



## **PUBLIC MEETING**

March 21, 2019  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, March 21, 2019, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

Chairman Jim McCormick called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Charles Lane, Christal Ness, Alan Hughes, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. Vendor Claims Report for Week Ending March 22, 2019. (Marni Bentley)
- b. Public Meeting Minutes for February 21, 26; March 5, and 7, 2019. (Nadine McCarty)

Roger Baltz reported on the consent action items 2 a-b and recommended approval.

No public comment was received.

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

### **Contract and Encroachment Agreement Between Lewis and Clark County and Dan E Snarr. (Christal Ness)**

Christal Ness, Development Services Supervisor, presented the contract and encroachment agreement with Dan E. Snarr for a garage that is built into the utility easement, approximately 2.5 feet into at 4442 Badger Drive in the Capital Mobile Estates Subdivision. The subdivision is very congested.

The subdivision was platted in 1971 when the 20 foot utility easement was put into place and the garage was built in 1977. Mr. Snarr purchased the property in 2001, replaced the existing trailer with a new trailer in 2003 which prompted the encroachment inspection survey. The lender did not require an encroachment agreement at that time. Mr. Snarr is selling the property and the new lender does require an encroachment agreement.

Commissioner Good Geise asked if there are other encroachments in the area and if there are utilities in the easement. Ms. Ness noted other encroachments do exist and there are no utilities in the easement they are located in the road right-of-ways. Ms. Ness stated no action is taken until requested by the lender and presented with encroachment inspection. The ideal would be to deal with the encroachments in mass but it would be difficult.

Commissioner Hunthausen asked if the easement is not being used why not eliminate the easement. Ms. Ness noted removal of the easement would require an amended plat and because it affects more than five lots an application before the Commission would be required, a new survey. The project would be very involved and all property owners would have to be as well.

Commissioner McCormick asked about the 60 days cancellation notice and the creation of a cloud on the title and Charles Lane, Deputy County Attorney stated Commissioner McCormick is correct.

Ms. Ness gave an explanation on the process title companies take when these encroachments are on the title.

Ms. Ness reported on the amended subdivision regulations that required utility easements on all four sides of all new lots to only where utility easements are actually needed for new utilities for possible extensions of utilities.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. 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 9:19 am.


LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

  
Susan Good Geise, Vice Chair

  
Andy Hunthausen, Member

ATTEST:

  
Paulette DeHart, Clerk of the Board