



PUBLIC MEETING

March 21, 2017
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, March 21, 2017, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Jim McCormick and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Nancy Everson, Charles Lane, Audra Zacherl, Laura Erikson, Greg McNally, Matt Heimel, Brian Coplin, Mike Stevenson, Vern Evans, Gabe Nistler, Kolby Nistler, Ryan Werner, Jason Sorenson, Ryan Casne, Al Knauber, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Grant Application to the Montana Department of Transportation. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented the grant application to the Montana Department of Transportation for the Montana Air and Congestion Initiative (MACI) Air Quality Equipment Purchase Program for a new 3,000 gallon flush truck in the amount of \$180,046 with a match requirement of 13.42% on the actual purchase price and any administrative fees. The match will be budgeted for in the FY18 Road Capital Improvement Plan budget. Through this program the County has been able to reduce the pollution in the air and the amount of sediment in the storm drains and drainage ditches, including the areas of Lincoln, Augusta, the rural improvement districts, and neighboring communities. Since 2000, the County has received ten pieces of equipment through this program, ranging from flush trucks to mechanical sweepers. Staff recommends approval of the grant application.

No public comment was received.

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

Grant Application to Missouri River Resource Advisory Committee Title II Project Proposal. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented the Title II Project proposal to the Missouri River Resource Advisory Committee (RAC) for the Lost Horse Creek-Continental Divide Noxious Weed Project. The area is in the Upper Prickly Pear Creek watershed west of Canyon Creek and has been managed by volunteers for over 14 years. The requested proposal amount is \$15,250 in RAC funding for the 2017-2018 weed management seasons to include spraying of 1,200 acres, purchasing chemical, project monitoring and signage. The volunteer landowners intend to contribute an additional \$31,300 in volunteer time and needed supplies. No County funding will be required. Staff recommends approval.

Larry Hoffman, Weed District Coordinator, gave an overview of the RAC program, stating that payment in lieu of taxes (PILT) money originally funded the program. Now the grant funding comes through the RAC.

Nancy Everson, Chief Financial Officer, explained this is actually Secure Rural Schools (SRS) funding, closely tied to PILT. SRS funding goes to the state and then to the county and is then split between the road and statewide school funds. Title II is the portion that the RAC manages; it is kept at the federal level and allocated out by the RAC.

No public comment was received.

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

Contract Amendment No. 1 Between Lewis and Clark County and Robert Peccia, & Associates. (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the amendment to extend the contract with Robert Peccia, & Associates from March 31, 2017 to December 31, 2017. This is to implement the recommendations from Fort Harrison - Limestone Hills Training Area Joint Land Use Study. There will be additional recommendations to amend the growth policy. There is no change in scope or in compensation.

No public comment was received.

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

Final Plat and Subdivision Improvement Agreement. Copper Creek Estates Subdivision (Applicant: Werner Nistler Properties, LLC) (Planner: Greg McNally)

Greg McNally, Planner II, presented the final plat application, Subdivision Improvements Agreement and Memorandum of Agreement for the preliminary approved 17-lot Copper

Creek Estates subdivision, located south of and adjacent to Franklin Mine Road and east of and adjacent to Head Lane. The provided memorandum lists all the conditions of approval with the compliance description for each. The applicant requests to enter into a Subdivision Improvements Agreement (SIA) in the amount of \$1,031.25 to complete the remaining improvements. Originally the SIA included an additional \$20,517.75 to cover the internal access roads, but the applicant's engineer certified that the roads meet the County standards and specifications and the Public Works Department concurred as such.

The conditions of approval identified six sections of road that are impacted by this subdivision. A preliminary engineering report or certification for the roads meeting county standard is required. A certification was received for the portion of Head Lane from Franklin Mine Road to northern most internal access road on Head Lane and Old Iron Drive; therefore the applicant will only have to contribute \$3,727.98, which reflects the estimated costs of improving those segments of road. A cashier's check has been provided for this amount. The remaining roads do not meet county standard. The roads, including a portion of Franklin Mine Road from Old Iron Drive to Green Meadow, Franklin Mine Road from Head Lane to Old Iron Road, Head lane from the norther most internal road to Country Club Country Club and Country Club to the Helena city limits are impacted with an exaction value of \$53,606.33. The applicant has provided a cashier's check for that payment but is requesting this be in an agreement with a financial guarantee with a letter of credit. The County Attorney's Office has not yet reviewed this agreement or guarantee.

Mr. McNally addressed condition of approval number 14 stating that the applicant shall create a Rural Improvement District (RID) for maintenance and repair of internal access roads with the Copper Creek Estates Subdivision, the fire protection improvements, storm water improvements and detention ponds and all common areas with the subdivision. The applicant has made the request to create the RID along with engineering estimates for the specified maintenance. Due to the location of the Subdivision and the existing and proposed road infrastructure, other property owners outside of this subdivision could benefit from the creation of this RID. Once identified as benefiting properties, these property owners could protest the creation of the RID. Mr. McNally identified 4 options for proceeding with the creation of the RID, with option number 4 being the most viable. Option 4 states that the RID would for the subdivision would be created after final plat approval and include the exempt lots and adjoining road segments outside of the subdivision. This option would meet the standard condition of approval and would not conflict with current RID procedures for the inclusion and identification of benefiting properties.

Commissioner Geise stated that creating the RID after final plat approval is a slight deviation from the normal process. Mr. McNally responded that the RIDs are typically created before final plat but that choosing option number 4 would not go against policy.

Mr. McNally stated that with regards to Condition Number 20.j electric and gas utilities have been installed in the subdivision but that telephone and cable utilities have not. This is becoming more and more common as telephone providers and cable companies are not installing their utilities as their business model does not encourage that to happen.

All other conditions of approval have been met.

PUBLIC COMMENT -

Ryan Casne, applicant's engineer, stated that the applicant is going to rescind the request to do a financial guarantee with a letter of credit for the road improvements. The applicant would like to plat now so they will pay the exaction fee with a cashier's check at this time.

Ryan Werner, Applicant, Werner Nistler Properties, the homeowners in the neighboring subdivision and would be benefiting properties are aware they will be contacted by the County regarding the RID.

A motion was made by Commissioner Hunthausen to approve the Final Plat of the Copper Creek Estates Subdivision including the acceptance of a Subdivision Improvements Agreement to financially guarantee uncompleted improvements in the amount of \$1,031.25. The motion was seconded by Commissioner McCormick. The motion Passed with a 3-0 vote.

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

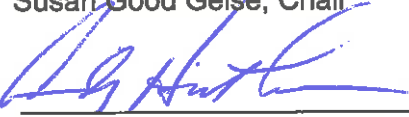
Adjourn

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


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board