those fill stations and pumps.

Frank Rives stated that the first step is to consider the variance request and the next step would be to make a decision. The deadline for review is February 27, 2015 and a decision would need to be made by then. A motion to table the item to the regularly scheduled meeting held on Tuesday, February 24, 2015 was made by Commissioner Geise and seconded by Commissioner Murray, and the motion was Passed with a vote of 3-0.

Request to Modify Conditions of Approval - South Forestdale II. (tabled from 2/3/15) (Applicant: Kim Smith) (Planner: Frank Rives)

Frank Rives presented the request to modify conditions of approval Nos. 9 and 13(a) of the South Forestvale II Subdivision. In 2006 the subdivision received preliminary subdivision approval under the 2005 subdivision regulations. The request to modify conditions of approval requires a two-step process. The applicant is in the first step of the two-step process asking the Commission to consider the request for a public hearing on the modifications of conditions of approval.

Commissioner Murray asked the timeline for advertising the second hearing.

Frank Rives stated that 35 working days would cover the advertising required for public notice as they have to notify the public 15 days before the public hearing as well.

Commissioner Hunthausen asked for clarification on the proposal as it states to eliminate the chip seal requirements and any contribution to the West Valley Fire Department.

Frank Rives stated that is correct.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0

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

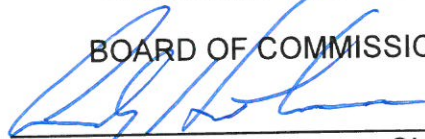
PUBLIC COMMENT -

Kim Smith, 1075 Applegate Drive, wanted to notify the Commission that he is working on a new subdivision and would like to try to design a subdivision that would retain all the runoff on each individual lot. He feels that a water problem is only seen if you collect water along a long road and put it in a ditch in front of a persons house. The steep ditches and retention ponds are a detraction. He believes there is a way to design it to avoid intrusive ditches.

Adjourn

There being no further business, the meeting adjourned at 10:20 am.

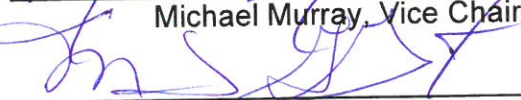
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



Michael Murray, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board