



**PUBLIC MEETING**  
February 24, 2015  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on February 24, 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 absent on County business. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, Katie Jerstad, Frank Rives, Matt Heimel, Jason Danielson, Pam Attardo, Dean Retz, Connie Cole, Dave Cole, Dennis Milburn, Debbie Milburn, Andy Baur, Al Knauber, and Nichole Nisbet, Recording Secretary.

**Pledge of Allegiance**

Everyone recited the pledge.

**Consent Action Items**

- a. Brodston Family Transfer Appeal Hearing Minutes: February 2, 2015.  
(Nichole Nisbet)

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, and the motion result was Passed with a vote of 2-0

**SHPO Certified Local Government Program Grant Application 2015-16 by Lewis & Clark County Heritage Tourism Council. (Pam Attardo)**

Pam Attardo presented the SHPO Certified Local Government Program Grant Application for 2015-16 for the Lewis & Clark County Heritage Tourism Council. The grant has been in effect since 1989 and is an annual grant where the council can receive up to \$5,500 a year.

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

**Resolution 2015-36 Approving Funding Of The Johnston Conservation Easement Open Lands Project. (Matt Heimel)**

Matt Heimel presented Resolution 2015-36 for the Johnston Conservation Easement Open Lands Project for funding in the amount of \$324,000 for purchase of a conservation easement in Lewis and Clark County by landowners and their sponsor group, Prickly Pear Land Trust. The property is located approximately 30 miles northwest of the City of Helena and four miles west of Sieben on Chevallier Drive and is valued at \$360,000. The project meets four of the six objectives in the bond measure which are to conserve working farms and ranches, protect habitat for fish and wildlife, protect water resources and water quality and preserve open land and natural areas. On February 17, 2015 the Citizen's Advisory Council voted 8-0 to recommend that the BoCC approve funding of this project for the requested amount of \$324,000.

Katie Jerstad, Deputy County Attorney, stated that the project was received under the former program guide that called for an application phase and then the due diligence phase. The application and due diligence packet was forwarded to the County Attorney's office for review and they have determined that all due diligence requirements has been met and recommend approval of the funding.

**PUBLIC COMMENT-**

Andy Baur, Director of Prickly Pear Land Trust, this is the last project under the old rules and this project represents what the open space bond was set aside for to protect open lands, wildlife habitat, farm and ranch and open space.

Connie Cole, wanted to express her support for the Johnston project.

Ron Marcoux, expressed his support for the Johnston project as well.

John Kuglin, stated his concerns in regards to public access with the proposed project. He feels that the public access is not easily accessible or obtainable without disturbing fish habitat and wildlife. He feels that tax payer money should not be used to fund projects where public access is not welcome.

John Beaver, expressed his support for the Johnston project as it preserves opportunities in the future.

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

Commissioner Geise stated that access is always a challenging issue however the taxpayers in Lewis & Clark County voted for the open space bond and the application does meet the qualifications needed.

Commissioner Hunthausen stated that his support of the motion is because the proposal meets the criteria for the open space bond, even though it does not meet the public access criteria there is a public road that goes through the property which does provide access.

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

**Road Renaming Request for a County Road Located in East Helena. (Jason Danielson)**

Jason Danielson presented the request to rename a County road that is located in East Helena known as Smelter Road to Hurst Road which for the record should be corrected to Hulst Road. This was originally a readdressing issue for three existing addresses off of Manlove Ave. as they were incorrectly assigned due to a railroad track that intersects Manlove and Smelter. The applicant wanted to proceed with the renaming request and the majority of the homeowners agreed to the road name as required. The decision is also contingent of approval by the East Helena City Council.

Commissioner Geise asked if the Fire Department and emergency responders would be notified of the name change.

Jason Danielson stated that notification letters would be sent to property owners and service providers such as North Western Energy and emergency responders.

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

**Request to Amend the Plat of Lincoln Heights Subdivision and Request for a Variance. (tabled 2/19/15) (Applicant: Kim Smith) (Planner: Frank Rives)**

Frank Rives presented the request to amend the plat of Lincoln Heights Subdivision and request for a variance. He received a written request from the applicant on Friday to postpone the decision on the amended plat and variance until February 20, 2016. Frank stated that the Planning Director recommended the decision be delayed for a month.

Eric Bryson stated that he did not receive the recommendation from the Planning Director and advised to table the item for a full year.

No public comment was received.

A motion was made by Commissioner Geise to table the item until February 23, 2016 and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 2-0.

**Request for Revocation of an Agricultural Exemption Covenant, Tract A of C.O.S. 3099382. (Applicant: Jim Hultin) (Planner: Frank Rives)**

Frank Rives presented the request for revocation of an agricultural exemption covenant, Tract A of C.O.S. 3099382. The final certificate of survey covers 30 acres and the land is currently irrigated farmland with no structures on the property. The purpose of the request is that the applicant would like to the opportunity to develop the land for residential purposes for his children. The soil-mapping unit is identified for this parcel is Mussellshell-Crago Complex which is identified as "Farmland of Local Importance". The applicant does intend to continue to farm the land. If approval is received the applicant shall submit an application to the County for review of the property as a subdivision. The applicant must have completed all required conditions of approval prior to filing the Certificate of Survey to remove the Agricultural Covenant from the subject property. An e-mail was received from the CAO and County Attorney giving direction for the condition to be a single condition however this draft has not yet been submitted for review back to the CAO or County Attorney. The applicant has not received the language for the conditions at this time. No public comments have been received however agency comments were received.

Katie Jerstad, Deputy County Attorney, stated that there are two governing documents that explain how to go about considering the revocation and what criteria to consider, one being the resolution from 1986 that was adopted by the Commission that allows you to deny the request, approve the request or approve the request with conditions. It also says in order for the revocation to be final or official, two things have to happen; one is the DEQ restrictions have to be lifted and two, a statement indicating the consent from the Commission and the landowner to the revocation, both of which need to be on record in the Clerk and Recorder's Office. The other document is in statutes, 76-3-207 specifically, which governs ag conveyance and states that should the property ever be used for anything other than agriculture, that division of the land has to comply with subdivision review and regulations. The recommendation from the County Attorney's office is to condition the revocation with the condition being the applicant applying for subdivision review.

No public comment was received.

A motion was made by Commissioner Geise to table the item until the regularly scheduled meeting on Thursday, February 26, 2015 and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 2-0.

**Board Appointment. (Eric Bryson)**

Eric Bryson presented the Forestvale Cemetery Board appointment and recommended the appointment of Kathy Macefield to fill the vacancy on the Board.

No public comment was received.

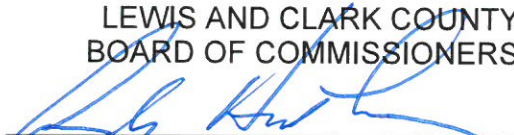
A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 2-0

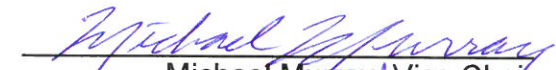
**Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**

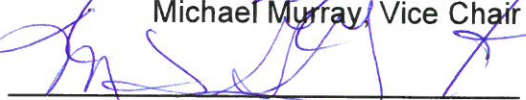
**Adjourn**

There being no further business, the meeting adjourned at 9:54 am.


LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Andy Hunthausen, Chairman

  
\_\_\_\_\_  
Michael Murray, Vice Chair

  
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Susan Good Geise, Member

ATTEST:

  
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Paulette DeHart, Clerk of the Board