



PUBLIC MEETING

March 30, 2017

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, March 30, 2017, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Jim McCormick was present. Commissioner Susan Good Geise was out on vacation. Others attending all or a portion of the meeting included Leo Dutton, Laura Erikson, Nancy Everson, Lindsey Ford, Charles Lane, Lindsay Morgan, Jay Nelson, Coleen Smith, Jerry Stier, George Theborge, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Alcohol Awareness Month Proclamation. (Jay Nelson)

Jay Nelson, Chairman of the DUI Task Force, also Sergeant of the Montana Highway Patrol. He introduced two other DUI Task Force members; Coleen Smith with Youth Connections and Jerry Stier. Sergeant Nelson read the proclamation declaring April 2017 as Alcohol Awareness Month in the Helena area.

Consent Action Items

There were no consent action items.

Contract Between Lewis and Clark County and the USDA, Forest Service. (Leo Dutton)

Leo Dutton, Sheriff, presented the contract with the USDA Forest Service for the annual cooperative law enforcement agreement in the amount of \$13,500. The contract period is upon the date of signature through December 31, 2017. The funds are used to perform campground checks and patrols in the designated areas outlined in the contract. The campground patrols are done weekly; a record of license plates in the campgrounds noted. All paperwork is forwarded to the Forest Service.

Sheriff Dutton gave a brief overview of the responsibilities and who is in command when an incident occurs.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Resolution 2017-29 Amending the Lewis and Clark County, Helena Valley Area Plan by Adding Chapter 7: Fort Harrison Joint Land Use Study (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the resolution to amend the Lewis and Clark County Helena Valley Area Plan by adding Chapter 7: Fort Harrison Joint Land Use Study (JLUS). The study was started in 2013 with completion in December of 2014. The goal of the study was to protect viability of the current and future training operations while guiding community growth; sustaining the environment and economic health of the region; and protecting public health, safety, and welfare. This was a collaborative effort with funds received from the Department of Defense and the Office of Economic Adjustment. The effort included Montana National Guard, Lewis and Clark County, City of Helena, Broadwater County and the City of Townsend. Ms. Erikson gave an overview on the reasons for undertaking the planning efforts. For the Helena area alone the economic impacts of the military is around \$50 million annually; that is just in personnel dollars spent on employees of the National Guard.

This is the second phase of the study to implement some of the recommendations. One of which is to amend the growth policies of the various impacted jurisdictions to include the language from the JLUS. She gave a brief overview of why be concerned with the compatibility factors. The different areas of the map included in the presentation were briefly explained to include the Military Affected Areas (MAA), the Urban Growth Area (UGA), and the Rural Growth Area (RGA). The goals listed were: provide adequate roadway capacity; reduce congestion, this included study of Country Club Avenue; protect areas near the Fort from incompatible development; minimize encroachment from new development within the land MAA; continue public communication to address the identified issues. A brief overview was given on the performance standards related to the incompatible development; density controls; continue with support of the conservation easements. Staff recommends approval.

Ms. Erikson noted that public a public comment period was opened and advertised on March 12, 2017 and closed it on March 27, 2017 with no public comment received.

Commissioner Hunthausen referenced the beginning of the JLUS in 2013 with multiple committees, the community outreach, public meetings. Ms. Erikson stated five meetings have been held in Lewis and Clark County as well as Broadwater County. There has been a lot of input from the public with no negative feedback.

Commissioner Hunthausen pointed out the military wants to maintain their viability, when crowded by incompatible development and closures come up, those installations receiving complaints will be the ones slated for closure resulting in an economic impact on the community. Commissioner McCormick noticed the close proximity of the UGA and RGA boundaries and asked what is being done for the future with development through the UGA and RGA boundaries.

George Theborge, Community Development and Planning Director, explained this was discussed in the growth policy update, Helena Valley Area Plan proper, this is proposed as an addition to that. The plan recognizes that the City of Helena has had expansion plans into these areas. When water and sewer were extended to Fort Harrison there were major development proposals in that UGA. The City and the County have been looking at the JLUS project if development were to push out into that area and the scale that is in the City. The results of the JLUS project were not available at the time of the update for the growth policy but they were aware and note was made in an earlier chapter of the area plan that consideration would need to be taken of the JLUS. They are looking to get all the plans in sync with a plan that protects the integrity of the Fort Harrison operations; provides for reasonable development; and forward the goal of growth management.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Contract Between Lewis and Clark County and Schlenker & McKittrick Architects, P.C. (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the contract with Schlenker & McKittrick Architects, P.C. (SMA) for the West Mont Farm and Gardens Preliminary Architectural Report project. The contract is not to exceed \$25,000 and the term is through June 2017. West Mont owns group homes that help individuals with developmental disabilities. The farm has a home that is old and does not meet the current ADA requirements. The project is to see if the home can be renovated to meet current standards and to see if maybe the property has a better place to build a new structure.

