



PUBLIC MEETING

February 9, 2021
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, February 9, 2021, at 9:00 AM in Zoom <https://zoom.us/j/5669454978>.

Roll Call

Chair Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Jim McCormick and Commissioner Tom Rolfe were present. Others attending all or a portion of the meeting included Roger Baltz, Nancy Everson, Peter Italiano, Dan Karlin, Nicho Hash, Kellie McBride, Jillian Danesi, Tony Prothero, Jadin Van Steenvort, Lindsay Morgan, Christal Ness, Calob Marquis, John Herrin, and Nadine McCarty, Recording Secretary. All attendees were present via Zoom.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes for January 7, 12, 19, 21, 2021. (Nadine McCarty)

Roger Baltz reported on consent action item 2 a and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Task Order No. 12 to the Contract Between Lewis and Clark County and Great West Engineering, Inc. (Dan Karlin)

Dan Karlin, County Engineer, presented the task order to the contract with Great West Engineering, Inc. to design a new bridge to replace the existing culvert on Arrowhead Road over the D2 ditch in the amount of \$28,500 with work to be completed no later than December 31, 2021. The existing culvert is under-sized for the overall D2 ditch's flow capacity and is a concern when Tenmile and Sevenmile Creeks flood. In 2018, Public Works conducted daily and sometime hourly checks of the crossing. A pump was also stage at the crossing to assist in the event of overtopping. Mr. Karlin noted that the D2 ditch was created by the Bureau of Reclamation with the creation of the Helena Valley Irrigation District as a result of the construction of Canyon Ferry Lake and the Canyon Ferry Dam. The ditch drains the surface water for farming and ranching activities.

The area is within the Valley Flood Mitigation Rural Improvement District (RID). The RID was established to provide matching funds for grant applications or directly fund infrastructure projects within the 2013 Flood Mitigation Master Plan to further flood mitigation efforts within the RID boundary. Staff recommends approval of Task Order No. 12 with Great West Engineering, Inc.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Professional Services Contract Between Lewis and Clark County and Jadin Van Steenvort, LCPC. (Kellie McBride)

Kellie McBride, Criminal Justice Services Director, presented the contract with Jadin Van Steenvort, LCPC in an amount not to exceed \$4,000 to complete the clinical supervision services needed for Criminal Justice Services Behavioral Health therapists. The contract will begin upon approval through May of 2022. Staff recommends approval of the contract with Jadin Van Steenvort, LCPC.

No public comment was received.

A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Budget Amendment to the County's Fiscal Year 2021 Budget. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented a request from the Lewis and Clark County Treasurer's Office to amend the FY21 motor vehicle department budget for an additional 1.0 FTE for an administrative assistant. The person will pull title work, file papers, process mail and answer phones. There has been an increase in title work and renewals over the past year with constant lines and long waits to get title work done. The hope is that the additional position will provide some efficiencies in the office and allow the motor vehicle department to begin to catch up on the work backlog.

Per 7-6-4031, MCA states a public hearing is required for an overall increase in appropriation authority. Because this is an increase in the number of FTE's over what was authorized in the FY21 budget, as well as an increase in the budget authority, a public hearing is required. As required by statute the public hearing has been advertised for two weeks in the Independent Record. Staff recommends approval of the request to increase staffing by 1.00 FTE and approximately \$19,724 in budget authority for the remainder of the year.

Roger Baltz, Chief Administrative Officer, added that there will also be a resolution coming in the future to expand the hours of the Motor Vehicle Office to also help with the backlog and long lines.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Amended Plat of the Myles Minor Subdivision. (Applicants: Timothy and Elaine Myles) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the proposed amended plat of Myles Minor Subdivision, a 2-lot minor subdivision located west of and adjacent to Hart Lane. In addition, the Commission will consider

three variance requests from the County Subdivision Regulations Chapter XI.S., Appendix K, Section 18-4.6(2), (4), and (5).

