



PUBLIC MEETING

March 22, 2016

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, March 22, 2016, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Vice-Chair Susan Good Geise chaired the meeting and called it to order at 9 a.m.

Commissioner Mike Murray and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, K. Paul Stahl, Greg McNally, Kevin Hamilton, Charles Gilmore, Paul Spengler, Karl Yakawich, Grayson Gillin, Audra Zacherl, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Grant Application to the MTDES Homeland Security. (Charles Gilmore)

Charlie Gilmore, Communications Manager LCSO, presented the grant application to MT DES Homeland Security for the FFY16 Homeland Security Grant Award in the amount of \$280,977.90 for the 700 MHz infrastructure addition to the statewide radio system. The grant would provide for dual band radios to increase coverage.

No public comment was received.

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

Grant Award to Lewis and Clark County from FEMA. (Paul Spengler)

Paul Spengler, DES Coordinator, presented the grant award from FEMA for the Pre-Disaster Mitigation Grant Program in the amount of \$50,900. The mitigation plan update project is required by FEMA to review hazards and propose mitigation projects to reduce the effects of a disaster in Lewis and Clark County and Jefferson County.

No public comment was received.

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

Resolution 2016-14 Accepting the Findings of the Environmental Assessment and Determining that an Environmental Impact Statement is Not Necessary For The Elk Creek Road Bridge Replacements. (Audra Zacherl)

Audra Zacherl, County Public Works, presented resolution 2016-14 to recommend the findings of the environmental assessment and determining that an environmental impact statement is not necessary for the Elk Creek Road Bridge Replacements. The County is currently applying for a TSEP grant to replace

three bridges and noted that today is the public hearing. She introduced the project engineer, Karl Yakawich.

Karl Yakawich of Great West Engineering presented the draft environmental assessment and preliminary engineering report for the three subject bridges. The three bridges are EK5, EK6 & EK7 were at the top of the list for replacement or repair. The environmental assessment completed an analysis on the environmental impacts and mitigation summaries of the bridges. He noted that it was determined that an Environmental Impact Statement is not necessary.

Audra Zacherl asked the Commissioners to accept the resolution and direct staff to continue with the application process.

No further public comment was received.

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

Request for Preliminary Approval for the Proposed Fasbender Minor Subdivision and the Variance Requests. (tabled 3/17/16) (Applicant: Mike Fasbender) (Planner: Greg McNally)

Greg McNally, Planner II, presented the preliminary approval for the proposed Fasbender Minor Subdivision and variance requests and noted that today is decision day. The applicant did indicate their support of conditions of approval as drafted by staff and Mr. McNally noted the applicant's request to remove the professional engineer requirement from Condition No. 2. After reviewing the regulations there was no support to remove that language as requested by the applicant as it is required by the regulations. Mr. McNally reviewed the draft findings on the impacts and conditions of approval on agriculture and agricultural water user facilities, impacts of local services, impacts on the natural environment, impacts on wildlife, wildlife habit, public health and safety and cultural resources.

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

A motion to approve the proposed subdivision was made by Commissioner Hunthausen and was seconded by Commissioner Murray.

Commissioner Hunthausen reviewed the criteria for granting a variance and stated that the granting of the variance would not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the standards were enforced. The granting of the variances would not cause a substantial increase in public costs. The approval of the variances would not place the Subdivision in non-conformance with adopted regulations.

Commissioner Hunthausen reviewed the individual variance requests and stated that Variance No.1 is from Chapter XI.F.1., which states: each lot shall contain a satisfactory building site that is based on topography and conforms to County Health Department, zoning, and subdivision regulations. The majority of the lot is a lake and it was noted that the ownership of the property will be transferred to the Homeowner's Association and it was noted since the groundwater is high in the area it would make it difficult to site another wastewater treatment system. Variance No. 2 is from Chapter XI.F.7, which states: no lot shall have an average length greater than three times its average width. The proposed lot consists mainly of a waterski lake and the geographic constraints prevent the proposed lot from meeting the 3:1 or less ratio as required by our Subdivision Regulations. Variance No. 3 is from Chapter XI.H.11, Appendix J.3.3 which states: a dead-end street must include a cul-de-sac or hammerhead turnaround constructed in accordance with Appendix J unless the dead-end road is proposed as part of a future road connection pursuant to XI.H.16. A dead-end street or cul-de-sac shall not be greater than 700 feet in length. Existing improvements being the man-made lakes, lot configurations, high groundwater, Ten Mile Creek, and an HVID lateral make it difficult to reduce or eliminate a dead-end road. It was noted by County Public Works that a hammerhead-T turn around or a cul-de-sac be required.

A motion was made by Commissioner Hunthausen to approve Variance Request No. 1 as the request has met all four of the standards named in Section II, Subsection B (1) of the Lewis and Clark County Subdivision Regulations and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Hunthausen to approve Variance No. 2 as the request has met all four of the standards named in Section II, Subsection B (1) of the Lewis and Clark County Subdivision Regulations and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Hunthausen to approve Variance Request No. 3 as the request has met all four of the standards named in Section II, Subsection B (1) of the Lewis and Clark County Subdivision Regulations and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Hunthausen that the proposal will have adverse impacts on local services, the natural environment, wildlife, wildlife habitat, public health and safety and cultural resources, based upon these presented findings of fact that the adverse impacts can be mitigated through the conditions of approval of the three variance requests and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Declaration of Election by Acclamation. (Eric Bryson)

Eric Bryson presented the board appointment and recommended the Commission declare Thomas E. Nicholls elected by acclamation to the position of Commissioner for Division 1 in the Helena Valley Irrigation District to a term that will begin on the date of the organizational meeting after the regular election and will continue for three years until the election and qualification of a successor.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Hunthausen. 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.

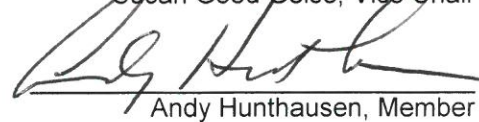
Adjourn

There being no further business, the meeting adjourned at 9:55 am.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael Murray, Chairman


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board