



PUBLIC MEETING

March 19, 2015

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on March 19, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Vice Chair Mike Murray called the meeting to order at 9 a.m.

Commissioner Susan Good Geise was present. Commissioner Hunthausen was absent. Others attending all or a portion of the meeting included Nancy Everson, Michele Peterson-Cook, K. Paul Stahl, George Thebarga, Lindsay Morgan, Eric Spangenberg, Cheryl Green, Christal Ness, Ryan Casne, Julie Lamb-Heller, Kim Smith, Al Knauber, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes: March 5, 10, and 12, 2015. (Nichole Nisbet)

- b. Resolution 2015-47 Ordering a Refund of Taxes/Fees/Assessments Paid by Michael & Jennifer Booth in the Amount of \$1,150.90. (Cheryl Green)

- c. Resolution 2015-48 Declaring County Property Surplus Property. (Amy Reeves)

- d. Yearly Roadway Mileage Certification. (Eric Spangenberg)

- e. Maintenance Agreement between Lewis & Clark County and the Montana Department of Transportation. (Eric Griffin)

Nancy Everson reported on the consent action items 2 a-e and recommended approval.

Commissioner Murray asked for clarification on the address and applicant's name written on the application.

Cheryl Green, Property Tax Supervisor, stated that the refund should have been processed back in 2005. Michael Booth is now deceased and the applicant's wife is living at a new address, hence the correction to the application.

K. Paul Stahl, Deputy County Attorney, stated that the check being made out to the wife is fine since she is listed as the applicant as well. The resolution will not need to be changed as it names both applicants, even though one is now deceased as he was the owner of the estate at the time.

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 2-0

Contract and Encroachment Agreement between Lewis & Clark County and Carwin and Theone Dover. (Christal Ness)

Christal Ness, Project Coordinator, presented the contract and encroachment agreement between Lewis & Clark County and Carwin and Theone Dover for an encroachment that exists inside of an utility easement that was created upon the platting of the Grasslands first phase of the subdivision. The house foundation is encroaching approximately 6 inches into the 20 foot utility easement for a distance of 48.5 feet and the eaves of the house encroaching approximately 1 1/2 feet into the 20 foot utility easement. Notice was sent to the utility companies in regards to the easements and there are no utilities located in the easement.

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 2-0

Proposed Major Subdivision to be known as the 46 Degrees North Subdivision. (tabled 2/19/15) (Applicant: Heller Development, LLC) (Planner: Lindsay A. Morgan)

Commissioner Murray stated that the Commission has not received the transmittal memo as the Planning Board just heard this on Tuesday and Staff has not had time to prepare the memo. Therefore the Commission will receive an update from staff today and as well as receive testimony. The

meeting will be continued until next Tuesday when the Commission will receive the transmittal memo.

Lindsay Morgan, Planner II, presented the proposed major subdivision to be known as 46 Degrees North. A public hearing was held by the City-County Consolidated Planning Board on August 19, 2014 with a recommendation of approval made to the County Commission at a subsequent meeting held on August 26, 2014. On September 8, 2014 the application for the proposed subdivision was tabled by the applicant. Originally, it was scheduled for a presentation before the County Commission of September 9, 2014 however the Commission instead considered the Applicant's request to table the application and suspend its review period until March 5, 2015, unless the applicant made a written request to resume the review period in advance of that date. On August 23, 2015 a letter was received from the applicant's representative requesting that the review period resume for the proposed subdivision. As a result, a new meeting was scheduled before the Commission on February 17, 2015. During that meeting, information from the Montana Department of Transportation (MDT) regarding the signalization of the proposed Heller Place/North Montana Avenue intersection was presented to the Commission. However, this information had not been reviewed by the Planning Board. Due to this fact and because the Commission wants to have the ability to consider this new information; the Commission made a determination on February 19, 2015 that the information received from MDT would be considered "new information" and remanded the proposed subdivision back to the Planning Board for a second public hearing. The new information was heard by the Planning Board on March 17, 2015. The public was allowed to provide testimony regarding the traffic as it relates to the signalization of the proposed intersection. At the close of the hearing, the Planning Board reviewed and considered the new information. The Planning Board did recommend to conditionally approve the subdivision with a vote of 8 -0. The review period for the proposed subdivision will end on March 26, 2015, but could be extended beyond that deadline by mutual consent with the applicant or subject to the penalties indicated in the Montana Subdivision and Platting Act. Those penalties would include a partial refund of review fees.

Commissioner Geise asked if Lindsay would expect to have everything to the Commission by the 26th of March.

Lindsay stated that it should be completed by the 26th. She did receive a letter from the Bartos Law Office this morning on behalf of a Treasure Estate Acres land owner however it does not appear there is any new information that has been presented.

PUBLIC COMMENT-

Ryan Casne, applicant's engineer, stated that there has been a condition of approval in the staff report that was recommended to be modified. Condition no. 7 on page 35 has language added to it that requires the developer to come in for a modification of conditions of approval if for example, the DOT requires restrictive turn movements onto Montana Ave. They are almost certain that will not happen and they are okay with this modified condition.

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

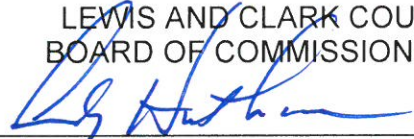
A motion was made by Commission Geise to table the item until the next regularly scheduled meeting on Tuesday, March 24, 2015 and seconded by Commissioner Murray, and the motion result was Passed with a vote of 2-0.

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 9:19 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman

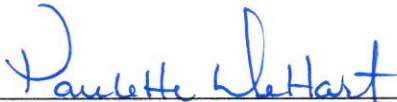


Michael Murray, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board