The Commission first heard this request on July 23, 2020 and at that time; the Applicants requested that their project review period be tabled so that they could consider other options to satisfy fire protection requirements under subdivision review. The review period for the project was extended to February 25, 2021. The applicant have submitted an additional variance request for consideration with this application. The variance requests are from maintenance of proposed off-site fire protection system; distance to proposed off-site fire protection systems; and, traveling on and/or crossing arterial or major collectors roadways to access proposed off-site fire protection system. The applicant is now proposing to use one of two off-site fire protection systems (FPS) located in the Mud Springs Subdivision and the Heron Creek Subdivision to satisfy the fire protection requirements. Both proposed FPSs are over a mile away from the proposed subdivision, the FPS in the Mud Springs Subdivision requires travel on and across a state highway, and the FPS in Heron Creek Subdivision is not maintained under one of the options allowed under County regulations. Because the Applicant's proposal fails to meet the Subdivision Regulations, three variances have been requested. The Applicant's plan is to divide an existing 4.15-acre tract of land into two lots. There is an existing residential structure on the property that would remain on one of the two lots.

Staff recommends the approval of the subdivision application but denial of the variance requests. There are four criteria that staff looks at when evaluating variance requests and the applicant does not meet all four criteria to satisfy the request. The granting of the variances will not be detrimental to public health, safety or general welfare; because of the particular physical surroundings, shape or topographical conditions, the specific property involved, an undue hardship to the owner would not result if the regulations were enforced; the granting of the variance will not cause a substantial increase in public costs; and the approval of the variance will not place the subdivision in non-conformance with adopted regulations.

Tony Prothero, J Bar T Engineers and applicant's representative, stated that the last time the project was before the Commission, there was concern about emergency vehicles crossing Canyon Ferry Road if Mud Springs Subdivision was used for fire protection as well as the distance from that system to the subdivision. Because of those concerns, the applicant sought out a different source, which is Heron Creek Subdivision. Use of this system eliminates emergency vehicles crossing a major roadway. Heron Creek fire protection system is a maintained system. If the use of that system is not allowed, a hardship would fall on the applicant, as they would have to install new infrastructure for a new fire protection system for one additional home. The estimated cost to install a system could be approximately \$35,000-\$40,000.

PUBLIC COMMENT -

John Herrin stated that he emailed comments to the Commission yesterday. Commissioner Hunthausen confirmed receipt of those comments and added that those comments are being taken into consideration with regards to this subdivision. Mr. Herrin stated that the County regulations go above and beyond the state regulations and will cause an undue hardship on the applicant and will drive costs up, which will hurt affordable housing. He expressed concerns over the requirements for the fire suppression standards. The remedy is not denial of the variance requests but approval with the idea that the County is moving towards a new standard and fire protection regulations.

A motion was made by Commissioner Rolfe to table the item and the decision to the February 18th regular meeting and to keep public comment open until that time. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Order an Inspection for a Road Abandonment. (Christal Ness)

Christal Ness, Development Services Supervisor, presented a completed application and petition to close a portion of Circle Place, a County Road located in the Bellevue Addition. Per 7-14-2603, MCA, the Board needs to "cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition." Staff recommends approval of an investigation into the Circle Place petition and appoint the following staff to the investigation: Kevin Horne, Road and Bridge Superintendent; Christal Ness, Development Services Supervisor; and Commissioner McCormick.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Order an Inspection for a Road Abandonment. (Christal Ness)

Christal Ness, Development Services Supervisor, presented a completed application and petition to close portions of Highland Park, West View Avenue, East View Avenue, and Toboggan Avenue, all county roads located in the Highland Park Subdivision. Pursuant to 7-14-2603 MCA, the Commission needs to cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition. Staff recommends the Commission approve an investigation into the application and petitions and appoint the following staff to the investigation: Kevin Horne, Road and Bridge Supervisor; Christal Ness, Development Services Supervisor; and Commissioner McCormick.

No public comment was received.

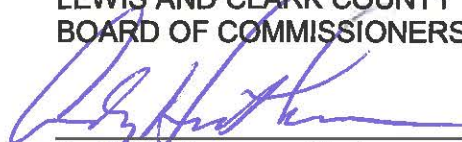
A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

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 10:28 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Andy Hunthausen, Chair


Jim McCormick, Vice Chair


Tom Rolfe, Member

ATTEST:


Amy Reeves, Clerk of the Board