Ms. Erikson explained for this particular type of funding the Montana Department of Commerce requires a local government entity be the applicant and holds the funds for a non-profit. The county does not have any local funding included; West Mont is providing the 25% match.

No public comment was received.

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

Contract Between Lewis and Clark County and Stahly Engineering and Associates. (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the contract with Stahly Engineering & Associates, Inc. for grant writing services related to the West Mont Farm & Garden project. The amount is not to exceed \$15,000 with a term date of June 30, 2017.

No public comment was received.

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

Task Order No. 2 to Professional Planning Services Contract Between Lewis and Clark County and Great West Engineering. (George Theborge)

George Theborge, Director of Community Development and Planning, presented the task order to the Great West Engineering contract for an amount not to exceed \$19,900 for the North Hills Rural Improvement Districts (RIDs) Consolidation project. The projected completion date is June 16, 2017. Community Development and Public Works have been working on a project to explore consolidating the RIDs in the North Hills area east of Interstate 15 and north of Lincoln Road. There are three RIDs in the study area with three others in the works. Having six RIDs in this area is not effective administratively. The larger problem is the gaps between the RIDs in terms of the roads. It was discovered there is eligibility for a Federal Lands Access Program Grant to improve Ferry Drive, Collins Drive and Snow Drift Road. The creation of an RID would generate about \$80,000 for a local match for the grant application.

Public Works and Planning Staff asked Great West Engineering to provide a study that will assist with the consideration of consolidating the six RIDs into one. This is a multi-part study to include: road evaluations; upgrade estimates; a capital improvements program; maintenance cost integration; public involvement.

Commissioner McCormick referenced the transportation matrix and asked if this project fits in with the matrix project. Mr. Thebarga explained the matrix helps with the evaluation.

RIDs are formed in three different ways; the residents can initiate a formal RID, the subdivisions are required under subdivision regulations to form an RID, and the County can initiate an RID.

Mr. Thebarga referenced the Growth Policy; it talks about limiting density in these areas due to the conditions of the roads and forming public and private partnerships to improve the roads.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Appeal. 46 Degrees North Subdivision Modification Requirement. (Appellant: Heller Development, LLC) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the appeal of the 46 Degrees North Subdivision from a decision made by the Community Development and Planning Department that requires the applicant to go through a modification process to amend the condition No. 11 of Phase I and No. 8 of Phase II, to allow for the off-site road exaction payment to be financially guaranteed. The 46 Degree Subdivision was granted preliminary approval on March 26, 2015. The Subdivision is located east of and adjacent to north Montana Avenue, south of and adjacent to the Treasure State Acres Subdivision and west of and adjacent to Interstate 15. It will contain four commercial lots, 88 single-family residential lots, a parkland lot, and a wastewater utility lot. The applicant has three options for moving forward: to pay the exaction at final plat, go through a modification process to amend both conditions of approval, receive approval from the Commission which would allow for the financial guarantee of the exaction; or appeal the Planning Department's decision to the Commission and hoping to receive concurrence from the Commission that a modification process is not required to allow for the financial guarantee. If the Commission does allow for the exaction to be financially guaranteed it is recommended an agreement be entered into to establish the terms of the guarantee.

Ms. Morgan stated this would be the first time of entering into an agreement for a financial guarantee for an off-site road exaction. This is different from a Subdivision Improvement Agreement for a developer that has not completed all of the subdivision improvements. This is different as the money is going to be used on roads that are impacted by the subdivision. The applicant will be financially guaranteeing the improvements with a Letter of Credit.

Mr. Thebarga stated the focus of the appeal is whether or not the applicant needs a modification of their conditions of approval. There is a program in effect under the Montana Subdivision Planning Act that when a developer is granted a preliminary approval with conditions of approval, from that point no other conditions can be put added. Once the conditions are agreed upon you cannot take away from the conditions.

Commissioner Hunthausen recommended consideration of all the information presented and table the decision to Tuesday, April 4th to allow Commissioner Good Geise to be available for discussions and vote.

No public comment was received.

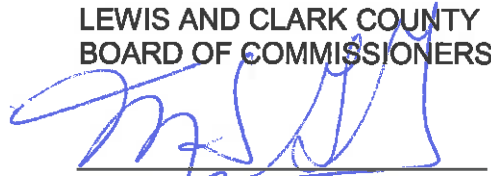
A motion was made by Commissioner McCormick to table the appeal to Tuesday, April 4, 2017 and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

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

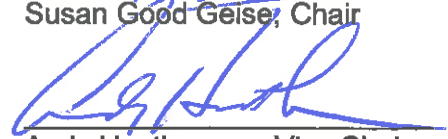
Adjourn

There being no further business, the meeting adjourned at 10:13 am.

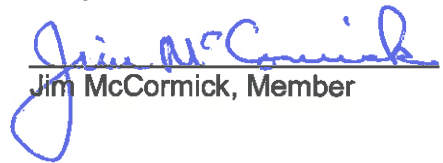
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good-Geise, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board