



PUBLIC MEETING

March 8, 2016
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, March 8, 2016, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Andy Hunthausen was present. Commissioner Murray was excused on County business. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Lindsay Morgan, Matt Heimel, Kevin Hamilton, Paul Spengler, George Theborge, Kim Smith, Andrew Smith, Howard Eich, Jack Walsh, Al Knauber, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

Grant Award to Lewis and Clark County from the Disaster and Emergency Services Division, Montana Department of Military Affairs. (Paul Spengler)

Paul Spengler, DES Coordinator, presented the Hazardous Materials Emergency Preparedness Training grant award from the DES Montana Department of Military Affairs in the amount of \$7,500 with a match of \$1,875. The grant will provide for tabletop and functional exercises to improve the coordination and communication between the Emergency Operations Center and the Incident Command Post. The grant period began October 1, 2015 and ends September 30, 2016.

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 2-0 vote.

Petition To Establish a County Road Easement and Abandon/Vacate a Portion of the Easement. (Applicant: Valley Construction of Helena, LLC (Larry Kim Smith)) (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the petition to establish a County Road easement and abandon/vacate the northwest corner of the easement on Lot 13 of the Buckboard Meadows Subdivision in order to alter the boundaries of the easement so that a newly constructed house is no longer encroaching onto the easement. Access to Singletree Road will not be affected by the proposal and the easement shall permit ingress/egress to the public for an existing fire protection well. The findings of fact were presented to the Commission.

PUBLIC COMMENT-

Howard Eich, Buckboard Meadows resident, stated the easement does not affect him or his home but voiced concerns in regards to ditch that has been filled and possible flooding.

Kim Smith, the applicant, stated the drainage plan calls for a culvert in the area of concern as addressed by Mr. Eich. It was noted that the tree and sprinklers were removed that were in front of the fire protection well.

Commissioner Hunthausen asked Mr. Smith about the culvert in the drainage plan.

Kim Smith stated the culvert has been installed and will move the water from the lot to the other side of the road and was part of the approved drainage plan.

Commissioner Hunthausen asked Mr. Smith how the easement is intended to work in terms of access for the fire department.

Kim Smith stated this fire protection well will be accessed if there is a pump failure for maintenance. The easement follows the arc of the cul-de-sac and is 30 foot wide and provides ease of access in front of the well.

Jack Walsh, HBIA representative, stated his support for the request.

Jerry Shepard, West Valley Fire Department Fire Chief, stated the only time they will need access if they need to pull the well. He stated concern if the home sells down the road and any damage that may occur to the yard if they do need to access the well.

Commissioner Geise clarified that the Fire Department would not be held liable if damage were to occur to the yard in accessing the well.

A motion was made by Commissioner Hunthausen to conditionally approve the proposed County road easement and abandonment/vacation of a portion of this easement located on Lot 13 of the Buckboard Meadows Subdivision subject to conditions of approval and seconded by Commissioner Geise. The motion Passed on a 2-0 vote.

Proposed Amended Plat of Lot 13 - Buckboard Meadows Subdivision. (Applicant: Valley Construction of Helena, LLC (Larry Kim Smith)) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the proposed amendment to the Buckboard Meadows Subdivision plat to remove a portion of the utility and fire protection easement on Lot 13. No written public comments have been received. As a requirement of preliminary approval for the Frontier Village Estates Subdivision, a public access, utility, and fire protection easement was filed with the Clerk and Recorder's Office on July 28, 2011. This easement was established on Tract B of Certificate of Survey No. 3105349, which lies north of and adjacent to the Frontier Village Estates Subdivision, and was dedicated in order to provide the West Helena Valley Fire District with both an access to their fire protection well and an easement for the pipe that connects this well to the existing fire hydrant located along Bootlegger Drive within the Frontier Village Estates Subdivision. Since the time of final approval for the Frontier Village Estates Subdivision (December 1, 2011), Tract B has been granted both preliminary approval in September of 2013 and final approval in February of 2014 for the Buckboard Meadows Subdivision, a 29-lot single-family residential Subdivision. As a part of this approval, an extension of Bootlegger Drive, along with the remainder of the road network within the Buckboard Meadows Subdivision, was established. The applicant is seeking to eliminate a portion of the public access, utility, and fire protection easement, which now lies within the extension of Bootlegger Drive; a segment of Singletree Road, which is a newly dedicated County Road easement in the Buckboard Meadows Subdivision located south of and adjacent to Lot 13; and on Lot 13 of the Buckboard Meadows Subdivision, so that the residence recently constructed within the portion of the easement lying on Lot 13 will no longer encroach into it. The original access to the well was established with an easement that allowed for a road and emergency vehicle turnaround at the well. The portion of the easement that the applicant is proposing to eliminate is 18 feet in length, 27 feet in width, follows the arc of the cul-de-sac for this turnaround, and is located northeast of the well. Because an amendment to the existing utility and fire protection easement has been proposed, the request is subject to the review process for an amended plat under the current Subdivision Regulations. The proposed amendment to the public access aspect of the easement will follow a separate process for establishing and abandoning/vacating a County Road. Comments were received from the Fire District, the Sheriff's Department and DEQ. According to the covenants placed on

the Frontier Village Estates Subdivision and the Buckboard Meadows Subdivision during the subdivision review process, there are no provisions regarding any construction within this easement. The covenants for the Frontier Village Estates Subdivision do; however, provide notifications regarding the location of this easement and according to the private covenants placed on the Buckboard Meadows Subdivision, there are stipulations regarding building in locations that are prohibited on the plat.

No public comment was received.

A motion was made by Commissioner Hunthausen to approve the findings of fact as submitted and seconded by Commissioner Geise. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Hunthausen to adopt a conclusion of law that the proposed amendments to the subdivision plat will have adverse impacts on local service and those impacts can be mitigated through the following conditions of approval: the final plat shall be prepared in accordance with the applicable State survey requirements and the County Subdivision Regulations. In addition, the final plat shall graphically show and describe the following: public access easements/County Road easements; underground utility easements and fire protection easement, prior to filing of the final plat, the applicant shall: provide documentation showing that the applicant is the lawful owner of the property with the apparent authority to subdivide the same, and showing the names of lien holders or claimants of record and this preliminary approval shall be in force for not more than 3 calendar years and seconded by Commissioner Geise. The motion Passed on a 2-0 vote.


A motion was made by Commissioner Hunthausen to approve the Amended Plat of Lot 13 - Buckboard Meadows Subdivision and seconded by Commissioner Geise. 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.

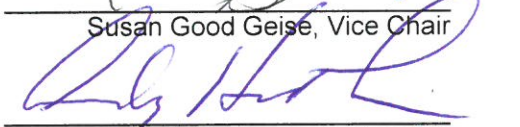
Adjourn

There being no further business, the meeting adjourned at 9:39 am.

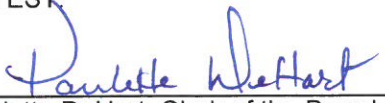
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael Murray, Chairman


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board